2.0 COMMENT LETTERS AND RESPONSES

The Draft EIR was submitted to the State Clearinghouse Office of Planning and Research and circulated for a period of 60 days, extending from August 16, 2012 and ending on October 15, 2012. A Notice of Availability of the Draft EIR was transmitted to responsible and trustee agencies, regulatory agencies and others to request comments on the Draft EIR, pursuant to *California Environmental Quality Act (CEQA) Guidelines* Section 15086. The Draft EIR was available for review at the City of Santa Clarita City Hall Permit Center at 23920 Valencia Boulevard, Suite 140, Santa Clarita, California 91355, and the Valencia and Canyon Country branches of the City of Santa Clarita Public Library system. An electronic copy of the Draft EIR was posted on the City website. In addition, the City of Santa Clarita hosted two public outreach meetings to share information and gather feedback about the Via Princessa East Extension Project on September 6, 2012 and September 27, 2012 at 6:00 PM at City Hall in the Century Room on the 1st Floor, located at 23920 Valencia Boulevard.

Comments were received from agencies, organizations, and interested parties/individuals on the Draft EIR. Comment letters/forms received after October 15, 2012 were also accepted and are included in this Final EIR. The EIR comment letters have been numbered and responded to accordingly. Written comment letters were received from the following agencies, organizations, and interested parties/individuals:

A. FEDERAL AGENCIES

Letter Number A1: US Department of the Interior, Fish and Wildlife Service, received October 1, 2012

B. STATE AGENCIES

Letter Number B1: State of California, Native American Heritage Commission, received August 27, 2012

Letter Number B2: State of California, Department of Conservation, Division of Oil, Gas, and Geothermal Resources, received September 26, 2012

Letter Number B3: State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, received October 9, 2012

Letter Number B4: State of California, Natural Resources Agency, Department of Fish and Game, received October 18, 2012

C. LOCAL AGENCIES

Letter Number C1: County of Los Angeles Fire Department, received September 11, 2012

D. PRIVATE ORGANIZATIONS AND INTERESTED PARTIES

Letter Number D1: Gordon Uppman, received September 12, 2012

Letter Number D2: Jennifer Kilpatrick, received October 11, 2012

Letter Number D3: Santa Clarita Organization for Planning and the Environment (SCOPE), received October 15, 2012

Letter Number D4: Jennifer Kilpatrick [2], received October 31, 2012

E. PUBLIC HEARING COMMENT FORMS AND ORAL TESTIMONY

Letter Number E1: Public Outreach Meeting – September 6, 2012, Public Comments

Letter Number E2: Public Outreach Meeting Public Comment Form, September 6, 2012, John Cassidy

Letter Number E3: Public Outreach Meeting Public Comment Form, September 6, 2012, Michael LaRue

Letter Number E4: Public Outreach Meeting Public Comment Form, September 6, 2012, Tim Nasr

Letter Number E5: Public Outreach Meeting Public Comment Form, September 6, 2012, James and Beverly Kurz

Letter Number E6: Public Outreach Meeting – September 27, 2012, Public Comments

2.1 PUBLIC COMMENT AND RESPONSES

The following pages provide the written comment letters, the specific comments regarding the Draft EIR, and the City's responses to these comments.

Letter No. A1

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
03EVEN00-2012-CPA-0148

September 26, 2012

RECEIVED
OCT 01 2012
COMMUNITY DEVELOPMENT
CITY OF SANTA CLARITA

Harry Corder, Senior Engineer
Community Development Department
City of Santa Clarita
23920 Valencia Boulevard, Suite 302
Santa Clarita, California 91355

Subject: Notice of Availability of a Draft Environmental Impact Report for the Via Princessa East Extension, City of Santa Clarita, Los Angeles County, California

Dear Mr. Corder:

We are responding to your notice, received in our office on August 16, 2012, informing us that the City of Santa Clarita (City) has completed a Draft Environmental Impact Report (DEIR) for the proposed Via Princessa East Extension (project). The proposed project encompasses 16 parcels, approximately 2 miles north of State Route 14, in the city of Santa Clarita, California. The project site consists of portions of Via Princessa between Golden Valley Road to the west and Sheldon Avenue to the east. 1

The U.S. Fish and Wildlife Service (Service) responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act and its implementing regulations prohibits the taking of any federally listed endangered or threatened species. Section 3(19) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. 2

Exemptions to the prohibitions against take in the Act may be obtained through coordination with the Service in two ways. If a project is to be funded, authorized, or carried out by a Federal agency and may affect a listed species, the Federal agency must consult with the Service, pursuant to section 7(a)(2) of the Act. If the proposed project does not involve a Federal agency, but may result in the take of a listed animal species, the project proponent should apply to the

Service for an incidental take permit, pursuant to section 10(a)(1)(B) of the Act. To qualify for the permit, you would need to submit an application to the Service together with a habitat conservation plan (HCP) that describes, among other things, how the impacts of the proposed taking of federally listed species would be minimized and mitigated and how the plan would be funded. A complete description of the requirements for a HCP can be found at 50 CFR 17.32 or our website (http://www.fws.gov/ventura). 2

As it is not our primary responsibility to comment on documents prepared pursuant to the California Environmental Quality Act (CEQA), our comments on the DEIR do not constitute a full review of project impacts. We are providing our comments based upon project activities that have potential to affect federally listed species and migratory birds, and our concerns for listed species within our jurisdiction related to our mandates under the Act. 3

The DEIR states that the following federally listed species have the potential to occur onsite: the federally endangered Braunton's milk-vetch (*Astragalus brauntonii*), Nevin's barberry (*Berberis nevinii*), slender-horned spineflower (*Dodecahema (=Centrostegia) leptoceras)*, California Orcutt grass (*Orcuttia californica*), arroyo toad (*Anaxyrus californicus*), mountain yellow-legged frog (*Rana muscosa*), unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus)* and Riverside fairy shrimp (*Streptocephalus woottoni*), the threatened coastal California gnatcatcher (*Polioptila californica californica*), California red-legged frog (*Rana draytonii*), vernal pool fairy shrimp (*Branchinecta lynchi*), San Diego fairy shrimp (*Branchinecta sandiegonensis*) and Santa Ana sucker (*Catostomus santaanae*), and the candidate San Fernando Valley spineflower (*Chorizanthe parryi var. fernandina)* and yellow-billed cuckoo (*Coccyzus americanus*). In addition to the federally-listed species you identified, other non-listed, native migratory bird species occur within the project site. We believe it is unlikely that the arroyo toad, unarmored threespine stickleback, Braunton's milk-vetch, California red-legged frog, mountain yellow-legged frog, yellow-billed cuckoo and Santa Ana sucker occur onsite due to a lack of suitable habitat for the species according to the information described in the DEIR and information in our records. 4

We are especially concerned about the impacts of the proposed project on vernal pool habitat onsite, and we recommend that project alternatives be designed to avoid all vernal pools to support the conservation of these biological resources. Multiple federally-listed species have been found, or have the potential to occur, within the vernal pools onsite. According to the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon, the major threats to vernal pool species include, but are not limited to: habitat loss and fragmentation, altered hydrology, invasive species, contaminants, inappropriate management and monitoring, overutilization, disease, and human waste, recreational use, and vandalism (Service 2005). The vernal pool system should be managed to protect vernal pool species from these threats through project design and land use restrictions. 5

Surveys

Page 4.2-3 of the DEIR states that surveys for federally-listed vernal pool branchiopods commenced in May 2010 and that these surveys are ongoing. Later, on page 4.2-20, the DEIR 6

states that cysts of the genus *Branchinecta* were discovered onsite but the cysts have not yet conclusively identified the species. This information should be updated. Appendix 4.2e, Fairy Shrimp Report, states that vernal pool fairy shrimp were conclusively identified after protocol-level surveys conducted on April 3, 2011. 6

The DEIR states that focused plant surveys were conducted throughout the project site on April 6 and April 20, 2010, and separately on the Southern California Edison easement on June 11, 2010, and at the vernal pools on May 18, 2010. Vegetation types and plant species associations were also recorded during those surveys in addition to the focused plant surveys (page 4.2-3). 7
The DEIR does not provide information on the number or qualifications of biologists who conducted the surveys, or the survey methods employed. 8
The DEIR states that the project site is approximately 102 acres, most of which would have been surveyed on April 6, and April 20, 2012. This is a large area and a short amount of time to conduct focused surveys for multiple sensitive plant species, in addition to recording vegetation types and plant associations. 9
While we recognize sensitive plant surveys require a substantial commitment of resources, it is not clear if the survey effort was appropriate to characterize the occupation of the site by sensitive plant species. 10
We recommend that the DEIR provide additional information on the focused plant and vegetation surveys. Should you determine that the plant surveys were inadequate, we recommend that a botanical survey of the proposed project site be conducted in spring when both annual and perennial plant species are detectable. We are enclosing a copy of the Service's guidelines for conducting and reporting botanical inventories for federally listed, proposed, and candidate plants. 11

Page 4.2-3 of the DEIR states that surveys for the coastal California gnatcatcher were conducted onsite in 2010. However, page 4.2-18 of the DEIR lists the special-status wildlife species that are known to occur in the project region or that may potentially utilize the project site and it fails to list the coastal California gnatcatcher. There is only one mention of the coastal California gnatcatcher in the DEIR other than the statement of completed surveys mentioned above. The species is described on page 4.2-25, in a table titled "Special-Status Wildlife Species Observed or Potentially Occurring on the Project Site". This table states that the coastal California gnatcatcher is presumed absent from the project site due to the negative results of the surveys conducted in 2010. The DEIR does not consider the coastal California gnatcatcher in its analysis because the species is presumed absent (page 4.2-36). 12

We believe the DEIR should be revised to include an analysis of the impacts of the proposed project on the coastal California gnatcatcher because the document relies upon outdated information, the species is known to occur in the vicinity of the project and suitable habitat is present onsite. We consider the surveys noted in the DEIR to no longer be valid for determining the presence or absence of the coastal California gnatcatcher onsite because they are greater than 1 year old. We recommend that surveys be conducted according to our protocol for the coastal California gnatcatcher within 1 year of the commencement of project related activities, including vegetation removal and construction, to determine the status of coastal California gnatcatchers the project area. If coastal California gnatcatchers are detected during the surveys, we should be contacted immediately to determine the appropriate level of consultation. 13

Regulations

The effects of the proposed project on federally-listed wildlife species may constitute "take" as defined in section 3(19) of the Act. Based on the information in the DEIR, the extent of Federal involvement in the proposed project is unclear. According to page 4.2-37 of the DEIR, which discusses the likelihood of take of federally-listed vernal pool branchiopods, "Prior to any ground disturbing activities, the project proponent will need to comply with the provisions of the [Act], including section 7 consultation in conjunction with USACE 404 permit processing, for the take of a federally listed species." The section 7 consultation process is only appropriate where a federal nexus exists and it unclear if the U.S. Army Corps of Engineers would take jurisdiction over the entire project site, including the isolated vernal pools. It is also unclear if other federal agencies would be involved that would take jurisdiction over the project and provide a nexus for section 7 consultation for the take of federally-listed species. 14

We recommend that you seek an incidental take permit through the habitat conservation planning process, pursuant to section 10(a)(1)(B) of the Act, for all aspects of the proposed project where there is no federal nexus and the project may result in take of federally-listed wildlife species. Due to the complexity of the proposed project and the listed species involved, we emphasize that the process of developing a HCP and application for an incidental take permit could take a considerable amount of time; therefore, the project proponent should begin this process as soon as possible. 15

In regards to the take of federally-listed vernal pool branchiopods, page 4.2-37 of the DEIR states that "Given the rarity of these species and that no viable habitat is available in Los Angeles County for preservation; the project related loss of these species is an unavoidable significant impact." Page 4.2-45 the DEIR relates to the loss of the vernal pool habitat and states "Impacts to this vegetation type cannot be mitigated." If an incidental take permit is required through the development of an HCP for the loss of federally-listed vernal pool branchiopods, mitigation would be required. In order to receive an incidental take permit under section 10(a)(1)(B) of the Act, "the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking". Again, we encourage the project proponent to begin the process of developing a HCP and application for an incidental take permit as soon as possible. 16

If a Federal agency takes jurisdiction over project activities which may result in the take of federally-listed species, section 7 consultation may be appropriate to cover the incidental take of those federally-listed species. However, note that section 7(a)(1) of the Act states that "All other Federal agencies shall, in consultation with and with the assistance of the Secretary [of Interior], utilize their authorities in the furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to [this Act]." In other words, the project proponent should be aware that Federal agencies have a duty to conserve listed species, and may require measures to avoid and minimize effects to listed species during the issuance of their permits. 17

Please note that despite the incorporation of any mitigation measures developed pursuant to the California Environmental Quality Act (CEQA), any take of listed wildlife species that would result from implementation of the proposed project would require an exemption to the 18

prohibitions against take. Significant impacts as defined under CEQA do not necessarily equate to "take" as defined in section 3(19) of the Act, nor do mitigation measures that reduce CEQA impacts to less-than-significant levels necessarily satisfy the need for an applicant to minimize and mitigate the effects of such take under the Act. 18

In addition, we are also concerned about potential impacts to migratory birds in the proposed project area during construction. We have conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703 *et. seq.*) (MBTA). Any land clearing or other surface disturbance associated with the proposed actions should be timed to avoid potential destruction of bird nests or young of birds that breed in the area, as such destruction may be in violation of the MBTA. Under the MBTA, nests with eggs or young of migratory birds may not be damaged, nor may migratory birds be killed. If this seasonal restriction is not possible, we recommend that a qualified biologist survey the area for nests or evidence of nesting (e.g., mated pairs, territorial defense, carrying of nesting material, transporting food, etc.) prior to the commencement of land clearing activities. If nests or other evidence of nesting are observed, a protective buffer should be established around the nests and avoided to prevent destruction or disturbance to active nests. 19

We appreciate the opportunity to provide comments on the proposed project. If you have any questions regarding this matter, please contact Colleen Mehlberg of my staff at (805) 644-1766, extension 221. 20

Sincerely,

Diane K. Noda
Field Supervisor

Enclosure

cc:
Dan Swenson, U.S. Army Corps of Engineers
Dan Blankenship, California Department of Fish and Game

LITERATURE CITED

U.S. Fish and Wildlife Service. 2005. Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon. U.S. Fish and Wildlife Service, Portland, Oregon. xxvi + 606 pp.

Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants

These guidelines describe protocols for conducting botanical inventories for federally listed, proposed and candidate plants, and describe minimum standards for reporting results. The Service will use, in part, the information outlined below in determining whether the project under consideration may affect any listed, proposed, or candidate plants, and in determining the direct, indirect, and cumulative effects.

Field inventories should be conducted in a manner that will locate listed, proposed, or candidate species (target species) that may be present. The entire project area requires a botanical inventory, except developed agricultural lands. The field investigator(s) should:

1. Conduct inventories at the appropriate times of year when target species are present and identifiable. Inventories will include all potential habitats. Multiple site visits during a field season may be necessary to make observations during the appropriate phenological stage of all target species.

2. If available, use a regional or local reference population to obtain a visual image of the target species and associated habitat(s). If access to reference populations(s) is not available, investigators should study specimens from local herbaria.

3. List every species observed and compile a comprehensive list of vascular plants for the entire project site. Vascular plants need to be identified to a taxonomic level which allows rarity to be determined.

4. Report results of botanical field inventories that include:

    a. a description of the biological setting, including plant community, topography, soils, potential habitat of target species, and an evaluation of environmental conditions, such as timing or quantity of rainfall, which may influence the performance and expression of target species

    b. a map of project location showing scale, orientation, project boundaries, parcel size, and map quadrangle name

    c. survey dates and survey methodology(ies)

    d. if a reference population is available, provide a written narrative describing the target species reference population(s) used, and date(s) when observations were made

    e. a comprehensive list of all vascular plants occurring on the project site for each habitat type

    f. current and historic land uses of the habitat(s) and degree of site alteration

g. presence of target species off-site on adjacent parcels, if known

h. an assessment of the biological significance or ecological quality of the project site in a local and regional context

5. If target species is (are) found, report results that additionally include:

a. a map showing federally listed, proposed and candidate species distribution as they relate to the proposed project

b. if target species is (are) associated with wetlands, a description of the direction and integrity of flow of surface hydrology. If target species is (are) affected by adjacent off-site hydrological influences, describe these factors.

c. the target species phenology and microhabitat, an estimate of the number of individuals of each target species per unit area; identify areas of high, medium and low density of target species over the project site, and provide acres of occupied habitat of target species. Investigators could provide color slides, photos or color copies of photos of target species or representative habitats to support information or descriptions contained in reports.

d. the degree of impact(s), if any, of the proposed project as it relates to the potential unoccupied habitat of target habitat.

6. Document findings of target species by completing California Native Species Field Survey Form(s) and submit form(s) to the Natural Diversity Data Base. Documentation of determinations and/or voucher specimens may be useful in cases of taxonomic ambiguities, habitat or range extensions.

7. Report as an addendum to the original survey, any change in abundance and distribution of target plants in subsequent years. Project sites with inventories older than 3 years from the current date of project proposal submission will likely need an additional survey. Investigators need to assess whether an additional survey(s) is (are) needed.

8. Adverse conditions may prevent investigator(s) from determining presence or identifying some target species in potential habitat(s) of target species. Disease, drought, predation, or herbivory may preclude the presence or identification of target species in any year. An additional botanical inventory(ies) in a subsequent year(s) may be required if adverse conditions occur in a potential habitat(s). Investigator(s) may need to discuss such conditions.

9. Guidance from California Department of Fish and Game (CDFG) regarding plant and plant community surveys can be found in Guidelines for Assessing the Effects of Proposed Developments on Rare and Endangered Plants and Plant Communities, 1984. Please contact the CDFG Regional Office for questions regarding the CDFG guidelines and for assistance in determining any applicable State regulatory requirements.

Letter No. A1. US Department of Interior, Fish and Wildlife Service

US Department of the Interior, Fish and Wildlife Service
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, CA 93003
Diana K. Noda, Field Supervisor
September 26, 2012

Response A1-1

This comment is an introduction to comments that follow. No further response is required.

Response A1-2

The comment provides factual background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response A1-3

The comment provides factual background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response A1-4

The comment restates information contained in the Draft EIR, agrees with conclusions in the Draft EIR regarding potential occurrence of specific special-status plant and wildlife species and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response A1-5

The commenter indicated concern regarding the impacts of the proposed project on vernal pool habitat on site, and recommend that project alternatives be designed to avoid all vernal pools to support the conservation of these biological resources. Multiple federally listed species have been found, or have the potential to occur, within the vernal pools on site. According to the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon, the major threats to vernal pool species include, but are not limited to: habitat loss and fragmentation, altered hydrology, invasive species, contaminants, inappropriate management and monitoring, overutilization, disease, and human waste, recreational use,

and vandalism.[1] The vernal pool system should be managed to protect vernal pool species from these threats through project design and land use restrictions.

The City recognizes the importance of the vernal pool on-site and the sensitive species it supports. The project designers have evaluated multiple alternatives to avoid impacts to the vernal pool. However, existing geological hazards require expansive grading in order to rectify existing subsurface landslides in order to meet the safety factors required for construction of the road. The following is an explanation provided by the project engineers:

> The vernal pool is located within a very large megalithic landslide complex and the proposed grading for Via Princessa encroaches over a portion of the vernal pool. Changing the road alignment (i.e., 100 ft to the north) would not prevent the vernal pool from being impacted for the following reasons. In order to stabilize the landslide to adequately support the proposed road alignment extensive amounts of grading in the form of buttresses, shear keys and landslide removals need to occur outside of the proposed grading footprint. The anticipated remedial grading envelope far exceeds the proposed grading footprint and encroaches into large portions of the natural areas as shown on AESEGI Plate I and Figure 2 (8/13/2010 report). The preliminary limits of a potential grading envelope are also shown in Impact Sciences Draft EIR on Figures 4.2-2 and 4.7-3. The reason the remedial grading envelope extends so far to the south of the road is because the ascending slopes south of the road consist entirely of landslide materials which dip (tilt) downhill towards the road. The preliminary shear key shown north of the road (AESEGI, Plate I) stabilizes the landslide mass from movement with respect to the deep seated (140 ft deep) basal landslide plane. However, the landslide material above the road (uphill) has many internal planes of weakness that can cause it to fail downhill and damage the road. The proposed cut slopes and natural slopes uphill of the road will need to be stabilized via remedial grading measures that encroach into the area of the vernal pool. Due to the extensive remedial grading measures needed to stabilize the megalithic landslide complex moving the road to the north does not significantly affect the limits of remedial grading with respect to the vernal pool.

Due to these issues the impact to the vernal pool has been identified as an unavoidable significant impact. The revised Draft EIR includes additional details regarding creation of a vernal pool elsewhere on site. Mitigation Measure MM 4.2-12, pages 4.2-60 and 4.2-61 of the Draft EIR has been revised in part to attempt to recreate the vernal pool and would include trans-locating the soil and plant materials from the existing vernal pool to the created one. A vernal pool creation and monitoring plan will be prepared and provided to USFWS for comment and guidance. However, since this would be an experimental effort to lessen the impacts, it would not reduce the impacts to the existing vernal pool to less than significant so the result would remain an unavoidable significant impact.

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1 *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon*, Region 1 U.S. Fish and Wildlife Service, Portland, Oregon, December 15, 2005. http://www.fws.gov/sacramento/es/Recovery-Planning/Vernal-Pool/es_recovery_vernal-pool-recovery.htm

Response A1-6

The commenter states that page 4.2-3 of the Draft EIR acknowledges that surveys for federally listed vernal pool branchiopods commenced in May 2010 and that these surveys are ongoing. Later, on page 4.2-20, the Draft EIR states that cysts of the genus *Branchinecta* were discovered on site but the cysts have not yet conclusively identified the species. This information should be updated. Appendix 4.2e, Fairy Shrimp report, states that vernal pool fairy shrimp were conclusively identified after protocol-level surveys conducted April 3, 2011.

The requested correction to Section 4.2, Biological Resources, pages 4.2-18, 4.2-21, and 4.2-40 and 41 of the Draft EIR has been made. Please see the portion of the Via Princessa East Extension Final EIR entitled, "Revised Draft EIR Pages," for the actual text revision.

Response A1-7

The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response A1-8

The commenter contends that the Draft EIR does not provide information on the number or qualifications of biologists who conducted the surveys, or the survey methods employed.

Rare plant surveys were conducted by Joe Decruyenaere, who has over 14 years of professional experience with particular expertise in botanical resources. The requested correction to Section 4.2, Biological Resources, Table 4.2-1, Biological Surveys Conducted on the Via Princessa Road Alignment Site, page 4.2-3 of the Draft EIR has been made. Please see the portion of the Via Princessa East Extension Final EIR entitled "Revised Draft EIR Pages," for the actual text revision.

Response A1-9

The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response A1-10

The commenter stated that the project area is large with a short amount of time to conduct focused surveys for multiple sensitive plant species, in addition to recording vegetation types and plant

associations. While the commenter recognizes that sensitive plant surveys require a substantial commitment of resources, it is not clear if the survey effort was appropriate to characterize the occupation of the site by sensitive plant species.

Initial surveys for rare plants were conducted to determine the likelihood of occurrence of rare plants on the subject property and three sensitive species were identified. Actual construction of the road is not expected to occur in the immediate future. Within one year of proposed construction, and during the appropriate season, additional rare plant surveys shall be conducted on the subject property pursuant to the CDFW/USFWS recommended survey methods.

The requested correction to Section 4.2, Biological Resources, page 4.2-38 of the Draft EIR has been made and Mitigation Measure 4.2-10 has been developed to address this concern. Please see the portion of the Via Princessa East Extension Final EIR entitled, "Revised Draft EIR Pages," for the actual text revision.

Response A1-11

The commenter recommends that the Draft EIR provide additional information on the focused plant and vegetation surveys. Should it be determined that the rare plant surveys were inadequate, it is recommended that a botanical survey of the proposed project site be conducted in spring when both annual and perennial plant species are detectable. The commenter enclosed a copy of the Service's guidelines for conducting and reporting botanical inventories for federally listed, proposed, and candidate species.

The City believes the surveys conducted for rare plant species on the site were adequate both in scope and timing. Notwithstanding, because actual construction of the road is not expected to occur in the immediate future, within one year of proposed construction, and during the appropriate season, additional rare plant surveys shall be conducted on the subject property pursuant to the CDFW/USFWS recommended survey methods.

The requested correction to Section 4.2, Biological Resources, page 4.2-38 of the Draft EIR has been made and Mitigation Measure 4.2-10 has been developed to further address this concern. Please see the portion of the Via Princessa East Extension Final EIR entitled, "Revised Draft EIR Pages," for the actual text revision.

Response A1-12

The commenter notes that page 4.2-3 of the Draft EIR states that surveys for the coastal California gnatcatcher were conducted on site in 2010. However, page 4.2-18 of the Draft EIR lists the special-status wildlife species that are known to occur in the project region or that may potentially utilize the project

site and it fails to list the coastal California gnatcatcher. There is only one mention of the coastal California gnatcatcher in the Draft EIR other than the statement of completed surveys mentioned above. The commenter notes that the species is described on page 4.2-25, in a table titled "Special-Status Wildlife Species Observed or Potentially Occurring on the Project Site." This table states that the coastal California gnatcatcher is presumed absent from the project site due to negative results of the surveys conducted in 2010. The Draft EIR does not consider the coastal California gnatcatcher in its analysis because the species is presumed absent (page 4.2-36).

The Draft EIR has been revised to include a discussion on the California gnatcatcher in the Special-Status Wildlife section. Because the results of the protocol presence/absence surveys for this species were current at the time the Draft EIR was initially prepared, the conclusions regarding their expected absence was accurate. The City understands the survey results are typically only valid for a year. Actual construction of the proposed road is not expected to occur in the immediate future. Therefore, within one year of proposed construction additional focused surveys for California gnatcatcher shall be conducted on the subject property pursuant to the USFWS recommended survey protocol.

The requested correction to Section 4.2, Biological Resources, pages 4.2-44 of the Draft EIR has been made and Mitigation Measure MM 4.2-9 has been developed to further address this concern. Please see the portion of the Via Princessa East Extension Final EIR entitled, "Revised Draft EIR Pages," for the actual text revision.

Response A1-13

The commenter suggests that the Draft EIR should be revised to include an analysis of the impacts of the proposed project on the coastal California gnatcatcher because the document relies upon outdated information, the species is known to occur in the vicinity of the project and suitable habitat is present on-site. The commenter considers the surveys noted in the Draft EIR to no longer be valid for determining the presence or absence of the coastal California gnatcatcher on-site because they are greater than one year old. They recommend that surveys be conducted according to our protocol for the coastal California gnatcatcher within one year of the commencement of project related activities, including vegetation removal and construction, to determine the status of coastal California gnatcatchers the project area [sic]. If coastal California gnatcatchers are detected during the surveys, the commenter should be contacted immediately to determine the appropriate level of consultation.

Please see Response A1-12, above.

Response A1-14

The commenter noted that the effects of the proposed project on federally listed wildlife species may constitute "take" as defined in section 3(19) of the Act. Based on the information in the Draft EIR, the extent of federal involvement in the proposed project is unclear. According to page 4.2-37 of the Draft EIR, which discusses the likelihood of take of federally listed vernal pool brachiopods, "Prior to any ground disturbing activities, the project proponent will need to comply with the provisions of the [Act], including section 7 consultation in conjunction with USACE 404 permit processing, for the take of a federally listed species." The section 7 consultation process is only appropriate where a federal nexus exists and it unclear if the US Army Corps of Engineers (USACE) would take jurisdiction over the entire project site, including the isolated vernal pools. It is also unclear if other federal agencies would be involved that would take jurisdiction over the project and provide a nexus for section 7 consultation for the take of federally listed species.

Based on the data collected to date, the project as proposed would result in the take of two federally listed species. These include vernal pool fairy shrimp and spreading navarretia (aka Moran's nosegay). Both of these species are limited in distribution, within the site, to the main vernal pool. At the time of the distribution of the Draft EIR, it is known that the USACE will take jurisdiction over the vernal pool with USACE 404 permit processing. This is why the Draft EIR states, as quoted in the comment, that the project will require section 7 consultation with USFWS. The City is also still in the process of attempting to procure funding from a variety of sources. In the event funding is secured from a federal source, it is anticipated that source will also take jurisdiction over the project and, therefore, additional section 7 consultation will be necessary.

The Draft EIR has been edited to include more information regarding the consultation process for additional clarification. Please see Section 4.2, Biological Resources, pages 4.2-41, 4.2-49, and 4.2-60 of the Draft EIR has been made. Please see the portion of the Via Princessa East Extension Final EIR entitled, "Revised Draft EIR Pages," for the actual text revision.

Response A1-15

The commenter recommends that the City seek an incidental take permit through the habitat conservation planning process, pursuant to section 10(a)(1)(B) of the ACT, for all aspects of the proposed project where there is no federal nexus and the project may result in take of federally listed wildlife species. Due to the complexity of the project and the listed species involved, the commenter emphasizes that the process of developing a habitat conservation plan (HCP) and application for an incidental take permit could take a considerable amount of time; therefore, the project proponent should begin this process as soon as possible.

Please see Response A1-14 above. In the event any other federal agencies become involved with the project (e.g., through project funding), the City understands additional section 7 consultation would be required. Also, if no additional federal nexus is involved, the City understands they will be required to apply for an incidental take permit and develop an HCP. The Draft EIR has been edited to include more information regarding the consultation and incidental take process for additional clarification.

The requested correction to Section 4.2, Biological Resources, pages 4.2-41, 4.2-49 and 4.2-60 of the Draft EIR has been made. Please see the portion of the Via Princessa East Extension Final EIR entitled "Revised Draft EIR Pages," for the actual text revision.

Response A1-16

The commenter states that with regard to the take of federally listed vernal pool brachiopods, page 4.2-37 of the Draft EIR states that "Given the rarity of these species and that no viable habitat is available in Los Angeles County for preservation, the project related loss of these species is an unavoidable significant impact." Page 4.2-45 the Draft EIR relates to the loss of the vernal pool habitat and states "Impacts to this vegetation type cannot be mitigated." If an incidental take permit is required through the development of an HCP for the loss of federally listed vernal pool brachiopods, mitigation would be required. In order to receive an incidental take permit under section 10(a)(1)(B) of the Act, "the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking." Again, the commenter encourages the project proponent to begin the process of developing an HCP and application for an incidental take permit as soon as possible.

The statement on page 4.2-37 of the Draft EIR regarding impacts to vernal pool brachiopods being unavoidably significant is accurate. The statement regarding inability to mitigate has been edited in the Draft EIR to state that Impacts to this vegetation type cannot be mitigated to a less than significant level. The Draft EIR has also been edited to include Mitigation Measure 4.2-12 involving the creation of vernal pool habitat elsewhere on-site, utilizing the soils and plant materials from the existing vernal pool that will endeavor to minimize impacts to the vernal pool to the greatest extent feasible. Additionally, the City is aware of the necessity to address these impacts either through a section 7 consultation or through an incidental take permit and HCP and will contact the USFWS as soon as all details regarding project funding are completed.

The requested correction to Section 4.2, Biological Resources, pages 4.2-41, 4.2-49, and 4.2-60 of the Draft EIR has been made. Please see the portion of the Via Princessa East Extension Final EIR entitled "Revised Draft EIR Pages" for the actual text revision.

Response A1-17

The commenter states that if a federal agency takes jurisdiction over project activities which may result in the take of federally listed species, section 7 consultation may be appropriate to cover the incidental take of those federally listed species. However, note that section 7(a)(1) of the Act states that "All other Federal agencies shall, in consultation with and with the assistance of the Secretary [of Interior], utilize their authorities in the furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to [this Act]." In other words, the project proponent should be aware that federal agencies have a duty to conserve listed species, and may require measures to avoid and minimize effects to listed species during the issuance of their permits.

Please see **Responses A1-14** through **A1-16**, above regarding section 7 consultation. The City is also aware of the duties of the federal agencies requiring conservation of federally listed species and will comply with all necessary measures required to do so.

Response A1-18

The commenter clarified that despite the incorporation of any mitigation measures developed pursuant to CEQA, any take of listed wildlife species that would result from implementation of the proposed project would require an exemption to the prohibitions against take. Significant impacts as defined under CEQA do not necessarily equate to "take" as defined in section 3(19) of the Act, nor do mitigation measures that reduce CEQA impacts to less than significant levels necessarily satisfy the need for an applicant to minimize and mitigate the effects of such take under the Act.

The City is aware of the CEQA and Federal Endangered Species Act requirements regarding significant impacts to federally listed species and will comply with all necessary federal requirements to minimize and mitigate those significant effects of take under the Act.

Response A1-19

The commenter states that they are also concerned about potential impacts to migratory birds in the proposed project area during construction. The commenter notes conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 USC 703 et. seq.). Any land clearing or other surface disturbance associated with the proposed actions should be timed to avoid potential destruction of bird nests or young of birds that breeding in the area, as such destruction may be in violation of the MBTA. Under the MBTA, nests with eggs or young of migratory birds may not be damaged, nor may migratory birds be killed. If this seasonal restriction is not possible, the commenter recommend that a qualified biologist survey the area for nests or evidence of nesting (e.g., mated pairs, territorial defense, carrying of nesting material, transporting food, etc.) prior to the commencement of land clearing activities. If nests or other evidence of nesting are

observed, a protective buffer should be established around the nests and avoided to prevent destruction or disturbance to active nests.

Please see Mitigation Measure MM 4.2-8, which addresses this issue. Additionally, this measure has been edited for greater clarification.

The requested correction to Section 4.2, Biological Resources, pages 4.2-57 and 4.2-58 of the Draft EIR has been made. Please see the portion of the Via Princessa East Extension Final EIR entitled "Revised Draft EIR Pages" for the actual text revision.

Response A1-20

The comment is noted. No further response is required given that the comment does not address or question the content of the Draft EIR.

Letter No. B1

STATE OF CALIFORNIA — Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

August 21, 2012

Mr. Harry Corder, Project Planner
City of Santa Clarita
23920 Valencia Boulevard, Suite 302
Santa Clarita, CA 91335

Re: SCH#2009091110; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the **"The Via Princesssa East Extension Project;"** located in the City of Santa Clarita; Los Angeles County, California.

Dear Mr. Corder:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). 1

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. 2

The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project. 3

The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r). 4

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural 5

significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources. 5

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.' 6

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects. 7

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a). 8

2

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251. 9

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

3

Native American Contacts
Los Angeles County
August 21, 2012

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
folkes@msn.com
805 492-7255
(805) 558-1154 - cell

Chumash
Tataviam
Ferrnandeño

Randy Guzman - Folkes
6471 Cornell Circle
Moorpark , CA 93021
ndnRandy@yahoo.com
(805) 905-1675 - cell

Chumash
Fernandeño
Tataviam
Shoshone Paiute
Yaqui

Fernandeno Tataviam Band of Mission Indians
Ronnie Salas, Cultural Preservation Department
1019 - 2nd Street, Suite #1
San Fernando CA 91340
rsalas@tataviam-nsn.gov
(818) 837-0794 Office

(818) 837-0796 Fax

Fernandeno
Tataviam

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles , CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

S an Fernando Band of Mission Indians
John Valenzuela, Chairperson
P.O. Box 221838
Newhall , CA 91322
tsen2u@hotmail.com
(661) 753-9833 Office
(760) 885-0955 Cell
(760) 949-1604 Fax

Fernandeño
Tataviam
Serrano
Vanyume
Kitanemuk

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH@009091110; CEQA Notice of Completion; draft Environmental limpact Report (DEIR) for the Via Princessa East Extension Project; located in the City of Santa Clarita; Los Angeles County, California.

Letter No. B1. State of California, Native American Heritage Commission

State of California, Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814
Dave Singleton, Program Analyst
August 21, 2012

Response B1-1

This comment is an introduction to comments that follow. No further response is required.

Response B1-2

The comment provides background information concerning of the definition of significant when addressing cultural resources. The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response B1-3

The comment addresses the Sacred Lands search, which received extensive analysis in the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. However, the comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response B1-4

The comment provides factual background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response B1-5

Please see Final EIR, **Appendix F3.5** which provides notes from a site visit that took place on March 24, 2010, focusing on the cultural resources on the project site. Representatives from the Native American culture included Frank Arredondo, Ksen'Sku'Mu; Freddie Romero, Santa Ynez Band of Chumash Indians Elders council; John Ruiz, Coastal Band of Chumash; and Patrick Tumamait, Native Chumash Community.

Response B1-6

The proposed project is not subject to the National Environmental Policy Act. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

The comment provides factual background information only concerning Public Resources and California Government Code Section and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response B1-7

The comment raises issues pertaining to ongoing and continued communication with Native American tribes that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response B1-8

The chance that Native American cultural or burial sites are located within the project boundaries is very low given the steep topography of the project site. Additionally, no cultural or burial sites were found during the Phase I Archaeological Site Reconnaissance prepared for the project site. (See Draft EIR Appendix 4.3, Cultural Report). The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response B1-9

The comment is noted. No further response is required given that the comment does not address or question the content of the Draft EIR.

Letter No. B2

STATE OF CALIFORNIA, RESOURCES AGENCY — EDMUND G. BROWN, JR., GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES

1000 S. Hill Road, Suite 116 • Ventura, CALIFORNIA 93003

PHONE 805 / 654-4761 • **FAX** 805 / 654-4765 • **WEB SITE** conservation.ca.gov

RECEIVED

SEP 26 2012

Capital Improvement Projects
City of Santa Clarita

September 21, 2012

Mr. Corder, Senior Engineer
City of Santa Clarita
Community Development Center Dept.
23920 Valencia Blvd., Suite 302
Santa Clarita, CA 91355

Subject: Draft EIR for the Via Princessa East Extension, Master Case 09-108
SCH # 2009091110

Dear Mr. Corder:

The Department of Conservation's (Department) Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California. The Department offers the following comments for your consideration. 1

Based on information provided in the Draft Environmental Impact Report for the proposed project, there are no oil wells located within the project site. 2

If any structure is to be located over or in close proximity of a previously plugged and abandoned well, the well may need to be plugged to current Division specifications. Section 3208.1 of the Public Resources Code (PRC) authorizes the State Oil and Gas Supervisor (Supervisor) to order the reabandonment of any previously plugged and abandoned well when construction of any structure over or in close proximity of the well could result in a hazard. The cost of reabandonment operations is the responsibility of the owner of the property upon which the structure will be located. 3

Furthermore, if any plugged or abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

The Division also recommends the wells within or in close proximity to project boundaries be accurately plotted on all future maps of this project, and a legible copy of the final project map be submitted to the Division.

The possibility for future problems from oil and gas wells that have been plugged and abandoned, or reabandoned, to the Division's current specifications are remote. However, the Division suggests that a diligent effort be made to avoid building over any plugged and abandoned well. 3

To ensure proper review of projects, the Division has available an informational packet entitled, "Construction-Site Plan Review Program. This document is available on the Division's website at www.conservation.ca.gov., go to "Oil, Gas, and Geothermal", then go to "Construction Site Review".

Prior to commencing operations, the project applicant should consult with our office for information on the wells located in the project area. 4

Thank you for the opportunity to comment on the proposed Via Princessa East Extension. If you have any questions, please contact me at (805) 654-4761 or via email at bhesson@consrv.ca.gov. 5

Sincerely,

Bruce H. Hesson, P.E.
District Deputy - Ventura

cc: DOGGR- HQ, Adele Lagomarsino

Letter No. B2. State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources

State of California Department of Conservation
Division of Oil, Gas, and Geothermal Resources
1000 South Hill Road, Suite 116
Ventura, CA 93003
Bruce H. Hesson, P.E., Ventura District Deputy
September 21, 2012

Response B2-1

This comment is an introduction to comments that follow. No further response is required.

Response B2-2

The comment provides information noting that there are no oil wells located on the project site. The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response B2-3

The comment provides factual background information only and does not raise an environmental issue within the meaning of CEQA because there are no oil wells located on the project site. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response B2-4

The comment raises issues concerning contacting the Conservation Department prior to commencing construction activities that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response B2-5

The comment is noted. No further response is required given that the comment does not address or question the content of the Draft EIR.

Letter No. B3

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

October 2, 2012

RECEIVED
OCT 09 2012
COMMUNITY DEVELOPMENT
CITY OF SANTA CLARITA

Harry Corder
City of Santa Clarita
23920 Valencia Boulevard, Suite 302
Santa Clarita, CA 91355

Subject: Via Princessa East Extension
SCH#: 2009091110

Dear Harry Corder:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 1, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2009091110
Project Title Via Princessa East Extension
Lead Agency Santa Clarita, City of

Type EIR Draft EIR

Description The proposed project involves the construction of a new roadway segment of Via Princessa between Golden Valley Road and the existing roadway terminus near Sheldon Avenue. The Via Princessa East Extension would be one of the primary east-west arterials through the City of Santa Clarita. The proposed roadway would be approximately 1.2 miles in length and is designated as a Major Arterial Highway per the City of Santa Clarita's Master Plan of Arterial Highways. The proposed roadway would consist of a six-lane facility with a 14-foot raised landscaped median, a 10-foot sidewalk/parkway on each side, and a 12-foot two-lane bike path along the south side. The vehicle lanes adjacent to the median would be 12 feet wide, the middle lanes would be 11 feet wide, and the right lanes would be 12 feet wide. The typical right-of-way width would be 116 feet.

Lead Agency Contact

Name Harry Corder
Agency City of Santa Clarita
Phone 661-255-4330 **Fax**
email
Address 23920 Valencia Boulevard, Suite 302
City Santa Clarita **State** CA **Zip** 91355

Project Location

County Los Angeles
City Santa Clarita
Region
Lat / Long
Cross Streets The project site consists of portions of Via Princessa between Golden Valley Rd in the W. and Sh
Parcel No. 2863-013-137, 277, 914, 917, 2863-014-057, 062, 276
Township **Range** **Section** **Base**

Proximity to:

Highways SR 14
Airports
Railways Metrolink
Waterways Santa Clara River
Schools Golden Valley HS
Land Use Residential Low (RL) and Business Park Planned Development Overlay BP (PD)

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Soil Erosion/Compaction/Grading; Traffic/Circulation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 08/16/2012 **Start of Review** 08/16/2012 **End of Review** 10/01/2012

Letter No. B3. State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

State of California Governor's Office of Planning and Research
State Clearinghouse and Planning Unit
1400 10th Street
P.O. Box 3044
Sacramento, CA 95812-3044
Scott Morgan, Director, State Clearinghouse
October 2, 2012

Response B3-1

The comment raises issues pertaining to the role of responsible or public agencies to an EIR that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Letter No. B4

State of California -The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
http://www.dfg.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

October 12, 2012

Mr. Harry Corder, Senior Engineer
Community Development Department
City of Santa Clarita
23920 Valencia Boulevard, Suite 302
Santa Clarita, California 91355
Fax #: (661) 286-4007

Subject: Draft Environmental Impact Report for the Via Princessa East Extension, City of Santa Clarita, Los Angeles County, California, SCH # 2009091110

Dear Mr. Corder:

The Department of Fish and Game (Department) has reviewed the Draft Environmental Impact Report (DEIR) that has been prepared to examine the potential environmental effects of the proposed Via Princessa Road, East Extension (project), within the City of Santa Clarita (City). The proposed project encompasses 16 parcels, approximately 2 miles north of State Route 14. The project site consists of portions of Via Princessa between Golden Valley Road to the west and Sheldon Avenue to the east. The proposed project involves the construction of a new roadway segment between Golden Valley Road and the existing roadway terminus near Sheldon Avenue. The Via Princessa East Extension would be one of the primary east-west arterials through the City of Santa Clarita. The proposed roadway would be approximately 1.2 miles in length, and would consist of a six-lane facility with a 14-foot raised landscaped median, a 10-foot sidewalk/parkway on each side, and a 12-foot two-lane bike path along the south side. Habitat types within the study area are described as foothill needle grass grassland, annual grassland, coastal scrub, chaparral, riparian, vernal pool, hillside seep habitat, and disturbed types. 1

The Department is California's Trustee Agency for fish and wildlife resources, holding these resources in trust for the People of the State pursuant to various provisions of the California Fish and Game Code. (Fish & Game Code, §§ 711.7, subd. (a), 1802.) The Department submits these comments in that capacity under the California Environmental Quality Act (CEQA). (See generally Pub. Resources Code, §§ 21070; 21080.4.) Given its related permitting authority under the California Endangered Species Act (CESA) and Fish and Game Code section 1600 *et seq.*, the Department also submits these comments likely as a Responsible Agency for the project under CEQA. (*Id.*, § 21069.) 2

The California Wildlife Action Plan, a recent Department guidance document, identified the following stressors affecting wildlife and habitats within the project area: 1) growth and development; 2) water management conflicts and degradation of aquatic ecosystems; 3) invasive species; 4) altered fire regimes; and 5) recreational pressures (http://www.wildlifeactionplan.org/california.html). With these stressors in mind, the Department looks forward to working with the City in recommending conservation and protective measures for biological and botanical resources. 3

Conserving California's Wildlife Since 1870

General Concerns

The Department is concerned about the impacts of the proposed project on vernal pool habitat onsite and recommends that project alternatives be designed to avoid all vernal pools to facilitate the conservation of these sensitive biological resources. The site is undeveloped with Riversidean sage scrub and chaparral on slopes interspersed with annual grasslands on level areas. Multiple sensitive species, including federally-listed species, have been found or have the potential to occur within the vernal pool sites. Based on surveys referenced in the DEIR, vernal pool fairy shrimp (*Branchinecta lynchi*), a Federal listed Threatened species, and western spadefoot (*Spea hammondii*), a Department Species of Special Concern, have been observed within the vernal pool habitat on the proposed project site. According to the Federal Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon, threats to vernal pool species include habitat loss and fragmentation, altered hydrology, invasive species, contaminants, inappropriate management and monitoring, over utilization, disease and human waste, recreational use, and vandalism (USFWS 2005). Vernal pool habitats should be managed to conserve vernal pool species from these threats through project design and land use restrictions. 4 5

Adverse project impacts to State and Federally Threatened or Endangered and/or Candidate species and state fully protected species are considered significant under CEQA (CEQA Guidelines Sections 15380(b)(c)). CEQA provides protection not only for State and Federally listed species, but for any species including, but not limited to, California Species of Special Concern. Detection of State and Federally listed species and candidates may require consultation with the Department regarding permitting under CESA. 6

Specific Concerns and Recommendations

The Department recommends additional focal plant surveys due to the large size of the project area (102 acres) and the relatively short duration of previous surveys (two days in April, 2010). The DEIR references the potential for numerous sensitive plant species to occur in the area such as: Nevin's barberry (*Berberis nevinii*); slender-horned spineflower (*Dodecahema leptoceras*); California Orcutt grass (*Orcuttia californica*); and San Fernando Valley spineflower (*Chorizanthe parryi var. fernandina*). 7

The Department's rare plant survey guidelines "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols_for Surveying and Evaluating_Impacts.pdf) provide a good reference. 8

The Department also recommends an updated protocol level survey (July – November 2010 was previous survey date) for coastal California gnatcatcher (*Polioptila californica californica*) because of the proposed impacts to coastal scrub and the expanding population of coastal California gnatcatcher in the general area. The Department recommends that protocol surveys be conducted within one year of project implementation, including vegetation removal and construction, to better determine the status of coastal California gnatcatcher in the project area. 9

Proposed Biological Mitigation Measures

The Department concurs with the proposed biological mitigation measures MM 4.2-1 thru MM 4.2.10. However, the Department will evaluate specific mitigation needs during the preparation of the LSAA and develop appropriate mitigation ratios. 10

Biological Mitigation Measure MM 4.2-11 relates to the impacts of the vernal pool. As stated previously, the Department is concerned about the impacts of the proposed project on vernal pool habitat onsite and recommends that project alternatives be designed to avoid all vernal pools to facilitate the conservation of these sensitive biological resources, in lieu of vernal pool habitat creation for spadefoot and vernal pool fairy shrimp. Vernal pool creation is very difficult and often fails. The existing natural vernal pool on the project site is rare in our southern California coastal ecoregion, in part because of the quality of the existing upland habitats, including Riversidean sage scrub and chaparral. The ecological value of this vernal pool habitat and associated uplands is high and conserving this natural area in perpetuity is recommended. The conservation of the pool area and uplands could help offset other biological impacts that will occur during project implementation. 11

The Department also concurs with biological mitigation measures MM 4.2-12 thru MM 4.2-19 and appreciates the details within the measures. However, the Department recommends adding an additional measure to better reduce potential impacts to nesting birds. All migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory non-game birds as listed under the MBTA. 12 13

Impacts from project activities (including but not limited to, staging and disturbances to native and non-native vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from March 1-August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If project activities cannot avoid the avian breeding season, nest surveys should be conducted and active nests should be avoided and provided with a minimum buffer as determined by a biological monitor (the Department generally recommends a minimum 300 foot nest avoidance buffer or 500 feet for all active raptor nests).

Thank you for this opportunity to provide comments. If you should have any questions or for further coordination on the proposed project, please contact Mr. Dan Blankenship, Staff Environmental Scientist at 661-259-3750. 14

Sincerely,

Theresa A. Stewart

for Edmund Pert
Regional Manager
South Coast Region

Literature Cited:

U.S. Fish and Wildlife Service. 2005. Recover Plan for Vernal Pool Ecosystems of California and Southern Oregon. U.S. Fish and Wildlife Service, Portland, Oregon xxvi + 606 pp.

ec: Mr. Jeff Humble, Ventura
Ms. Terri Dickerson, Laguna Niguel
Mr. Scott Harris, Pasadena
U.S. Fish and Wildlife Service, Ventura
State Clearinghouse, Sacramento

Letter No. B4. State of California, Natural Resources Agency, Department of Fish and Game

State of California, Natural Resources Agency, Department of Fish and Game
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
Edmund Pert, Regional Manager, South Coast Region
October 12, 2012

Response B4-1

This comment is an introduction to comments that follow. No further response is required.

Response B4-2

This comment is an introduction to comments that follow. No further response is required.

Response B4-3

The comment provides factual background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response B4-4

The commenter is concerned about the impacts of the proposed project on vernal pool habitat on-site and recommends that project alternatives be designed to avoid all vernal pools to facilitate the conservation of these sensitive biological resources.

The City recognizes the importance of the vernal pool on-site and the sensitive species it supports. The project designers have evaluated multiple alternatives to avoid impacts to the vernal pool.

The following is an explanation of issues provided by the project engineer:

> The vernal pool is located within a very large megalithic landslide complex and the proposed grading for Via Princessa encroaches over a portion of the vernal pool. Changing the road alignment (i.e., 100 ft to the north) would not prevent the vernal pool from being impacted for the following reasons. In order to stabilize the landslide to adequately support the proposed road alignment extensive amounts of grading in the form of buttresses, shear keys and landslide removals need to occur outside of the proposed grading footprint. The anticipated remedial grading envelope far exceeds the proposed grading footprint and encroaches into large portions of the natural areas as shown on AESEGI Plate I and Figure 2 (8/13/2010 report). The preliminary limits of a potential grading envelope are also shown in Impact Sciences Draft EIR on Figures 4.2-2 and 4.7-3. The reason the remedial grading envelope extends so far to the south of the road is because the ascending slopes south of the road consist entirely of landslide

> materials which dip (tilt) downhill towards the road. The preliminary shear key shown north of the road (AESEGI, Plate I) stabilizes the landslide mass from movement with respect to the deep seated (140 ft deep) basal landslide plane. However, the landslide material above the road (uphill) has many internal planes of weakness that can cause it to fail downhill and damage the road. The proposed cut slopes and natural slopes uphill of the road will need to be stabilized via remedial grading measures that encroach into the area of the vernal pool. Due to the extensive remedial grading measures needed to stabilize the megalithic landslide complex moving the road to the north does not significantly affect the limits of remedial grading with respect to the vernal pool.

Due to these issues, the impact to the vernal pool has been identified as an unavoidable significant impact. The revised Draft EIR includes additional details regarding creation of a vernal pool elsewhere on site. This measure will attempt to recreate the vernal pool and would include translocating the soil and plant materials from the existing vernal pool to the created one. A vernal pool creation and monitoring plan will be prepared and provided to CDFW for comment and guidance. However, since this would be an experimental effort to lessen the impacts, it would not reduce the impacts to the existing vernal pool to less than significant so the result would remain an unavoidable significant impact. Mitigation Measure MM 4.2-12 has been revised in part to reduce impacts to vernal pools, and emphasizes the resulting impacts to the vernal pool and the listed vernal pool fairy shrimp and spreading navarretia would remain significant.

Response B4-5

Please see response to **Response B4-4**, above.

Response B4-6

The commenter notes that adverse project impacts to state and federally Threatened or Endangered and/or Candidate species and state fully protected species are considered significant under CEQA (*State CEQA Guidelines* Sections 15380(b)(c)). CEQA provides protection not only for state and federally listed species, but for any species including, but not limited to, California Species of Special Concern. Detection of state and federally listed species and candidates may require consultation with the CDFW regarding permitting under the California Endangered Species Act (CESA).

The Draft EIR recognizes the significance of impacts to Listed and otherwise sensitive species. Section 4.3, Biological Resources, page 4.2-41 identifies impacts to vernal pool fairy shrimp as an unavoidable significant impact. Additionally, on pages 4.2-41 and 4.2-42, impacts to western spadefoot toad are recognized as potentially significant and mitigation to reduce impacts to western spadefoot is included under MM 4.2-12. This mitigation measure includes the requirement to consult with CDFW prior to implementation. Potentially significant impacts are also identified for several additional special-status

species and mitigation measures to reduce those impacts to a less than significant level are identified in the Draft EIR.

Response B4-7

The commenter states that the CDFW recommends additional focal plant surveys due to the large size of the project area (102) acres and the relatively short duration of previous surveys (two days in April, 2010). The Draft EIR references the potential for numerous sensitive plant species to occur in the area such as: Nevins's barberry (*Berberis nevinii*); slender-horned spineflower (*Dodecahema leoptoceras*); California orcutt grass (*Orcuttia californica*); and San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*).

Initial surveys for rare plants were conducted to determine the likelihood of occurrence of rare plants on the subject property and three sensitive species were identified. Actual construction of the road is not expected to occur in the immediate future. Within one year of proposed construction, and during the appropriate season, additional rare plant surveys shall be conducted on the subject property pursuant to the CDFW recommended survey protocol. Corrections to Section 4.2, Biological Resources, page 4.2-38 of the Draft EIR have been made. Please see **Section 3.0, Corrections and Additions,** included in the Final EIR for the actual text revisions.

Response B4-8

The commenter states that the CDFW's rare plant survey guidelines "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf) provide a good reference.

Please see **Response B4-7**, above.

Response B4-9

The commenter recommends an updated protocol level survey (July – November 2010 was previous survey date) for coastal California gnatcatcher (*Polioptila californica californica*) because of the proposed impacts to coastal scrub and the expanding population of coastal California gnatcatcher in the general area. The CDFW recommends that protocol surveys be conducted within one year of the project implementation, including vegetation removal and construction, to better determine the status of coastal California gnatcatcher in the project area.

Actual construction of the road is not expected to occur in the immediate future. Within one year of proposed construction additional focused surveys for California gnatcatcher shall be conducted on the subject property pursuant to the USFWS recommended survey protocol. Corrections to Section 4.2,

Biological Resources, pages 4.2-28 and 4.2-44 of the Draft EIR has been made and Mitigation Measure MM 4.2-9, page 4.2-58 of the Draft EIR has been developed that include the requirement for additional focused surveys. Please see **Section 3.0, Corrections and Additions,** included in the Final EIR for the actual text revisions.

Response B4-10

The comment provides factual background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response B4-11

The commenter states that Mitigation Measure MM 4.2-11 relates to the impacts of the vernal pool and is concerned about the impacts of the proposed project on vernal pool habitat on-site and recommends that project alternatives be designed to avoid all vernal pools to facilitate the conservation of these sensitive biological resources in lieu of vernal pool habitat creation for spadefoot and vernal pool fairy shrimp. Vernal pool creation is very difficult and often fails. The existing natural vernal pool on the project site is rare in our Southern California coastal ecoregion, in part because of the quality of the existing upland habitats, including Riversidean sage scrub and chaparral. The ecological value of this vernal pool habitat and associated uplands is high and conserving this natural area in perpetuity is recommended. The conservation of the pool area and uplands could help offset other biological impacts that will occur during the project implementation.

Please see **Response B4-4,** above.

Response B4-12

This comment is an introduction to comments that follow. No further response is required.

Response B4-13

The commenter recommends adding an additional measure to better reduce potential impacts to nesting birds. All migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 CFR Section 10-13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory non-game birds as listed under the MBTA.

Impacts from project activities (including but not limited to staging and disturbances to native and non-native vegetation, structures, and substrates) should occur outside of the avian breeding season which

generally runs from March 1 to August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If project activities cannot avoid the avian breeding season, nest surveys should be conducted and active nests should be avoided and provided with a minimum buffer as determined by a biological monitor. The CDFW generally recommends a minimum 300-foot nest avoidance buffer or 500 feet for all active raptor nests.

Mitigation Measure MM 4.2-8 addresses the need for nesting bird surveys. However, clarification has been made within this measure. The requested correction to Section 4.2, Biological Resources, pages 4.2-57 and 4.2-58 of the Draft EIR has been made. Please see the portion of the Via Princessa East Extension Final EIR entitled "Revised Draft EIR Pages" for the actual text revision.

Response B4-14

The City acknowledges your input and comment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Letter No. C1

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

September 11, 2012

Harry Corder, Senior Engineer
City of Santa Clarita
Community Development Department
23920 Valencia Boulevard, Suite 302
Santa Clarita, CA 91355

Dear Mr. Corder:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE VIA PRINCESSA EAST EXTENSION, MASTER CASE 09-108, STATE CLEARINGHOUSE NO. 2009091110, PROJECT SITE ENCOMPASSES 16 PARCELS, APPX. 2 MILES NORTH OF STATE ROUTE 14, CONSTRUCTION OF A NEW ROADWAY SEGMENT OF VIA PRINCESSA BETWEEN GOLDEN VALLEY ROAD AND THE EXISTING ROADWAY TERMINUS NEAR SHELDON AVENUE, PRIMARY EAST-WEST ARTERIAL THROUGH THE CITY OF SANTA CLARITA (FFER #201200115)

The Draft Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION:

1. We have no comments at this time. 1

LAND DEVELOPMENT UNIT:

1. The County of Los Angeles Fire Department, Land Development Unit appreciates the opportunity to comment on this project. 2

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, 3

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA MIRADA	MALIBU	POMONA	SIGNAL HILL
ARTESIA	CARSON	DUARTE	HUNTINGTON PARK	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH EL MONTE
AZUSA	CERRITOS	EL MONTE	INDUSTRY	LAKEWOOD	NORWALK	ROLLING HILLS	SOUTH GATE
BALDWIN PARK	CLAREMONT	GARDENA	INGLEWOOD	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	TEMPLE CITY
BELL	COMMERCE	GLENDORA	IRWINDALE	LAWNDALE	PALOS VERDES ESTATES	ROSEMEAD	WALNUT
BELL GARDENS	COVINA	HAWAIIAN GARDENS	LA CANADA FLINTRIDGE	LOMITA	PARAMOUNT	SAN DIMAS	WEST HOLLYWOOD
BELLFLOWER	CUDAHY	HAWTHORNE	LA HABRA	LYNWOOD	PICO RIVERA	SANTA CLARITA	WESTLAKE VILLAGE
BRADBURY							WHITTIER

fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources and the County Oak Tree Ordinance. 3

2. The areas germane to the statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division have been addressed. 4

HEALTH HAZARDOUS MATERIALS DIVISION: 5

1. The Health Hazardous Materials Division has no objection to the proposed project.

If you have any additional questions, please contact this office at (323) 890-4330. 6

Very truly yours,

Frank Vidales

FRANK VIDALES, ACTING CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:ij

Letter No. C1. County of Los Angeles Fire Department

County of Los Angeles Fire Department
1320 North Eastern Avenue
Los Angeles, CA 90063-3294
Frank Vidales, Acting Chief, Forestry Division Prevention Services Bureau
September 11, 2012

Response C1-1

This comment is an introduction to comments that follow. No further response is required.

Response C1-2

The comment raises issues that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response C1-3

The comment provides factual background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response C1-4

The comment raises issues that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response C1-5

The comment raises issues that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response C1-6

The comment is noted. No further response is required given that the comment does not address or question the content of the Draft EIR.

Letter No. D1

Via Princessa East Extension Project Public Comments

Although I attended the 9/6 meeting, my vocal comments were not properly put up on the screen. 1

I live in the May Way "horseshoe" which includes La Mesa Jr. High School. There are two time windows, morning and afternoon, when traffic is jammed as school is either starting or being dismissed. Although May Way has a 3-way stoplight at Via Princessa, the other end of the horseshoe, Canyon Terrace Way, has only a stop sign at Via Princessa and autos can only turn right after waiting for traffic to clear. In addition to the auto traffic, there are children everywhere trying to walk to or from school. 2

La Mesa has a unique situation as the vast majority of its 1200 students live on the other (north) side of Via Princessa and therefore must cross Via Princessa. This results in a very dangerous situation for both those walking and those driving.

This extension will result in a significant increase in traffic on Via Princessa making an already bad situation even worse. 3

1. Consider adding special student drop off/pick up lanes on Via Princessa near May Way to relieve auto congestion on the May Way horseshoe. 4

2. Consider a pedestrian over-crossing for Via Princessa to facilitate the safe crossing by students. 5

Over-crossings, have been used in Valencia for many years as part of the Paseo system. It is time to now make one here in Canyon Country to keep our students safe. 6

Gordon Uppman
19707 Skyview Ct.
252-5527

Gordon Uppman

Letter No. D1. Mr. Gordon Uppman

Mr. Gordon Uppman
19707 Skyview Court
Santa Clarita, CA 91351
September 12, 2012

Response D1-1

This comment is an introduction to comments that follow. No further response is required.

Response D1-2

The comment provides factual background information concerning students crossing Via Princessa form La Mesa Jr. High School only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D1-3

The commenter is concerned that the proposed project would result in a significant increase in traffic on Via Princessa, further exacerbating the existing traffic conditions. Draft EIR, Section 4.10, Transportation and Circulation, page 4.10-29 states:

> The extension of Via Princessa would be anticipated to carry approximately 5,000 ADT in the Interim Year. Golden Valley Road would be forecast to gain approximately 1,000 ADT in the vicinity of the extension.
>
> There would be an increase of 2,000 ADT, as a result of the proposed project, along Via Princessa east of Rainbow Glen Drive, and a decrease of 1,000 ADT along Rainbow Glen Drive north of Via Princessa. No measurable change in ADT volumes would occur along Isabella Parkway north of Via Princessa.

The Draft EIR concludes that with mitigation, impacts to transportation and circulation would be less than significant.

Response D1-4

The commenter suggests that the proposed project add special student drop off/pick up lanes near May Way to relieve congestion on the May Way horseshoe. The traffic study prepared for the Draft EIR did not conclude that the proposed project would create congestion on the May Way horseshoe. There is no nexus pursuant to CEQA that requires that the project provide a special student drop off/pickup area.

State CEQA Guidelines Section 15126.4(a)(4) explains, in part:

> Mitigation measures must be consistent with all applicable constitutional requirements, including the following:
>
> (A) There must be an essential nexus (i.e., connection) between the mitigation measure and a legitimate governmental interest. (*Nollan v. California Coastal Commission*, (483 US 825 (1987); and
>
> (B) The mitigation measure must be 'roughly proportional' to the impacts of the project. *Dolan v. City of Tigard*, 512 US 374 (1994) *(Emphasis added.)*

The two US Supreme Court cases cited in *State CEQA Guidelines* frame the constitutional limitations on public access easements. *Nollan v. California Coastal Commission* (1987) 483 US 825 holds that there must be an "essential nexus" between the burden created by a project and the exaction or mitigation measure imposed to address it. In other words, there must be a precise match between the condition imposed and the specific type of burden on access created by the project. *Dolan v. City of Tigard* (1994) 512 US 374 holds that in addition to satisfying the *Nollan* "nexus" requirement, there must be "rough proportionality" between a condition and extent of the impact it is supposed to mitigate. The Court explained: "No precise mathematical calculation is required, but the City must make some sort of *individualized determination* that the required dedication is related *both in nature and extent* to the impact of the proposed development."

No further response is required.

Response D1-5

The commenter suggests the construction of a pedestrian over-crossing for Via Princessa to facilitate the safe crossing by students. Please see **Response D1-4** about regarding nexus of the proposed over-crossing improvement.

Response D1-6

The comment provides factual background information only concerning the use of over-crossings and paseos in the City of Santa Clarita and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

The comment only expresses the opinions of the commenter concerning the construction of an over-crossing. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Letter No. D2

From: Jennifer Kilpatrick <jekilpatrick@hotmail.com>
Sent: Thursday, October 11, 2012 9:08 PM
To: Robert Newman; Harry Corder; James Chow
Subject: Comment on Draft Environmental Impact Report for Via Princessa East Extension
Attachments: NTS4Par2MapsEasternPrelimEndangeAssessSampRpt.pdf; NTSCourtofAppealOpinion.pdf; NTS5EasternAreaNoFurtherActionLetter.pdf; NTS4Part1EasternPrelimEndangermentAssessment.pdf

October 11, 2012

City of Santa Clarita
23920 Valencia Boulevard, Suite 302
Santa Clarita, CA 91355
Attention: Robert Newman, City Engineer
Harry Corder, Engineering Department
James Chow, Community Development Department

RE: Via Princessa East Extension Environmental Impact Report
Comment on Draft Environmental Impact Report
Public Interest Communication, Privileged Pursuant to California Code of Civil Procedure 425.16

Gentlemen:

I am writing to you with a specific, narrow comment on the Draft Environmental Impact Report ("**DEIR**") for the City of Santa Clarita ("**City**") construction of a 6 lane roadway with customary publicly owned road shoulder commonly described as the Via Princessa East Extension, located in part on land owned or formerly owned by ETCR, Inc., a California corporation (the "**Project**" and "**ETCR**" respectively). 1

The DEIR discusses both man made hazards involving the Project and alternative roadway routes for the Project, one of which would directly connect with the northern ending cul-de-sac of Robert Lee Parkway, immediately to the east of Golden Valley High School (the "**Lee Alternative**"). In short, the focus of this comment is the failure of the DEIR's authors to connect those two topics and evaluate the risks of grading land and constructing a new road on real estate where ETCR's sister company and tenant NTS Technical Systems ("**NTS**") formerly did outdoor explosive testing of ordnance and ammunition. 2 The risk to human health created by the Project or the Project Alternatives, including the Lee Alternative, which the DEIR fails to discuss, potentially exposes City employees and its contractors employees to unexploded ordnance ("**UXO**") on the "Eastern ETCR Property" during construction of the Project. The "**Eastern ETCR Property**" is shown in red cross-hatching on the first attachment to this letter. 3

As the Santa Clarita City Manager and the City Engineer know, the Eastern ETCR Property was, for many years, used as an outdoor ordnance testing facility by NTS. Through the City's trial lawyers Burke Williams & Sorensen, after a full court trial in mid 2003, the City condemned a portion of ETCR's property, in Los Angeles Superior Court Case No. BC214551 City of Santa Clarita v. National Technical Services, which was also the subject of California Second District Court of Appeal Case. No. B169596 (collectively the "**City Condemnation Case**"). 4

1

This DEIR comment is intended to make the City Community Development and Engineering staff members and the City's EIR preparation consultant aware of information from the City Condemnation Case which is in the possession of the City's own trial attorneys, Burke Williams & Sorensen, and which was discussed with the City Council after the ending of the City Condemnation Case trial, concerning historical outdoor explosive ordnance and ammunition testing on the south-east portion of the ETCR Property, whose location is illustrated on the first attachment to this letter and which is outlined in *red cross-hatching* to show the Eastern ETCR Property. The first attachment this comment is an aerial photo/map exhibit to a Preliminary Endangerment Assessment Sampling Report prepared by a consultant to ETCR and NTS and submitted to the California Department of Toxic Substances Control ("**DTSC**"). The Eastern ETCR Property *is due north of the Golden Valley High School property* and the Robert Lee Parkway. See in particular the Upper Arena area and the Lower Arena areas in the far south-eastern corner of the Eastern ETCR Property shown on Figure 11 which is the last page of the first attachment. According to NTS' management employees testimony in the City Condemnation Case and the "District Cases" described below, the Upper Arena and the Lower Arena, shown in the south east corner of the Eastern ETCR Property on the last page of the first attachment are said to be where some of NTS' outdoor explosive testing of ordnance and ammunition occurred. 5 6

To protect the safety of City employees and contractor employees who will be physically involved in construction of the Project which is the subject of the DEIR, the second purpose of this DEIR comment is to ask the City to amend the DEIR to include information drawn from the City's trial attorneys' copies of the Mid-2003 trial transcript, and ETCR/NTS employee deposition transcripts, taken in the City Condemnation Case, to reflect *where* the outdoor explosive testing of ordnance and ammunition on the Eastern ETCR Property occurred. As Santa Clarita City Engineer Robert Newman will remember, when the City built Golden Valley Road in its north-south alignment which passes through the Whittaker Bermite property (DTSC Area OU1A), in order to protect the safety of construction workers and other onsite City and contractor personnel, DTSC required that the owner of the Whittaker Bermite property pay for investigation of the road right of way to search for unexploded ordnance, commonly called "**UXO**". 7 8

Adding text to the subject EIR, in the form of a description of *where* the outdoor ordnance and ammunition testing occurred on the ETCR Property, is essential to make sure that the City can construct the Via Princessa Eastern Extension, specifically including any alternative road right of way explored in Part 6 of the DEIR, such as the Lee Alternative, *without having to conduct a search for UXO and without putting City employees and construction contractor employees at risk of harm from coming in contact with UXO.* 9

The most likely locations to find errant UXO are the Upper Arena and Lower Arena, at south east corner of the Eastern ETCR Property shown on the first attachment, Figure 11 on the last page, according to ETCR and NTS management employees testimony in the City Condemnation Case and the Hart District Cases described below. 10

It is not mere speculation that outdoor ordnance and ammunition testing occurred on the Eastern ETCR Property. Testimony of NTS and ETCR management employees, *under penalty of perjury*, concerning outdoor explosive ordnance and ammunition testing on the ETCR Property is contained in the mid 2003 trial transcript in the City Condemnation Case, and in the deposition transcripts for the City Condemnation Case, which are in the possession of the City's trial attorneys, Burke Williams & Sorensen. The proof of the history of outdoor ordnance and ammunition testing on the ETCR Property, and particularly in that property's south eastern corner, is also contained in the full California Second District Court of Appeal opinion in the City Condemnation Case, which is the second attachment to this comment. 11

For many years NTS conducted outdoor explosive testing of military ordnance on the Eastern ETCR Property, including explosions of both ammunition and "bombs". NTS' and ETCR's management employees testified that there were no government regulations in effect which precluded NTS from continuing to test small, medium sized or large ordnance outdoors on the Eastern ETCR Property *even after* Golden Valley Road and Golden 12

Valley High School were constructed:

12

"At trial appellants...called as witnesses Jack Lin, ETCR's president and NTS's chief executive officer; Lloyd Blonder, NTS's chief financial officer; Victor Alfano, NTS's business development manager; William Lawrence, an aerospace engineer; Ralph Clements, NTS's financial expert; and Willy Sebert, NTS's director of safety...Lin opined that the only major event which would account for revenue decline was GVR [Golden Valley Road]. He testified that the Saugus/Santa Clarita facility no longer performed tests involving "any large bomb or munitions". He admitted, however, this facility had been downgraded regarding large explosion testing after a neighboring property, whose owner had agreed to allow NTS to use it as a buffer zone, was sold and that afterwards, the facility was only capable of small arena range tests. He also testified that the facility no longer performed certain tests because of the possibility of air toxins. He acknowledged the danger of a toxic cloud wafting over GVR might extend beyond to neighboring properties...[F]rom a legal point of view, Lin admitted NTS could run smaller ballistics testing and there was no buffer zone or other governmental safety which prevented the Saugus/Santa Clarita facility which were done before GVR [was built]. He also admitted no analysis had been performed to determine if any tests could no longer be performed since GVR was constructed. Clements was unaware of any tests which were precluded or reduced due to GVR. Seebert was unable to provide specifics, but he admitted that any particular test he could identify would be within the applicable government regulations. Lawrence was also unaware of any government documents precluding certain tests because of GVR."

13

The DTSC does not have, in its online Envirostor concerning the Eastern ETCR Property (aka the NTS Property), any public records showing exactly where and how frequently outdoor ordnance ammunition testing occurred on the Eastern ETCR Property, yet it is that outdoor ordnance and ammunition testing which creates the risk of UXO harming City employees or contractor employees while the Project or a "Project Alternative" roadway is being graded and constructed on the Eastern ETCR Property.

14

In 2007 DTSC issued a "No Further Action Letter" for the Eastern ETCR Property (third attachment) pursuant to the Preliminary Endangerment Assessment Sampling Report for that Eastern ETCR Property (fourth attachment) which *did not* include any thorough and comprehensive UXO search or any UXO removal program for the area(s) where outdoor ordnance and ammunition testing occurred, akin to the search which was conducted for the City before Golden Valley Road was constructed on the Whittaker Bermite property.

15

Instead, to prepare the Preliminary Endangerment Assessment Sampling Report on which DTSC relied, only two surface soil samples and four subsurface soil samples were taken in the Upper Arena area and only two surface soil samples and four subsurface soil samples were taken in the Lower Arena area. (See fourth attachment, page 11 and third attachment Figure 3 for soil sample locations.)

16

It should be noted that the deposition and trial testimony by NTS management employees in the City Condemnation Case, which specifically described NTS' outdoor ordnance testing operations *after* those employees were given a oath which acknowledged that their answers were going to be given *under penalty of perjury*, gives a far more comprehensive view of NTS historical outdoor ordnance and ammunition testing. Copies of the deposition and trial transcripts of the NTS management employees were *not* given to DTSC in connection with DTSC's issuance of the No Further Action letter (third attachment here). Nowhere in DTSC's public files does ETCR or NTS or any of their consultants disclose the information about explosive testing on the Eastern ETCR Property which NTS and ETCR's management employees testified to, under penalty of perjury, in the City Condemnation Case trial and depositions, and which those NTS and ETCR's management employees testified to, by way of declaration under penalty of perjury, in the Hart District Cases described below.

17

In contrast the reports given to the DTSC *by independent contractors of ETCR*, which were based on information from ETCR and NTS employees given to ETCR's independent contractors, *are not supplied under*

18

oath or under penalty of perjury. As is common with independent contractor consultants who are paid by property owners to prepare reports for DTSC, the "sins of omission" of material pertinent information are common.

18

One might uncharitably say that ETCR's and NTS' management employees were telling one story about outdoor explosive ordnance and ammunition testing to the Superior Court judge and a different story on the same topic to ETCR's and NTS' independent contractors who prepared reports for DTSC.

19

In fact, during the course of the William S. Hart High School District's condemnation of parts of the ETCR Property to obtain more land for the northern portion of the Golden Valley High School site, in Los Angeles Superior Court Case No. BC221326 (William S. Hart High School District v. ETCR aka the "**Hart District Cases**") the Hart District's trial lawyer attempted to obtain an order from Los Angeles Superior Court Eminent Domain Specialist Commissioner Mitchell, ordering NTS and ETCR to allow the Hart District's geologist to enter the Eastern ETCR Property to do a walking survey and mapping of traces of the San Gabriel Fault found at the southern end of the Eastern ETCR Property where it abutted the Hart District's school site. (I personally attended the hearing before Commissioner Mitchell on the Hart District's application for that order.)

In the Hart District Cases, NTS' management employee filed at least one Declaration under penalty of perjury with the court, describing NTS' operations including outdoor explosive ordnance and ammunition testing, and during that court hearing NTS's president and attorney flatly refused to allow the Hart District's geologist to do that walking tour of the south east corner of the Eastern ETCR Property unless (1) the geologist signed a personal injury release of NTS and ETCR and (2) the Hart District provided an endorsement to its liability insurance policy, naming NTS and ETCR as additional insureds, to provide insurance coverage to protect NTS and ETCR in case the Hart District's geologist was hurt, or hurt others, while conducting his inspection and mapping of the south eastern portion of the Eastern ETCR Property.

20

NTS' and ETCR's reason for requiring that release to be signed by the Hart District's geologist and that insurance coverage was stated to be a fear of exposure of the geologist to UXO because NTS had been testing ordnance for many years in the area where the geologist would walk, inspect and map. Commissioner Mitchell entered an order that the Hart District's geologist could enter the Eastern ETCR Property to do his inspection and mapping, but required that NTS and ETCR first receive the release and the insurance endorsement they requested. Understandably, the Hart District's geologist was reluctant to put himself at risk of physical harm, and declined to execute the release. As a result, the mapping of the San Gabriel Fault traces along the southern portion of the Eastern ETCR Property did not occur in connection with the Hart District's construction of its high school.

Based on trial testimony and declarations by ETCR and NTS management employees made or filed *under penalty of perjury* in the City Condemnation Case and in the Hart District Cases, it appears that much of the outdoor explosive ordnance and ammunition testing occurred on the far south east corner of the Eastern ETCR Property, in the general vicinity of Upper Arena area and the Lower Arena area. (That information is confirmed in pre-2003 City of Santa Clarita files on NTS operations, where residents of the Friendly Valley neighborhood wrote to the City complaining about the intensity of the explosions coming from the NTS property. The NTS files also show that former Santa Clarita City Councilwoman asked her fellow Council members and the senior City staff to prepare an amendment to the City's zoning regulations so that a Conditional Use Permit would have been required of NTS before more outdoor explosive ordnance testing could continue. The senior staff and other Council members declined to follow Councilwoman Klajic's suggestion in that regard.)

21

The DEIR on the Project should be supplemented to illustrate where NTS' outdoor explosive ordnance and ammunition testing occurred, so that the City's decision makers can decide whether to take the risk of road-building in that same area without a full UXO survey being conducted concerning the road right of way.

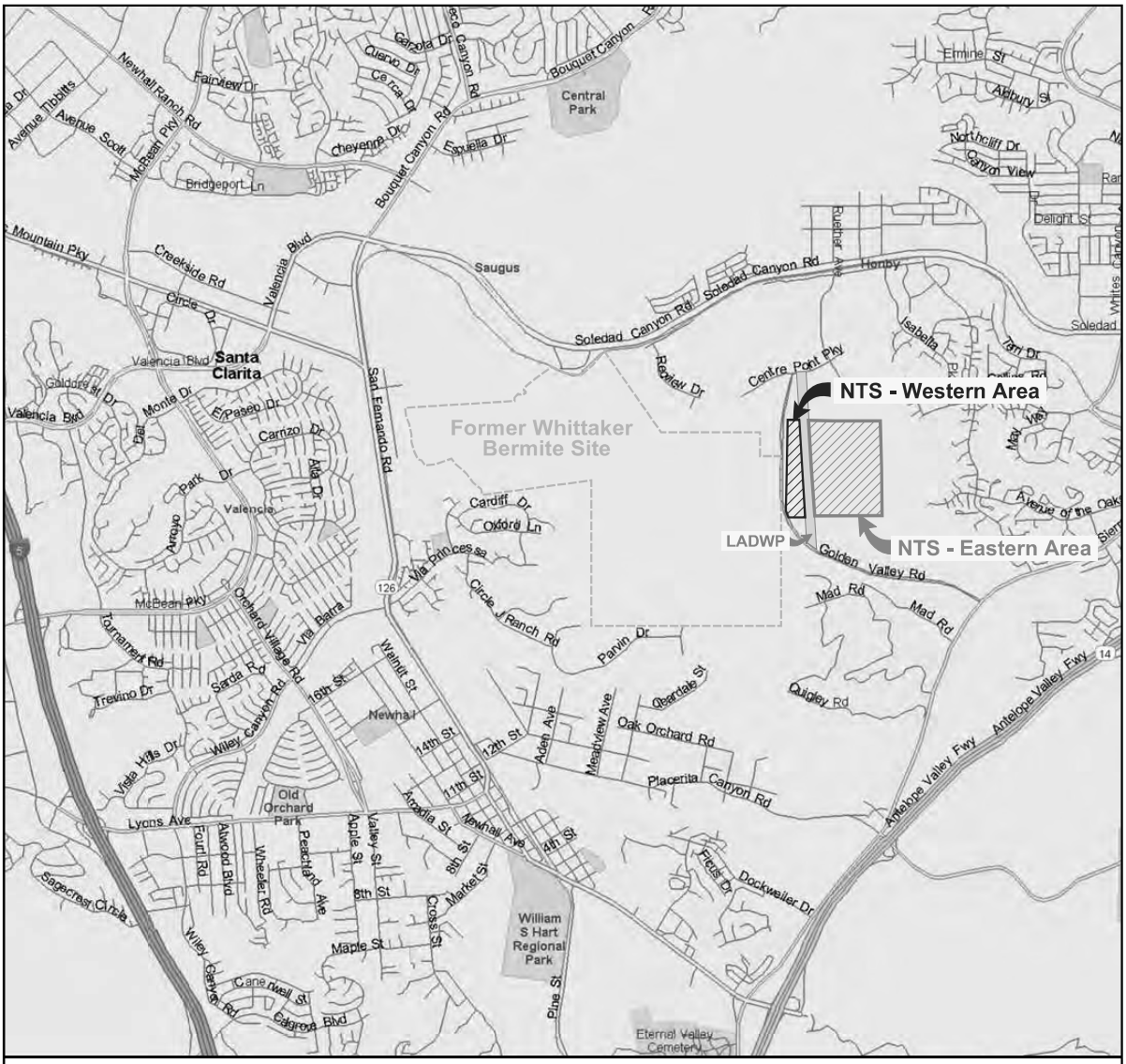
22

Sincerely,

Jennifer Kilpatrick
(281) 813-3158

cc: Lynne Plambeck, President, SCOPE
Cam Noltemeyer, Board of Directors Member, SCOPE
Debbie Raphael, Director DTSC

5



NTS = National Technical Systems

Note: The eastern and western areas of the NTS Facility are separated by an electrical power transmission line corridor owned by City of Los Angeles Department of Water and Power (LADWP). The corridor also contains an underground aqueduct pipeline.

N

0 1.0 2.0 mi

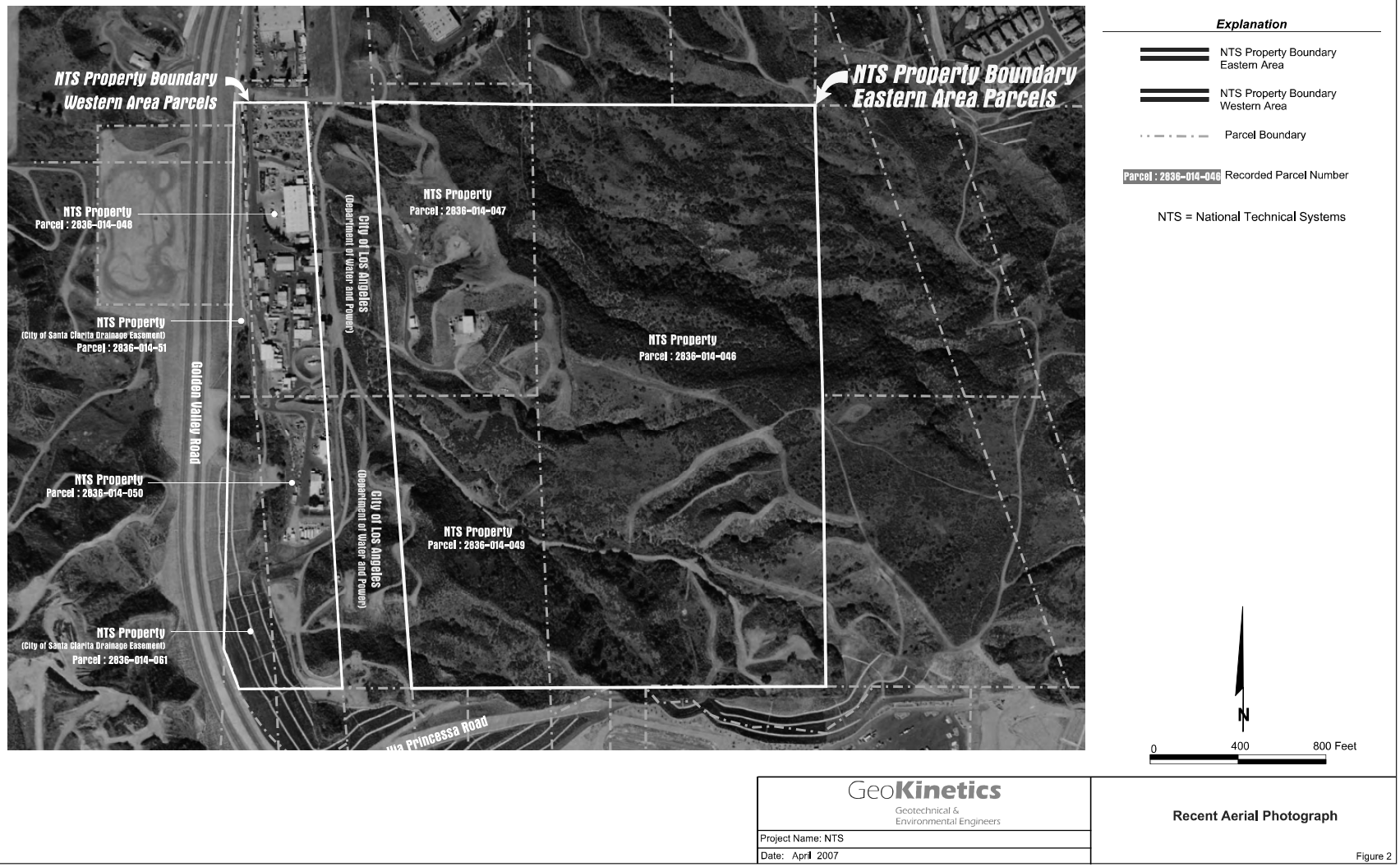
GeoKinetics
Geotechnical & Environmental Engineers

Project Name: NTS

Date: April 2007

Site Location

Figure 1


NTS Property Boundary
Western Area Parcels
NTS Property Boundary
Eastern Area Parcels
NTS Property
Parcel : 2836-014-048
NTS Property
(City of Santa Clarita Drainage Easement)
Parcel : 2836-014-51
NTS Property
Parcel : 2836-014-050
NTS Property
(City of Santa Clarita Drainage Easement)
Parcel : 2836-014-061
Golden Valley Road
City of Los Angeles
(Department of Water and Power)
City of Los Angeles
(Department of Water and Power)
NTS Property
Parcel : 2836-014-047
NTS Property
Parcel : 2836-014-046
NTS Property
Parcel : 2836-014-049
Via Princessa Road
Explanation
NTS Property Boundary
Eastern Area
NTS Property Boundary
Western Area
Parcel Boundary
Parcel : 2836-014-046 Recorded Parcel Number
NTS = National Technical Systems
N
0
400
800 Feet
GeoKinetics
Geotechnical &
Environmental Engineers
Project Name: NTS
Date: April 2007
Recent Aerial Photograph
Figure 2

Explanation

- Soil Background Sample Location by GeoKinetics
- NTS Property Boundary Eastern Area
- NTS Property Boundary Western Area
- Parcel Boundary

NTS = National Technical Systems

PEA = Preliminary Endangerment Assessment

- Soil Sampling Locations Including Surface Samples and Subsurface Geoprobe Boring Samples

Soil Sampling Areas Included:

- Former Gun Range (GR-1, GR-2, GR-3)
- Former Test Pad (TP-1, TP-2)
- Former 60-Foot Drop Tower Pad (60DTP-1, 60DTP-2)
- Former Lower Arena (LA-1, LA-2)
- Former Upper Arena (UA-1, UA-2)
- Hazardous Materials Storage Area (HMS-1, HMS-2)
- Background Sampling Stations (BG-1, BG-2)

N

0 400 800 Feet

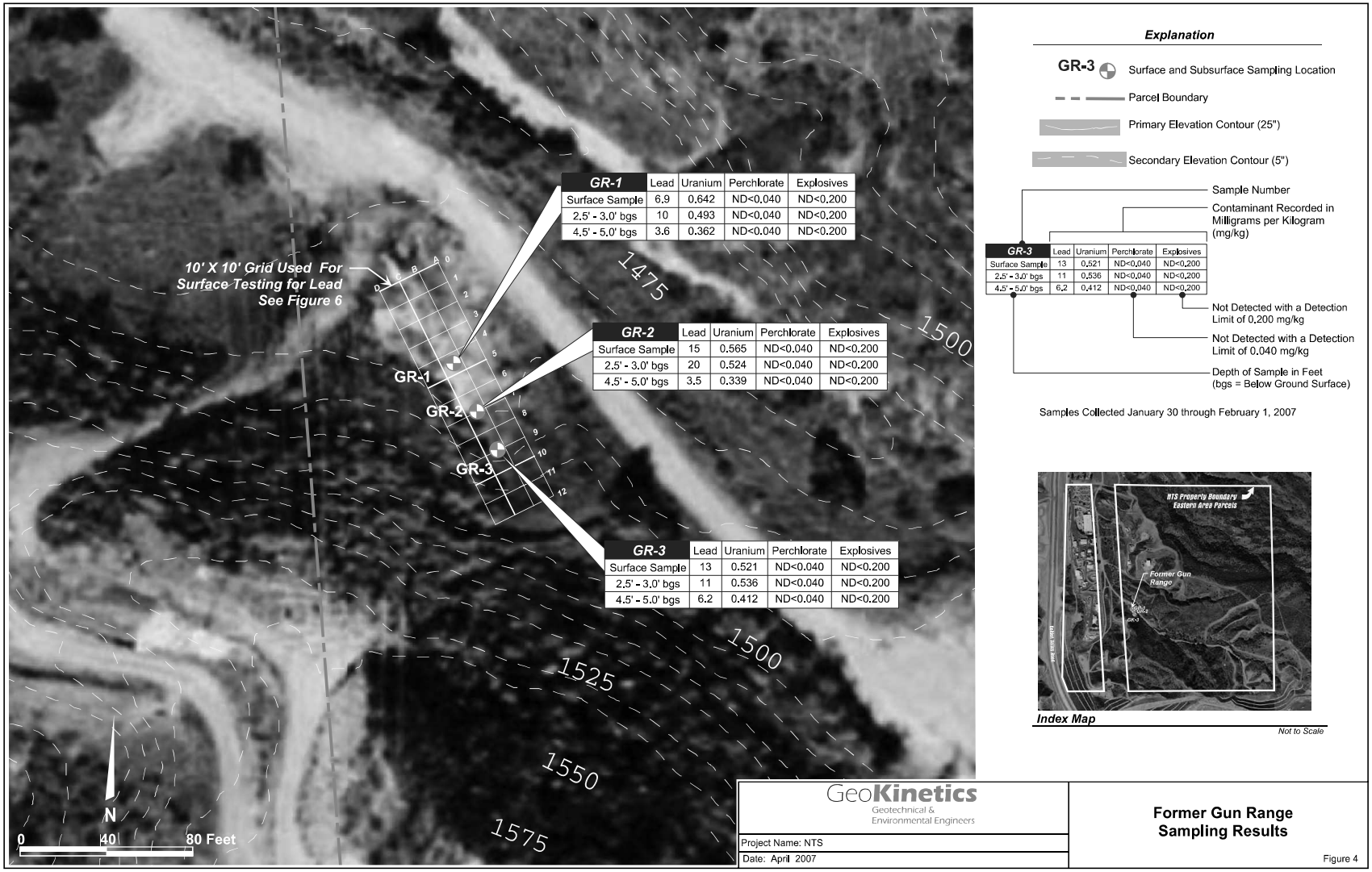
GeoKinetics
Geotechnical & Environmental Engineers

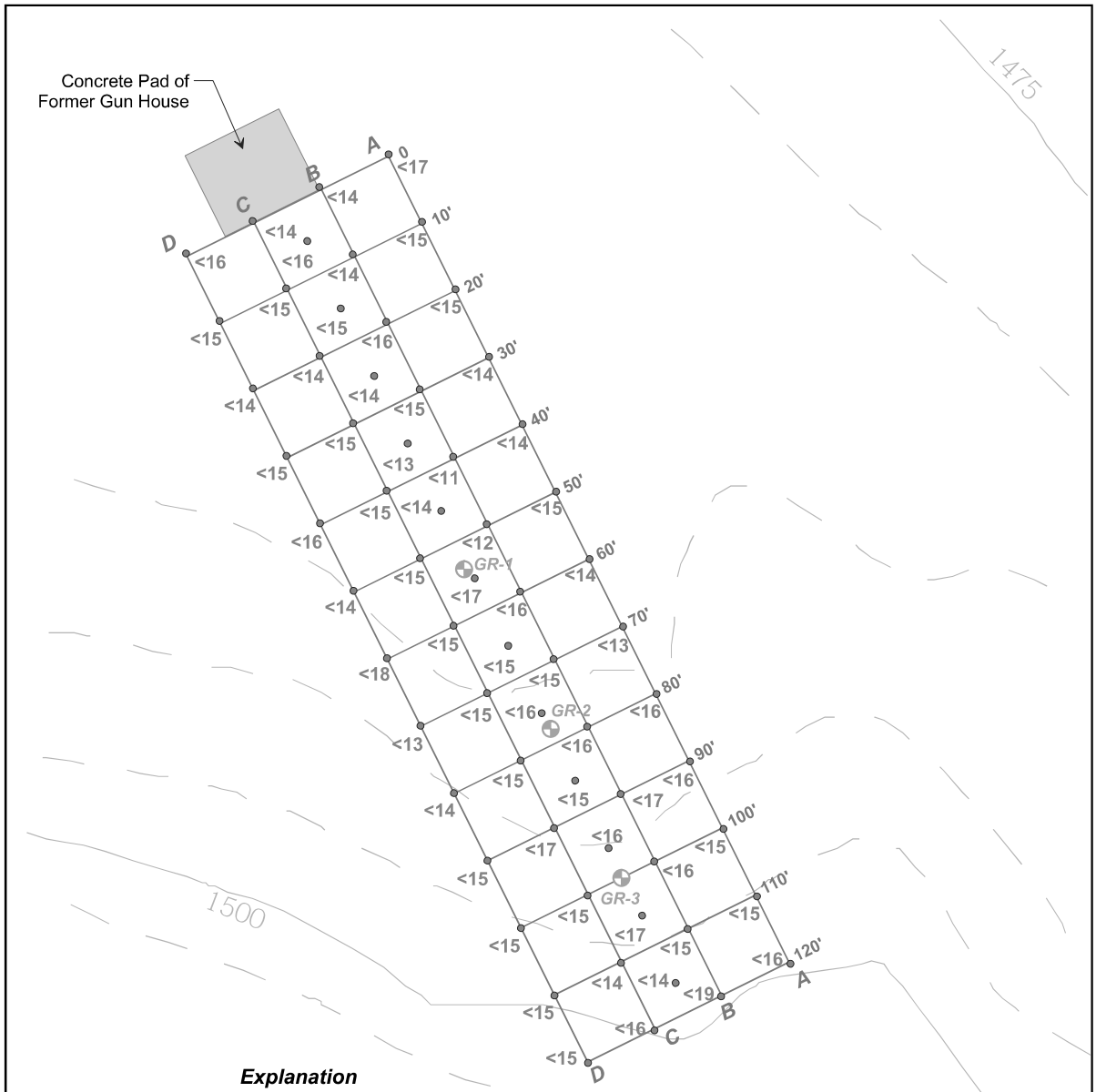
Project Name: NTS

Date: April 2007

Eastern Area Soil Sampling Locations

Figure 3


10' X 10' Grid Used For Surface Testing for Lead See Figure 6
GR-1
GR-2
GR-3
1475
1500
1500
1525
1550
1575
N
0
40
80 Feet
GR-1 | Lead | Uranium | Perchlorate | Explosives
Surface Sample | 6.9 | 0.642 | ND<0.040 | ND<0.200
2.5' - 3.0' bgs | 10 | 0.493 | ND<0.040 | ND<0.200
4.5' - 5.0' bgs | 3.6 | 0.362 | ND<0.040 | ND<0.200
GR-2 | Lead | Uranium | Perchlorate | Explosives
Surface Sample | 15 | 0.565 | ND<0.040 | ND<0.200
2.5' - 3.0' bgs | 20 | 0.524 | ND<0.040 | ND<0.200
4.5' - 5.0' bgs | 3.5 | 0.339 | ND<0.040 | ND<0.200
GR-3 | Lead | Uranium | Perchlorate | Explosives
Surface Sample | 13 | 0.521 | ND<0.040 | ND<0.200
2.5' - 3.0' bgs | 11 | 0.536 | ND<0.040 | ND<0.200
4.5' - 5.0' bgs | 6.2 | 0.412 | ND<0.040 | ND<0.200
Explanation
GR-3 Surface and Subsurface Sampling Location
Parcel Boundary
Primary Elevation Contour (25")
Secondary Elevation Contour (5")
Sample Number
Contaminant Recorded in Milligrams per Kilogram (mg/kg)
Not Detected with a Detection Limit of 0.200 mg/kg
Not Detected with a Detection Limit of 0.040 mg/kg
Depth of Sample in Feet (bgs = Below Ground Surface)
Samples Collected January 30 through February 1, 2007
NTS Property Boundary
Eastern Area Parcels
Former Gun Range
Index Map
Not to Scale
GeoKinetics
Geotechnical & Environmental Engineers
Project Name: NTS
Date: April 2007
Former Gun Range Sampling Results
Figure 4



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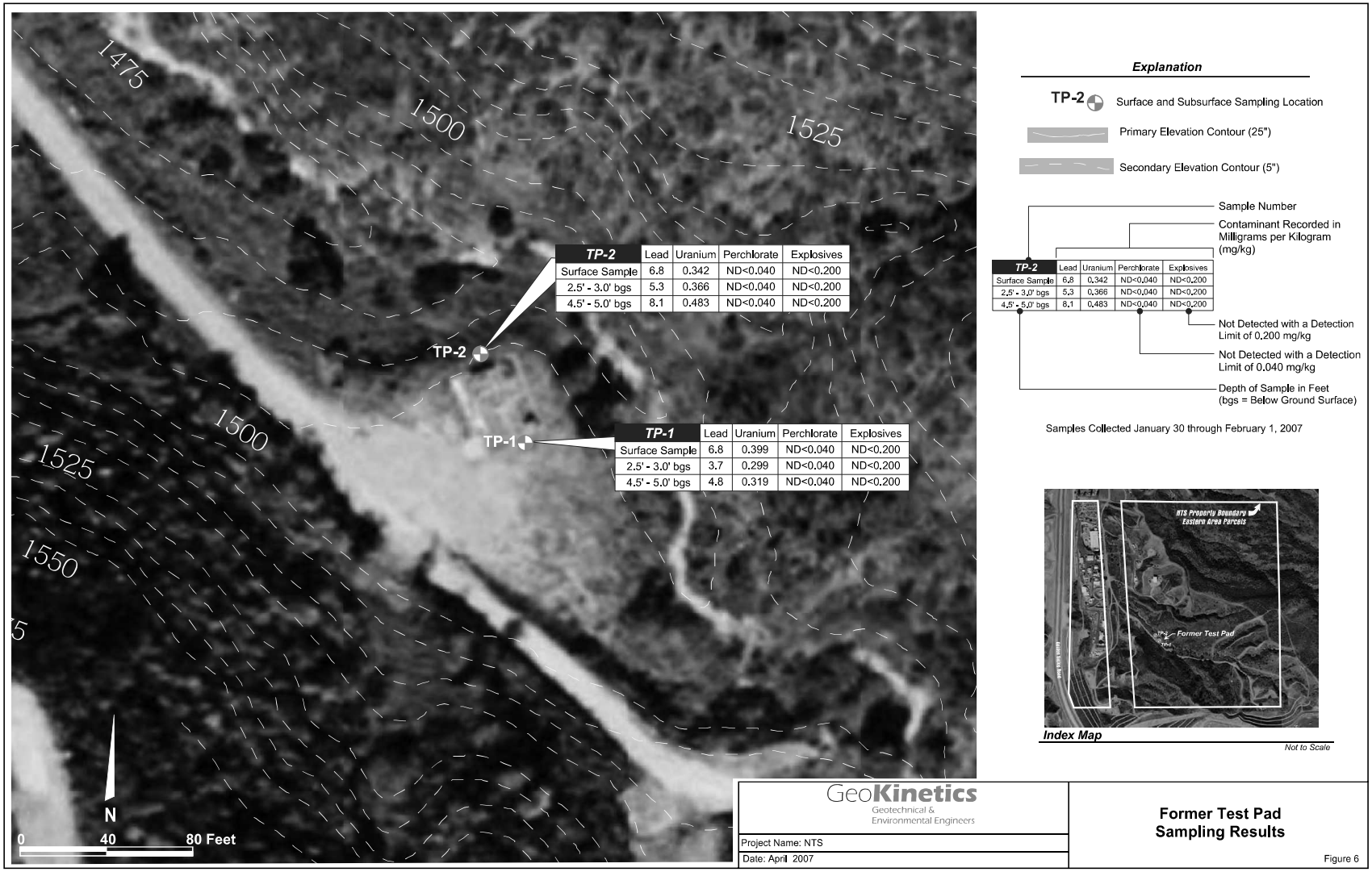
Geotechnical &
Environmental Engineers

Project Name: NTS

Date: April 2007

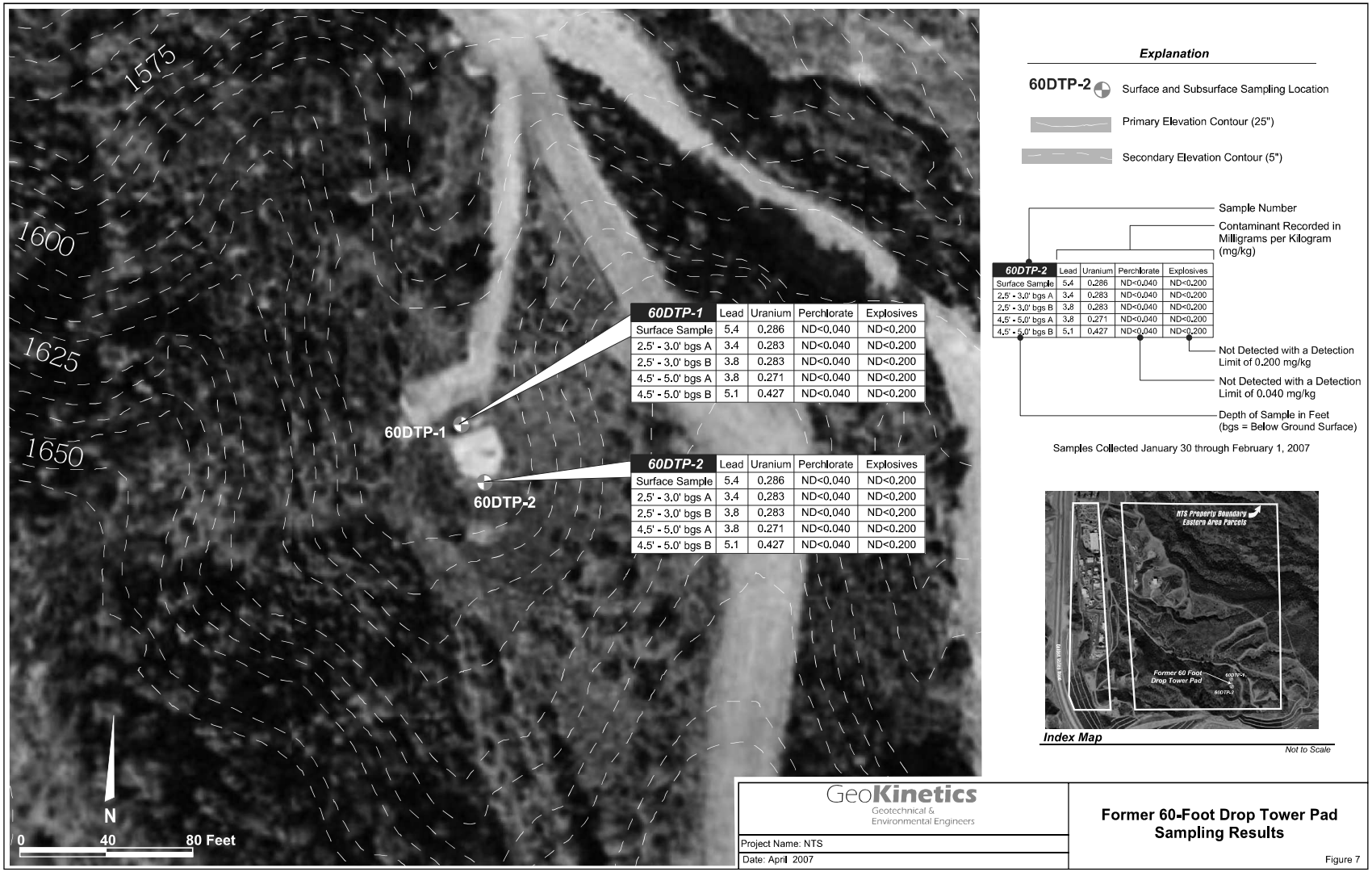
Former Gun Range
Results of XRF Surface Screening for Lead

Figure 5



TP-2	Lead	Uranium	Perchlorate	Explosives
Surface Sample	6.8	0.342	ND<0.040	ND<0.200
2.5' - 3.0' bgs	5.3	0.366	ND<0.040	ND<0.200
4.5' - 5.0' bgs	8.1	0.483	ND<0.040	ND<0.200

TP-1	Lead	Uranium	Perchlorate	Explosives
Surface Sample	6.8	0.399	ND<0.040	ND<0.200
2.5' - 3.0' bgs	3.7	0.299	ND<0.040	ND<0.200
4.5' - 5.0' bgs	4.8	0.319	ND<0.040	ND<0.200



60DTP-1	Lead	Uranium	Perchlorate	Explosives
Surface Sample	5.4	0.286	ND<0.040	ND<0.200
2.5' - 3.0' bgs A	3.4	0.283	ND<0.040	ND<0.200
2.5' - 3.0' bgs B	3.8	0.283	ND<0.040	ND<0.200
4.5' - 5.0' bgs A	3.8	0.271	ND<0.040	ND<0.200
4.5' - 5.0' bgs B	5.1	0.427	ND<0.040	ND<0.200

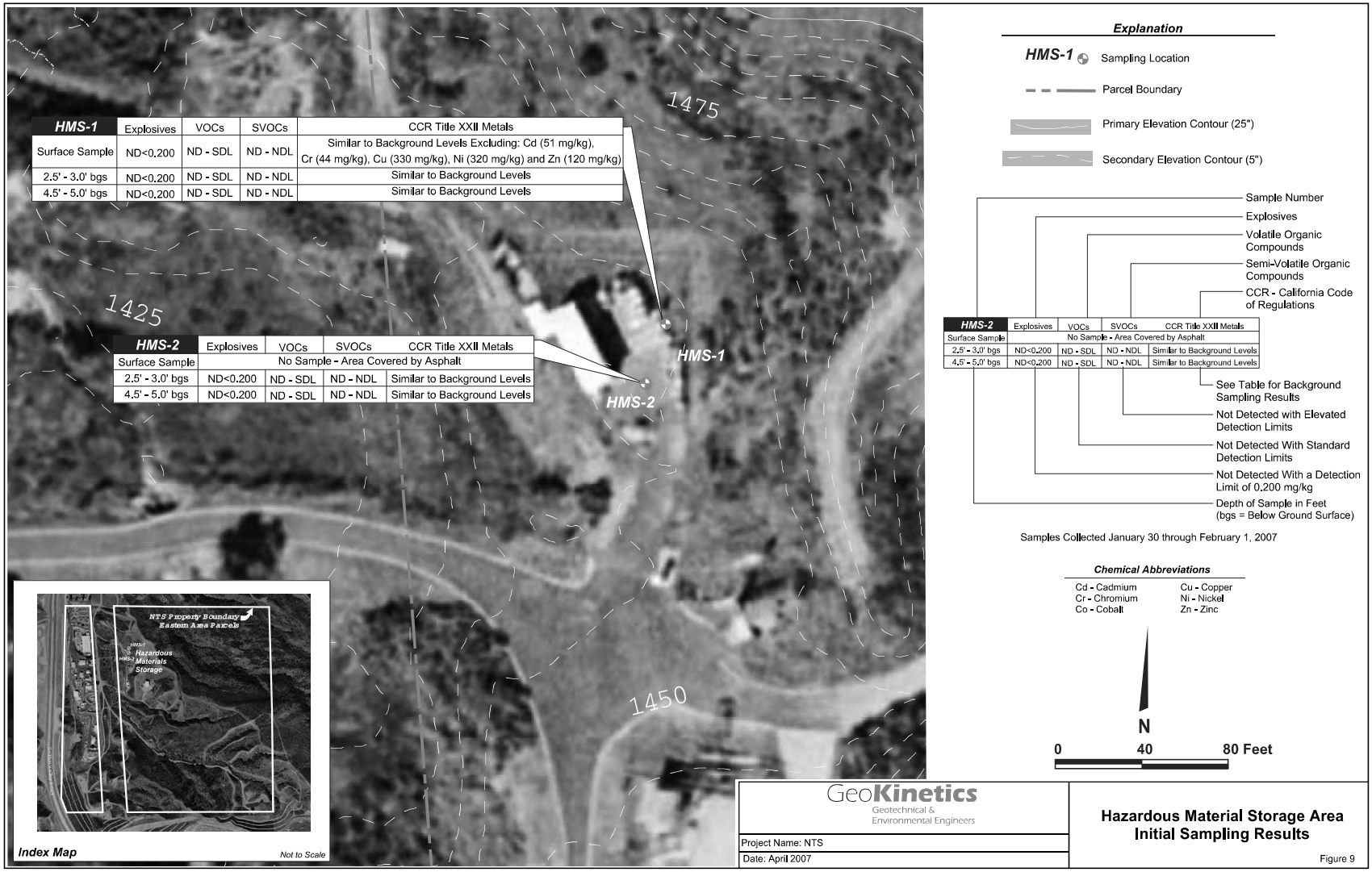
60DTP-2	Lead	Uranium	Perchlorate	Explosives
Surface Sample	5.4	0.286	ND<0.040	ND<0.200
2.5' - 3.0' bgs A	3.4	0.283	ND<0.040	ND<0.200
2.5' - 3.0' bgs B	3.8	0.283	ND<0.040	ND<0.200
4.5' - 5.0' bgs A	3.8	0.271	ND<0.040	ND<0.200
4.5' - 5.0' bgs B	5.1	0.427	ND<0.040	ND<0.200

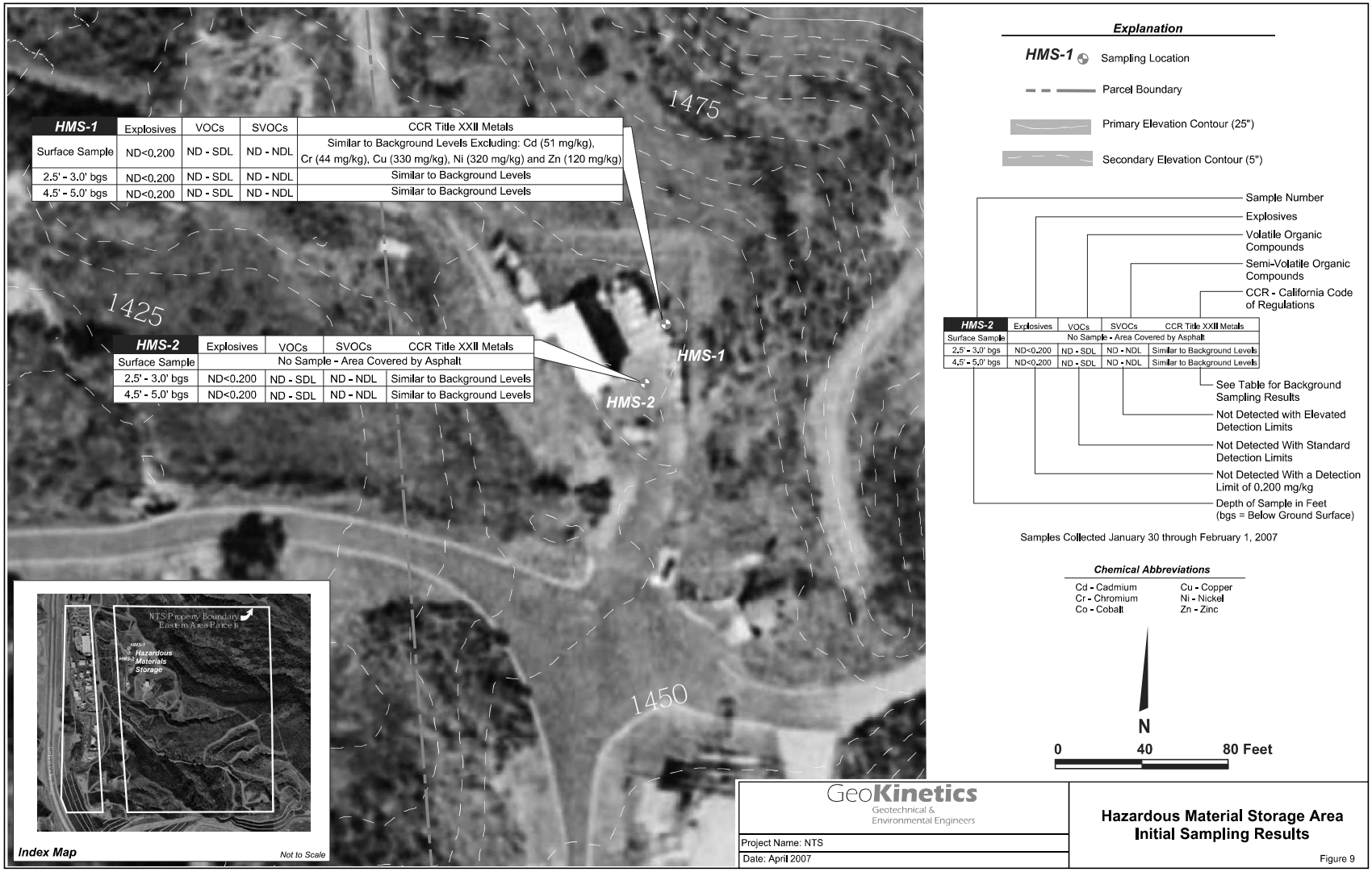
GeoKinetics
Geotechnical & Environmental Engineers

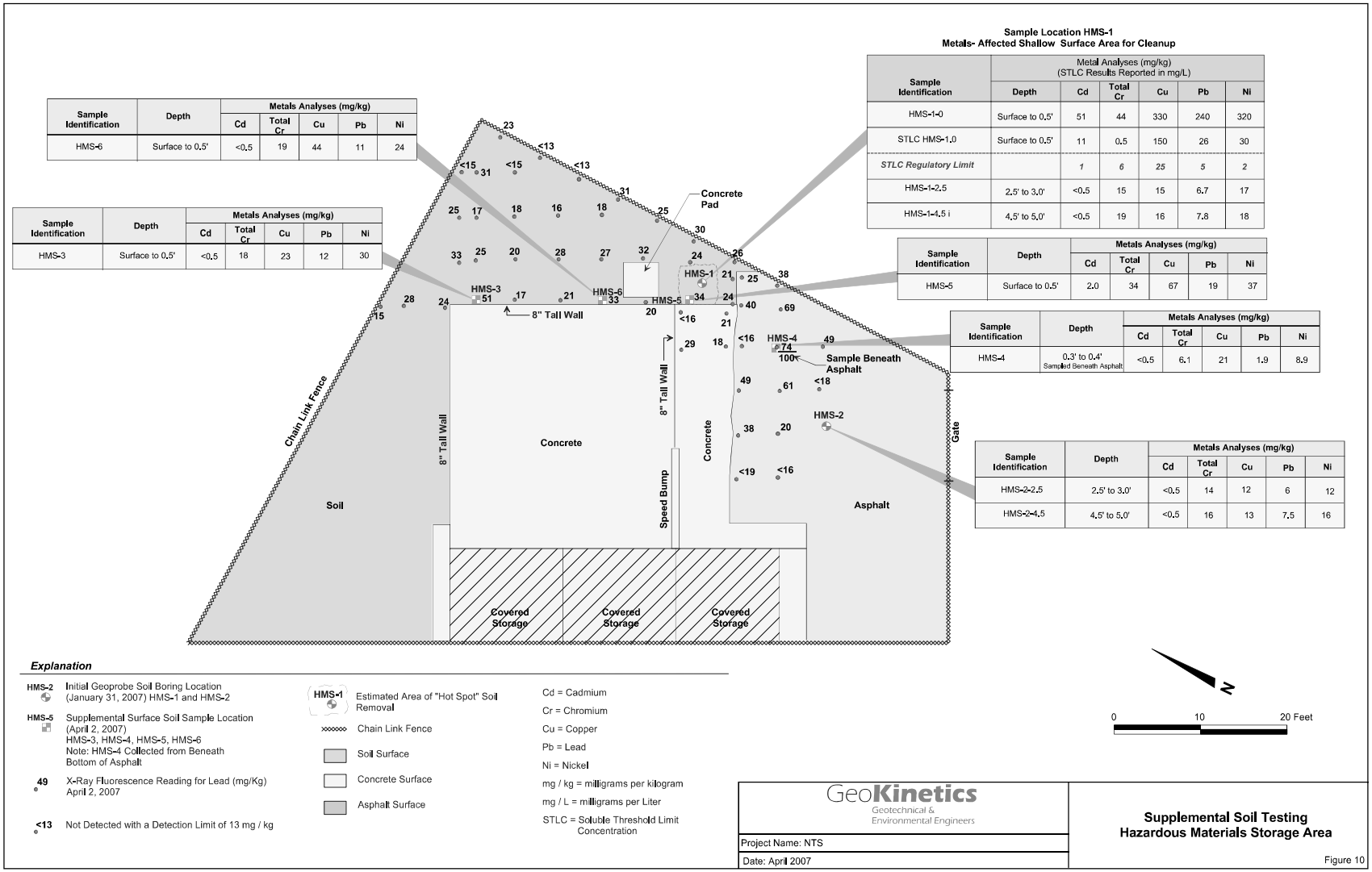
Project Name: NTS
Date: April 2007

Former 60-Foot Drop Tower Pad Sampling Results

Figure 7


1475
1425
1450
HMS-1
HMS-2
HMS-1 | Explosives | VOCs | SVOCs | CCR Title XXII Metals
Surface Sample | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels Excluding: Cd (51 mg/kg), Cr (44 mg/kg), Cu (330 mg/kg), Ni (320 mg/kg) and Zn (120 mg/kg)
2.5' - 3.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
4.5' - 5.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
HMS-2 | Explosives | VOCs | SVOCs | CCR Title XXII Metals
Surface Sample | No Sample - Area Covered by Asphalt
2.5' - 3.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
4.5' - 5.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
NTS Property Boundary
Eastern Area Parcels
HMS-1
HMS-2
Hazardous Materials Storage
Index Map
Not to Scale
Explanation
HMS-1 Sampling Location
Parcel Boundary
Primary Elevation Contour (25")
Secondary Elevation Contour (5")
Sample Number
Explosives
Volatile Organic Compounds
Semi-Volatile Organic Compounds
CCR - California Code of Regulations
See Table for Background Sampling Results
Not Detected with Elevated Detection Limits
Not Detected With Standard Detection Limits
Not Detected With a Detection Limit of 0.200 mg/kg
Depth of Sample in Feet (bgs = Below Ground Surface)
Samples Collected January 30 through February 1, 2007
Chemical Abbreviations
Cd - Cadmium
Cr - Chromium
Co - Cobalt
Cu - Copper
Ni - Nickel
Zn - Zinc
N
0
40
80 Feet
GeoKinetics
Geotechnical & Environmental Engineers
Project Name: NTS
Date: April 2007
Hazardous Material Storage Area
Initial Sampling Results
Figure 9


1475
1425
1450
HMS-1
HMS-2
HMS-1 | Explosives | VOCs | SVOCs | CCR Title XXII Metals
Surface Sample | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels Excluding: Cd (51 mg/kg), Cr (44 mg/kg), Cu (330 mg/kg), Ni (320 mg/kg) and Zn (120 mg/kg)
2.5' - 3.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
4.5' - 5.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
HMS-2 | Explosives | VOCs | SVOCs | CCR Title XXII Metals
Surface Sample | No Sample - Area Covered by Asphalt
2.5' - 3.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
4.5' - 5.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
NTS Property Boundary
Eastern Area Parcel
Hazardous Materials Storage
Index Map
Not to Scale
Explanation
HMS-1 Sampling Location
Parcel Boundary
Primary Elevation Contour (25")
Secondary Elevation Contour (5")
Sample Number
Explosives
Volatile Organic Compounds
Semi-Volatile Organic Compounds
CCR - California Code of Regulations
See Table for Background Sampling Results
Not Detected with Elevated Detection Limits
Not Detected With Standard Detection Limits
Not Detected With a Detection Limit of 0.200 mg/kg
Depth of Sample in Feet (bgs = Below Ground Surface)
Samples Collected January 30 through February 1, 2007
Chemical Abbreviations
Cd - Cadmium
Cr - Chromium
Co - Cobalt
Cu - Copper
Ni - Nickel
Zn - Zinc
N
0
40
80 Feet
GeoKinetics
Geotechnical & Environmental Engineers
Project Name: NTS
Date: April 2007
Hazardous Material Storage Area
Initial Sampling Results
Figure 9


Sample Location HMS-1
Metals- Affected Shallow Surface Area for Cleanup
Sample Identification | Depth | Metal Analyses (mg/kg) (STLC Results Reported in mg/L) | Cd | Total Cr | Cu | Pb | Ni
HMS-1-0 | Surface to 0.5' | 51 | 44 | 330 | 240 | 320
STLC HMS-1.0 | Surface to 0.5' | 11 | 0.5 | 150 | 26 | 30
STLC Regulatory Limit | | 1 | 6 | 25 | 5 | 2
HMS-1-2.5 | 2.5' to 3.0' | <0.5 | 15 | 15 | 6.7 | 17
HMS-1-4.5 i | 4.5' to 5.0' | <0.5 | 19 | 16 | 7.8 | 18
Sample Identification | Depth | Metals Analyses (mg/kg) | Cd | Total Cr | Cu | Pb | Ni
HMS-6 | Surface to 0.5' | <0.5 | 19 | 44 | 11 | 24
Sample Identification | Depth | Metals Analyses (mg/kg) | Cd | Total Cr | Cu | Pb | Ni
HMS-3 | Surface to 0.5' | <0.5 | 18 | 23 | 12 | 30
Sample Identification | Depth | Metals Analyses (mg/kg) | Cd | Total Cr | Cu | Pb | Ni
HMS-5 | Surface to 0.5' | 2.0 | 34 | 67 | 19 | 37
Sample Identification | Depth | Metals Analyses (mg/kg) | Cd | Total Cr | Cu | Pb | Ni
HMS-4 | 0.3' to 0.4' Sampled Beneath Asphalt | <0.5 | 6.1 | 21 | 1.9 | 8.9
Sample Identification | Depth | Metals Analyses (mg/kg) | Cd | Total Cr | Cu | Pb | Ni
HMS-2-2.5 | 2.5' to 3.0' | <0.5 | 14 | 12 | 6 | 12
HMS-2-4.5 | 4.5' to 5.0' | <0.5 | 16 | 13 | 7.5 | 16
Concrete Pad
HMS-1
HMS-2
HMS-3
HMS-4
HMS-5
HMS-6
8" Tall Wall
8" Tall Wall
8" Tall Wall
Sample Beneath Asphalt
Chain Link Fence
Gate
Soil
Concrete
Concrete
Asphalt
Speed Bump
Covered Storage
Covered Storage
Covered Storage
Explanation
HMS-2 Initial Geoprobe Soil Boring Location (January 31, 2007) HMS-1 and HMS-2
HMS-5 Supplemental Surface Soil Sample Location (April 2, 2007) HMS-3, HMS-4, HMS-5, HMS-6 Note: HMS-4 Collected from Beneath Bottom of Asphalt
49 X-Ray Fluorescence Reading for Lead (mg/Kg) April 2, 2007
<13 Not Detected with a Detection Limit of 13 mg / kg
HMS-1 Estimated Area of "Hot Spot" Soil Removal
Chain Link Fence
Soil Surface
Concrete Surface
Asphalt Surface
Cd = Cadmium
Cr = Chromium
Cu = Copper
Pb = Lead
Ni = Nickel
mg / kg = milligrams per kilogram
mg / L = milligrams per Liter
STLC = Soluble Threshold Limit Concentration
N
0
10
20 Feet
GeoKinetics
Geotechnical & Environmental Engineers
Project Name: NTS
Date: April 2007
Supplemental Soil Testing
Hazardous Materials Storage Area
Figure 10

Explanation

BG-1 Background Sample Location by GeoKinetics

NTS Property Boundary Eastern Area

NTS Property Boundary Western Area

Parcel Boundary

Results Recorded in Milligrams per Kilogram (mg/kg)

ND < 0.040 = Not Detected with a Detection Limit of 0.040 mg/kg

ND < 5 = Not Detected with a Detection Limit of 5 mg/kg

ND < 0.10 = Not Detected with a Detection Limit of 0.10 mg/kg

bgs = Below Ground Surface

Samples Collected January 30 through February 1, 2007

BG-2	Lead	Uranium	Perchlorate	Sb	As	Ba	Be	Cd	Cr	Co	Cu	Pb	Hg	Mb	Ni	Se	Ag	Tl	V	Zn
Surface Sample	20	0.401	ND<0.040	<5.0	5.2	88	<5.0	<5.0	15	6.3	15	20	<0.1	<0.1	14	<5.0	<5.0	<5.0	35	45
2.5' - 3.0' bgs	10	0.480	ND<0.040	<5.0	8.6	85	<5.0	<5.0	18	7.3	15	10	<0.1	<0.1	17	<5.0	<5.0	<5.0	39	42
4.5' - 5.0' bgs	42	0.489	ND<0.040	<5.0	4.4	44	<5.0	<5.0	11	4.3	9.2	4.2	<0.1	<0.1	8.9	<5.0	<5.0	<5.0	28	27

BG-1	Lead	Uranium	Perchlorate	Sb	As	Ba	Be	Cd	Cr	Co	Cu	Pb	Hg	Mb	Ni	Se	Ag	Tl	V	Zn
Surface Sample	14	0.821	ND<0.040	<5.0	16	210	0.87	<5.0	30	13	27	14	<0.1	<0.1	30	<5.0	<5.0	<5.0	66	65
2.5' - 3.0' bgs	16	0.624	ND<0.040	<5.0	4.6	210	0.62	<5.0	30	22	9.5	16	<0.1	<0.1	20	<5.0	<5.0	<5.0	33	52
4.5' - 5.0' bgs	9.3	0.579	ND<0.040	<5.0	34	75	0.72	<5.0	26	11	22	9.3	<0.1	<0.1	25	<5.0	<5.0	<5.0	64	48

N

0 400 800 Feet

Chemical Abbreviations

SB - Antimony	Cu - Copper	Tl - Thallium
As - Arsenic	Pb - Lead	V - Vanadium
Ba - Barium	Hg - Mercury	Zn - Zinc
Be - Beryllium	Mb - Molybdenum	
Cd - Cadmium	Ni - Nickel	
Cr - Chromium	Se - Selenium	
Co - Cobalt	Ag - Silver	

Notes:

GeoKinetics
Geotechnical & Environmental Engineers

Project Name: NTS
Date: April 2007

Background Sampling Results

Figure 11

NTS Facility

Eastern Area Preliminary Endangerment Assessment Sampling Report

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Prepared for

National Technical Systems

Santa Clarita, California

April 20, 2007

Executive Summary

A Preliminary Endangerment Assessment (PEA) Sampling Program was conducted for the Eastern Area of the National Technical Systems (NTS) facility located in Santa Clarita, California. The sampling program was conducted as part of a Voluntary Cleanup Agreement. NTS provides technical services for the analysis, engineering, testing and certification of components for the Department of Defense and for various aerospace, automotive, and telecommunications companies. The eastern portion of the NTS facility covers approximately 120 acres and is mostly undeveloped. The area contains a number of relatively small testing laboratories, some of which are now abandoned, and storage facilities for chemicals and explosives. Six potential areas of concern were identified for the PEA sampling program. These six areas included a former gun range, a former test pad, a former 60-foot drop tower pad, two former remote testing areas described as the Lower Arena and the Upper Arena, and an existing hazardous materials storage area. The sampling program involved the collection and laboratory analysis of more than 50 soil samples for potential contaminants of concern which included lead, uranium, perchlorate, and explosives residues. Samples from the hazardous materials storage area were also analyzed for volatile organic compounds, semi-volatile organic compounds, and Title 22 metals. Lead and uranium were detected at or below typical background levels in all samples. Perchlorate was not detected in any of the samples with a method detection limit of 0.040 milligrams per kilogram (mg/kg). Explosive residues were typically not detected in the samples with a method detection limit of 0.200 mg/kg. The explosive residue tetryl was detected in one sample from the Former Upper Arena at a concentration of 0.210 mg/kg. Tetryl was used to make explosives, mostly during World Wars I and II, and is no longer manufactured or used in the United States. The carcinogenicity of tretryl in humans and animals has not been studied. One sample from the hazardous materials storage area had elevated detection limits for semi-volatile organic compounds due to the presence of an oily compound. However, no semi-volatile organic compounds were detected at the elevated detection limits. Lead, cadmium, chromium, copper and nickel were detected at one location within the hazardous materials storage area at concentrations in excess of typical background levels. The Waste Extraction Test (WET) concentrations were found to exceed the regulatory limits for lead, cadmium, copper and nickel. A supplemental soil sampling program was conducted in the Hazardous Materials Storage Area for the purposes of evaluating the extent of metals-impacted soils. The supplemental soil sampling program included X-Ray Fluorescence testing for lead at 51 locations combined with additional laboratory analyses of soil samples for cadmium, total and hexavalent chromium, copper, lead and nickel. The extent of the impacted soil was determined to be confined to the surficial soil within a localized (approximately 25 square foot) area. The estimated volume of

the impacted soil is approximately 1.5 cubic yards. Removal and disposal of the impacted soil (as hazardous waste) is recommended. Cleanup of the metals-affected soil materials is expected to coincidentally include the oil-affected soil as well. Confirmation testing should be performed in conjunction with the proposed clean-up activities. No further testing activities or remediation is recommended for any of the other areas in which testing was performed.

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1.0 INTRODUCTION

This report presents the results of a Preliminary Endangerment Assessment (PEA) sampling program conducted at the National Technical Systems facility located at 20980 Centre Point Parkway in Santa Clarita, California. The sampling program was conducted in accordance with a "Revised Preliminary Endangerment Assessment Workplan" prepared by GeoKinetics (Refs. 15 & 16) on behalf of National Technical Systems (NTS). The Workplan was reviewed and approved by the California Department of Toxic Substances Control (DTSC) prior to implementation (Refs. 4 & 6). The general site location is shown in Figure 1 while a recent aerial photograph of the property is provided as Figure 2. The PEA sampling program was conducted as part of a Voluntary Cleanup Agreement dated November 17, 2006 (Ref. 7). The workplan for the PEA sampling program was developed following a scoping meeting with representatives of DTSC (Jose Diaz and John Naginis), NTS (Cynthia Maher), and GeoKinetics (John DeReamer) on November 30, 2006 and a site inspection on December 8, 2006 which was conducted by DTSC (Jose Diaz and John Naginis) and included Willie Seebert of NTS and John DeReamer (GeoKinetics). As shown in Figures 1 and 2, the 167-acre NTS facility includes two adjacent properties - a relatively undeveloped Eastern Area which covers approximately 120 acres and a smaller Western Area which contains the facility's administrative offices as well as numerous laboratories. The "Eastern" and "Western" areas are separated by a 300-foot wide corridor of land owned by the City of Los Angeles Department of Water and Power (LADWP). The LADWP property includes overhead high voltage electrical lines and an underground water pipeline. NTS uses the 167-acre site to provide technical services for the testing and analysis of engineered components for the Department of Defense and private industry. NTS is currently in the process of selling the Eastern Area for commercial development, and consequently, DTSC has agreed to allow the Eastern and Western Areas to be investigated under separate workplans. The sampling program described in this report pertains exclusively to the eastern portion of the NTS property.

The PEA sampling program for the Eastern Area was designed to provide information to determine if there is a need for further action for this relatively undeveloped portion of the site (Refs. 1, 10, 11). As a result of the scoping meeting and associated site inspection, six potential areas of concern were identified in the Eastern Area for soil sampling. These areas are illustrated in Figure 3 and include (1) a Former Gun Range; (2) a Former Test Pad; (3) a Former 60-Foot Drop Tower Pad; a former explosives testing area characterized as (4) the Former Lower Arena and (5) the Former Upper Arena; and (6) a currently operating Hazardous Materials Storage Area. As specified in the DTSC-approved revised workplan for the Eastern Area (Ref. 15), soil samples were collected for laboratory analyses from these six areas and analyzed for a range of potential contaminants of concern - including lead, uranium, perchlorate, and explosive residues. Soil samples from the Hazardous Materials Storage Area were also analyzed for volatile organic compounds, semi-volatile organic compounds, and seventeen metals as listed in California Code of Regulations, Title 22.

2.0 SITE DESCRIPTION

2.1 Site Identification Information

The subject property was previously owned by the Marquardt Company which began operations at the site in 1957. Marquardt operated an onsite Research Test Laboratory to study the conditions and problems associated with hypersonic speeds. NTS took over the site in 1961 and has since utilized the facility to provide technical services for the analysis, engineering, testing and certification of components for the Department of Defense and for a variety of aerospace, defense, automotive and telecommunications companies. As shown in Figure 2, the NTS facility is located on multiple parcels of land with a combined area of approximately 167 acres. The Eastern Area of the NTS property consists of three largely undeveloped parcels located on the east side of a North-South oriented corridor of land owned by the City of Los Angeles Department of Water and Power (LADWP). The NTS Eastern Area parcels numbers are shown in Figure 2 and include 2836-014-046, 2836-014-047 and 2836-014-049. Overhead electrical power transmission lines and an underground aqueduct pipeline extend along the LADWP property. The location of the LADWP parcel is shown in Figures 1 and 2. Land use in the area surrounding the NTS facility includes a mixture of industrial, commercial, and residential properties with a public high school located on the south side of the facility, a community sport and aquatic recreational center located on the north side of the facility, and a public highway (Golden Valley Road) on the west side of the property. The NTS facility is located immediately to the east of the ≈1,000 acre Whittaker-Bermite property at which relatively extensive soil and groundwater contamination has been identified in conjunction with investigations performed under the oversight of the DTSC (Ref. 12). The location of the Whittaker-Bermite property is shown in Figure 1. The primary contaminants identified at the Whittaker-Bermite site include perchlorate, tetrachloroethylene and trichloroethylene (Refs. 12 & 17).

The NTS property is located within the City of Santa Clarita in northern Los Angeles County approximately 27 miles north of the Los Angeles metropolitan area in a region known as "Canyon Country". From a geologic perspective, the site is located near the western end of the Soledad basin within the Transverse Ranges physiographic and geomorphic province of southern California. This province is characterized by an east-west structural trend (folding and faulting) that differs from the dominant northwest-southeast structural trend of the San Andreas tectonic regime that characterizes most of southern California. Several prominent geologic features are present in the project area. These include the San Gabriel Fault Zone which passes within approximately 700 feet southwest of the site and several oil fields which are located to the south and southeast of the site (Ref. 13). Oil production in the area typically occurs from tectonically controlled (faulted) reservoirs which are associated with the San Gabriel Fault Zone and numerous

additional fault systems in the region. The lithology and geologic structure in the project vicinity have been strongly influenced by regional crustal compression and extension associated with the eastward deflection of the San Andreas fault zone as it approaches the Transverse Range Province from the north. Over the last several million years, this crustal compression has resulted in regional folding and the development of a large subsidence basin (the Soledad Basin) with associated uplifting around the margin of that basin (Ref. 3). Several thousand feet of eroded sediments from the adjacent highlands accumulated in the basin as it subsided over the last one to two million years. At least one transgression resulting in the deposition of marine sediments within the basin has occurred. The younger Pleistocene to Pliocene age terrestrial basin sediments in the project vicinity have been assigned to the Saugus Formation. This formation consists of a sequence of interbedded sandstones and siltstones with occasional mudstones and claystones (Ref. 19). The Saugus Formation sediments overlie other terrestrial rocks that have been assigned to the Mint Canyon and Tick Canyon Formations. There are up to approximately 5,000 feet of Miocene to Pleistocene sediments within the Soledad Basin in the project vicinity. These sediments are underlain by a granitic basement complex at depth. The granitic rocks are estimated to be present on the south side of the San Gabriel fault in the project vicinity at depths as shallow as 2,000 feet (Refs. 3, 13, 14 and 18).

Active regional uplifting and erosion of the Saugus Formation has continued through the present resulting in the formation of a system of incised canyon drainage pathways and intervening ridge lines that are generally oriented in a northwesterly - southeasterly direction in the project area. Landsliding is common throughout the region and occurs as a result of the relatively low shear strengths of some of the near-surface, poorly consolidated, siltstones or claystones; unfavorably orientated bedding planes or fault planes; and zones of perched groundwater created by the alternating sequences of relatively high permeability (sandstone) and low permeability (siltstone) sediments (Ref. 18).

2.2 Local Geology

As described above, the bedrock that is exposed at the subject site and surrounding areas consists of the Pleistocene to Pliocene age Saugus Formation. In the project vicinity, the rocks associated with this formation typically include weakly to moderately cemented intervals of non-marine fluvial deposits consisting predominately of interbedded sandstone and siltstone units. The sandstones are typically fine grained, silty, pale gray to reddish-brown, moderately hard, and moderately fractured with indistinct bedding. The siltstones are generally red to red-brown, poorly bedded, and moderately hard with poorly defined to indistinct bedding. The average thickness of the individual sandstone and siltstone sequences encountered in the exploratory borings at the site was on the order of 10 feet. The

Saugus Formation uncomfortably overlies the older (Miocene age) Mint Canyon Formation at depth. The Saugus deposits are estimated to be on the order of 500 feet in thickness at the project location. The dominant bedrock structure in the project vicinity is that of a westerly dipping homocline. Within the project area, bedding within the Saugus Formation typically dips westward at inclinations ranging from 5° to 15° (Ref. 18). However, localized folding has resulted in significantly divergent strikes and dips approaching vertical at some locations. Fold axes are typically orientated northwest - southeast parallel to the nearby San Gabriel Fault zone. Bedding strikes rotate to a northwest to southeast orientation and dips steepen considerably within approximately 1,000 feet of the fault zone (Refs. 13 and 14).

Zones of perched groundwater are common within the Saugus Formation as a result of the presence of alternating sequences of relatively high and low permeability sediments. There is a tendency for infiltrating rainwater to become perched upon the less permeable siltstone intervals (Ref. 2 & 18).

Several feet of residual soil or highly weathered bedrock are typically present along the ridge lines within the project area while a thin mantle of this material and/or colluvium generally occurs along the face of the descending slopes. Recent alluvial sediments are generally present along the base of the canyons that transect the site (Ref. 2).

2.3 Groundwater

Groundwater in the area of the NTS facility has been mapped at a depth of 25 feet or less in the canyon bottoms (Ref. 2). In the upland areas or along ridge lines, perched groundwater has been encountered at varying depths. Perched groundwater is common within the Saugus Formation due to the alternating beds of relatively high and low permeability sediments. Perched groundwater has been encountered within a number of exploratory borings that have been excavated at the site at depths ranging from 31 to 110 feet (Ref. 18).

3.0 PREVIOUS SITE ASSESSMENT SAMPLING RESULTS

A preliminary soil investigation was conducted at the site by DTSC in February and March of 2003 (Ref. 9). That investigation involved the collection of 23 soil samples from 12 exploratory borings on the NTS property along with the collection of four background samples from two off-site locations. The locations of the DTSC sampling stations in the Eastern Area are shown in Appendix A. Each of the soil samples was analyzed for a wide range of potential contaminants of concern including volatile organic compounds; CAM (California Assessment Manual) metals including silver, arsenic, barium, beryllium, cadmium, cobalt, chromium, copper, molybdenum, mercury, nickel, lead, antimony, selenium, thallium, vanadium, zinc; diesel range hydrocarbons; motor oil

range hydrocarbons; explosives including nitroaromatics and nitroamines; hydrazine; depleted uranium; and perchlorate. The potential presence of radioactive constituents was tested in the field by DTSC using a Geiger counter. As reported by DTSC, the testing for radioactivity was conducted as screening for the protection of DTSC workers. A level of 2 millirems per hour was utilized as a "background level" (Ref. 5). As reported by DTSC (Ref. 9), no volatile organic compounds, petroleum hydrocarbons (diesel range organics or motor oil range), PCB's, hexavalent chromium, explosives, or radioactive constituents (depleted uranium) were detected. The reported concentrations for the analyzed metals were found to be consistent with typical background levels. The DTSC sampling results for perchlorate for samples located in the Eastern Area are illustrated in Appendix A.

4.0 RESULTS OF EASTERN AREA TESTING

4.1 Collection of Soil Samples

During the current investigation, soil samples for laboratory analyses were collected from the six identified areas plus from two background locations in conjunction with the current site assessment. The two background locations were selected with the concurrence of a DTSC representative (John Naginis). The general soil sampling locations are shown on the site map in Figure 3 and in higher resolution on an area by area basis in Figures 4 through 11. The soil sampling program was conducted with DTSC oversight between January 30 and February 1, 2007. The sampling program typically included two soil sampling locations at each of the six areas of concern. A surface sample (collected from the ground surface to a depth of approximately one to two inches) and two subsurface samples collected from depths of 2.5 and 4.5 feet below the ground surface (bgs) were collected at each sampling location. The subsurface soil samples were collected using a Geoprobe direct-push sampler as described in the DTSC-approved workplan. Soil samples were collected in a 2-inch diameter polyethylene sleeve that was placed in the Geoprobe sampling tool core-barrel. A new polyethylene sleeve was used for each set of samples. Soil samples for laboratory analyses were collected by cutting the plastic sleeve at the workplan-specified depth intervals and extracting the samples. Surface and subsurface samples were placed in laboratory provided 4-ounce glass jars then sealed, labeled and placed on ice in a cooler for transport to the laboratory. Samples were delivered to the laboratory (Orange Coast Analytical, Inc. in Tustin, California) at the end of each day of sampling and relinquished under chain-of-custody protocol.

The soil samples were logged based upon their physical and textural characteristics using the Unified Soil Classification System. Boring logs are included in Appendix B. As indicated in the boring logs, the soil encountered at the sampling locations consisted predominately of a fine, poorly graded clean to

silty sand (SP to SM) with scattered gravel. A sample from the 3.0-foot bgs depth interval at each sampling location was placed in a 1-liter plastic bag and allowed to equilibrate for a period of approximately 5 to 10 minutes. The headspace was then screened for the presence of volatile organic compounds using a MINI RAE 2000 Photoionization Detector (PID) equipped with a 10.6 eV bulb. The PID was calibrated on a daily basis using a 100 ppm isobutylene standard. A copy of the initial calibration log for the PID instrument is included in Appendix C. Soil descriptions and the results of field screening for organic vapors are recorded on the boring logs provided in Appendix B. As indicated, the soil headspace organic vapor levels measured at the time of sample collection ranged from 0.5 to 1.4 parts per million. These concentrations are consistent with typical background readings. Copies of photographs that were taken in conjunction with the field sampling activities are included as Appendix D.

4.2 Laboratory Methods and Reports

The primary potential contaminants of concern for the Eastern Area sampling program generally included lead, uranium, perchlorate, and explosives residues. Soil samples were analyzed for lead using EPA Method 6010; for uranium using EPA Method 6020B; for perchlorate using EPA Method 314.0 (Ref. 8); and for Explosives Residues using EPA Method 8330 (Ref. 23). The soil sampling program in the Former Gun Range included testing for the presence of lead in surficial soil materials using an XRF (X-Ray Fluorescence) handheld instrument. Soil samples from the Hazardous Materials Storage Area were also analyzed for volatile organic compounds using EPA Method 8260B; for semi-volatile organic compounds using EPA Method 8270C; and for California Code of Regulations – Title 22 Metals using EPA Method 6000/7000. The Title 22 metals included antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, lead, mercury, molybdenum, nickel, selenium, silver, thallium, vanadium, and zinc. The analytical results for lead, uranium, perchlorate, explosives residues, volatile organic compounds, semi-volatile organic compounds, and Title 22 metals are summarized in Tables 1 through 7, respectively. The testing results are discussed separately for the six potential areas of concern in Section 4.4 of this report.

As a result of the detection of elevated concentrations of cadmium, total chromium, copper, lead and nickel in one of the samples collected from the Hazardous Material Storage Area (i.e., sample HMS-1-0), a supplemental soil sampling program was conducted in this area. The Hazardous Materials Storage (HMS) Area supplemental soil sampling program included the testing of surface materials for lead using a handheld XRF instrument combined with the collection and laboratory analyses of four supplemental surface soil samples for cadmium, total chromium, hexavalent chromium, copper, lead and nickel. In addition, sample HMS-1-0 was tested for soluble metals (cadmium, total chromium, copper, lead and nickel) using the STLC (Soluble Threshold Limit Concentration) test method for assessment of potential hazardous waste characteristics. Results

of the supplemental soil sampling program conducted in the HMS Area are discussed under section 4.4.6 (Hazardous Materials Storage Area).

4.3 Quality Assurance and Quality Control Measures

All samples were delivered to the laboratory under standard chain-of-custody protocol and analyzed within the required holding time for each of the analytical methods. Samples were analyzed with acceptable analytical method detection limits with the exception of one sample from the Hazardous Materials Storage Area (i.e., sample HMS-1-0). Elevated detection limits for semi-volatile organic compounds (SVOC's) were reported for this sample as a result of the presence of an un-identified oily substance. As indicated in Table 6, the presence of the un-identified oily substance required sample HMS-1-0 to be analyzed with a dilution factor of 100. Laboratory quality control measures included the analyses of method blanks as well as matrix spike and matrix spike duplicates. The laboratory QA/QC results and discussion of data qualifiers are included in the analytical reports in Appendix E (Refs. 21, 22, 23). The results of laboratory analyses are deemed acceptable for the purposes of the DTSC-approved sampling program with the exception of the elevated SVOC detection levels reported for sample HMS-1-0 collected from the Hazardous Materials Storage Area.

Field QA/QC samples included the analysis of one trip blank for volatile organic compounds and fifteen sets of duplicate samples including two for lead; three for uranium; four for perchlorate; four for explosive residues; one for volatile organic compounds; and one for semi-volatile organic compounds. The results of the trip blank sample analyzed for volatile organic compounds were all Not Detect as reported in Table 5. The results of the duplicate sample analyses are included in the attached summary data Tables 1 through 6. The results for the duplicate samples that were analyzed indicated an acceptable level of consistency. The results of the field QA/QC sample analyses are deemed acceptable for the purposes of the DTSC-approved sampling program.

4.4 Results of Laboratory Analyses

The results of laboratory analyses for each of the identified sampling areas are summarized in the following sections and in the summary tables. The analytical results are also illustrated on an area by area basis in Figures 4 through 11 as described in the following sections.

4.4.1 Former Gun Range

The general location of the Former Gun Range is shown in Figure 3 while the area is shown in greater detail in Figure 4. The Former Gun Range was characterized through XRF testing at 64 locations along with the laboratory analysis of three surface samples plus six subsurface samples collected from three

Geoprobe borings. The Former Gun Range sampling locations are designated GR-1, GR-2 and GR-3.

Lead: Testing for the presence of lead in the surficial soils in the area of the Former Gun Range was initially performed using an XRF (X-Ray Fluorescence) Alpha Series Analyzer manufactured by Innov-X Systems. The results of the XRF field screening are illustrated in Figure 5. The XRF field instrument was calibrated to factory standards in advance of the field survey. A copy of the factory-specified calibration log is included in Appendix F. Technical specifications for XRF instrument used for the field screening also are also included in Appendix F. The XRF survey was planned to include field testing for uranium. However, as a result of recently enacted national security regulations, a calibration standard was not available and screening for uranium was not included as part of the XRF survey. As illustrated in Figure 5, the XRF survey was conducted using a 10-foot by 10-foot grid within the 30 foot wide by 120 feet long test area. The field screening measurements were taken by placing the face of the handheld instrument directly in contact with the soil surface and holding the instrument in place for a scan time of at least sixty seconds. A total of 64 measurements were collected. The results were all Not Detected with a detection limit that ranged from 12 mg/kg to 19 mg/kg. The results of the laboratory analyses of the surface samples from the Former Gun Range for lead were consistent with the XRF results – ranging from 6.9 to 15 mg/kg. Sampling activities in the area of the Former Gun Range are shown in Photograph #'s 1 through 5 and in Photograph #'s 41 through 43 (Appendix D). The laboratory reported lead concentrations for the soil samples collected from the Former Gun Range (including the deeper soil samples) ranged from 3.5 to 20 mg/kg with an average concentration of 9.9 mg/kg. The average site background concentration for lead was 11.6 mg/kg. The laboratory analytical results for lead are summarized in Table 1 while copies of the associated laboratory data sheets are provided in Appendix E.

Uranium: The laboratory measured soil uranium concentrations ranged from 0.362 mg/kg to 0.642 mg/kg with an average concentration of 0.488 mg/kg. The site background concentrations for uranium ranged from 0.401 to 0.821 mg/kg with an average of 0.566 mg/kg. The uranium analytical results are summarized in Table 2. It should be noted that uranium is a naturally-occurring element that is found in the surficial soil and rock materials throughout the conterminous United States. In a background survey for the western United States performed by the United States Geological Survey (Ref. 24), uranium was reported at concentrations ranging from 0.68 mg/kg to 7.9 mg/kg with an arithmetic mean of 2.7 mg/kg.

Perchlorate: The laboratory measured soil perchlorate concentrations were below the reported Detection Limit of 0.040 mg/kg for all of the samples that were

analyzed - including the site background samples. The perchlorate analytical results are summarized in Table 3.

Explosives Residues: The laboratory measured soil explosive residue concentrations were below the reported Detection Limit of 0.200 mg/kg for all of the samples that were analyzed. The explosive residue analytical results are summarized in Table 4.

Recommendations for Former Gun Range

Based upon the results described above, no additional sampling or analyses are recommended for this area.

4.4.2 Former Test Pad

The Former Test Pad area was characterized through the laboratory analyses of two surface samples plus four subsurface samples collected from two Geoprobe borings, designated TP-1 and TP-2. The laboratory analytical results collected from the area of the Former Test Pad are shown in Figure 6. A total of six soil samples were analyzed for lead, uranium, perchlorate, and explosives. Sampling activities in the area of the Former Test Pad are shown in Photographs #'s 6 through 11 and 44 to 45.

Lead: The analytical results for lead ranged from 3.7 to 8.1 mg/kg with an average concentration of 5.9 mg/kg. The average site background concentration for lead was 11.6 mg/kg. The results of analyses for lead for the Former Test Pad are summarized in Table 1.

Uranium: The laboratory measured soil uranium concentrations ranged from 0.299 to 0.483 mg/kg with an average concentration of 0.368 mg/kg. The average concentration for uranium in the site background samples was 0.566 mg/kg. The site background concentrations for uranium ranged from 0.401 to 0.821 mg/kg. The uranium analytical results are summarized in Table 2.

Perchlorate: The laboratory measured soil perchlorate concentrations were below the Detection Limit of 0.040 mg/kg for all of the samples that were analyzed - including the site background samples. The perchlorate analytical results are summarized in Table 3.

Explosives Residues: The laboratory measured soil explosive residue concentrations were below the Detection Limit of 0.200 mg/kg for all of the samples that were analyzed from this area. The explosive residue analytical results are summarized in Table 4.

Recommendations for Former Test Pad

Based upon the results described above, no additional sampling or analyses are recommended for this area.

4.4.3 Former 60-Foot Drop Tower Pad

The Former 60-Foot Drop Tower Pad area was characterized through the laboratory analyses of two surface samples plus eight subsurface samples collected from two Geoprobe borings. The eight subsurface samples included four duplicate samples. The sampling locations are designated 60DTP-1 and 60DTP-2. Duplicate samples were collected from each of the subsurface sample depths in each of the borings including the 2.5' to 3.0' depth intervals and the 4.5' to 5.0' depth interval. Sampling locations and the laboratory analytical results for the soil samples collected from the area of the Former 60-Foot Drop Tower Pad are shown in Figure 7. The soil samples were analyzed for lead, uranium, perchlorate, and explosives residues. Sampling activities in the area of the Former 60-Foot Drop Tower Pad are shown in Photograph #'s 12 through 16.

Lead: The results of analyses for lead ranged from 3.4 to 6.5 mg/kg with an average concentration of 5.0 mg/kg. The average site background concentration for lead was 11.6 mg/kg. The analytical results for lead in the Former 60-Foot Drop Tower Pad area are summarized in Table 1.

Uranium: The laboratory measured soil uranium concentrations ranged from 0.271 to 0.427 mg/kg with an average concentration of 0.328 mg/kg. The site background concentrations for uranium ranged from 0.401 to 0.821 mg/kg with an average of 0.566 mg/kg. The uranium analytical results are summarized in Table 2.

Perchlorate: The laboratory measured soil perchlorate concentrations were below the Detection Limit of 0.040 mg/kg for all of the samples that were analyzed - including the site background samples. The perchlorate analytical results are summarized in Table 3.

Explosives Residues: The laboratory measured soil explosive residue concentrations were below the Detection Limit of 0.200 mg/kg for all of the samples that were analyzed - including the site background samples. The explosive residue analytical results are summarized in Table 4.

Recommendations for Former 60-Foot Drop Tower Pad

Based upon the results described above, no additional sampling or analyses are recommended for this area.

4.4.4 Former Lower Arena

The Former Lower Arena area was characterized through the collection of two surface samples plus the collection of four subsurface samples from two Geoprobe borings designated LA-1 and LA-2. Sampling locations and the laboratory analytical results for soil samples collected from the area of the Former Lower Arena are shown in Figure 9. A total of six soil samples were analyzed for lead, uranium, perchlorate, and explosives. Sampling activities in the area of the Former Lower Arena are illustrated in Photograph #'s 17 through 19 and 64 to 68.

Lead: The results of analyses for lead ranged from 2.5 to 7.8 mg/kg with an average concentration of 6.1 mg/kg. The average site background concentration for lead was 11.6 mg/kg. The analytical results for lead for the Former Test Pad are summarized in Table 1.

Uranium: The laboratory measured soil uranium concentrations ranged from 0.291 to 0.584 mg/kg with an average concentration of 0.426 mg/kg. The site background concentrations for uranium ranged from 0.401 mg/kg to 0.821 mg/kg with an average concentration of 0.566 mg/kg. The uranium analytical results are summarized in Table 2.

Perchlorate: The laboratory measured soil perchlorate concentrations were below the Detection Limit of 0.040 mg/kg for all of the samples that were analyzed - including the site background samples. The perchlorate analytical results are summarized in Table 3.

Explosives Residues: The laboratory measured soil explosive residue concentrations were below the Detection Limit of 0.200 mg/kg for all of the samples that were analyzed from this area. The explosive residue analytical results are summarized in Table 4.

Recommendations for Former Lower Arena

Based upon the results described above, no additional sampling or analyses are recommended for this area.

4.4.5 Former Upper Arena

The Former Upper Arena area was characterized through the collection and analysis of two surface samples and four subsurface samples obtained from two Geoprobe borings designated UA-1 and UA-2. Sampling locations and the laboratory analytical results for soil samples collected from the area of the Former Upper Arena are shown in Figure 9. A total of six soil samples were analyzed for lead, uranium, perchlorate, and explosives. A portion of the Former Upper Arena is shown in Photograph #20 and Photograph #'s 53 to 60.

Lead: The results of analyses for lead ranged from 3.7 to 8.8 mg/kg with an average concentration of 6.1 mg/kg. The average site background concentration for lead was 11.6 mg/kg. The results of analyses for lead for the Former Test Pad are summarized in Table 1.

Uranium: The laboratory measured soil uranium concentrations ranged from 0.197 mg/kg to 0.484 mg/kg with an average concentration of 0.373 mg/kg. The site background concentrations for uranium ranged from 0.401 mg/kg to 0.821 mg/kg with an average concentration of 0.566 mg/kg. The uranium analytical results are summarized in Table 2.

Perchlorate: The laboratory measured soil perchlorate concentrations were below the Detection Limit of 0.040 mg/kg for all of the samples that were analyzed - including the site background samples. The perchlorate analytical results are summarized in Table 3.

Explosives Residues: The laboratory measured soil explosive residue concentrations were below the Detection Limit of 0.200 mg/kg for all samples that were analyzed - with the exception of the detection of one explosive constituent (tetryl) at a concentration of 0.210 mg/kg in the surface sample UA-2-0. The explosive residue analytical results are summarized in Table 4. Tetryl is also known as 2,4,6-trinitrophenyl-n-methylnitramine. This compound was utilized in explosives primarily during the World War I and II eras. It is no longer manufactured or used in the United States (Ref 20). Tetryl is relatively immobile (insoluble) and breaks down rapidly when exposed to sunlight (Ref 20). A toxicological profile for tetryl has been prepared by ATSDR (Agency for Toxic Substances and Disease Registry). However, since the substance is no longer manufactured or used in the United States, health effect data is limited and the carcinogenicity of tetryl in humans and animals has not been studied.

Recommendations for Former Upper Arena

Based upon the results described above, including the detection of 0.210 mg/kg of tetryl in one sample, no additional sampling or analyses is recommended for this area.

4.4.6 Hazardous Materials Storage Area

The Hazardous Materials Storage Area was characterized through the collection of one surface sample and four subsurface samples obtained from two Geoprobe borings designated HMS-1 and HMS-2. As indicated in Figures 9 and 10, HMS-1 was located approximately three feet from the edge of a concrete pad while HMS-2 was excavated through a core hole in the adjacent asphalt drive at a location where a crack was present. As a result of the asphalt pavement, no surface

sample was collected from HMS-2. Sampling locations and the laboratory analytical results for soil samples collected from the Hazardous Material Storage Area are shown in Figures 9 and 10. In accordance with the DTSC-approved revised workplan (Ref. 4), soil samples from the Hazardous Materials Storage Area were analyzed for California Code of Regulations (CCR), Title 22 metals, perchlorate, explosive residues, volatile organic compounds, and semi-volatile organic compounds. One sample from this area was also analyzed for uranium. Sampling activities in the area of the Hazardous Materials Storage Area are shown in Photograph #'s 21 through 33 and 46 to 52.

Lead: The results of analyses for lead ranged from 7.5 to 240 mg/kg with an average concentration of 54 mg/kg. The 240 mg/kg concentration was detected in the surface sample from HMS-1. The average lead concentration for this area was 7 mg/kg for the remaining samples. The average site background concentration for lead was 11.6 mg/kg. The analytical results for lead for the Hazardous Materials Storage Area are summarized in Table 1.

Uranium: One sample from the Hazardous Materials Storage Area was analyzed for uranium with a result of 0.728 mg/kg. Uranium was not an identified potential contaminant of concern for this area and no other samples from this area were analyzed for uranium. The site background concentrations for uranium ranged from 0.401 mg/kg to 0.821 mg/kg with an average concentration of 0.566 mg/kg. The uranium analytical results are summarized in Table 2.

Perchlorate: The laboratory measured soil perchlorate concentrations were below the Detection Limit of 0.040 mg/kg for all samples that were analyzed - including the site background samples. The perchlorate analytical results are summarized in Table 3.

Explosives Residues: The laboratory measured soil explosive residue concentrations were below the Detection Limit of 0.200 mg/kg for all of the samples that were analyzed from this area. The explosive residue analytical results are summarized in Table 4.

Volatile Organic Compounds: No volatile organic compounds were detected in the samples that were analyzed. Six samples were analyzed including one duplicate. The detection levels ranged from 0.0025 mg/kg to 0.005 mg/kg. The volatile organic compounds analytical results are summarized in Table 5.

Semi-Volatile Organic Compounds: No semi-volatile organic compounds were detected in the six samples that were analyzed. However, one of the samples (HMS-1-0) had elevated detection limits as a result of the presence of an unspecified compound described as a "heavy oil" by the analytical laboratory. The SVOC detection limits for HMS-1-0 ranged from 10 mg/kg to 25 mg/kg with a dilution factor of 100. The detection limits in the other five samples from this

area ranged from 0.1 mg/kg to 0.25 mg/kg. The semi-volatile organic compounds analytical results are summarized in Table 6.

CCR Title 22 Metals: Five samples from the hazardous materials storage area were analyzed for the seventeen metals that comprise the list of the California Code of Regulations (CCR) Title 22 Metals. These metals include antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, lead, mercury, molybdenum, nickel, selenium, silver, thallium, vanadium, and zinc. The laboratory analytical results for the Title 22 Metals are summarized in Table 7. All of the results were consistent with site background levels as shown in Table 7 with the exception of the surface sample collected from HMS-1-0. The concentrations of five metals in this sample were significantly above the site background levels. The metals with elevated concentrations included cadmium (51 mg/kg); chromium (44 mg/kg); copper (330 mg/kg); lead (240 mg/kg); and nickel (320 mg/kg). The site background concentrations for cadmium were below the reported Detection Limit of 0.5 mg/kg. The site background concentrations for chromium ranged from 11 mg/kg to 30 mg/kg with an average of 22 mg/kg. The site background concentrations for copper ranged from 9.2 mg/kg to 27 mg/kg with an average of 16.3 mg/kg. The site background concentrations for lead ranged from 4.2 mg/kg to 20 mg/kg with an average of 11.6 mg/kg. The site background concentrations for nickel ranged from 8.9 mg/kg to 30 mg/kg.

Supplemental Soil Sampling Program: As a result of the detection of elevated concentrations of cadmium, chromium, copper, lead and nickel in sample HMS-1-0, a supplemental soil sampling program was conducted in the Hazardous Materials Storage Area. The supplemental soil sampling program was conducted to evaluate the potential extent of the impacted area. The supplemental soil sampling program included a surface XRF testing program for lead combined with the collection and laboratory analyses of four additional soil samples. The results of the XRF survey were utilized as a guide in the selection of the four supplemental soil sampling locations. Results of the XRF survey are illustrated in Figure 10. As indicated in Figure 10, the XRF survey included areas covered by asphalt and concrete as well as an area of exposed soil. XRF measurements of lead in the surface materials were obtained at 51 locations with a minimum scan time of sixty seconds per location. The XRF measurements ranged from <16 mg/kg to 100 mg/kg for the asphalt area; from <16 mg/kg to 29 mg/kg in the concrete pad area; and from <13 mg/kg to 51 mg/kg in the soil area. Three locations in the soil area with the greatest XRF results for lead were selected for soil sampling and laboratory analyses for the identified potential metals of concern - including cadmium, chromium, copper, lead and nickel. One location covered by asphalt was also selected for soil sampling and laboratory analyses. These sampling locations are illustrated in Figure 10 and were designated HMS-3, HMS-4, HMS-5 and HMS-6. The laboratory analytical results are summarized in Table 8 and illustrated in Figure 10. With the exception of the surface sample at HMS-1 discussed previously, and a slightly elevated copper concentration in the

surface sample at HMS-5, the results are consistent with the site background levels for all of the metals. The four supplemental soil samples (i.e. HMS-3 through HMS-6) were also analyzed for hexavalent chromium using EPA Method 7196A for differentiation of trivalent chromium from the more toxic hexavalent chromium. The laboratory analytical results for hexavalent chromium are summarized in Table 9. As indicated, hexavalent chromium was not detected in any of the samples with a reported method detection limit of 0.2 mg/kg.

In addition to the supplemental soil sampling and analysis described above, the solubilities of the cadmium, chromium, copper, lead and nickel in soil sample HMS-1-0 were evaluated in accordance with Soluble Threshold Limit Concentration (STLC) testing procedures. The STLC results are summarized in Table 10. As indicated, cadmium was reported at a concentration of 11 milligrams per Liter (mg/L); chromium at 0.5 mg/L; copper at 150 mg/L; lead at 26 mg/L; and nickel at 30 mg/L. The respective STLC limits for these compounds, which are used for identification of hazardous waste characteristics, are 1 mg/L for cadmium; 6 mg/L for total chromium; 25 mg/L for copper; 5 mg/l for lead; and 20 mg/l for nickel. Based upon the reported STLC results for cadmium, copper, lead, and nickel, the impacted soil should be classified as "hazardous waste" for disposal purposes. As indicated in Figure 10, the results of the supplemental soil sampling program indicate that the metals impacted area is confined to the surficial soil in the immediate area of sample locations HMS-1 and HMS-5. Run-off from the adjacent concrete pad discharges onto the ground surface at this location. This appears to represent the most likely explanation for the location and distribution of the contamination that has been identified. Copies of the laboratory reports of analyses for the supplemental soil sampling program for the hazardous materials storage area are included in Appendix E.

Recommendations for Hazardous Materials Storage Area

Results of the initial and supplemental soil sampling programs conducted for the hazardous waste materials storage area have identified a shallow soil area impacted with elevated levels of cadmium, copper, lead and nickel that exceed STLC limits. This area is also impacted by an unidentified oily substance that resulted in elevated detection limits for analysis of semi-volatile organic compounds. The approximate limits of the impacted area are shown in Figure 10 based upon the testing results presented herein. The laboratory analytical results for deeper soil samples in this area indicate the contamination is restricted to the surficial soils within an estimated 20 square-foot area. The volume of the impacted soil is estimated to be on the order of 1.5 cubic yards. We recommend the impacted soils be excavated and disposed of as hazardous waste. Confirmatory soil samples should be collected and analyzed from the bottom and side walls of the excavation to confirm all of the impacted material is removed.

5.0 LIMITATIONS AND CLOSING

We have prepared this report with the degree of skill and care ordinarily exercised by Geologists and Engineers practicing in this, and similar, localities. No other warranty, expressed or implied is given regarding the conclusions or professional opinions given in this document. In preparing this work plan, we have relied on information derived from secondary sources. Except as set forth in this document, we have made no independent investigation as to the accuracy of the information derived from secondary sources, and have assumed that such information is accurate and complete. More extensive studies may be performed to reduce any inherent uncertainties. All recommendations, findings and conclusions stated in this work plan are based upon facts and circumstances, as they existed at the time this work plan was prepared. A change in any fact or circumstance upon which this work plan is prepared may necessitate re-evaluation and/or modification of the recommendations and findings presented herein.

Due to the nature of this type of investigation, uncertainty exists with respect to the subsurface conditions that are present between sampling locations. If the level of inherent certainty is unacceptable, additional sampling and/or testing should be considered.

Prepared By:
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Linda S. Adams
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Department of Toxic Substances Control

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Arnold Schwarzenegger
Governor

November 5, 2007

Ms. Cynthia Maher
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FINAL PRELIMINARY ENDANGERMENT ASSESSMENT FOR EASTERN PROPERTY OF NATIONAL TECHNICAL SYSTEMS (NTS)

Dear Ms. Maher:

The Department of Toxics Substances Control (DTSC) has reviewed the Preliminary Endangerment Assessment (PEA) Report dated April 20, 2007 and Soil Removal and Disposal (Soil Removal) Report dated October 12, 2007, submitted by GeoKinetics, Inc. for the property located at 20970 Center Pointe Parkway, Santa Clarita. The Report presented data collected during the PEA investigation for the area identified as the Eastern Property (Site). The Soil Removal Report documents the removal and disposal of the approximately 2 cubic yards of impacted soil from the vicinity of the hazardous waste materials storage area identified during the PEA investigation. The Soil Removal Report also presented soil sampling confirmation data.

The Site of approximately 120 acres consists of three (3) parcels with Los Angeles County Assessor's Parcel Numbers 2836-014-047, 2836-014-046 and 2836-014-049, and is relatively undeveloped. This Site was primarily used for remote testing and material storage. The Site was investigated for explosive residues, perchlorate, volatile organic compounds (VOCs), semi-VOCs and metals, including uranium.

Based on the information obtained DTSC has determined that the property is suitable for unrestricted land use and No Further Action is required with respect to investigation and remediation of hazardous substances at the Site. As with any real property, if previously unidentified contamination is discovered at the Site, additional assessment, investigation, and/or cleanup may be required.

We appreciate your efforts and your cooperation in protecting human health and the environment. If you have any questions, please contact Mr. Jose Diaz, Project Manager, at (818) 551-2171 or me at (818) 551-2822.

Sincerely,

Sayareh Amir, Chief
Southern California Cleanup Operations Branch - Glendale Office

Enclosure

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

CITY OF SANTA CLARITA, Plaintiff and Respondent, v. NTS TECHNICAL SYSTEMS et al., Defendants and Appellants.	B169596 (Los Angeles County Super. Ct. No. BC214551)

APPEAL from a judgment of the Superior Court of Los Angeles County. Alan Buckner, Judge. Affirmed.

Maher & Maher, Michael K. Maher for Defendants and Appellants.

Burke, Williams & Sorensen, Carl K. Newton, City Attorney, Brian A. Pierik, Alan A. Sozio for Plaintiff and Respondent.

NTS Technical Systems, Inc. (NTS), and ETCR, Inc. (ETCR) (collectively, appellants),[1] appeal from the judgment entered in an eminent domain action by the City of Santa Clarita (City). They contend the judgment must be reversed, because the trial court erred in finding they failed to show any qualifying goodwill loss; in excluding expert valuation testimony; and in computing the value of the "part take" (i.e., taking of a portion of the condemnee's property).[2] We affirm.

FACTUAL AND PROCEDURAL SUMMARY

The City's project entailed construction and operation of a major arterial public road about 116 feet wide denominated Golden Valley Road (GVR).[3] In furtherance of its project, the City condemned an unimproved portion of ETCR's property, which consisted of 148.33 acres in then a relatively remote and rural section of the City. NTS operated its Saugus/Santa Clarita facility on the property, which it leased. The condemned portion consisted of 0.461 acres (fee simple), 5.176 acres (slope/drainage easement), and 1.61 acres (temporary construction easement).

On August 3, 1999, City filed its eminent domain complaint, and made a probable compensation deposit of $48,175 based on an appraisal of Scott Lidgard. ETCR was served on August 14, 1999, with the immediate possession order. On October 14, 1999, appellants filed a joint answer to the complaint.

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[1] ETCR, also known as Ersland Training Center Corporation, was a wholly owned subsidiary of NTS. Its sole function was to hold title to real estate, and it was the owner of the Santa Clarita property. National Technical Systems, Inc. (not a party), was the parent of NTS (known as NTS California but doing business as National Technical Systems).

[2] Appellants acknowledge that mitigation damages are not at issue.

[3] On April 5, 2001, construction on Phase I commenced. Phase III began on September 24, 2002. GVR was open to traffic on April 5, 2002. Phase II was not yet constructed as of trial.

The court trial began on December 9, 2002. The statement of decision was issued on May 23, 2003. The trial court found the proper date of valuation was August 3, 1999, the date of the probable compensation deposit. The court further found appellants failed to show any goodwill loss caused by GVR. The amount of $48,917.53 was the just compensation for the "part take." On June 17, 2003, judgment was entered, and this appeal followed.

DISCUSSION

I. Loss of Goodwill Caused by GVR Not Shown

Appellants contend the jury, not the court, determines whether the loss of goodwill was "caused by the taking of the property or the injury to the remainder" (Code Civ. Proc., § 1263.510, subd. (a)(1) [hereinafter, section 1263.510(a)(1)])[4] and that they made the requisite showing. We disagree.

"Goodwill" in this context "consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage." (§ 1263.510, subd. (b).) The property owner has the initial burden to prove, by the preponderance of the evidence, that there was a loss of goodwill "caused by the taking of the property or the injury to the remainder" (§ 1263.510(a)(1)). (See, e.g., *Redevelopment Agency of San Diego v. Attisha* (2005) 128 Cal.App.4th 357, 367-368; *Regents of University of California v. Sheily (Sheily)* (2004) 122 Cal.App.4th 824, 831; *Redevelopment Agency v. Thrifty Oil Co.* (1992) 4 Cal.App.4th 469, 475.)

We conclude the trial court did not err in refusing to allow a jury to decide the issue of whether the prerequisite conditions for compensation existed. Compensation for goodwill loss involves a two-step process. Whether the qualifying conditions for such

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[4] All further section references are to the Code of Civil Procedure.

compensation (§ 1263.510(a)) have been met is a matter for the trial court to resolve.[5] Only if the court finds these conditions exist does the remaining issue of the value of the goodwill loss, if any, go to the jury. (See, e.g., *Emeryville Redevelopment Agency v. Harcros Pigments, Inc.* (2002) 101 Cal.App.4th 1083, 1119; accord, *Sheily, supra*, 122 Cal.App.4th at p. 830.)

We also conclude the record does not support appellants' companion claim that they did carry their burden to establish the threshold condition that the loss of goodwill was "caused by the taking of the property or the injury to the remainder." (§ 1263.510(a)(1).)

At trial, appellants took the position that this condition was satisfied, because construction and existence of GVR corresponded with the loss of revenue at the Saugus/Santa Clarita facility and GVR adversely affected their ability to conduct testing. They called as witnesses, Jack Lin, ETCR's president and NTS's chief executive officer; Lloyd Blonder, NTS's chief financial officer; Victor Alfano, NTS's business development manager; William Lawrence, an aerospace engineer; Ralph Clements, NTS's financial expert; and Willy Seebert, NTS's director of safety.

Lin opined the only major event which would account for revenue decline was GVR. He testified that the Saugus/Santa Clarita facility no longer performed tests involving "any large bomb or munitions." He admitted, however, this facility had been downgraded regarding large explosion testing after a neighboring property, whose owner had agreed to allow NTS to use it as a buffer zone, was sold and that afterwards, the facility was only capable of small arena range tests. He also testified that the facility no longer performed certain tests because of the possibility of airborne toxins. He

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[5] Appellants argue that the existence of these conditions is a jury matter. Their reliance is misplaced on the Court of Appeal opinion in *People ex rel. Dept. of Transportation v. Muller* (Civ. 54518), which is a nullity because it was vacated by a grant of review. (See, e.g., Cal. Rules of Court, rules 976, 977; see *People ex. rel. Dept. of Transportation v. Muller* (1984) 36 Cal.3d 263.)

acknowledged the danger of a toxic cloud wafting over GVR might extend beyond to neighboring properties. He believed NTS's atmospheric test chambers potentially could be impacted, because hazardous components which might blow up had to be limited due to GVR. He further testified that GVR allowed for public access, which adversely affected NTS's ability to provide physical and proprietary security (commercial spying). Alfano also testified that NTS was unable to perform certain jobs because of GVR.

"[F]rom a legal point of view," Lin admitted NTS could run smaller ballistics testing and there were no buffer zone or any other safety government regulations which prevented the Saugus/Santa Clarita facility from performing tests which were done before GVR. He also admitted no analysis had been performed to determine if any tests could no longer be performed since GVR was constructed. Clements was unaware of any tests which were precluded or reduced due to GVR. Seebert was unable to provide specifics, but he admitted that any particular test he could identify would be within the applicable government regulations. Lawrence also was unaware of any government documents precluding certain tests because of GVR.

Lin testified that GVR was also responsible for the facility's suffering a loss of customers. When asked if any NTS customer indicated it was not going to send a particular job to NTS because of GVR, Lin testified there was "the strange occurrence of Lockheed Martin Sycamore Canyon." Lin acknowledged, however, that NTS was not the low bidder, and price was the reason given why NTS did not get the job. Alfano admitted not knowing why NTS did not get the Lockheed contract other than the stated reason of price. He also was not aware of any documents from customers listing GVR as the reason for not giving the Saugus/Santa Clarita facility work. He acknowledged that there were instances where technical reasons were given for why NTS, although the low bidder, did not get the job. He did not specify GVR as a reason. Clements admitted not knowing if NTS, as the low bidder, ever failed to get a contract, and he did not know of any contracts which had been awarded to NTS from 1999 to present where the contract was cancelled for any reason.

Lawrence was unaware of any customers not doing business with the Saugus/Santa Clarity facility because of security concerns. He acknowledged he had not spoken to any NTS customers about security and safety issues or GVR. He also was not aware of any cases where NTS, the low bidder, did not get the contract or of any existing NTS contracts which were cancelled since GVR was constructed.

According to Lin, Clements and Blonder, GVR had a significant negative economic impact on NTS, which was reflected by the fact that revenue for the Saugus/Santa Clarita facility was down while revenue was up for NTS's other four facilities. Lin acknowledged, however, that NTS's Camden facility, designed to be a munitions laboratory, operated with technology dissimilar to the Saugus/Santa Clarita facility, which worked with liquid oxygen, liquid hydrogen and liquid engines. Blonder admitted that he did not know whether the decrease was due to bidding or economic forces and that he did not compare NTS's different facilities.

Blonder testified that NTS's October 2002 "10-Q" report[6] indicated GVR heightened the concerns of customers who required testing of sensitive programs and caused customers to stop using the Saugus/Santa Clarita facility for these programs. He admitted, however, that he was not aware of any situation where NTS was the low bidder and did not get the work because of GVR. He personally did not know of any existing contracts awarded to NTS regarding this facility which were terminated due to GVR. He also was not aware of any documents from the Department of Defense or any customer which reflected a decision not to award a particular contract to NTS because of GVR.

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[6] NTS filed "10-Q's and 10-K's" with the Securities and Exchange Commission (SEC). A 10-K is an annual report filed with SEC that covered the fiscal year which began on February 1 and ended January 31. A 10-Q is quarterly report filed with the SEC giving information about a company's progression in the first through third quarters of the year. A 10-Q included financial and related information which had to be certified as accurate, true and correct.

Blonder further acknowledged that in June 2001 he had estimated $500,000 a year was the loss of business due to the nearby high school eminent domain proceeding.

Dan Napier, a certified safety professional, opined construction of GVR had not impacted NTS's ability to conduct tests, particularly as to safety, at the Saugus/Santa Clarita facility. He further opined GVR did not create any testing constraints not already existing. He testified that NTS performed very few explosive tests and in low amounts and in the event of a catastrophe GVR would be the safest place to be. He was not aware of any safety regulations that would be violated if tests were performed while GVR was being constructed or in place. He further opined that in order to spy on the facility, an individual would "have to stop in a no-park parking area and . . . walk up to the edge of the road" where he would be "very visible."

Thomas Pastore, City's goodwill appraiser, testified that appellants did not sustain any goodwill loss due to the taking and opined there was no correlation between the decline of revenue (about 6 percent) at the Saugus/Santa Clarity facility and the increase in revenue (about 15-20 percent) at NTS's four other facilities.

Pastore opined the records relied upon by appellants did not constitute evidence that the decrease in revenue at the Saugus/Santa Clarita facility was attributable to GVR. He noted the deposition testimony of Lin, Clements and Richard Short, a NTS senior vice-president, failed to show any adverse impact due to GVR.

Pastore pointed out that GVR was not listed in the 10-Q and 10-K documents filed with the SEC prior to October 2002 as a cause for revenue loss; rather, the explanations provided included the state's energy crisis, competitive bidding and increased business costs. He particularly noted that the 10-K report for the year ending January 31, 2002, indicated an increase of costs, e.g., utilities, employee benefits and competitive pricing, but did not indicate GVR had any impact on NTS's performance. He also identified other unrelated factors for the losses, e.g., a high school and loss of short-range ballistics capability.

The trial court ruled that appellants had failed to show, by a preponderance of the evidence, that their losses were "caused by the taking of the property or the injury to the

remainder." (§ 1263.510(a)(1).) The court found particularly persuasive the documents filed with the SEC which listed causes unrelated to GVR for losses sustained at the Saugus/Santa Clarita facility. The court did not credit the testimony of appellants' employees that GVR caused the loss of their goodwill. The court found especially telling the failure of appellants to offer any evidence from customers regarding GVR concerns or any documentation about safety issues.

It is not our function, as a reviewing court, to reevaluate the evidence or reweigh credibility. Rather, it is incumbent on us to uphold the trial court's ruling if supported by substantial evidence. (See, e.g., *Davis v. Kahn* (1970) 7 Cal.App.3d 868, 874; *Bazaure v. Richman* (1959) 169 Cal.App.2d 218, 221-222 [trial court entitled to disbelieve uncontradicted, unimpeached testimony of interested party].) As reflected above, there is ample evidence to support the finding that any goodwill loss was not caused by the taking or injury to the remainder of the property.[7]

II. August 3, 1999, Proper Date of Valuation

Appellants contend the trial court erred in finding August 3, 1999, the date of City's original deposit, to be the date of valuation, because "City failed to deposit the true and real amount of probable compensation for ETCR's property when it commenced this action in 1999, and has *never* deposited any compensation on behalf of NTS." (Original italics.) Also, "it would be an unconstitutional denial of due process to value ETCR's property on a date *three years prior* to" the determination that City was entitled to take (not simply possess) that property. (Original italics.)[8] Alternatively, appellants argue that, if the date of valuation is the "'date of deposit,'" this date should be the date of City's supplemental deposit, which was September 12, 2002. We find appellants' positions unpersuasive.

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[7] This disposition obviates the need to address appellants' claim that goodwill loss had a different date of valuation than the taking of the real property.

[8] The trial court ruled City met its burden to show its entitlement to the "part take."

A property owner has a constitutional right to "just compensation," which is the fair market value of the property "at the time the taking occurred" by the public entity. (*Redevelopment Agency v. Gilmore (Gilmore)* (1985) 38 Cal.3d 790, 796-797, 801; see also U.S. Const., 5th Amend.; Cal. Const., art. I, § 19.)

In a straight eminent domain action (no pretrial possession sought), the statutory date of valuation is the date the action began if trial on the compensation issue is commenced within one year; on the other hand, the statutory date of valuation is the date when trial on that issue commenced if trial is not brought within one year after the action began. (§§ 1263.120, 1263.130; *Leaf v. City of San Mateo* (1984) 150 Cal.App.3d 1184, 1190-1191, overruled on another ground in *Trope v. Katz* (1995) 11 Cal.4th 274, 292.)

Nonetheless, the statutory date of valuation does not control where its effect would deprive the owner of "just compensation." (*Gilmore, supra*, 38 Cal.3d at p. 797) In this situation, the valuation date would be the date that affords the owner "just compensation." (See *Saratoga Fire Protection Dist. v. Hackett* (2002) 97 Cal.App.4th 895, 905-906; cf. *Kirby Forest Industries, Inc. v. United States* (1984) 467 U.S. 1, 17 ["convention of using the date of the commencement of the trial as the date of the valuation" violates Fifth Amendment "if the result of that approach is to provide the owner substantially less than the fair market value of his property on the date the United States tenders payment"].)

In contrast, the date of valuation under the "quick take" or "early possession" law (§ 1263.110 et seq.) is a date on which the condemner deposits "probable just compensation" for the property, which entitles condemner to seek immediate possession. (See, e.g., *Gilmore, supra,* 38 Cal.3d at p. 801.)

As we shall demonstrate, the appropriate date for valuation of the property was August 3, 1999, rather than September 12, 2002, the date City voluntarily increased its original deposit, or December 9, 2002, the date of trial, which was more than a year after the action was filed.

On August 3, 1999, City deposited $48,175, which represented the "probable compensation" based on Lidgard's appraisal. Based on this date, D. Michael Mason,

City's trial appraiser, valued the property at $80,250. On September 12, 2002, City voluntarily increased its deposit to reflect this amount. (See § 1255.30, subd. (f).)

At trial, the court ruled August 3, 1999, was the date of valuation. The court rejected appellants' argument that the date of valuation had to be changed in light of City's supplemental deposit.

Initially, we conclude the trial court did not err in finding August 3, 1999, to be the date of valuation under the "quick take" statutory scheme. It is undisputed that City made its deposit of "probable compensation" on August 3, 1999 (§ 1263.110, subd. (a)), and on September 10, 1999, the court issued an order of immediate possession.

We further conclude City's supplemental deposit on September 12, 2002, did not require the date of deposit to be changed to this later date. Appellants have not cited any persuasive authority for the proposition that the date of a voluntary supplemental deposit supersedes the date of the original deposit. Moreover, such a conclusion is not compelled by law.[9]

Under the "quick take" statutory scheme, the condemner or "any party having an interest in the property for which the deposit was made" is entitled to make a motion requesting the court to "determine or redetermine whether the amount deposited is the probable amount of compensation that will be awarded in the proceeding." (§ 1255.030, subd. (a).) "If the [condemner] has taken possession of the property and the court determines that the probable amount of compensation exceeds the amount deposited, the court shall order the amount deposited to be increased to the amount determined to be the probable amount of compensation. If the amount on deposit is not increased accordingly

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[9] We note review was granted in *Mt. San Jacinto Community College Dist.v. Superior Court* (S132251; formerly (2005) 126 Cal.App.4th 619) and *San Diego Metropolitan Transit Development Bd. v. RV Communities* (S133786; formerly (2005) 127 Cal.App.4th 1201) regarding the proper valuation date where the owner elects to litigate the condemner's right to take the property instead of exercising its right to withdraw the funds deposited by condemner, which had the right to pretrial possession.

within 30 days from the date of the court's order, or any longer time as the court may have allowed at the time of making the order, the [condemnee] may serve on the [condemner] a notice of election to treat that failure as an abandonment of the proceeding. If the [condemner] does not cure its failure within 10 days after receipt of such notice, the court shall, upon motion of the [condemnee], enter judgment dismissing the proceeding . . . ." (§ 1255.030, subd. (c).)

A plain reading of these provisions does not support an inference that the date of deposit, and thus date of valuation, transforms into the date of a supplemental deposit. Rather, the designated consequence of the condemner's refusal to increase the original deposit to the amount determined by the court is the possible dismissal of its eminent domain action. In other words, if appellants had invoked the procedure to increase the deposit, they might have obtained a ruling that $48,175 was insufficient; that this amount had to be increased to the actual probable compensation amount; and that if City failed to do so, they were entitled to move for dismissal. Appellants elected not to proceed in this manner.

In another section, the "quick take" statute provides that the condemner "may at any time increase the amount deposited without making a motion under this section." (§ 1255.030, subd. (f).) We consider this particular section in the context of the entire statutory framework. (See, e.g., *Phelps v. Stostad* (1997) 16 Cal.4th 23, 32.) Nowhere does the statute address the valuation date in the context of such voluntary increase. We infer from this silence that the Legislature did not intend the date of a supplemental deposit to become the date of deposit.

In view of the foregoing, we hold that under the "quick take" statute, the original "probable compensation" deposit date is the date of valuation irrespective of any increase of deposit by the condemner.

Contrary to appellants' claim, it is inconsequential that NTS was not named as a defendant in the complaint filed on August 3, 1999, the same date the original deposit was made. It is ETCR, the owner, which is entitled to just compensation for land taken for public use. As a lessee, NTS is merely entitled "to share in the condemnation award

to compensate for the value of his or her leasehold interest. (§ 1265.150; *City of Vista v. Fielder* (1996) 13 Cal.4th 612, 616.)" (*Redevelopment Agency of San Diego v. Attisha, supra*, 128 Cal.App.4th 357, 366.) Apportionment is a matter between ETCR and NTS. (*Ibid.*)

Accordingly, under the "quick take" statute, the date of valuation is the date of the "probable compensation" deposit without regard to the existence of any leasehold. Thus, it was not required that the probable compensation deposit be made on or after the date NTS became a party to this action.

We find unpersuasive appellants' remaining claim that to allow the date of deposit to stand as the date of valuation would operate to deprive them of their constitutional right to "just compensation." They fail to support their claim with any applicable authority or record references. (See, e.g., *Sheily, supra*, 122 Cal.App.4th at pp. 826-827, fn 1.)

Appellants' reliance on *Saratoga, supra*, 97 Cal.App.4th 895, is misplaced. Under section 1263.120, the valuation date was the date the proceeding commenced. The *Saratoga* court concluded it would be unconstitutional to use this valuation date where "unusual circumstances which, if believed by the trier of fact, would make it unjust to apply section 1263.120 to defendant's award." (*Saratoga*, at pp. 905-906.) The court concluded it was error to exclude evidence that the fair market value of the property at the time of trial, 11 months after the action commenced, had substantially increased, i.e., from $2 million to $3.2 million. (*Id.* at p. 906.) *Saratoga*, however, is factually inapplicable for the reasons that it was a straight condemnation, not a quick-take action and, unlike here, there was no deposit of probable compensation.

Moreover, if appellants believed that the "probable compensation" was an amount greater than the original deposit, they could have made a motion for redetermination of the appropriate amount of deposit, which they elected not to do. (See *Kirby Forest Industries, Inc. v. U.S., supra,* 467 U.S. at pp.17-18 [no violation of Fifth Amendment where there exists "a procedure for modifying a condemnation award when there is a substantial delay between the date of valuation and the date the judgment is paid, during

which time the value of the land changes materially"]; see also *Whittier Redevelopment Agency v. Oceanic Arts* (1995) 33 Cal.App.4th 1052, 1060 [trial court authorized to order an increase in the probable compensation deposit pending appeal from judgment by developer which acquired prejudgment possession of property, and amount of judgment exceeded amount deposited].)

III. Exclusion of Expert Testimony Not Abuse

Appellants contend the trial court abused its discretion in excluding the testimony of Scott Delahooke based on his third appraisal and denying their motion for relief.[10] There was no abuse.

On June 11, 2002, the exchange date, appellants produced Delahooke's first appraisal with a $230,000 fair market value based on May 20, 2002, and indicated that he could use August 3, 1999.

On July 11, 2002, when Delahooke was deposed, appellants produced a second appraisal in which Delahooke again used May 20, 2002, but this time gave $815,000 as the fair market value and reiterated his offer to use the date of August 3, 1999.

On December 11, 2002, day three of trial, City was served with Delahooke's third appraisal, which was dated November 22, 2002, and gave $410,000 as the fair market value based on August 3, 1999.

City objected and made a motion in limine to exclude any valuation testimony by Delahooke, particularly his opinion based on his third appraisal. City essentially took the position that appellants acted in bad faith by instructing Delahooke, as a strategic tactic, to base his first and second appraisals on the May 20, 2002, date of valuation and that

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[10] We deem waived appellants' claim that the court also erred in refusing to allow Clements and Lin to testify, which is not based on any specific argument or supported by record references and applicable authority. (See, e.g., *Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 784-785.)

City was substantially prejudiced by the third appraisal which was belatedly served after trial began.

Appellants filed both opposition and a companion motion to allow Delahooke to testify (§§ 575.2, subd. (b) [failure to comply with local rules not chargeable to client where noncompliance responsibility of counsel], 1258.290 [discretion to permit testimony on matters not set forth in statement of valuation data]). They conceded the motion only pertained to the third appraisal, because the earlier valuations based on the May 20, 2002, date were irrelevant in view of the court's ruling that August 3, 1999, was the correct valuation date.

The trial court granted City's motion and denied appellants'.

The trial court's rulings were not an abuse of discretion. (See, e.g., *City of San Diego v. Barratt American Inc.* (2005) 128 Cal.App.4th 917, 936 [abuse of discretion standard applicable to exclusion of valuation of property expert testimony]; see generally *Dart Industries, Inc. v. Commercial Union Ins. Co.* (2002) 28 Cal.4th 1059, 1078.)

The statement of valuation must include, among other data, "[t]he date of valuation used by the witness" and "[t]he sales, contracts to sell and purchase, and leases supporting the opinion." (§ 1258.260; see also §§ 1258.240, 12158.250.) Upon objection, "[n]o witness . . . may testify on direct examination during the case in chief of the party who called him to any opinion or data required to be listed in the statement of valuation data . . . unless such opinion or data is listed in the statement served except that testimony that is merely an explanation or elaboration of data so listed is not inadmissible . . . ." (§ 1258.280, subd. (c).)

Nonetheless, the trial court is imbued with discretion to permit a witness to testify regarding opinions or data which should have been included but were omitted from the statement "upon such terms as may be just" and under the circumstances that the party calling the witness made a good faith effort to comply with the requirements for exchange of valuation data (§§ 1258.210-1258.260); he diligently gave notice to the opposing party after determining "to have a witness called by him testify . . . to any opinion or data required to be listed . . . but which was not so listed" (§ 1258.270, subd.

(a)(2)); and the omission of the opinion or data was the product of "mistake, inadvertence, surprise, or excusable neglect." (§ 1258.290, subd. (a).) The trial court also is required to "take into account the extent to which the opposing party . . . will be prejudiced if . . . the testimony concerning such opinion or data is given." (§ 1258.290, subd. (b).)

Additionally, a statement of valuation data must be exchanged between the parties in a timely manner. (§§ 258.220, 1258.230, subd. (a).) The trial court is vested with "wide discretion in determining whether or not good cause has been shown for the delay in presenting valuation data to an opposing party. (*Redevelopment Agency v. First Christian Church* (1983) 140 Cal.App.3d 690, 700.) The court's ruling will be upheld if supported by substantial evidence. (*Id.* at p. 701.)

Appellants do not dispute that service of the third appraisal on City did not comply with the date agreed upon for exchange and that such service was not on "a date 90 days prior to commencement of the trial on the issue of compensation or [a] date set by the court on noticed motion of either party establishing good cause therefor." (§ 1258.220, subd. (a).) Delahooke's third appraisal therefore was untimely.

Moreover, the trial court's findings of lack of good faith, absence of requisite notice, and inexcusable delay are supported by ample evidence. The court impliedly found the omission from the first and second appraisals of Delahooke's opinions and valuation data based on a August 3, 1999, date of valuation and the tardy service of the third appraisal were the product of a deliberate decision of appellants to obtain a strategic advantage over City, rather than the inadvertence or neglect of their counsel.

Appellants' decision to base their first and second appraisals on a date other than the statutory date of valuation, i.e., August 3, 1999, necessarily was based on an informed choice. On their face, the first and second appraisals reflect that, if requested, Delahooke would value the property based on August 3, 1999, the date of deposit. In his deposition, which was before his third appraisal, Delahooke, an experienced appraiser, admitted that he had never before used a date of valuation other than the date of deposit. He

acknowledged that appellants' counsel, contrary to his advice, directed him to value the property as of May 20, 2002, instead of the date of deposit.

With respect to the third appraisal, appellants do not claim that they were precluded by City or otherwise from serving City with a pretrial statement of valuation data based on August 3, 1999. Instead, appellants relied on the declaration of their counsel, Michael Maher, to justify the omission of the opinion and valuation data from the earlier two appraisals and the late service of the appraisal. He explained the choice of a date other than August 3, 1999, was based on uncertainty about the proper valuation date and that the third appraisal was necessitated by the trial court's determination of August 3, 1999, as the correct date. It is not for us to rejudge the trial court's determination that this explanation was not worthy of credit. (See, e.g., *Bazaure v. Richman, supra*, 169 Cal.App.2d 218, 221-222.)

Similarly, abundant evidence supports the trial court's finding that service of the belated third appraisal was prejudicial. The purpose of exchanging statements of valuation data in advance of trial is to foster fairness and judicial economy. "In condemnation proceedings this has taken the form of an exchange of reports of experts during the final pretrial proceedings immediately in advance of trial. The key element is mutuality." (*Swartzman v. Superior Court* (1964) 231 Cal.App.2d 195, 203-204.) This purpose would be subverted if one party were allowed to confront the other party with a statement of valuation data for the first time during trial based simply on the excuse of earlier indecisiveness. (See, e.g., *Swartzman, supra,* at p. 204 [genuine disclosure pretrial inhibited where party could merely "profess indecision until the day of trial"].)

Moreover, the untimely service of the statement might deprive the other party of the opportunity to counter its contents and effect. (See, e.g., *Bonds v. Roy* (1999) 20 Cal.4th 140, 148 ["Allowing new and unexpected testimony for first time at trial" inconsistent with requirement of "timely disclosure of the general substance of an expert's expected testimony" in order for "parties . . . properly [to] prepare for trial"].) This is the situation here. Contrary to appellants' claim, the third appraisal was not simply a nonprejudicial "mathematical recalculation" of already known information.

Rather, it was based on two new sales which were not listed in the earlier appraisals. One was the sale of the 38.26-acre Ruether Avenue parcel[11] and the other was the sale of the 16.02-acre 20976 Golden Triangle parcel. Moreover, Delahooke opined these were "the only truly comparable sales" and that they were "the most comparable to the subject in location, date of sale and physical conditions . . . ." (Cf. *County of Los Angeles v. Kling* (1972) 22 Cal.App.3d 916, 922-923 [value opinion testimony admissible where answer already placed condemner on notice of owner's opinion].)

Mason declined to include the 20976 Golden Triangle sale as a comparable in his pretrial valuation. This fact, however, does not cure the City's loss of opportunity to prepare in advance of trial to counter the underpinnings of Delahooke's new valuation opinion. The first appraisal value of $230,000 was based on a 2002 date while the third appraisal value of $410,000 was based on a 1999 date. This almost doubling of valuation was peculiar: real estate prices rose from 1999 to 2002. (Cf. *State of California ex. rel. Public Works Bd. v. Bragg* (1986) 183 Cal.App.3d 1018, 1028, 1029-1030 [preclusion of valuation evidence not appropriate where prejudice showing questionable].)

IV. Amount of $48,917.53 as Just Compensation Not Error

Appellants contend the trial court erred in awarding $48,917.53 as just compensation, because it was "*less* than what the City offered" and "[a] trier of fact *must* determine the amount of compensation *within the range* of the witness' testimony." (Original italics.) There was no error.

At trial, Lidgard opined the value of the property was $48,175. He explained that although this figure was derived from his appraisal based on June 24, 1999, as the date of valuation, the value would be the same on August 3, 1999. Lidgard opined $10,890 per acre was appropriate, and the slope easement should be discounted by 25 percent.

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[11] This sale was in January 2000. The second appraisal relied on the November 2001 sale of the same parcel.

Mason acknowledged it was common for appraisers to arrive at different valuation figures for the same property. He opined that $80,250 was the fair market value on August 3, 1999. Based on the "sales comparison" approach, Mason compared certain property sales, which ranged from $4,845 per acre to $72,765 per acre. He concluded that sale numbers 1, 2, 5 and 6 were the only comparable sales and that he did not place more weight on one than another in determining $25,000 was the value per acre. Rather, he considered them all equal. The average price per acre was $10,000 or $11,000 per acre; however, his "ultimate opinion" was higher than average. He explained the $25,000 figure was not simply the function of a "formula [weighing] process" or "any sort of mathematical averaging." Mason further opined appellants lost only 50 percent value of the easement area, because these areas were still useful, e.g., access, landscaping, and to fulfill setback and building density requirements.[12] In determining the value of the temporary construction easement, he multiplied 1.61 acres times $25,000 and multiplied the product by 10 percent, which was the "rate of return appropriate for industrial land."

The trial court concluded the value of the partial take, instead, was $48,917.94 and that $10,861 was the value per acre, It found appellants lost 75 percent, rather than 50 percent, of the easement area value. The court considered sale numbers 1, 2, 5 and 6 to be comparable but expressly found that only numbers 1 and 5 were similar in size and utility to the partial take. The amount of $48,917.94 was based on the addition of the products of these calculations: (1) $10,861 times .461 acre (fee simple); (2) $10,861

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[12] The parties stipulated that if Glenn Tofani, a defense geotechnical expert, were called, he would testify that it was "not feasible to use the slope area for access, structures or other facilities, and that the slope cannot be used for any other purpose other than for basically supporting the road." It was further stipulated that in response, Mason "would testify that *if* the slope could not be used for access or structures, then he would modify his opinion" by testifying that the 50 percent discount for the slope easement "would be valued at 75 percent of the fee." (Italics added.) This would result in an increase in value for the easement from $64,700 to $97,050 for a new total valuation of $112,600.

times 5.176 acres (slope easement) times 75 percent; and (3) $10,861 times 1.61 acre (temporary easement) times 10 percent.

The valuation of the property taken must not be lower or higher than "that shown by the testimony of the witnesses." (*People ex rel. D. of P. Wks. v. McCullough* (1950) 100 Cal.App.2d 101, 105; *Redevelopment Agency v. Modell* (1960) 177 Cal.App.2d 321, 326-327) This proscription simply signifies that the trier of fact is restricted to the lowest or "highest valid arithmetical combination of factors *selected* from the testimony of all the witnesses," rather than an amount between the lowest and highest lump-sum figures provided by the witnesses. (*People ex rel. Dept. Pub. Wks. v. Jarvis* (1969) 274 Cal.App.2d 217, 226-227, italics added; see also *People v. Thompson* (1954) 43 Cal.2d 13, 27-28 [jury "not bound to accept the testimony of any one of the four witnesses" on valuation].)

The trial court did not abuse its discretion in arriving at $10,861 as the value per acre. In calculating just compensation, the court was not restricted to Mason's determination regarding the factors and weight accorded each in its evaluation of the comparable sales. Also, $10,861 per acre was within the range of the lowest and highest arithmetical combination of factors based on Mason's testimony. Similarly, it was within the province of the trial court to accept the 25 percent discount figure provided by Lidgard over the 50 percent figure relied upon by Mason. (Cf. *People ex rel. D. of P. Wks. v. McCullough, supra,* 100 Cal.App.2d at p. l05; *Redevelopment Agency v. Modell, supra*, 177 Cal.App.2d at p. 326 [verdict impermissibly based on view of property].)

DISPOSITION

The judgment is affirmed. City to recover costs on appeal.

BOREN, P.J.

We concur:

DOI TODD, J.

ASHMANN-GERST, J.

Filed 3/3/06

CERTIFIED FOR PARTIAL PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

CITY OF SANTA CLARITA, Plaintiff and Respondent, v. NTS TECHNICAL SYSTEMS et al., Defendants and Appellants.	B169596 (Los Angeles County Super. Ct. No. BC214551) **ORDER CERTIFYING OPINION FOR PARTIAL PUBLICATION**

THE COURT:

The opinion in the above entitled matter filed on February 3, 2006, was not certified for publication in the Official Reports.

For good cause it now appears that the opinion should be certified for partial publication and pursuant to California Rules of Court, rules 976(b) and 976.1, it is ordered to be published with the exception of:

1. The fourth paragraph to the end of Part I, i.e., publish only the first three paragraphs of Part I.
2. Part IV of the Discussion.

Letter No. D2. Ms. Jennifer Kilpatrick

Ms. Jennifer Kilpatrick
[jekilpatrick@hotmail.com]
October 11, 2012

Response D2-1

This comment is an introduction to comments that follow. No further response is required.

Response D2-2

This comment is a summary of comments that follow. No further response is required.

Response D2-3

The comment raises issues concerning the possible existence of unexploded ordnance (UXO) within the construction footprint of the roadway based upon the historical activities of National Technical Systems (NTS). The commenter references a map, which would show same, as well as prior litigation testimony which would identify the location of ordnance testing. To date, staff has not been able to locate the referenced map or testimony, but staff is continuing in efforts to locate same. In light of this issue, absent staff locating information which dispositively establishes that UXO does not exist within the construction footprint, prior to commencing construction, the City will retain an expert who will (1) conduct a survey/search for UXO on the NTS property within the construction footprint, (2) eliminate any identified UXO, and (3) recommend safety protocols to be followed during construction of the roadway."

The requested correction to **Section 4.6, Human Made Hazards**, in the form of an additional mitigation measure of the Draft EIR has been made. Please see the portion of the Via Princessa East Extension Final EIR entitled “Revised Draft EIR Pages” for the actual text revision.

Response D2-4

The comment provides background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-5

The comment provides background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-6

The comment provides background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-7

Please see **Response 3** above with regard to information concerning the mapping/location of the ordinance testing locations.

Response D2-8

The comment provides background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-9

Please see **Response 3** above with regard to information concerning the mapping/location of the ordinance testing locations.

Response D2-10

The comment provides background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-11

The comment provides background information only concerning trial transcript testimony and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-12

The comment provides background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-13

The comment provides background information only concerning trial transcript information testimony and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-14

The comment provides factual background information only regarding lack of information available through the Department of Toxic Substance Control (DTSC) Envirostor website and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-15

The comment provides background information only concerning the 2007 DTSC No Further Action Letter and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-16

The comment provides factual background information only concerning subsurface soil sampling and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-17

The comment provides background information only concerning trial transcript information testimony and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-18

The comment raises issues concerning independent contractor reports and "sins of omissions" that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-19

The comment only expresses the opinions of the commenter concerning various persons' testimonies. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-20

The comment provides factual background information only concerning William S. Hart District access to the project site and lack of mapping of the San Gabriel Fault and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

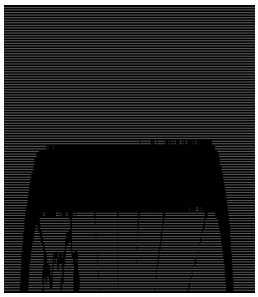
Response D2-21

The comment provides background information only concerning trial transcript information testimony and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D2-22

The comment suggests that the Draft EIR should be supplemented to illustrate where the NTS outdoor explosive ordnance and ammunition testing occurred to demonstrate the risks of road building in the area without benefit of a full unexploded ordnance UXO survey conducted. Please see **Response D2-3** above.

Letter No. D3



SCOPE
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

10-15-12

City of Santa Clarita
Harry Corder, Senior Engineer
23920 Valencia Blvd...
Santa Clarita, CA91355

Please Copy to All Commissioners

Re: Via Princessa East Extension Project DEIR SCH No. 2009091110

Dear Commissioners and Mr. Corder:

We would like to begin by expressing our concern that this project is receiving no review before the Planning Commission and no public hearings are currently scheduled to occur prior to the presentation of the Final EIR to the City Council. Instead, only something called by staff as "public outreach meetings" have been held. No decision-makers were present at these meetings to hear the very valid concerns of the residents and others (including SCOPE) who attended these informal meetings. 1

At these meetings, notes were taken, but no recordings of the testimony of the public were made. While we are sure that staff made every effort to adequately represent the public comments, we believe that important details may have not been accurately or comprehensively noted due to the difficulty of recording everything manually. 2

Planning Commission hearing required for Eminent Domain 3
A Planning Commission hearing should also be conducted on this project because the alignment will pass through and therefore require acquisition of or eminent domain proceeding for land owned by NTS (National Testing Systems). According to the DEIR (p.4.6-3) has had some previous hazardous chemical issues:

> *"In 1989 or 1990, a release of 800 gallons of jet fuel occurred on the National Technical Systems (NTS) property adjacent to the project site. The spill occurred on a parcel that includes the project site, but did not fall within the project boundaries. NTS was cited in 1990 and 1999 for storage of on-site hazardous waste past applicable accumulation time, and in 1999 for a leaking 55-gallon drum in the hazardous waste storage area. NTS is also located near the former Whittaker-Bermite Facility where there is known groundwater contamination from perchlorate."* 4

While these issues have been resolved to the satisfaction of the Department of Toxic Substances Control (DTSC), this remains an active facility. Heretofore undisclosed or new issues may be uncovered, should grading through this facility occur. A full hearing of a proposed or required acquisition of any land owned by NTS should take place before City taxpayer funds and liability are risked for such a potential acquisition. 5

It appears that both the proposed project and the environmentally superior alternative goes through the NTS property, although the exact impact on the property is difficult to asses from the maps and not properly disclosed in the DEIR. 6

Third Project Alternative Needed

Because of the NTS issue and the biological impacts of the proposed project to endangered species including a functioning vernal pool habitat, we urge the City to evaluate a third alternative for the curvature of the road right of way, so that the vernal pool and spring are avoided while at the same time not sending the road through the NTS property. 7

Inappropriate Project Purpose 8

In fact, it seems that the project purpose and description has been designed with the purpose of avoiding such meetings. According to staff, the project will not be heard before the Planning Commission because the current proposed alignment is in the circulation element. It therefore conforms to the General Plan, so no hearing before the Commission is needed. 9

This is despite the fact that the project alternative is considered the most environmentally sensitive alignment, is shorter, and thus less expensive, would reduce air quality and global warming impacts because of its reduced length, and would avoid vernal pools and endangered species, which will become an issue as the project proceeds. 10

Further, we understood staff to say that there is no current need or financing for this project and that it would not get underway for several years. 11

Given these issues, we encourage the Planning Commission to hear from the public on this project before it proceeds further. We urge both the Commission and the Council to hold public hearings at the Commission level before proceeding to Council so that as many concerns as possible can be remedied before the project reaches the Council level. 12

Piece-mealing 13

The California Environmental Quality Act (CEQA) requires that the whole project and its impacts be considered. It is not permissible under CEQA to divide a project into smaller pieces or sections to reduce project impacts that would occur if the whole project were considered.

We assert that his project is being piece-mealed to reduce project impacts. The City fully intends to extend this road to the existing stub of Via Princessa joining Highway 14 as indicated in the General Plan. The full roadway will have considerable additional impacts to residents and the environmental, including noise, air pollution for those immediately adjacent to the roadway. The additional environmental impacts will include increased impacts to air quality, including PM2.5 and PM10 from grading and diesel exhaust, greenhouse gases, potential loss of oak trees and other biological impacts. The City must consider these impacts simultaneously with the impacts already disclosed for the eastern segment of this roadway. 14

Wrong Baseline 15

CEQA requires that the impacts produced by a project be weighed against existing conditions. It is obvious that this DEIR has reached conclusions of less than significant impacts throughout the document by first using the wrong baseline. It is well known that in *Save our Peninsula v.*

Monterey County Board of Supervisors (2001), 87 Cal.App.4th 99, 125, the Court of Appeal stated:

> "Section 15125, subdivision (a), now provides: "An EIR must include a description of the physical environmental conditions in the vicinity of the project , as they exist *at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced. …This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."* (Italics added.) Furthermore, the section 15126.2 now provides as follows: "In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced" These amendments reflect and clarify a central concept of CEQA, widely accepted by the courts, that the significance of a project's impacts cannot be measured unless the EIR first establishes the actual physical conditions on the property. (*County of Amador v. El Dorado County Water District, supra,* 76 Cal.App.4th at p. 953, 91 Cal.Rptr.2d 66; *Environmental Planning & Information Council v. County of Carmel-by –the-Sea v. Board of Supervisors, supra*, 183 CalApp.3d 229, 227 Cal.Rptr. 899.) In other words, baseline determination is the first rather than the last step in the environmental review process."

15

Again, this DEIR fails throughout as an informational document because, instead of comparing the impacts of the project to the *existing* conditions, impacts are compared to the future buildout described in the General Plan.

Noise

16

This project will create substantial levels of noise and vibration for the existing residential neighborhoods with levels up to 90db during construction, according to the DEIR. The City noise ordinance permits high levels of construction noise daily from 7AM to 7PM and on Saturdays. This mean that life in their own homes will essentially be unbearable for local residents during construction. We therefore request that should the City move forward with this project, adjacent homeowners be compensated for the loss of use of their homes to the amount necessary to rent elsewhere during construction.

17

18

Further, the DEIR admits that the roadway will not conform to the local noise ordinance after the roadway is completed: "During operation of the proposed project, noise levels are expected to be approximately 66.9 A-weighted decibels (dB(A))…" (DEIR p.4.6-1 which is out of compliance with the City's noise ordinance and not consistent with the General Plan. However, despite these facts the DEIR continues " …which is well below the noise level thresholds for Residential and Industrial.", a statement that is incompatible and inconsistent with the described ordinances.

19

This analysis fails to include the additional growth that will be enabled by this road extension. Table 4.9-14, Cumulative Roadway Noise from One Valley One Vision EIR indicates that Via Princessa east of Rainbow Glen would be exposed to "a noise level increase of 5.6 dB (A) and Golden Valley south of Via Princessa would be exposed to a noise level increase of 3.2 dB (A) under cumulative buildout." (DEIR p.4.6-49). This is over a 3-decibel increase and should be considered significant. ***By massaging the facts to make it appear that the noise increase will be less than significant, the DEIR fails as an informational document.***

20

Growth Inducement

Use of the wrong baseline produces such absurd results as the statement on page 8.0-3

> *"The proposed project is not considered growth inducing and would not have any impacts associated with* growth."

21

While the DEIR correctly describes the legal framework required for a description of growth inducing impacts[1] and the criteria upon which the evaluation must be based, it then proceeds to ignore the two criteria applicable to this road extension because the ***future*** growth the road would allow is already described in the newly updated General Plan.

Removal of an Impediment to Growth – "*Growth in an area may result from the removal of physical impediments or restrictions to growth. In this context, physical growth impediments may include nonexistent or inadequate access to an area or the lack of essential public services."* (DEIR p.8.0-2).

22

Currently, no growth may occur in much of the open space along this alignment, because there is no road access or insufficient access to it. Therefore, obviously, the Via Princessa Extension will allow this development and therefore induce growth. Impacts from this induced growth are described in all sections with traffic related impacts. (for example, see noise above.)

Development of Open Space – "*Development of open space is considered growth inducing when it occurs on the fringes of built-up areas"* (DEIR. P. 8.0-3)

23

According to the DEIR, the road would not induce growth, because this area is infill. This statement is easily disproven by merely looking at maps provided in the DEIR and viewing the open space through which the proposed alignment must pass. The biological impacts described in the DEIR are also obviously upon currently open space. Thus, the alignment falls under the criteria for growth inducing since it will enable development of currently open space.

Traffic

Currently roads in this area appear to be operating at excellent service levels, according to the DEIR. Residents have not complained about congestion of traffic, although they have complained about fast moving and loud through traffic and difficulty in accessing their tracts due to this through traffic.

24

However, the DEIR, apparently in an effort to show a need for this project, uses an "interim" traffic estimate of what will occur in the next 10-15 years, based on the General Plan compared to Plan buildout. This is not an acceptable methodology to generate a need for a project, as it uses the wrong baseline. This is especially the case since current building permits do not indicate any such increase.

25

Also, the data used is based on zoning for particular areas, but does not indicate whether it was the low range, mid-range or high range of allowable housing. This could make a substantial difference in the calculation of trip ends. This ambiguity could substantially skew the conclusions

26

[1] The *State CEQA Guidelines* require an Environmental Impact Report (EIR) to "discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment" (*State CEQA Guidelines,* Section 15126.2)., DEIR p.8.0-1

presented in the DEIR. Therefore the DEIR must provide a more detailed description of how this information is derived. 26

Instead, the DEIR continues to examine the "interim" future traffic impacts to future impacts of OVOV General Plan without the project.and concludes that they will be less. Again, it appears that there is no justified need for this project at this time. 27

Air Quality

Per our comments on the traffic section, it appears that the wrong baseline is used for traffic analysis. This being the case, the air quality analysis must also be incorrect, since traffic generation is the non-construction basis for pollutant generation. 28

The Santa Clarita Valley is in a non-attainment area for ozone, PM2.5 and PM10 air pollution. In a rating from marginal to extreme, the SCV was rated severe. Approval of the 2007 Air Quality Management Plan allowed local entities to request a "bump up" to the Extreme classification. This "bump-up" applies to ozone only. The category change allowed an extension of time to comply, but required instituting certain mitigation measures and the attainment of "milestones". 29 30
We do not see the required mitigation measures in the DEIR. Nor is there a discussion of the milestones that must be reached in order to comply with the 2007 Air Quality Plan. Without compliance, Federal funding for road expansion will be denied. 31 32

The health effects of this pollutant as described on the EPA air quality website are as follows:
Ozone –" (a) Pulmonary function decrements and localized lung edema in humans and animals; (b) Risk to public health implied by alterations in pulmonary morphology and host defense in animals; (c) Increased mortality risk; (d) Risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (e)Vegetation damage; and (f) Property damage." 33

The attainment date for PM2.5 is much earlier then the 2024 extended date for the ozone extreme designation. The PM2.5 plan, due in 2008, is still being processed with the US EPA. 34

Adverse health effects for particulate pollution as described by the EPA website are as follows:
PM10 "(a) Exacerbation of symptoms in sensitive patients with respiratory or cardiovascular disease; (b) Declines in pulmonary function growth in children; and (c) Increased risk of premature death from heart or lung diseases in the elderly".
PM2.5 Same as above. 35

Clean up efforts on the polluted Whittiker Bermite property will add to particulate matter pollution. This impact does not seem to be included in the DEIR. Further, the CEMEX Mine will add substantial particulate matter if mining operations are permitted. Since Congressman McKeon is no longer promoting a bill to stop it, these emissions should be included in the air quality analysis. 36 37 38

Since the DEIR states that impacts to particulate matter will be significant, all sources should be included along with mitigation measures to reduce these problems. One way would be to implement Alternative 2, which is a shorter route and would therefore produce less air pollution. 39 40

Based on the thresholds of significance identified in Appendix G of the 2005 *CEQA Guidelines*, a project would have a significant effect on the environment if it would:

(a) conflict with or obstruct implementation of the applicable air quality plan;
(b) violate any air quality standard or contribute substantially to an existing or projected air quality violation;
(c) result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);

41

Therefore, the DEIR incorrectly concludes: the implementation of the project will not have significant air quality impacts in spite of the additional traffic that will occur locally and regionally.

42

Further, the DEIR blames much of the air quality concerns on the 2004 Subregional Analysis report that claims much of Santa Clarita's bad air comes from the ports in Los Angeles and is blown in by winds. This analysis is out of date and inaccurate since it is now 2012 and substantial air pollution mitigation requirements have been implemented in the intervening eight years to reduce air pollution produced by the Port. An accurate analysis of air pollution in the Santa Clarita Valley should be conducted.

43

44

This project ***may not*** be approved without legally binding language requiring all feasible mitigation to reduce air quality impacts. Since a viable and less polluting alternative is available, the legality of the current EIR is doubtful.

45

This Road Expansion, while included in the existing General Plan, seems to violate many of the Plan Policies, including:
Plan Policy **Goal CO 7**, "*clean air to protect human health and support healthy ecosystems*", This is particularly the case, since a less polluting alternative is available.

46

Our valley is experiencing substantially increased asthma rates, particularly in children. It is no longer a healthy place for families due to the poor air quality. A roadway adds to air pollution when there is a less polluting alternative available, and that substantially increases growth inducement, while failing to address air pollution as a real and severe health concern is condemning current and future residents to expensive and debilitating health problems.

47

Global Warming and Climate Change

The One Valley One Vision General Plan Update EIR admits under the "Significance of Impact Mitigation Framework" that "Based on the above quantitative analysis, the OVOV project could potentially impede or conflict with the State's goal of meeting AB32 given the increase in GHG emissions" and would result in a significant impact on global climate change.[2]

48

Here, the City has an opportunity to reduce GHG, other air pollutants, and project cost by choosing Alternative 2, but instead continues to promote the more polluting project. We believe such a scenario cannot be legally supported and is environmentally irresponsible.

49

[2] DEIR 3.4-142

Biology

The DEIR states *"Significant unavoidable impacts would occur due to the loss of vernal pool habitat and vernal pool-dependent species."* (page 4.2-1). It also states that the project would affect several nesting special status bird species. We object to the destruction of this vernal pool. 50

We assert that the City may not proceed with this project under an "over-riding consideration" because the environmentally superior project would avoid this impact entirely and is a viable alternative. 51 Further, City staff stated at the "outreach meeting" that there is no funding for this project at this time. 52 We also note the current state of the real estate market which is not conducive to additional building and therefore would not produce Bridge and Thoroughfare District funds to build this roadway. 53 We request that surveys for nesting birds be conducted to any project initiation, and if such species are found, the project be delayed until after the nesting season as required by law, 54

Wildlife corridors

"Although not identified within the San Gabriel – Castaic Linkage, a local corridor is present adjacent to the project site, connecting Placerita Canyon to the Santa Clara River through relatively undeveloped, albeit disturbed, habitat areas west of Golden Valley Road." (DEIR p. 4.2-10. We request that, should the City build this project, a viaduct under the roadway be provided to accommodate migrating wildlife. 55

Special Status Plant Species

"The special-status plant species identified in Table 4.2-2, Special-Status Plant Species Documented in the Project Area but not Observed on the Project Site, are known to occur in the project region and were target species of the focused plant surveys conducted on, and in the vicinity of, the Via Princessa project site. None of these species were observed on the project site. Although not detected during surveys conducted in spring 2010, the potential of some of these species to occur on the site in future seasons cannot be entirely ruled out."(DEIR p. 4.2-12) We request that surveys for these plants be conducted prior to the start of the project and any such plants be re-located. 56

Conclusion

We believe that conducting the environmental analysis for this project at this time is premature since the City has admitted it does not have the funding to begin work. 57 The project will have substantial major negative impacts on adjacent residents, reducing both their home values and their quality of life. 58 It will increase cumulative air pollution and add to GHG production in the Santa Clarita Valley. 59

We therefore urge the City to re-consider moving forward with this project at this time. 60 At a minimum, the City should conduct hearings on this project before the Planning Commission in order to consider the financial impacts of the eminent domain proceedings that will be required as well as Project Alternative 2. 61 A new project alternative should be developed that completely avoids the NTS property and the vernal pools.

We will be providing additional comments as the public process continues. Thank you for the opportunity to participate. 62

Sincerely,

Lynne Plambeck
President

Letter No. D3. Letter from Santa Clarita Organization for Planning and the Environment, (SCOPE)

Santa Clarita Organization for Planning and the Environment (SCOPE)
P.O. Box 1182
Santa Clarita, CA 91386
Ms. Lynne Plambeck, President
October 15, 2012

Response D3-1

The comment raises issues pertaining to public review before the Planning Commission and that no decision makers were present at "public outreach meetings." This is a City CIP project and the City Council is the decision-making body responsible for approving CIP projects. There is no development proposed as part of this project. The project would ultimately require approval of an oak tree permit and hillside review permit, which would require planning approval at such time that development occurs or when funding of the roadway construction becomes available. These comments do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-2

The commenter is concerned that because no recordings were taken of the public outreach meetings, notations taken by staff may not accurately or comprehensively be noted. Notations taken by staff were shown on the projector screen at the front of the meeting room. There were instances when commenters felt that the comment on the screen did not reflect their comments. Subsequently staff changed the verbiage of the comment until such time that the commenter felt that it adequately described their comment. Nonetheless, this comment raises issues that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-3

The commenter believes that a hearing should be held before the Planning Commission on the proposed project because the project will require acquisition or eminent domain. This is a City Capital Improvement Plan (CIP) project and the City Council is the decision-making body responsible for approving CIP projects. There is no development proposed as part of this project. The project would ultimately require approval of an oak tree permit and hillside review permit, which would require planning approval at such time that development occurs or when funding of the roadway construction becomes available.

Response D3-4

The comment restates information contained in the Draft EIR, Section 4.6, Human-Made Hazards, and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-5

The commenter states that a public hearing should be held before any taxpayer monies are expended for acquisition of property for the roadway as hazards may still be uncovered. The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-6

The commenter states that it appears that the proposed project and environmentally superior alternative traverse the NTS property but difficult to assess from the maps and is not properly disclosed in the Draft EIR. The commenter does not specify exactly what is not properly disclosed in the Draft EIR, neither does the comment indicated from what map is it difficult to discern information. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-7

The commenter is concerned about the impacts of the proposed project on vernal pool habitat on-site and recommends that a project alternative be designed to avoid all vernal pools to facilitate the conservation of these sensitive biological resources.

The City recognizes the importance of the vernal pool on-site and the sensitive species it supports. The project designers have evaluated multiple alternatives to avoid impacts to the vernal pool.

The following is an explanation of issues provided by the project engineer:

> The vernal pool is located within a very large megalithic landslide complex and the proposed grading for Via Princessa encroaches over a portion of the vernal pool. Changing the road alignment (i.e., 100 ft to the north) would not prevent the vernal pool from being impacted for the following reasons. In order to stabilize the landslide to adequately support the proposed road alignment extensive amounts of grading in the form of buttresses, shear keys and landslide removals need to occur outside of the

> proposed grading footprint. The anticipated remedial grading envelope far exceeds the proposed grading footprint and encroaches into large portions of the natural areas as shown on AESEGI Plate I and Figure 2 (8/13/2010 report). The preliminary limits of a potential grading envelope are also shown in Impact Sciences DEIR on Figures 4.2-2 and 4.7-3. The reason the remedial grading envelope extends so far to the south of the road is because the ascending slopes south of the road consist entirely of landslide materials which dip (tilt) downhill towards the road. The preliminary shear key shown north of the road (AESEGI, Plate I) stabilizes the landslide mass from movement with respect to the deep seated (140 ft deep) basal landslide plane. However, the landslide material above the road (uphill) has many internal planes of weakness that can cause it to fail downhill and damage the road. The proposed cut slopes and natural slopes uphill of the road will need to be stabilized via remedial grading measures that encroach into the area of the vernal pool. Due to the extensive remedial grading measures needed to stabilize the megalithic landslide complex moving the road to the north does not significantly affect the limits of remedial grading with respect to the vernal pool.

Due to these issues, the impact to the vernal pool has been identified as an unavoidable significant impact. The revised Draft EIR includes additional details regarding creation of a vernal pool elsewhere on-site. This measure will attempt to recreate the vernal pool and would include translocating the soil and plant materials from the existing vernal pool to the created one. A vernal pool creation and monitoring plan will be prepared and provided to CDFW for comment and guidance. However, since this would be an experimental effort to lessen the impacts, it would not reduce the impacts to the existing vernal pool to less than significant so the result would remain an unavoidable significant impact.

Response D3-8

The commenter believes that the project purpose and description are designed with the purpose of avoiding such Planning Commission hearings. The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-9

The commenter states that staff has indicated that the project is not going before review by the Planning Commission because the current alignment with consistent with the Circulation Element of the *General Plan*.

This project is a City CIP project and the City Council is the decision-making body responsible for approving CIP projects. There is no development proposed as part of this project. The project would ultimately require approval of an oak tree permit and hillside review permit, which would require planning approval at such time that development occurs or when funding of the roadway construction

becomes available. These comments do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-10

The commenter reiterates the merits of the project alternative. The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-11

The commenter reiterated staff's comments that the project is not fully funded at this time and that the project would most likely be built for several years. The comment provides factual background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-12

The commenter suggests that both the Planning Commission and City Council hold hearings on the proposed project. Please see **Response D3-9**, above.

Response D3-13

The commenter states that CEQA requires that the whole of the action be considered and that it is not permissible to divide the project into pieces.

The commenter is correct. Section 15003 of the *State CEQA Guidelines* states:

> In addition to the policies declared by the Legislature concerning environmental protection and administration of CEQA in Sections 21000, 21001, 21002, and 21002.1 of the Public Resources Code, the courts of this state have declared the following policies to be implicit in CEQA:
>
> (h) The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect. (*Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151)

Response D3-14

The commenter asserts that the project is being piecemealed because the City will ultimately extend the roadway to Highway 14. The commenter further asserts that by limiting review of the ultimate extension of the roadway would create additional environmental impacts in the form of noise, air quality (PM10 and PM2.5), greenhouse gases and loss of oak trees and other biological impacts.

Draft EIR, Section 3.0, Project Description, page 3.0-7 states:

> The project would also require the approval of an Oak Tree Permit and Hillside Review Permit at such time as development occurs or when funding of roadway construction becomes available. In order to allow for the proposed development to occur, MC# 09-108 would require an Oak Tree Permit and a Hillside Review Permit. The oak tree permit would be required to determine the oak tree impacts at the time of project development. The Hillside Review Permit would permit the grading necessary to construct the roadway. These entitlements will be obtained at such time as roadway funding is available or concurrent with a development project. Because it is not known at this time when the project would be funded or built and permits expire after two years, it was determined to be more cost effective to wait until such time as construction of the roadway is imminent to secure permits for the project. In the case of oak trees, those trees on the project site that are not currently of ordinance size may be large enough to qualify at a later date.

The project is not being piecemealed as there is currently no construction funding for the project let alone extending to SR-14. As discussed in Section 3.0, Project Description, page 3.0-7: "The proposed project would be part of the City's Capital Improvement Program. The City Council is the City's decision-making body and is responsible for approving projects to be built within City limits. Prior to approving the proposed project, the City Council must certify that (1) this EIR has been reviewed and considered; (2) the EIR has adequately analyzed the potential impacts of the proposed project; (3) it has been completed in compliance with CEQA, the *State CEQA Guidelines,* and the City's Environmental Guidelines; and (4) it reflects the independent judgment of the City Council."

Furthermore, as discussed on page 3.0-4: "The Santa Clarita General Plan designates Via Princessa as a major highway from Wiley Canyon Road to Lost Canyon Road. Two sections of this roadway have been built including a western portion, from Wiley Canyon Road to Clairbourne Lane, and an eastern portion from Sheldon Avenue to Marsha McLean Parkway. The General Plan also identifies a gap closure segment between the two existing sections of Via Princessa. The Via Princessa East Extension would complete a portion of this gap closure."

Piecemealing is a practice by which projects are analyzed incrementally by parts to make the environmental impacts appear smaller to the overseeing agency. Other plans for development around the

project site are nebulous and no formal applications have been submitted to the City of Santa Clarita. There is no way to study the impacts of other projects, because at this time there are no other projects. It is simply impossible to speculate as to when project applications would be submitted and considered by the City. Given the uncertainty of the project, including timing and funding obstacles, the project is not considered piecemealed.

Response D3-15

The commenter states that the project should have been weighed against existing conditions. There have been several court cases related to this issue, namely *Sunnyvale West v. City of Sunnyvale* (December 2010), *Madera Oversight Coalition, Inc. v. County of Madera* (September 13, 2011), *Pheiffer, et al. v. City of Sunnyvale City Council* (November 2011) –Sixth District Court of Appeals-different panel from Sunnyvale West, and *Neighbors for Smart Rail v. Exposition Metro Rail Line Construction Authority* (April 2012). The law is unsettled in this area. For short-term development project the baseline is clear in that it must be compared to existing conditions. However for long-term projects (such as roadways) the law is not conclusive and weighs against analyzing the project against existing conditions for the following reasons:

- For Long-Term Development Projects, Analyzing the Project Against Existing Conditions Provides Decision Maker With No Realistic Insight Into the Potential Impacts of Such Projects
- Potentially overstates impacts by failing to account for planned/funded infrastructure improvements
- Potentially understates impacts by failing to account for cumulative traffic growth
- Potentially understates/overstates impacts by failing to account for changes in land uses, which may alter traffic distribution patterns
- Existing traffic mitigation mechanisms (e.g., bridge and thoroughfare districts) are based on long-term cumulative analysis

For the above noted reasons that the project is not funded, no time frame has been indicated for construction the project can be considered long-term. Comparing the proposed project to existing conditions would not give a realistic analysis of impacts. Therefore, the analysis conducted in the project EIR is appropriate for the type and timing of the proposal.

Response D3-16

The comment restates information contained in the Draft EIR regarding construction noise and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-17

The comment only expresses the opinions of the commenter stating that the City's noise ordinance permits high levels of construction noise daily. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-18

The commenter states that during construction adjacent homeowners should be compensated for the loss of their homes to the amount necessary to rent elsewhere during construction. Section 4.9, Noise concludes that despite the implementation of Mitigation Measure MM 4.9-1 during construction, noise levels would exceed the acceptable limit of 70 decibels (dB), and would range between 70.2 and 78.2 dB, depending on the construction phase and distance of the residence from the construction activities. However, construction noise level exceedances are short term, and are limited to daylight hours Monday through Saturday and prohibited on Sundays and most holidays,[2] thus the projected exceedances do not create an impact severe enough to serve as a nexus for any compensation of housing costs.

Response D3-19

The commenter asserts that statements made on page 4.6[9]-1 of the Draft EIR are erroneous concerning 66.9 dB(A) is not consistent with the Noise Ordinance or *General Plan*. We direct the commenter to Figure 4.9-5, City Land Use Compatibility Guidelines for Noise, which demonstrates that noise exposure between 60 to 70 dB(A) is conditionally acceptable. Nonetheless, the verbiage has been clarified and can be found in the portion of the Via Princessa East Extension Final EIR entitled "Revised Draft EIR Pages" for the actual text revision.

Response D3-20

The commenter states that Table 4.9-14 indicates that Via Princessa east of Rainbow Glen would be exposed to "a noise level increase of 5.6 dB(A) and Golden Valley Road south of Via Princessa would be exposed to a noise level increase of 3.2 dB(A) of 3.2 dB(A) and should be considered significant as this is over a 3-decibel increase." However, on page 4.9-44, the Draft EIR concludes:

> When roadways generate a noise level increase that exceeds 3.0 dB(A) with cumulative buildout, such an increase is considered to be cumulatively significant. However, as indicated above in **Table 4.9-8**, the proposed project would generate a cumulative contributable increase Via Princessa east of Rainbow Glen of 0.8 dB(A) and would only cumulatively contribute to a noise level increase of 0.1 dB(A) along Golden Valley south of Via Princessa. Therefore, the proposed project would not cumulatively contribute to the increase in noise levels along these roadway segments under cumulative conditions.

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2 City of Santa Clarita Noise Ordinance Section 11.44.080, as amended.

Therefore, the project's contribution to the overall cumulative condition would be less than 0.1 dB(A) which does not exceed significant noise levels. All known projects have been included in the cumulative impact analysis of which the project is a part. Therefore, there have been no "massaging of the facts" as contended by the commenter.

Response D3-21

The commenter disagrees with the conclusion of growth inducing in Section 8.0, Growth Inducement, and suggests that criterion upon which the evaluation must be based is ignored. The City does not believe that the supporting documentation in Section 8.0 is erroneous. The project is planned for in the *General Plan* Circulation Element, and the

> …project site is situated in an area that is surrounded predominantly by existing urbanized portions of the City of Santa Clarita, and a large intervening area of open space between the project and those uses would not be created. Additionally, there is an approved Specific Plan for the Whitaker Bermite site. The only area not planned for at this time is that area immediately adjacent to the Via Princessa East Extension. At this time, no development applications have been submitted for any of these parcels. Given that the project is neither on the urban fringe nor does it 'leap over' large tracts of open space, this project would not be considered growth inducing.

Response D3-22

The commenter contends that the Via Princessa extension will allow development that will use Via Princessa for access; therefore it is growth inducing. The City does not concur with this conclusion. Draft EIR, Section 8.0, Growth Inducement discusses the removal of an impediment to growth as follows:

> Growth in an area may result from the removal of physical impediments or restrictions to growth. In this context, physical growth impediments may include nonexistent or inadequate access to an area or the lack of essential public services.
>
> The project site, which is undeveloped and is approximately 1.2 miles in length, is adjacent to developed land uses, which are primarily residential. Residential development is located to the south and northeast of the project site. Commercial uses are located to the north of the project site and storage and testing facilities for National Technical Systems is located to the west of the project site. Golden Valley High School is also located to the south of the project site.
>
> Within the Santa Clarita Valley, connectivity of the street network is interrupted by topographic constraints, including rolling terrain, canyons, and the Santa Clara River. In addition, the prevalent subdivision pattern, comprised of local cul-de-sac streets with limited connectivity, acts to funnel all traffic onto collector and arterial streets. As a result, regional traffic is concentrated on a limited number of arterial streets. The Via Princessa East Extension would be one of the primary east-west arterials through the City of Santa Clarita which are planned to increase connectivity. The proposed roadway would be approximately 1.2 miles in length and would be designated as a Major Arterial Highway consistent with the General Plan.

> Consequently, the project would implement one of the primary east-west arterials outlined in the City Circulation Element. This project is not growth inducing as the proposed project would facilitate circulation within an infill area of the City and does not encourage growth into the area. As such, the proposed project would not be considered growth inducing.

Response D3-23

The commenter contends that because the Via Princessa Extension would be built in an open space area that has biological impacts, that is growth inducing. The proposed project is generally surrounded by development and is considered an in-fill project. As stated in Section 2.0, Environmental Setting, page 2.0-3: "The project site, which is undeveloped and is approximately 1.2 miles in length, is surrounded by developed land uses, which are primarily residential. Residential development is located to the northeast of the project site. Vacant land is located to the north of the project site and storage and testing facilities for National Technical Systems and Golden Valley Road is located to the west of the project site. Golden Valley High School is also located to the south of the project site." The project clearly is an in-fill project not located on the fringes of built-up areas.

Response D3-24

The comment provides factual background information only regarding traffic in the project area and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-25

The commenter states that in order to justify the project an interim traffic estimate is used and therefore is the wrong baseline. The commenter also mentions that building permits do not indicate the increases in development provided in the *General Plan*. Section 4.10, Transportation and Circulation, page 4.10-2 outlines the reasoning used in the methodology used for the traffic analysis as follows:

> The traffic forecasts used in this analysis have been prepared using data from the Santa Clarita Valley Consolidated Traffic Model (SCVCTM). The SCVCTM was developed jointly by the City of Santa Clarita Department of Public Works and the County of Los Angeles Department of Public Works and is the primary tool used for forecasting traffic volumes for the Santa Clarita Valley. The SCVCTM has the ability to provide traffic volume forecasts for a long-range setting, which represents buildout conditions (generally considered as year 2035 or later), as well as an interim year (approximately 10 to 15 years from the present). For this analysis, the SCVCTM Interim Year setting is used to provide a comparison of conditions with and without the project. As noted above, the SCVCTM Long-Range Buildout forecasts based on the proposed OVOV plan are also provided to illustrate the ultimate traffic conditions in the area.

The *General Plan* was recently adopted and it is appropriate to utilize information contained in the document. Using recent building permit issuance for analysis purposes is not appropriate as it is cyclical. Issuance of building permits often lag running into the holiday and rainy season. Hence, issuance of building permits is not a good barometer for traffic analysis.

Response D3-26

The commenter states that the zoning was used for analysis but does not indicate whether it was the low range, mid-range or high range of allowable density as this could substantially skew the conclusions in the Draft EIR. The commenter is confused with the old *General Plan* and the *General Plan* adopted in June 2011. The June 2011 Land Use Plan does not address mid-range densities. The zoning and *General Plan* densities are consistent with each other; therefore the conclusions are not skewed as contended by the commenter.

Response D3-27

The commenter asserts that the "interim" analysis is not appropriate for the project traffic analysis. Please see **Response D3-25**, above.

Response D3-28

The commenter asserts that the incorrect baseline is used for analysis and the traffic figures are used for air quality analysis. **Response D3-25**, above.

Response D3-29

The comment restates information contained in the Draft EIR concerning ozone and "bump-up" and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-30

The mitigation measures described in the Air Quality Management Plan (AQMP) are measures to be taken by the air district on a regional basis and not 'mitigation measures' as required under CEQA for individual projects. While the AQMP is a major component of the SCAQMD CEQA guidelines and thresholds, the AQMP is a general planning document that provides a path for attainment of air quality goals for the entire air basin. It is not meant as a guide for specific projects within the basin. Similarly, the milestones described in the AQMP are not applicable to specific projects, but are applicable to the air basin as a whole. The SCAQMD CEQA guidelines are designed to enable the SCAQMD to meet these milestones.

Response D3-31

Please see **Response D3-30**, above.

Response D3-32

The commenter noted that without compliance with the 2007 Air Quality Plan, federal funding would be denied. The commenter is correct, that if the City were using federal funding and there was not compliance with the Air Quality Plan that the funding would be denied. The City is not using federal funds for the project at this time.

Response D3-33

The comment restates information contained in the Draft EIR concerning ozone and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-34

The comment restates information contained in the Draft EIR concerning PM2.5 attainment dates and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-35

The comment restates information contained in the Draft EIR concerning PM10 and PM2.5 attainment dates and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-36

The commenter indicates that the Whitaker Bermite project does not seem to be included in the Draft EIR. The Whitaker Bermite project is included in the traffic model used in the project transportation analysis. Therefore, the air quality impacts of the Whitaker Bermite project are included in the analysis.

Response D3-37

The comment provides factual background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to

the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-38

The commenter states that there is no longer a bill proposed to stop mining at the CEMEX site; therefore, the air quality analysis should include CEMEX. As of this time, there is no CEMEX proposal. Furthermore, CEMEX was not a project when the Notice of Preparation was issued. As is stated in the *State CEQA Guidelines* Section 15125:

> Environmental Setting
>
> (a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.

Response D3-39

The commenter states that the Draft EIR concludes that impacts due to particulate matter are significant and the Draft EIR should include all of its sources and mitigation measures to reduce the impacts. The Draft EIR concludes that localized impacts from particulate matter are significant. Please see Draft EIR, Section 4.1, Air Quality, page 4.1-33, Table 4.1-8 Localized significance Threshold Analysis. Furthermore, Mitigation Measure MM 4.1-1 would reduce the on-site project construction emissions; however, on-site construction emissions of PM10 and PM2.5 would continue to have a significant impact.

Response D3-40

The commenter recommends implementation of Alternative 2 to reduce air pollution. The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-41

The comment provides factual background information concerning the air quality thresholds as outlined in the *State CEQA Guidelines* only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers

prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-42

The commenter states that the Draft EIR is incorrect in that the proposed project would create significant air quality impacts. The analysis conducted in the Draft EIR, Section 4.1 Air Quality does not support the commenter's contention. The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-43

The commenter contends that reliance on the 2004 Subregional Analysis report is out of date and inaccurate as it contends that much of the poor air quality is blown in from the San Fernando Valley and that many air quality mitigation measures have been implemented to reduce air pollution by the port. While the report may be aged, and air quality mitigation measures may have been implemented, this still does not alter the fact that the prevailing winds bring in poor air quality from the San Fernando Valley. This is a fact that no amount of time is going to change. No further response is required.

Response D3-44

The commenter states that an accurate analysis of air pollution in the Santa Clarita Valley should be conducted. Implementation of the proposed project does not warrant that an air quality study be conducted of the Santa Clarita Valley. Draft EIR Section 4.1, Air Quality provides a thorough and descriptive discussion of air quality in the Santa Clarita Valley from a regional perspective. No additional study is required.

Response D3-45

The commenter states that the Draft EIR may not be approved unless all feasible mitigation measures reducing air quality impacts are required. All feasible mitigation measures are provided in the Draft EIR, Section 4.1, Air Quality, pages 4.1-37 -38 for localized construction emissions.

The commenter further contends that a viable and less polluting alternative is available, the legality of the current EIR is doubtful. The legality of an EIR is not connected to a less impacting alternative. No further response can be provided.

Response D3-46

The commenter contends that the proposed project, while included in the *General Plan*, violates *General Plan* Policies including: "Clean air to protect human health and support healthy ecosystems." The "goal" cited is simply that—something to try and achieve. The commenter does not state why the project violates this goal. The commenter also states that this violation is especially the case since a less violating alternative is available. No further response can be provided.

Response D3-47

The commenter indicates that the Valley is no longer a healthy place to live and there has been an increase in asthma rates, particularly in children and failing to address air pollution as a real health concern. The commenter states that the roadway adds to air pollution and there is a less polluting alternative. The commenter also states that the project is growth inducing.

CEQA requires that mitigation be roughly proportional to the project's actual impact. As the air quality issues in the Santa Clarita Valley are predominately attributable to non-Santa Clarita Valley sources, the proposed project cannot be unfairly or disproportionately burdened. Nonetheless, Draft EIR Section 4.1, Table 4.1-3, Ambient Air Quality Standards and Health Effects, discuss the health impacts from air quality pollutants. Additionally the commenter is correct that there will be localized PM10 and PM2.5 impacts during construction of the proposed project. Please see **Response D3-39,** above.

Please see **Responses D3-21, D3-22**, and **D3-23**, above, with regard to growth inducing impacts of the project.

Response D3-48

The comment provides factual background information only concerning the *General Plan* and GHG conclusions and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-49

The commenter contends that the City continues to promote the project when Alternative 2 is a less costly and less polluting project. The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

The commenter does not believe such a scenario can be legally supported and environmentally irresponsible. The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-50

The commenter states that they object to the destruction of the vernal pool on the project site. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response D3-51

The commenter states that the City may not proceed with the proposed project as the project alternative would avoid this impact and is viable. The City Council can take action on the proposed project or the Alternative and can, adopt over-riding considerations.

Response D3-52

The comment provides factual background information only concerning funding for the project and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-53

The commenter states that with the current state of the economy there would not be enough monies in the Bridge and Thoroughfare fund to finance the project. The comment raises issues that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-54

The commenter requests that nesting bird surveys be conducted prior to project initiation and should any species be found that the project should be delayed. Mitigation Measure 4.2-8 addresses the commenter's concerns.

Response D3-55

The comment restates information contained in the Draft EIR addressing wildlife corridors and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the

record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

The commenter also requests that if the project is built a viaduct be built under the roadway to accommodate migrating wildlife. As noted in Section 4.2, Biological Resources page 4.2-10:

> The project site does not lie within any of the regionally designated linkages identified by South Coast Missing Linkages, the nearest of which is the San Gabriel – Castaic Connection, which lies approximately 5 miles to the east of the project site.
>
> Although not identified within the San Gabriel – Castaic Linkage, a local corridor is present adjacent to the project site, connecting Placerita Canyon to the Santa Clara River through relatively undeveloped, albeit disturbed, habitat areas west of Golden Valley Road.

The project does not impact wildlife movement corridors; therefore there is no nexus to require a viaduct under the roadway.

Response D3-56

The commenter is concerned that although some special status species were not observed on the project site, they could possibility still be on the site if surveys were conducted during a different period. The commenter requests that surveys for these plants be conducted prior to the start of the project and such plants relocated.

Mitigation measure **MM 4.2-10** has been added to Section 4.2, Biological Resources of the Draft EIR. Please see the portion of the Via Princessa East Extension Final EIR entitled "Revised Draft EIR Pages" for the actual text revision.

Response D3-57

The comment only expresses the opinions of the commenter regarding the prematurity of the environmental analysis at this time due to the lack of funding for the project. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-58

The comment only expresses the opinions of the commenter regarding substantial major impacts on adjacent residents, value of homes and quality of life. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

The comment restates information contained in the Draft EIR concerning air quality and greenhouse gas (GHG) emissions and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-59

The commenter urges the City Council to reconsider moving forward with the project at this time. The comment raises issues that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D3-60

The commenter suggests that the Planning Commission hearing the item in order to consider the financial impacts of the eminent domain proceedings that will be required as well as Alternative 2. Please see **Response D3-3**, above.

Response D3-61

The commenter suggests that a new alternative be developed that completely avoids the NTS property and the vernal pools.

The City recognizes the importance of the vernal pool on-site and the sensitive species it supports. The project designers have evaluated multiple alternatives to avoid impacts to the vernal pool.

The following is an explanation of issues provided by the project engineer:

> The vernal pool is located within a very large megalithic landslide complex and the proposed grading for Via Princessa encroaches over a portion of the vernal pool. Changing the road alignment (i.e., 100 ft to the north) would not prevent the vernal pool from being impacted for the following reasons. In order to stabilize the landslide to adequately support the proposed road alignment extensive amounts of grading in the form of buttresses, shear keys and landslide removals need to occur outside of the proposed grading footprint. The anticipated remedial grading envelope far exceeds the proposed grading footprint and encroaches into large portions of the natural areas as shown on AESEGI Plate I and Figure 2 (8/13/2010 report). The preliminary limits of a potential grading envelope are also shown in Impact Sciences DEIR on Figures 4.2-2 and 4.7-3. The reason the remedial grading envelope extends so far to the south of the road is because the ascending slopes south of the road consist entirely of landslide materials which dip (tilt) downhill towards the road. The preliminary shear key shown north of the road (AESEGI, Plate I) stabilizes the landslide mass from movement with respect to the

> deep seated (140 ft deep) basal landslide plane. However, the landslide material above the road (uphill) has many internal planes of weakness that can cause it to fail downhill and damage the road. The proposed cut slopes and natural slopes uphill of the road will need to be stabilized via remedial grading measures that encroach into the area of the vernal pool. Due to the extensive remedial grading measures needed to stabilize the megalithic landslide complex moving the road to the north does not significantly affect the limits of remedial grading with respect to the vernal pool.

Due to these issues, the impact to the vernal pool has been identified as an unavoidable significant impact. The revised Draft EIR includes additional details regarding creation of a vernal pool elsewhere on-site. This measure will attempt to recreate the vernal pool and would include translocating the soil and plant materials from the existing vernal pool to the created one. A vernal pool creation and monitoring plan will be prepared and provided to CDFW for comment and guidance. However, since this would be an experimental effort to lessen the impacts, it would not reduce the impacts to the existing vernal pool to less than significant so the result would remain an unavoidable significant impact.

Response D3-62

The comment is noted. No further response is required given that the comment does not address or question the content of the Draft EIR.

Letter No. D4

From: Jennifer Kilpatrick [jekilpatrick@hotmail.com]
Sent: Wednesday, October 31, 2012 6:53 PM
To: Robert Newman; Harry Corder; James Chow
Subject: Follow Up on My Comment on Draft Environmental Impact Report for Via Princessa East Extension

Gentlemen:

I'm sending you this email in relation to the Via Princessa East Extension road right of way planning. I commented on the DEIR and I know that the comment period is now closed. 1

One of Laurene's friends mentioned the road design program to me yesterday, and was asking me about the NTS Property. That jogged my memory about details of what occurred where on the NTS Property, at least as far as what NTS was willing to disclose that information in the early 2000's. 2

In 2000 or 2001 I saw a large scale map of the NTS Property which showed where on the NTS property each type of testing, including explosive testing, ammunition testing and toxic substances testing took place outside of buildings, on the ground, according to NTS.

That map would be valuable to the City staff, in terms of locating the Via Princessa road right of way through the NTS Property. because it could help you avoid places not readily identifiable, like the large outdoor bomb testing site which is right down next to the north east corner of the Golden Valley High School property.

I don't think I can find my copy of the big map anymore and I can't narrow down to "one author" who prepared the map. However, here are the candidates you could get to try to get a copy of that map, which was prepared in 1999 or the early 2000's:

(1) A safety consultant hired by the Hart District to investigate what was going on at NTS, in terms of explosive and chemical testing, because Golden Valley High School was being built right next to NTS, and the Hart District had to get the California Department of Education Facilities Planning Divison's approval of the school site. The map may be in the California Department of Education's file on its approval of Golden Valley High School. A California Public Records Act Request would get you a copy of the map. The CDE FPD staff person in charge of approving Golden Valley High School was Kent Van Gelder, who is still with the CDE FPD, though it looks like he isn't assigned to the Hart District anymore. However, he would know where his old file on the school site is. 3

Kent Van Gelder
909-790-7241
fax 909-790-6542

kvangeld@cde.ca.gov

1

(2) The City of Santa Clarita's EIR preparer for the Golden Valley Road/Golden Valley High School EIR. The EIR preparer was the company in Ventura County where Jeff Lambert's boyfriend worked. Somebody should look for the old EIR which was prepared around 1999. The EIR preparer did some basic investigation about NTS, going through public agency files where NTS got permits for its business. (The Hart District didn't bother to disclose that information to CDE FPD and that caused a minor fracas in terms of one public agency hiding the ball from another.)

(3) NTS may have prepared the map in connection with its defense of condemnation litigation by the Hart District. A Public Records Act Request could be done to the Hart District to ask for the map. The Hart District's lawyer Wendy H. Wiles might have it in her firm's files. 949-851-1300 **There is also a** Declaration signed under Penalty of Perjury, by an NTS officer, filed with the court in that case **which was pretty inflammatory. We gave a copy to the Hart District's consultants, and I think they included it** in the report described in (1) above, but I don't recall the big map being attached to the Declaration.

Here are other places that big map of the locations of the NTS outdoor testing fields could be located:

(A) I am guessing that Brian A. Pierik, Esq. may have obtained a copy of the map in a document production in the City's NTS Property condemnation case concerning the sliver of the NTS Property that the City acquired to build Golden Valley Road adjacent and west of the NTS Property. According to the BWS website Brian's phone number is 805.437.4407

3

(B) Some time after 2003 EPA's Region 9 did an investigation of NTS, which they apparently didn't complete due to budget cuts. They knew about all of the state and local government agency actions listed in (1), (2) and (3) above. **EPA Region 9 may have obtained the big map of the NTS testing field locations and put it in their files. A Freedom of Information Act Request would be required to obtain it.**

(C) EPA Region 9 assigned completion of the NTS investigation to DTSC's Chatsworth office. DTSC has lots of documents on "cases" it handles which they don't post on Envirostor. A California Pubic Records Act Request to DTSC might produce a copy of the big map with the locations of the NTS testing field locations.

(4) The LA County Fire Department office in Palmdale had a file on NTS, because the Fire Department was supposed to issued permits to NTS each time NTS was going to explode something on the NTS Property. A California Public Records Act Request to the LA County Fire Department might produce a copy of the big map with the locations of the NTS testing field locations.

Again the reason for the City staff to try to get that big map of where the NTS outdoor testing fields were located is because the map is **an "admission" by NTS and such a map could help the city staff decide where it's safe to bulldoze a road right of way on the NTS Property.**

Sincerely,

Jennifer Kilpatrick

From: jekilpatrick@hotmail.com
To: rnewman@santa-clarita.com; hcorder@santa-clarita.com; jchow@santa-clarita.com
Subject: Comment on Draft Environmental Impact Report for Via Princessa East Extension
Date: Fri, 12 Oct 2012 04:07:59 +0000

October 11, 2012

City of Santa Clarita
23920 Valencia Boulevard, Suite 302
Santa Clarita, CA 91355
Attention: Robert Newman, City Engineer
Harry Corder, Engineering Department
James Chow, Community Development Department

RE: Via Princessa East Extension Environmental Impact Report
Comment on Draft Environmental Impact Report
Public Interest Communication, Privileged Pursuant to California Code of Civil Procedure 425.16

Gentlemen:

I am writing to you with a specific, narrow comment on the Draft Environmental Impact Report ("**DEIR**") for the City of Santa Clarita ("**City**") construction of a 6 lane roadway with customary publicly owned road shoulder commonly described as the Via Princessa East Extension, located in part on land owned or formerly owned by ETCR, Inc., a California corporation (the "**Project**" and "**ETCR**" respectively).

The DEIR discusses both man made hazards involving the Project and alternative roadway routes for the Project, one of which would directly connect with the northern ending cul-de-sac of Robert Lee Parkway, immediately to the east of Golden Valley High School (the "**Lee Alternative**"). In short, the focus of this comment is the failure of the DEIR's authors to connect those two topics and evaluate the risks of grading land and constructing a new road on real estate where ETCR's sister company and tenant NTS Technical Systems ("**NTS**") formerly did outdoor explosive testing of ordnance and ammunition. The risk to human health created by the Project or the Project Alternatives, including the Lee Alternative, which the DEIR fails to discuss, potentially exposes City employees and its contractors employees to unexploded ordnance ("**UXO**") on the "Eastern ETCR Property" during construction of the Project. The "**Eastern ETCR Property**" is shown in red cross-hatching on the first attachment to this letter.

As the Santa Clarita City Manager and the City Engineer know, the Eastern ETCR Property was, for many years, used as an outdoor ordnance testing facility by NTS. Through the City's trial lawyers Burke Williams & Sorensen, after a full court trial in mid 2003, the City condemned a portion of ETCR's property, in Los Angeles Superior Court Case No. BC214551 City of Santa Clarita v. National Technical Services, which was also the subject of California Second District Court of Appeal Case. No. B169596 (collectively the "**City Condemnation Case**").

This DEIR comment is intended to make the City Community Development and Engineering staff members and the City's EIR preparation consultant aware of information from the City Condemnation Case which is in the possession of the City's own trial attorneys, Burke Williams & Sorensen, and which was discussed with the City Council after the ending of the City Condemnation Case trial, concerning historical outdoor explosive ordnance and ammunition testing on the south-east portion of the ETCR Property, whose location is illustrated on the first attachment to this letter and which is outlined in *red cross-hatching* to show the Eastern ETCR Property. The first attachment this comment is an aerial photo/map exhibit to a Preliminary Endangerment Assessment Sampling Report prepared by a consultant to ETCR and NTS and submitted to the California Department of Toxic Substances Control ("**DTSC**"). The Eastern ETCR Property *is due north of the Golden Valley High School property* and the Robert Lee Parkway. See in particular the Upper Arena area and the Lower Arena areas in the far south-eastern corner of the Eastern ETCR Property shown on Figure 11 which is the last page of the first attachment. According to NTS' management employees testimony in the City Condemnation Case and

the "District Cases" described below, the Upper Arena and the Lower Arena, shown in the south east corner of the Eastern ETCR Property on the last page of the first attachment are said to be where some of NTS' outdoor explosive testing of ordnance and ammunition occurred.

To protect the safety of City employees and contractor employees who will be physically involved in construction of the Project which is the subject of the DEIR, the second purpose of this DEIR comment is to ask the City to amend the DEIR to include information drawn from the City's trial attorneys' copies of the Mid-2003 trial transcript, and ETCR/NTS employee deposition transcripts, taken in the City Condemnation Case, to reflect *where* the outdoor explosive testing of ordnance and ammunition on the Eastern ETCR Property occurred. As Santa Clarita City Engineer Robert Newman will remember, when the City built Golden Valley Road in its north-south alignment which passes through the Whittaker Bermite property (DTSC Area OU1A), in order to protect the safety of construction workers and other onsite City and contractor personnel, DTSC required that the owner of the Whittaker Bermite property pay for investigation of the road right of way to search for unexploded ordnance, commonly called "**UXO**".

Adding text to the subject EIR, in the form of a description of *where* the outdoor ordnance and ammunition testing occurred on the ETCR Property, is essential to make sure that the City can construct the Via Princessa Eastern Extension, specifically including any alternative road right of way explored in Part 6 of the DEIR, such as the Lee Alternative, *without having to conduct a search for UXO and without putting City employees and construction contractor employees at risk of harm from coming in contact with UXO.*

The most likely locations to find errant UXO are the Upper Arena and Lower Arena, at south east corner of the Eastern ETCR Property shown on the first attachment, Figure 11 on the last page, according to ETCR and NTS management employees testimony in the City Condemnation Case and the Hart District Cases described below.

It is not mere speculation that outdoor ordnance and ammunition testing occurred on the Eastern ETCR Property. Testimony of NTS and ETCR management employees, *under penalty of perjury*, concerning outdoor explosive ordnance and ammunition testing on the ETCR Property is contained in the mid 2003 trial transcript in the City Condemnation Case, and in the deposition transcripts for the City Condemnation Case, which are in the possession of the City's trial attorneys, Burke Williams & Sorensen. The proof of the history of outdoor ordnance and ammunition testing on the ETCR Property, and particularly in that property's south eastern corner, is also contained in the full California Second District Court of Appeal opinion in the City Condemnation Case, which is the second attachment to this comment.

For many years NTS conducted outdoor explosive testing of military ordnance on the Eastern ETCR Property, including explosions of both ammunition and "bombs". NTS' and ETCR's management employees testified that there were no government regulations in effect which precluded NTS from continuing to test small, medium sized or large ordnance outdoors on the Eastern ETCR Property *even after* Golden Valley Road and Golden Valley High School were constructed:

"At trial appellants...called as witnesses Jack Lin, ETCR's president and NTS's chief executive officer; Lloyd Blonder, NTS's chief financial officer; Victor Alfano, NTS's business development manager; William Lawrence, an aerospace engineer; Ralph Clements, NTS's financial expert; and Willy Sebert, NTS's director of safety...Lin opined that the only major event which would account for revenue decline was GVR [Golden Valley Road]. He testified that the Saugus/Santa Clarita facility no longer performed tests involving "any large bomb or munitions". He admitted, however, this facility had been downgraded regarding large explosion testing after a neighboring property, whose owner had agreed to allow NTS to use it as a buffer zone, was sold and that afterwards, the facility was only capable of small arena range tests. He also testified that the facility no longer performed certain tests because of the possibility of air toxins. He acknowledged the danger of a toxic cloud wafting over GVR might extend beyond to neighboring properties...[F]rom a legal point of view, Lin admitted NTS could run smaller ballistics

testing and there was no buffer zone or other governmental safety which prevented the Saugus/Santa Clarita facility which were done before GVR [was built]. He also admitted no analysis had been performed to determine if any tests could no longer be performed since GVR was constructed. Clements was unaware of any tests which were precluded or reduced due to GVR. Seebert was unable to provide specifics, but he admitted that any particular test he could identify would be within the applicable government regulations. Lawrence was also unaware of any government documents precluding certain tests because of GVR."

The DTSC does not have, in its online Envirostor concerning the Eastern ETCR Property (aka the NTS Property), any public records showing exactly where and how frequently outdoor ordnance ammunition testing occurred on the Eastern ETCR Property, yet it is that outdoor ordnance and ammunition testing which creates the risk of UXO harming City employees or contractor employees while the Project or a "Project Alternative" roadway is being graded and constructed on the Eastern ETCR Property.

In 2007 DTSC issued a "No Further Action Letter" for the Eastern ETCR Property (third attachment) pursuant to the Preliminary Endangerment Assessment Sampling Report for that Eastern ETCR Property (fourth attachment) which *did not* include any thorough and comprehensive UXO search or any UXO removal program for the area(s) where outdoor ordnance and ammunition testing occurred, akin to the search which was conducted for the City before Golden Valley Road was constructed on the Whittaker Bermite property.

Instead, to prepare the Preliminary Endangerment Assessment Sampling Report on which DTSC relied, only two surface soil samples and four subsurface soil samples were taken in the Upper Arena area and only two surface soil samples and four subsurface soil samples were taken in the Lower Arena area. (See fourth attachment, page 11 and third attachment Figure 3 for soil sample locations.)

It should be noted that the deposition and trial testimony by NTS management employees in the City Condemnation Case, which specifically described NTS' outdoor ordnance testing operations *after* those employees were given a oath which acknowledged that their answers were going to be given *under penalty of perjury*, gives a far more comprehensive view of NTS historical outdoor ordnance and ammunition testing. Copies of the deposition and trial transcripts of the NTS management employees were *not* given to DTSC in connection with DTSC's issuance of the No Further Action letter (third attachment here). Nowhere in DTSC's public files does ETCR or NTS or any of their consultants disclose the information about explosive testing on the Eastern ETCR Property which NTS and ETCR's management employees testified to, under penalty of perjury, in the City Condemnation Case trial and depositions, and which those NTS and ETCR's management employees testified to, by way of declaration under penalty of perjury, in the Hart District Cases described below.

In contrast the reports given to the DTSC *by independent contractors of ETCR*, which were based on information from ETCR and NTS employees given to ETCR's independent contractors, *are not supplied under oath or under penalty of perjury*. As is common with independent contractor consultants who are paid by property owners to prepare reports for DTSC, the "sins of omission" of material pertinent information are common.

One might uncharitably say that ETCR's and NTS' management employees were telling one story about outdoor explosive ordnance and ammunition testing to the Superior Court judge and a different story on the same topic to ETCR's and NTS' independent contractors who prepared reports for DTSC.

In fact, during the course of the William S. Hart High School District's condemnation of parts of the ETCR Property to obtain more land for the northern portion of the Golden Valley High School site, in Los Angeles Superior Court Case No. BC221326 (William S. Hart High School District v. ETCR aka the "**Hart District Cases**") the Hart District's trial lawyer attempted to obtain an order from Los Angeles Superior Court Eminent

Domain Specialist Commissioner Mitchell, ordering NTS and ETCR to allow the Hart District's geologist to enter the Eastern ETCR Property to do a walking survey and mapping of traces of the San Gabriel Fault found at the southern end of the Eastern ETCR Property where it abutted the Hart District's school site. (I personally attended the hearing before Commissioner Mitchell on the Hart District's application for that order.)

In the Hart District Cases, NTS' management employee filed at least one Declaration under penalty of perjury with the court, describing NTS' operations including outdoor explosive ordnance and ammunition testing, and during that court hearing NTS's president and attorney flatly refused to allow the Hart District's geologist to do that walking tour of the south east corner of the Eastern ETCR Property unless (1) the geologist signed a personal injury release of NTS and ETCR and (2) the Hart District provided an endorsement to its liability insurance policy, naming NTS and ETCR as additional insureds, to provide insurance coverage to protect NTS and ETCR in case the Hart District's geologist was hurt, or hurt others, while conducting his inspection and mapping of the south eastern portion of the Eastern ETCR Property.

NTS' and ETCR's reason for requiring that release to be signed by the Hart District's geologist and that insurance coverage was stated to be a fear of exposure of the geologist to UXO because NTS had been testing ordnance for many years in the area where the geologist would walk, inspect and map. Commissioner Mitchell entered an order that the Hart District's geologist could enter the Eastern ETCR Property to do his inspection and mapping, but required that NTS and ETCR first receive the release and the insurance endorsement they requested. Understandably, the Hart District's geologist was reluctant to put himself at risk of physical harm, and declined to execute the release. As a result, the mapping of the San Gabriel Fault traces along the southern portion of the Eastern ETCR Property did not occur in connection with the Hart District's construction of its high school.

Based on trial testimony and declarations by ETCR and NTS management employees made or filed *under penalty of perjury* in the City Condemnation Case and in the Hart District Cases, it appears that much of the outdoor explosive ordnance and ammunition testing occurred on the far south east corner of the Eastern ETCR Property, in the general vicinity of Upper Arena area and the Lower Arena area. (That information is confirmed in pre-2003 City of Santa Clarita files on NTS operations, where residents of the Friendly Valley neighborhood wrote to the City complaining about the intensity of the explosions coming from the NTS property. The NTS files also show that former Santa Clarita City Councilwoman asked her fellow Council members and the senior City staff to prepare an amendment to the City's zoning regulations so that a Conditional Use Permit would have been required of NTS before more outdoor explosive ordnance testing could continue. The senior staff and other Council members declined to follow Councilwoman Klajic's suggestion in that regard.)

The DEIR on the Project should be supplemented to illustrate where NTS' outdoor explosive ordnance and ammunition testing occurred, so that the City's decision makers can decide whether to take the risk of road-building in that same area without a full UXO survey being conducted concerning the road right of way.

Sincerely,

Jennifer Kilpatrick
(281) 813-3158

cc: Lynne Plambeck, President, SCOPE
Cam Noltemeyer, Board of Directors Member, SCOPE
Debbie Raphael, Director DTSC

Filed 2/3/06; part. pub. 3/3/06 (see end of opn.)

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

CITY OF SANTA CLARITA, Plaintiff and Respondent, v. NTS TECHNICAL SYSTEMS et al., Defendants and Appellants.	B169596 (Los Angeles County Super. Ct. No. BC214551)

APPEAL from a judgment of the Superior Court of Los Angeles County. Alan Buckner, Judge. Affirmed.

Maher & Maher, Michael K. Maher for Defendants and Appellants.

Burke, Williams & Sorensen, Carl K. Newton, City Attorney, Brian A. Pierik, Alan A. Sozio for Plaintiff and Respondent.

NTS Technical Systems, Inc. (NTS), and ETCR, Inc. (ETCR) (collectively, appellants),[1] appeal from the judgment entered in an eminent domain action by the City of Santa Clarita (City). They contend the judgment must be reversed, because the trial court erred in finding they failed to show any qualifying goodwill loss; in excluding expert valuation testimony; and in computing the value of the "part take" (i.e., taking of a portion of the condemnee's property).[2] We affirm.

FACTUAL AND PROCEDURAL SUMMARY

The City's project entailed construction and operation of a major arterial public road about 116 feet wide denominated Golden Valley Road (GVR).[3] In furtherance of its project, the City condemned an unimproved portion of ETCR's property, which consisted of 148.33 acres in then a relatively remote and rural section of the City. NTS operated its Saugus/Santa Clarita facility on the property, which it leased. The condemned portion consisted of 0.461 acres (fee simple), 5.176 acres (slope/drainage easement), and 1.61 acres (temporary construction easement).

On August 3, 1999, City filed its eminent domain complaint, and made a probable compensation deposit of $48,175 based on an appraisal of Scott Lidgard. ETCR was served on August 14, 1999, with the immediate possession order. On October 14, 1999, appellants filed a joint answer to the complaint.

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[1] ETCR, also known as Ersland Training Center Corporation, was a wholly owned subsidiary of NTS. Its sole function was to hold title to real estate, and it was the owner of the Santa Clarita property. National Technical Systems, Inc. (not a party), was the parent of NTS (known as NTS California but doing business as National Technical Systems).

[2] Appellants acknowledge that mitigation damages are not at issue.

[3] On April 5, 2001, construction on Phase I commenced. Phase III began on September 24, 2002. GVR was open to traffic on April 5, 2002. Phase II was not yet constructed as of trial.

The court trial began on December 9, 2002. The statement of decision was issued on May 23, 2003. The trial court found the proper date of valuation was August 3, 1999, the date of the probable compensation deposit. The court further found appellants failed to show any goodwill loss caused by GVR. The amount of $48,917.53 was the just compensation for the "part take." On June 17, 2003, judgment was entered, and this appeal followed.

DISCUSSION

I. Loss of Goodwill Caused by GVR Not Shown

Appellants contend the jury, not the court, determines whether the loss of goodwill was "caused by the taking of the property or the injury to the remainder" (Code Civ. Proc., § 1263.510, subd. (a)(1) [hereinafter, section 1263.510(a)(1)])[4] and that they made the requisite showing. We disagree.

"Goodwill" in this context "consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage." (§ 1263.510, subd. (b).) The property owner has the initial burden to prove, by the preponderance of the evidence, that there was a loss of goodwill "caused by the taking of the property or the injury to the remainder" (§ 1263.510(a)(1)). (See, e.g., *Redevelopment Agency of San Diego v. Attisha* (2005) 128 Cal.App.4th 357, 367-368; *Regents of University of California v. Sheily (Sheily)* (2004) 122 Cal.App.4th 824, 831; *Redevelopment Agency v. Thrifty Oil Co.* (1992) 4 Cal.App.4th 469, 475.)

We conclude the trial court did not err in refusing to allow a jury to decide the issue of whether the prerequisite conditions for compensation existed. Compensation for goodwill loss involves a two-step process. Whether the qualifying conditions for such

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[4] All further section references are to the Code of Civil Procedure.

compensation (§ 1263.510(a)) have been met is a matter for the trial court to resolve.[5] Only if the court finds these conditions exist does the remaining issue of the value of the goodwill loss, if any, go to the jury. (See, e.g., *Emeryville Redevelopment Agency v. Harcros Pigments, Inc.* (2002) 101 Cal.App.4th 1083, 1119; accord, *Sheily, supra*, 122 Cal.App.4th at p. 830.)

We also conclude the record does not support appellants' companion claim that they did carry their burden to establish the threshold condition that the loss of goodwill was "caused by the taking of the property or the injury to the remainder." (§ 1263.510(a)(1).)

At trial, appellants took the position that this condition was satisfied, because construction and existence of GVR corresponded with the loss of revenue at the Saugus/Santa Clarita facility and GVR adversely affected their ability to conduct testing. They called as witnesses, Jack Lin, ETCR's president and NTS's chief executive officer; Lloyd Blonder, NTS's chief financial officer; Victor Alfano, NTS's business development manager; William Lawrence, an aerospace engineer; Ralph Clements, NTS's financial expert; and Willy Seebert, NTS's director of safety.

Lin opined the only major event which would account for revenue decline was GVR. He testified that the Saugus/Santa Clarita facility no longer performed tests involving "any large bomb or munitions." He admitted, however, this facility had been downgraded regarding large explosion testing after a neighboring property, whose owner had agreed to allow NTS to use it as a buffer zone, was sold and that afterwards, the facility was only capable of small arena range tests. He also testified that the facility no longer performed certain tests because of the possibility of airborne toxins. He

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[5] Appellants argue that the existence of these conditions is a jury matter. Their reliance is misplaced on the Court of Appeal opinion in *People ex rel. Dept. of Transportation v. Muller* (Civ. 54518), which is a nullity because it was vacated by a grant of review. (See, e.g., Cal. Rules of Court, rules 976, 977; see *People ex. rel. Dept. of Transportation v. Muller* (1984) 36 Cal.3d 263.)

acknowledged the danger of a toxic cloud wafting over GVR might extend beyond to neighboring properties. He believed NTS's atmospheric test chambers potentially could be impacted, because hazardous components which might blow up had to be limited due to GVR. He further testified that GVR allowed for public access, which adversely affected NTS's ability to provide physical and proprietary security (commercial spying). Alfano also testified that NTS was unable to perform certain jobs because of GVR.

"[F]rom a legal point of view," Lin admitted NTS could run smaller ballistics testing and there were no buffer zone or any other safety government regulations which prevented the Saugus/Santa Clarita facility from performing tests which were done before GVR. He also admitted no analysis had been performed to determine if any tests could no longer be performed since GVR was constructed. Clements was unaware of any tests which were precluded or reduced due to GVR. Seebert was unable to provide specifics, but he admitted that any particular test he could identify would be within the applicable government regulations. Lawrence also was unaware of any government documents precluding certain tests because of GVR.

Lin testified that GVR was also responsible for the facility's suffering a loss of customers. When asked if any NTS customer indicated it was not going to send a particular job to NTS because of GVR, Lin testified there was "the strange occurrence of Lockheed Martin Sycamore Canyon." Lin acknowledged, however, that NTS was not the low bidder, and price was the reason given why NTS did not get the job. Alfano admitted not knowing why NTS did not get the Lockheed contract other than the stated reason of price. He also was not aware of any documents from customers listing GVR as the reason for not giving the Saugus/Santa Clarita facility work. He acknowledged that there were instances where technical reasons were given for why NTS, although the low bidder, did not get the job. He did not specify GVR as a reason. Clements admitted not knowing if NTS, as the low bidder, ever failed to get a contract, and he did not know of any contracts which had been awarded to NTS from 1999 to present where the contract was cancelled for any reason.

Lawrence was unaware of any customers not doing business with the Saugus/Santa Clarity facility because of security concerns. He acknowledged he had not spoken to any NTS customers about security and safety issues or GVR. He also was not aware of any cases where NTS, the low bidder, did not get the contract or of any existing NTS contracts which were cancelled since GVR was constructed.

According to Lin, Clements and Blonder, GVR had a significant negative economic impact on NTS, which was reflected by the fact that revenue for the Saugus/Santa Clarita facility was down while revenue was up for NTS's other four facilities. Lin acknowledged, however, that NTS's Camden facility, designed to be a munitions laboratory, operated with technology dissimilar to the Saugus/Santa Clarita facility, which worked with liquid oxygen, liquid hydrogen and liquid engines. Blonder admitted that he did not know whether the decrease was due to bidding or economic forces and that he did not compare NTS's different facilities.

Blonder testified that NTS's October 2002 "10-Q" report[6] indicated GVR heightened the concerns of customers who required testing of sensitive programs and caused customers to stop using the Saugus/Santa Clarita facility for these programs. He admitted, however, that he was not aware of any situation where NTS was the low bidder and did not get the work because of GVR. He personally did not know of any existing contracts awarded to NTS regarding this facility which were terminated due to GVR. He also was not aware of any documents from the Department of Defense or any customer which reflected a decision not to award a particular contract to NTS because of GVR.

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[6] NTS filed "10-Q's and 10-K's" with the Securities and Exchange Commission (SEC). A 10-K is an annual report filed with SEC that covered the fiscal year which began on February 1 and ended January 31. A 10-Q is quarterly report filed with the SEC giving information about a company's progression in the first through third quarters of the year. A 10-Q included financial and related information which had to be certified as accurate, true and correct.

Blonder further acknowledged that in June 2001 he had estimated $500,000 a year was the loss of business due to the nearby high school eminent domain proceeding.

Dan Napier, a certified safety professional, opined construction of GVR had not impacted NTS's ability to conduct tests, particularly as to safety, at the Saugus/Santa Clarita facility. He further opined GVR did not create any testing constraints not already existing. He testified that NTS performed very few explosive tests and in low amounts and in the event of a catastrophe GVR would be the safest place to be. He was not aware of any safety regulations that would be violated if tests were performed while GVR was being constructed or in place. He further opined that in order to spy on the facility, an individual would "have to stop in a no-park parking area and . . . walk up to the edge of the road" where he would be "very visible."

Thomas Pastore, City's goodwill appraiser, testified that appellants did not sustain any goodwill loss due to the taking and opined there was no correlation between the decline of revenue (about 6 percent) at the Saugus/Santa Clarity facility and the increase in revenue (about 15-20 percent) at NTS's four other facilities.

Pastore opined the records relied upon by appellants did not constitute evidence that the decrease in revenue at the Saugus/Santa Clarita facility was attributable to GVR. He noted the deposition testimony of Lin, Clements and Richard Short, a NTS senior vice-president, failed to show any adverse impact due to GVR.

Pastore pointed out that GVR was not listed in the 10-Q and 10-K documents filed with the SEC prior to October 2002 as a cause for revenue loss; rather, the explanations provided included the state's energy crisis, competitive bidding and increased business costs. He particularly noted that the 10-K report for the year ending January 31, 2002, indicated an increase of costs, e.g., utilities, employee benefits and competitive pricing, but did not indicate GVR had any impact on NTS's performance. He also identified other unrelated factors for the losses, e.g., a high school and loss of short-range ballistics capability.

The trial court ruled that appellants had failed to show, by a preponderance of the evidence, that their losses were "caused by the taking of the property or the injury to the

remainder." (§ 1263.510(a)(1).) The court found particularly persuasive the documents filed with the SEC which listed causes unrelated to GVR for losses sustained at the Saugus/Santa Clarita facility. The court did not credit the testimony of appellants' employees that GVR caused the loss of their goodwill. The court found especially telling the failure of appellants to offer any evidence from customers regarding GVR concerns or any documentation about safety issues.

It is not our function, as a reviewing court, to reevaluate the evidence or reweigh credibility. Rather, it is incumbent on us to uphold the trial court's ruling if supported by substantial evidence. (See, e.g., *Davis v. Kahn* (1970) 7 Cal.App.3d 868, 874; *Bazaure v. Richman* (1959) 169 Cal.App.2d 218, 221-222 [trial court entitled to disbelieve uncontradicted, unimpeached testimony of interested party].) As reflected above, there is ample evidence to support the finding that any goodwill loss was not caused by the taking or injury to the remainder of the property.[7]

II. August 3, 1999, Proper Date of Valuation

Appellants contend the trial court erred in finding August 3, 1999, the date of City's original deposit, to be the date of valuation, because "City failed to deposit the true and real amount of probable compensation for ETCR's property when it commenced this action in 1999, and has *never* deposited any compensation on behalf of NTS." (Original italics.) Also, "it would be an unconstitutional denial of due process to value ETCR's property on a date *three years prior* to" the determination that City was entitled to take (not simply possess) that property. (Original italics.)[8] Alternatively, appellants argue that, if the date of valuation is the "'date of deposit,'" this date should be the date of City's supplemental deposit, which was September 12, 2002. We find appellants' positions unpersuasive.

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[7] This disposition obviates the need to address appellants' claim that goodwill loss had a different date of valuation than the taking of the real property.

[8] The trial court ruled City met its burden to show its entitlement to the "part take."

A property owner has a constitutional right to "just compensation," which is the fair market value of the property "at the time the taking occurred" by the public entity. (*Redevelopment Agency v. Gilmore (Gilmore)* (1985) 38 Cal.3d 790, 796-797, 801; see also U.S. Const., 5th Amend.; Cal. Const., art. I, § 19.)

In a straight eminent domain action (no pretrial possession sought), the statutory date of valuation is the date the action began if trial on the compensation issue is commenced within one year; on the other hand, the statutory date of valuation is the date when trial on that issue commenced if trial is not brought within one year after the action began. (§§ 1263.120, 1263.130; *Leaf v. City of San Mateo* (1984) 150 Cal.App.3d 1184, 1190-1191, overruled on another ground in *Trope v. Katz* (1995) 11 Cal.4th 274, 292.)

Nonetheless, the statutory date of valuation does not control where its effect would deprive the owner of "just compensation." (*Gilmore, supra*, 38 Cal.3d at p. 797) In this situation, the valuation date would be the date that affords the owner "just compensation." (See *Saratoga Fire Protection Dist. v. Hackett* (2002) 97 Cal.App.4th 895, 905-906; cf. *Kirby Forest Industries, Inc. v. United States* (1984) 467 U.S. 1, 17 ["convention of using the date of the commencement of the trial as the date of the valuation" violates Fifth Amendment "if the result of that approach is to provide the owner substantially less than the fair market value of his property on the date the United States tenders payment"].)

In contrast, the date of valuation under the "quick take" or "early possession" law (§ 1263.110 et seq.) is a date on which the condemner deposits "probable just compensation" for the property, which entitles condemner to seek immediate possession. (See, e.g., *Gilmore, supra,* 38 Cal.3d at p. 801.)

As we shall demonstrate, the appropriate date for valuation of the property was August 3, 1999, rather than September 12, 2002, the date City voluntarily increased its original deposit, or December 9, 2002, the date of trial, which was more than a year after the action was filed.

On August 3, 1999, City deposited $48,175, which represented the "probable compensation" based on Lidgard's appraisal. Based on this date, D. Michael Mason,

City's trial appraiser, valued the property at $80,250. On September 12, 2002, City voluntarily increased its deposit to reflect this amount. (See § 1255.30, subd. (f).)

At trial, the court ruled August 3, 1999, was the date of valuation. The court rejected appellants' argument that the date of valuation had to be changed in light of City's supplemental deposit.

Initially, we conclude the trial court did not err in finding August 3, 1999, to be the date of valuation under the "quick take" statutory scheme. It is undisputed that City made its deposit of "probable compensation" on August 3, 1999 (§ 1263.110, subd. (a)), and on September 10, 1999, the court issued an order of immediate possession.

We further conclude City's supplemental deposit on September 12, 2002, did not require the date of deposit to be changed to this later date. Appellants have not cited any persuasive authority for the proposition that the date of a voluntary supplemental deposit supersedes the date of the original deposit. Moreover, such a conclusion is not compelled by law.[9]

Under the "quick take" statutory scheme, the condemner or "any party having an interest in the property for which the deposit was made" is entitled to make a motion requesting the court to "determine or redetermine whether the amount deposited is the probable amount of compensation that will be awarded in the proceeding." (§ 1255.030, subd. (a).) "If the [condemner] has taken possession of the property and the court determines that the probable amount of compensation exceeds the amount deposited, the court shall order the amount deposited to be increased to the amount determined to be the probable amount of compensation. If the amount on deposit is not increased accordingly

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9 We note review was granted in *Mt. San Jacinto Community College Dist.v. Superior Court* (S132251; formerly (2005) 126 Cal.App.4th 619) and *San Diego Metropolitan Transit Development Bd. v. RV Communities* (S133786; formerly (2005) 127 Cal.App.4th 1201) regarding the proper valuation date where the owner elects to litigate the condemner's right to take the property instead of exercising its right to withdraw the funds deposited by condemner, which had the right to pretrial possession.

within 30 days from the date of the court's order, or any longer time as the court may have allowed at the time of making the order, the [condemnee] may serve on the [condemner] a notice of election to treat that failure as an abandonment of the proceeding. If the [condemner] does not cure its failure within 10 days after receipt of such notice, the court shall, upon motion of the [condemnee], enter judgment dismissing the proceeding . . . ." (§ 1255.030, subd. (c).)

A plain reading of these provisions does not support an inference that the date of deposit, and thus date of valuation, transforms into the date of a supplemental deposit. Rather, the designated consequence of the condemner's refusal to increase the original deposit to the amount determined by the court is the possible dismissal of its eminent domain action. In other words, if appellants had invoked the procedure to increase the deposit, they might have obtained a ruling that $48,175 was insufficient; that this amount had to be increased to the actual probable compensation amount; and that if City failed to do so, they were entitled to move for dismissal. Appellants elected not to proceed in this manner.

In another section, the "quick take" statute provides that the condemner "may at any time increase the amount deposited without making a motion under this section." (§ 1255.030, subd. (f).) We consider this particular section in the context of the entire statutory framework. (See, e.g., *Phelps v. Stostad* (1997) 16 Cal.4th 23, 32.) Nowhere does the statute address the valuation date in the context of such voluntary increase. We infer from this silence that the Legislature did not intend the date of a supplemental deposit to become the date of deposit.

In view of the foregoing, we hold that under the "quick take" statute, the original "probable compensation" deposit date is the date of valuation irrespective of any increase of deposit by the condemner.

Contrary to appellants' claim, it is inconsequential that NTS was not named as a defendant in the complaint filed on August 3, 1999, the same date the original deposit was made. It is ETCR, the owner, which is entitled to just compensation for land taken for public use. As a lessee, NTS is merely entitled "to share in the condemnation award

to compensate for the value of his or her leasehold interest. (§ 1265.150; *City of Vista v. Fielder* (1996) 13 Cal.4th 612, 616.)" (*Redevelopment Agency of San Diego v. Attisha, supra*, 128 Cal.App.4th 357, 366.) Apportionment is a matter between ETCR and NTS. (*Ibid.*)

Accordingly, under the "quick take" statute, the date of valuation is the date of the "probable compensation" deposit without regard to the existence of any leasehold. Thus, it was not required that the probable compensation deposit be made on or after the date NTS became a party to this action.

We find unpersuasive appellants' remaining claim that to allow the date of deposit to stand as the date of valuation would operate to deprive them of their constitutional right to "just compensation." They fail to support their claim with any applicable authority or record references. (See, e.g., *Sheily, supra*, 122 Cal.App.4th at pp. 826-827, fn 1.)

Appellants' reliance on *Saratoga, supra*, 97 Cal.App.4th 895, is misplaced. Under section 1263.120, the valuation date was the date the proceeding commenced. The *Saratoga* court concluded it would be unconstitutional to use this valuation date where "unusual circumstances which, if believed by the trier of fact, would make it unjust to apply section 1263.120 to defendant's award." (*Saratoga*, at pp. 905-906.) The court concluded it was error to exclude evidence that the fair market value of the property at the time of trial, 11 months after the action commenced, had substantially increased, i.e., from $2 million to $3.2 million. (*Id*. at p. 906.) *Saratoga*, however, is factually inapplicable for the reasons that it was a straight condemnation, not a quick-take action and, unlike here, there was no deposit of probable compensation.

Moreover, if appellants believed that the "probable compensation" was an amount greater than the original deposit, they could have made a motion for redetermination of the appropriate amount of deposit, which they elected not to do. (See *Kirby Forest Industries, Inc. v. U.S., supra,* 467 U.S. at pp.17-18 [no violation of Fifth Amendment where there exists "a procedure for modifying a condemnation award when there is a substantial delay between the date of valuation and the date the judgment is paid, during

which time the value of the land changes materially"]; see also *Whittier Redevelopment Agency v. Oceanic Arts* (1995) 33 Cal.App.4th 1052, 1060 [trial court authorized to order an increase in the probable compensation deposit pending appeal from judgment by developer which acquired prejudgment possession of property, and amount of judgment exceeded amount deposited].)

III. Exclusion of Expert Testimony Not Abuse

Appellants contend the trial court abused its discretion in excluding the testimony of Scott Delahooke based on his third appraisal and denying their motion for relief.[10] There was no abuse.

On June 11, 2002, the exchange date, appellants produced Delahooke's first appraisal with a $230,000 fair market value based on May 20, 2002, and indicated that he could use August 3, 1999.

On July 11, 2002, when Delahooke was deposed, appellants produced a second appraisal in which Delahooke again used May 20, 2002, but this time gave $815,000 as the fair market value and reiterated his offer to use the date of August 3, 1999.

On December 11, 2002, day three of trial, City was served with Delahooke's third appraisal, which was dated November 22, 2002, and gave $410,000 as the fair market value based on August 3, 1999.

City objected and made a motion in limine to exclude any valuation testimony by Delahooke, particularly his opinion based on his third appraisal. City essentially took the position that appellants acted in bad faith by instructing Delahooke, as a strategic tactic, to base his first and second appraisals on the May 20, 2002, date of valuation and that

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10 We deem waived appellants' claim that the court also erred in refusing to allow Clements and Lin to testify, which is not based on any specific argument or supported by record references and applicable authority. (See, e.g., *Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 784-785.)

City was substantially prejudiced by the third appraisal which was belatedly served after trial began.

Appellants filed both opposition and a companion motion to allow Delahooke to testify (§§ 575.2, subd. (b) [failure to comply with local rules not chargeable to client where noncompliance responsibility of counsel], 1258.290 [discretion to permit testimony on matters not set forth in statement of valuation data]). They conceded the motion only pertained to the third appraisal, because the earlier valuations based on the May 20, 2002, date were irrelevant in view of the court's ruling that August 3, 1999, was the correct valuation date.

The trial court granted City's motion and denied appellants'.

The trial court's rulings were not an abuse of discretion. (See, e.g., *City of San Diego v. Barratt American Inc.* (2005) 128 Cal.App.4th 917, 936 [abuse of discretion standard applicable to exclusion of valuation of property expert testimony]; see generally *Dart Industries, Inc. v. Commercial Union Ins. Co.* (2002) 28 Cal.4th 1059, 1078.)

The statement of valuation must include, among other data, "[t]he date of valuation used by the witness" and "[t]he sales, contracts to sell and purchase, and leases supporting the opinion." (§ 1258.260; see also §§ 1258.240, 12158.250.) Upon objection, "[n]o witness . . . may testify on direct examination during the case in chief of the party who called him to any opinion or data required to be listed in the statement of valuation data . . . unless such opinion or data is listed in the statement served except that testimony that is merely an explanation or elaboration of data so listed is not inadmissible . . . ." (§ 1258.280, subd. (c).)

Nonetheless, the trial court is imbued with discretion to permit a witness to testify regarding opinions or data which should have been included but were omitted from the statement "upon such terms as may be just" and under the circumstances that the party calling the witness made a good faith effort to comply with the requirements for exchange of valuation data (§§ 1258.210-1258.260); he diligently gave notice to the opposing party after determining "to have a witness called by him testify . . . to any opinion or data required to be listed . . . but which was not so listed" (§ 1258.270, subd.

(a)(2)); and the omission of the opinion or data was the product of "mistake, inadvertence, surprise, or excusable neglect." (§ 1258.290, subd. (a).) The trial court also is required to "take into account the extent to which the opposing party . . . will be prejudiced if . . . the testimony concerning such opinion or data is given." (§ 1258.290, subd. (b).)

Additionally, a statement of valuation data must be exchanged between the parties in a timely manner. (§§ 258.220, 1258.230, subd. (a).) The trial court is vested with "wide discretion in determining whether or not good cause has been shown for the delay in presenting valuation data to an opposing party. (*Redevelopment Agency v. First Christian Church* (1983) 140 Cal.App.3d 690, 700.) The court's ruling will be upheld if supported by substantial evidence. (*Id.* at p. 701.)

Appellants do not dispute that service of the third appraisal on City did not comply with the date agreed upon for exchange and that such service was not on "a date 90 days prior to commencement of the trial on the issue of compensation or [a] date set by the court on noticed motion of either party establishing good cause therefor." (§ 1258.220, subd. (a).) Delahooke's third appraisal therefore was untimely.

Moreover, the trial court's findings of lack of good faith, absence of requisite notice, and inexcusable delay are supported by ample evidence. The court impliedly found the omission from the first and second appraisals of Delahooke's opinions and valuation data based on a August 3, 1999, date of valuation and the tardy service of the third appraisal were the product of a deliberate decision of appellants to obtain a strategic advantage over City, rather than the inadvertence or neglect of their counsel.

Appellants' decision to base their first and second appraisals on a date other than the statutory date of valuation, i.e., August 3, 1999, necessarily was based on an informed choice. On their face, the first and second appraisals reflect that, if requested, Delahooke would value the property based on August 3, 1999, the date of deposit. In his deposition, which was before his third appraisal, Delahooke, an experienced appraiser, admitted that he had never before used a date of valuation other than the date of deposit. He

acknowledged that appellants' counsel, contrary to his advice, directed him to value the property as of May 20, 2002, instead of the date of deposit.

With respect to the third appraisal, appellants do not claim that they were precluded by City or otherwise from serving City with a pretrial statement of valuation data based on August 3, 1999. Instead, appellants relied on the declaration of their counsel, Michael Maher, to justify the omission of the opinion and valuation data from the earlier two appraisals and the late service of the appraisal. He explained the choice of a date other than August 3, 1999, was based on uncertainty about the proper valuation date and that the third appraisal was necessitated by the trial court's determination of August 3, 1999, as the correct date. It is not for us to rejudge the trial court's determination that this explanation was not worthy of credit. (See, e.g., *Bazaure v. Richman, supra*, 169 Cal.App.2d 218, 221-222.)

Similarly, abundant evidence supports the trial court's finding that service of the belated third appraisal was prejudicial. The purpose of exchanging statements of valuation data in advance of trial is to foster fairness and judicial economy. "In condemnation proceedings this has taken the form of an exchange of reports of experts during the final pretrial proceedings immediately in advance of trial. The key element is mutuality." (*Swartzman v. Superior Court* (1964) 231 Cal.App.2d 195, 203-204.) This purpose would be subverted if one party were allowed to confront the other party with a statement of valuation data for the first time during trial based simply on the excuse of earlier indecisiveness. (See, e.g., *Swartzman, supra,* at p. 204 [genuine disclosure pretrial inhibited where party could merely "profess indecision until the day of trial"].)

Moreover, the untimely service of the statement might deprive the other party of the opportunity to counter its contents and effect. (See, e.g., *Bonds v. Roy* (1999) 20 Cal.4th 140, 148 ["Allowing new and unexpected testimony for first time at trial" inconsistent with requirement of "timely disclosure of the general substance of an expert's expected testimony" in order for "parties . . . properly [to] prepare for trial"].) This is the situation here. Contrary to appellants' claim, the third appraisal was not simply a nonprejudicial "mathematical recalculation" of already known information.

Rather, it was based on two new sales which were not listed in the earlier appraisals. One was the sale of the 38.26-acre Ruether Avenue parcel[11] and the other was the sale of the 16.02-acre 20976 Golden Triangle parcel. Moreover, Delahooke opined these were "the only truly comparable sales" and that they were "the most comparable to the subject in location, date of sale and physical conditions . . . ." (Cf. *County of Los Angeles v. Kling* (1972) 22 Cal.App.3d 916, 922-923 [value opinion testimony admissible where answer already placed condemner on notice of owner's opinion].)

Mason declined to include the 20976 Golden Triangle sale as a comparable in his pretrial valuation. This fact, however, does not cure the City's loss of opportunity to prepare in advance of trial to counter the underpinnings of Delahooke's new valuation opinion. The first appraisal value of $230,000 was based on a 2002 date while the third appraisal value of $410,000 was based on a 1999 date. This almost doubling of valuation was peculiar: real estate prices rose from 1999 to 2002. (Cf. *State of California ex. rel. Public Works Bd. v. Bragg* (1986) 183 Cal.App.3d 1018, 1028, 1029-1030 [preclusion of valuation evidence not appropriate where prejudice showing questionable].)

IV. Amount of $48,917.53 as Just Compensation Not Error

Appellants contend the trial court erred in awarding $48,917.53 as just compensation, because it was "*less* than what the City offered" and "[a] trier of fact *must* determine the amount of compensation *within the range* of the witness' testimony." (Original italics.) There was no error.

At trial, Lidgard opined the value of the property was $48,175. He explained that although this figure was derived from his appraisal based on June 24, 1999, as the date of valuation, the value would be the same on August 3, 1999. Lidgard opined $10,890 per acre was appropriate, and the slope easement should be discounted by 25 percent.

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[11] This sale was in January 2000. The second appraisal relied on the November 2001 sale of the same parcel.

Mason acknowledged it was common for appraisers to arrive at different valuation figures for the same property. He opined that $80,250 was the fair market value on August 3, 1999. Based on the "sales comparison" approach, Mason compared certain property sales, which ranged from $4,845 per acre to $72,765 per acre. He concluded that sale numbers 1, 2, 5 and 6 were the only comparable sales and that he did not place more weight on one than another in determining $25,000 was the value per acre. Rather, he considered them all equal. The average price per acre was $10,000 or $11,000 per acre; however, his "ultimate opinion" was higher than average. He explained the $25,000 figure was not simply the function of a "formula [weighing] process" or "any sort of mathematical averaging." Mason further opined appellants lost only 50 percent value of the easement area, because these areas were still useful, e.g., access, landscaping, and to fulfill setback and building density requirements.[12] In determining the value of the temporary construction easement, he multiplied 1.61 acres times $25,000 and multiplied the product by 10 percent, which was the "rate of return appropriate for industrial land."

The trial court concluded the value of the partial take, instead, was $48,917.94 and that $10,861 was the value per acre, It found appellants lost 75 percent, rather than 50 percent, of the easement area value. The court considered sale numbers 1, 2, 5 and 6 to be comparable but expressly found that only numbers 1 and 5 were similar in size and utility to the partial take. The amount of $48,917.94 was based on the addition of the products of these calculations: (1) $10,861 times .461 acre (fee simple); (2) $10,861

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[12] The parties stipulated that if Glenn Tofani, a defense geotechnical expert, were called, he would testify that it was "not feasible to use the slope area for access, structures or other facilities, and that the slope cannot be used for any other purpose other than for basically supporting the road." It was further stipulated that in response, Mason "would testify that *if* the slope could not be used for access or structures, then he would modify his opinion" by testifying that the 50 percent discount for the slope easement "would be valued at 75 percent of the fee." (Italics added.) This would result in an increase in value for the easement from $64,700 to $97,050 for a new total valuation of $112,600.

times 5.176 acres (slope easement) times 75 percent; and (3) $10,861 times 1.61 acre (temporary easement) times 10 percent.

The valuation of the property taken must not be lower or higher than "that shown by the testimony of the witnesses." (*People ex rel. D. of P. Wks. v. McCullough* (1950) 100 Cal.App.2d 101, 105; *Redevelopment Agency v. Modell* (1960) 177 Cal.App.2d 321, 326-327) This proscription simply signifies that the trier of fact is restricted to the lowest or "highest valid arithmetical combination of factors *selected* from the testimony of all the witnesses," rather than an amount between the lowest and highest lump-sum figures provided by the witnesses. (*People ex rel. Dept. Pub. Wks. v. Jarvis* (1969) 274 Cal.App.2d 217, 226-227, italics added; see also *People v. Thompson* (1954) 43 Cal.2d 13, 27-28 [jury "not bound to accept the testimony of any one of the four witnesses" on valuation].)

The trial court did not abuse its discretion in arriving at $10,861 as the value per acre. In calculating just compensation, the court was not restricted to Mason's determination regarding the factors and weight accorded each in its evaluation of the comparable sales. Also, $10,861 per acre was within the range of the lowest and highest arithmetical combination of factors based on Mason's testimony. Similarly, it was within the province of the trial court to accept the 25 percent discount figure provided by Lidgard over the 50 percent figure relied upon by Mason. (Cf. *People ex rel. D. of P. Wks. v. McCullough, supra,* 100 Cal.App.2d at p. l05; *Redevelopment Agency v. Modell, supra*, 177 Cal.App.2d at p. 326 [verdict impermissibly based on view of property].)

DISPOSITION

The judgment is affirmed. City to recover costs on appeal.

BOREN, P.J.

We concur:

DOI TODD, J.

ASHMANN-GERST, J.

Filed 3/3/06

CERTIFIED FOR PARTIAL PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

CITY OF SANTA CLARITA, Plaintiff and Respondent, v. NTS TECHNICAL SYSTEMS et al., Defendants and Appellants.	B169596 (Los Angeles County Super. Ct. No. BC214551) **ORDER CERTIFYING OPINION FOR PARTIAL PUBLICATION**

THE COURT:

The opinion in the above entitled matter filed on February 3, 2006, was not certified for publication in the Official Reports.

For good cause it now appears that the opinion should be certified for partial publication and pursuant to California Rules of Court, rules 976(b) and 976.1, it is ordered to be published with the exception of:

1. The fourth paragraph to the end of Part I, i.e., publish only the first three paragraphs of Part I.

2. Part IV of the Discussion.

NTS Facility

Eastern Area Preliminary Endangerment Assessment Sampling Report

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Prepared for

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Santa Clarita, California

April 20, 2007

Executive Summary

A Preliminary Endangerment Assessment (PEA) Sampling Program was conducted for the Eastern Area of the National Technical Systems (NTS) facility located in Santa Clarita, California. The sampling program was conducted as part of a Voluntary Cleanup Agreement. NTS provides technical services for the analysis, engineering, testing and certification of components for the Department of Defense and for various aerospace, automotive, and telecommunications companies. The eastern portion of the NTS facility covers approximately 120 acres and is mostly undeveloped. The area contains a number of relatively small testing laboratories, some of which are now abandoned, and storage facilities for chemicals and explosives. Six potential areas of concern were identified for the PEA sampling program. These six areas included a former gun range, a former test pad, a former 60-foot drop tower pad, two former remote testing areas described as the Lower Arena and the Upper Arena, and an existing hazardous materials storage area. The sampling program involved the collection and laboratory analysis of more than 50 soil samples for potential contaminants of concern which included lead, uranium, perchlorate, and explosives residues. Samples from the hazardous materials storage area were also analyzed for volatile organic compounds, semi-volatile organic compounds, and Title 22 metals. Lead and uranium were detected at or below typical background levels in all samples. Perchlorate was not detected in any of the samples with a method detection limit of 0.040 milligrams per kilogram (mg/kg). Explosive residues were typically not detected in the samples with a method detection limit of 0.200 mg/kg. The explosive residue tetryl was detected in one sample from the Former Upper Arena at a concentration of 0.210 mg/kg. Tetryl was used to make explosives, mostly during World Wars I and II, and is no longer manufactured or used in the United States. The carcinogenicity of tretryl in humans and animals has not been studied. One sample from the hazardous materials storage area had elevated detection limits for semi-volatile organic compounds due to the presence of an oily compound. However, no semi-volatile organic compounds were detected at the elevated detection limits. Lead, cadmium, chromium, copper and nickel were detected at one location within the hazardous materials storage area at concentrations in excess of typical background levels. The Waste Extraction Test (WET) concentrations were found to exceed the regulatory limits for lead, cadmium, copper and nickel. A supplemental soil sampling program was conducted in the Hazardous Materials Storage Area for the purposes of evaluating the extent of metals-impacted soils. The supplemental soil sampling program included X-Ray Fluorescence testing for lead at 51 locations combined with additional laboratory analyses of soil samples for cadmium, total and hexavalent chromium, copper, lead and nickel. The extent of the impacted soil was determined to be confined to the surficial soil within a localized (approximately 25 square foot) area. The estimated volume of

the impacted soil is approximately 1.5 cubic yards. Removal and disposal of the impacted soil (as hazardous waste) is recommended. Cleanup of the metals-affected soil materials is expected to coincidentally include the oil-affected soil as well. Confirmation testing should be performed in conjunction with the proposed clean-up activities. No further testing activities or remediation is recommended for any of the other areas in which testing was performed.

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1.0 INTRODUCTION

This report presents the results of a Preliminary Endangerment Assessment (PEA) sampling program conducted at the National Technical Systems facility located at 20980 Centre Point Parkway in Santa Clarita, California. The sampling program was conducted in accordance with a "Revised Preliminary Endangerment Assessment Workplan" prepared by GeoKinetics (Refs. 15 & 16) on behalf of National Technical Systems (NTS). The Workplan was reviewed and approved by the California Department of Toxic Substances Control (DTSC) prior to implementation (Refs. 4 & 6). The general site location is shown in Figure 1 while a recent aerial photograph of the property is provided as Figure 2. The PEA sampling program was conducted as part of a Voluntary Cleanup Agreement dated November 17, 2006 (Ref. 7). The workplan for the PEA sampling program was developed following a scoping meeting with representatives of DTSC (Jose Diaz and John Naginis), NTS (Cynthia Maher), and GeoKinetics (John DeReamer) on November 30, 2006 and a site inspection on December 8, 2006 which was conducted by DTSC (Jose Diaz and John Naginis) and included Willie Seebert of NTS and John DeReamer (GeoKinetics). As shown in Figures 1 and 2, the 167-acre NTS facility includes two adjacent properties - a relatively undeveloped Eastern Area which covers approximately 120 acres and a smaller Western Area which contains the facility's administrative offices as well as numerous laboratories. The "Eastern" and "Western" areas are separated by a 300-foot wide corridor of land owned by the City of Los Angeles Department of Water and Power (LADWP). The LADWP property includes overhead high voltage electrical lines and an underground water pipeline. NTS uses the 167-acre site to provide technical services for the testing and analysis of engineered components for the Department of Defense and private industry. NTS is currently in the process of selling the Eastern Area for commercial development, and consequently, DTSC has agreed to allow the Eastern and Western Areas to be investigated under separate workplans. The sampling program described in this report pertains exclusively to the eastern portion of the NTS property.

The PEA sampling program for the Eastern Area was designed to provide information to determine if there is a need for further action for this relatively undeveloped portion of the site (Refs. 1, 10, 11). As a result of the scoping meeting and associated site inspection, six potential areas of concern were identified in the Eastern Area for soil sampling. These areas are illustrated in Figure 3 and include (1) a Former Gun Range; (2) a Former Test Pad; (3) a Former 60-Foot Drop Tower Pad; a former explosives testing area characterized as (4) the Former Lower Arena and (5) the Former Upper Arena; and (6) a currently operating Hazardous Materials Storage Area. As specified in the DTSC-approved revised workplan for the Eastern Area (Ref. 15), soil samples were collected for laboratory analyses from these six areas and analyzed for a range of potential contaminants of concern - including lead, uranium, perchlorate, and explosive residues. Soil samples from the Hazardous Materials Storage Area were also analyzed for volatile organic compounds, semi-volatile organic compounds, and seventeen metals as listed in California Code of Regulations, Title 22.

2.0 SITE DESCRIPTION

2.1 Site Identification Information

The subject property was previously owned by the Marquardt Company which began operations at the site in 1957. Marquardt operated an onsite Research Test Laboratory to study the conditions and problems associated with hypersonic speeds. NTS took over the site in 1961 and has since utilized the facility to provide technical services for the analysis, engineering, testing and certification of components for the Department of Defense and for a variety of aerospace, defense, automotive and telecommunications companies. As shown in Figure 2, the NTS facility is located on multiple parcels of land with a combined area of approximately 167 acres. The Eastern Area of the NTS property consists of three largely undeveloped parcels located on the east side of a North-South oriented corridor of land owned by the City of Los Angeles Department of Water and Power (LADWP). The NTS Eastern Area parcels numbers are shown in Figure 2 and include 2836-014-046, 2836-014-047 and 2836-014-049. Overhead electrical power transmission lines and an underground aqueduct pipeline extend along the LADWP property. The location of the LADWP parcel is shown in Figures 1 and 2. Land use in the area surrounding the NTS facility includes a mixture of industrial, commercial, and residential properties with a public high school located on the south side of the facility, a community sport and aquatic recreational center located on the north side of the facility, and a public highway (Golden Valley Road) on the west side of the property. The NTS facility is located immediately to the east of the ≈1,000 acre Whittaker-Bermite property at which relatively extensive soil and groundwater contamination has been identified in conjunction with investigations performed under the oversight of the DTSC (Ref. 12). The location of the Whittaker-Bermite property is shown in Figure 1. The primary contaminants identified at the Whittaker-Bermite site include perchlorate, tetrachloroethylene and trichloroethylene (Refs. 12 & 17).

The NTS property is located within the City of Santa Clarita in northern Los Angeles County approximately 27 miles north of the Los Angeles metropolitan area in a region known as "Canyon Country". From a geologic perspective, the site is located near the western end of the Soledad basin within the Transverse Ranges physiographic and geomorphic province of southern California. This province is characterized by an east-west structural trend (folding and faulting) that differs from the dominant northwest-southeast structural trend of the San Andreas tectonic regime that characterizes most of southern California. Several prominent geologic features are present in the project area. These include the San Gabriel Fault Zone which passes within approximately 700 feet southwest of the site and several oil fields which are located to the south and southeast of the site (Ref. 13). Oil production in the area typically occurs from tectonically controlled (faulted) reservoirs which are associated with the San Gabriel Fault Zone and numerous

additional fault systems in the region. The lithology and geologic structure in the project vicinity have been strongly influenced by regional crustal compression and extension associated with the eastward deflection of the San Andreas fault zone as it approaches the Transverse Range Province from the north. Over the last several million years, this crustal compression has resulted in regional folding and the development of a large subsidence basin (the Soledad Basin) with associated uplifting around the margin of that basin (Ref. 3). Several thousand feet of eroded sediments from the adjacent highlands accumulated in the basin as it subsided over the last one to two million years. At least one transgression resulting in the deposition of marine sediments within the basin has occurred. The younger Pleistocene to Pliocene age terrestrial basin sediments in the project vicinity have been assigned to the Saugus Formation. This formation consists of a sequence of interbedded sandstones and siltstones with occasional mudstones and claystones (Ref. 19). The Saugus Formation sediments overlie other terrestrial rocks that have been assigned to the Mint Canyon and Tick Canyon Formations. There are up to approximately 5,000 feet of Miocene to Pleistocene sediments within the Soledad Basin in the project vicinity. These sediments are underlain by a granitic basement complex at depth. The granitic rocks are estimated to be present on the south side of the San Gabriel fault in the project vicinity at depths as shallow as 2,000 feet (Refs. 3, 13, 14 and 18).

Active regional uplifting and erosion of the Saugus Formation has continued through the present resulting in the formation of a system of incised canyon drainage pathways and intervening ridge lines that are generally oriented in a northwesterly - southeasterly direction in the project area. Landsliding is common throughout the region and occurs as a result of the relatively low shear strengths of some of the near-surface, poorly consolidated, siltstones or claystones; unfavorably orientated bedding planes or fault planes; and zones of perched groundwater created by the alternating sequences of relatively high permeability (sandstone) and low permeability (siltstone) sediments (Ref. 18).

2.2 Local Geology

As described above, the bedrock that is exposed at the subject site and surrounding areas consists of the Pleistocene to Pliocene age Saugus Formation. In the project vicinity, the rocks associated with this formation typically include weakly to moderately cemented intervals of non-marine fluvial deposits consisting predominately of interbedded sandstone and siltstone units. The sandstones are typically fine grained, silty, pale gray to reddish-brown, moderately hard, and moderately fractured with indistinct bedding. The siltstones are generally red to red-brown, poorly bedded, and moderately hard with poorly defined to indistinct bedding. The average thickness of the individual sandstone and siltstone sequences encountered in the exploratory borings at the site was on the order of 10 feet. The

Saugus Formation uncomfortably overlies the older (Miocene age) Mint Canyon Formation at depth. The Saugus deposits are estimated to be on the order of 500 feet in thickness at the project location. The dominant bedrock structure in the project vicinity is that of a westerly dipping homocline. Within the project area, bedding within the Saugus Formation typically dips westward at inclinations ranging from 5° to 15° (Ref. 18). However, localized folding has resulted in significantly divergent strikes and dips approaching vertical at some locations. Fold axes are typically orientated northwest - southeast parallel to the nearby San Gabriel Fault zone. Bedding strikes rotate to a northwest to southeast orientation and dips steepen considerably within approximately 1,000 feet of the fault zone (Refs. 13 and 14).

Zones of perched groundwater are common within the Saugus Formation as a result of the presence of alternating sequences of relatively high and low permeability sediments. There is a tendency for infiltrating rainwater to become perched upon the less permeable siltstone intervals (Ref. 2 & 18).

Several feet of residual soil or highly weathered bedrock are typically present along the ridge lines within the project area while a thin mantle of this material and/or colluvium generally occurs along the face of the descending slopes. Recent alluvial sediments are generally present along the base of the canyons that transect the site (Ref. 2).

2.3 Groundwater

Groundwater in the area of the NTS facility has been mapped at a depth of 25 feet or less in the canyon bottoms (Ref. 2). In the upland areas or along ridge lines, perched groundwater has been encountered at varying depths. Perched groundwater is common within the Saugus Formation due to the alternating beds of relatively high and low permeability sediments. Perched groundwater has been encountered within a number of exploratory borings that have been excavated at the site at depths ranging from 31 to 110 feet (Ref. 18).

3.0 PREVIOUS SITE ASSESSMENT SAMPLING RESULTS

A preliminary soil investigation was conducted at the site by DTSC in February and March of 2003 (Ref. 9). That investigation involved the collection of 23 soil samples from 12 exploratory borings on the NTS property along with the collection of four background samples from two off-site locations. The locations of the DTSC sampling stations in the Eastern Area are shown in Appendix A. Each of the soil samples was analyzed for a wide range of potential contaminants of concern including volatile organic compounds; CAM (California Assessment Manual) metals including silver, arsenic, barium, beryllium, cadmium, cobalt, chromium, copper, molybdenum, mercury, nickel, lead, antimony, selenium, thallium, vanadium, zinc; diesel range hydrocarbons; motor oil

range hydrocarbons; explosives including nitroaromatics and nitroamines; hydrazine; depleted uranium; and perchlorate. The potential presence of radioactive constituents was tested in the field by DTSC using a Geiger counter. As reported by DTSC, the testing for radioactivity was conducted as screening for the protection of DTSC workers. A level of 2 millirems per hour was utilized as a "background level" (Ref. 5). As reported by DTSC (Ref. 9), no volatile organic compounds, petroleum hydrocarbons (diesel range organics or motor oil range), PCB's, hexavalent chromium, explosives, or radioactive constituents (depleted uranium) were detected. The reported concentrations for the analyzed metals were found to be consistent with typical background levels. The DTSC sampling results for perchlorate for samples located in the Eastern Area are illustrated in Appendix A.

4.0 RESULTS OF EASTERN AREA TESTING

4.1 Collection of Soil Samples

During the current investigation, soil samples for laboratory analyses were collected from the six identified areas plus from two background locations in conjunction with the current site assessment. The two background locations were selected with the concurrence of a DTSC representative (John Naginis). The general soil sampling locations are shown on the site map in Figure 3 and in higher resolution on an area by area basis in Figures 4 through 11. The soil sampling program was conducted with DTSC oversight between January 30 and February 1, 2007. The sampling program typically included two soil sampling locations at each of the six areas of concern. A surface sample (collected from the ground surface to a depth of approximately one to two inches) and two subsurface samples collected from depths of 2.5 and 4.5 feet below the ground surface (bgs) were collected at each sampling location. The subsurface soil samples were collected using a Geoprobe direct-push sampler as described in the DTSC-approved workplan. Soil samples were collected in a 2-inch diameter polyethylene sleeve that was placed in the Geoprobe sampling tool core-barrel. A new polyethylene sleeve was used for each set of samples. Soil samples for laboratory analyses were collected by cutting the plastic sleeve at the workplan-specified depth intervals and extracting the samples. Surface and subsurface samples were placed in laboratory provided 4-ounce glass jars then sealed, labeled and placed on ice in a cooler for transport to the laboratory. Samples were delivered to the laboratory (Orange Coast Analytical, Inc. in Tustin, California) at the end of each day of sampling and relinquished under chain-of-custody protocol.

The soil samples were logged based upon their physical and textural characteristics using the Unified Soil Classification System. Boring logs are included in Appendix B. As indicated in the boring logs, the soil encountered at the sampling locations consisted predominately of a fine, poorly graded clean to

silty sand (SP to SM) with scattered gravel. A sample from the 3.0-foot bgs depth interval at each sampling location was placed in a 1-liter plastic bag and allowed to equilibrate for a period of approximately 5 to 10 minutes. The headspace was then screened for the presence of volatile organic compounds using a MINI RAE 2000 Photoionization Detector (PID) equipped with a 10.6 eV bulb. The PID was calibrated on a daily basis using a 100 ppm isobutylene standard. A copy of the initial calibration log for the PID instrument is included in Appendix C. Soil descriptions and the results of field screening for organic vapors are recorded on the boring logs provided in Appendix B. As indicated, the soil headspace organic vapor levels measured at the time of sample collection ranged from 0.5 to 1.4 parts per million. These concentrations are consistent with typical background readings. Copies of photographs that were taken in conjunction with the field sampling activities are included as Appendix D.

4.2 Laboratory Methods and Reports

The primary potential contaminants of concern for the Eastern Area sampling program generally included lead, uranium, perchlorate, and explosives residues. Soil samples were analyzed for lead using EPA Method 6010; for uranium using EPA Method 6020B; for perchlorate using EPA Method 314.0 (Ref. 8); and for Explosives Residues using EPA Method 8330 (Ref. 23). The soil sampling program in the Former Gun Range included testing for the presence of lead in surficial soil materials using an XRF (X-Ray Fluorescence) handheld instrument. Soil samples from the Hazardous Materials Storage Area were also analyzed for volatile organic compounds using EPA Method 8260B; for semi-volatile organic compounds using EPA Method 8270C; and for California Code of Regulations – Title 22 Metals using EPA Method 6000/7000. The Title 22 metals included antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, lead, mercury, molybdenum, nickel, selenium, silver, thallium, vanadium, and zinc. The analytical results for lead, uranium, perchlorate, explosives residues, volatile organic compounds, semi-volatile organic compounds, and Title 22 metals are summarized in Tables 1 through 7, respectively. The testing results are discussed separately for the six potential areas of concern in Section 4.4 of this report.

As a result of the detection of elevated concentrations of cadmium, total chromium, copper, lead and nickel in one of the samples collected from the Hazardous Material Storage Area (i.e., sample HMS-1-0), a supplemental soil sampling program was conducted in this area. The Hazardous Materials Storage (HMS) Area supplemental soil sampling program included the testing of surface materials for lead using a handheld XRF instrument combined with the collection and laboratory analyses of four supplemental surface soil samples for cadmium, total chromium, hexavalent chromium, copper, lead and nickel. In addition, sample HMS-1-0 was tested for soluble metals (cadmium, total chromium, copper, lead and nickel) using the STLC (Soluble Threshold Limit Concentration) test method for assessment of potential hazardous waste characteristics. Results

of the supplemental soil sampling program conducted in the HMS Area are discussed under section 4.4.6 (Hazardous Materials Storage Area).

4.3 Quality Assurance and Quality Control Measures

All samples were delivered to the laboratory under standard chain-of-custody protocol and analyzed within the required holding time for each of the analytical methods. Samples were analyzed with acceptable analytical method detection limits with the exception of one sample from the Hazardous Materials Storage Area (i.e., sample HMS-1-0). Elevated detection limits for semi-volatile organic compounds (SVOC's) were reported for this sample as a result of the presence of an un-identified oily substance. As indicated in Table 6, the presence of the un-identified oily substance required sample HMS-1-0 to be analyzed with a dilution factor of 100. Laboratory quality control measures included the analyses of method blanks as well as matrix spike and matrix spike duplicates. The laboratory QA/QC results and discussion of data qualifiers are included in the analytical reports in Appendix E (Refs. 21, 22, 23). The results of laboratory analyses are deemed acceptable for the purposes of the DTSC-approved sampling program with the exception of the elevated SVOC detection levels reported for sample HMS-1-0 collected from the Hazardous Materials Storage Area.

Field QA/QC samples included the analysis of one trip blank for volatile organic compounds and fifteen sets of duplicate samples including two for lead; three for uranium; four for perchlorate; four for explosive residues; one for volatile organic compounds; and one for semi-volatile organic compounds. The results of the trip blank sample analyzed for volatile organic compounds were all Not Detect as reported in Table 5. The results of the duplicate sample analyses are included in the attached summary data Tables 1 through 6. The results for the duplicate samples that were analyzed indicated an acceptable level of consistency. The results of the field QA/QC sample analyses are deemed acceptable for the purposes of the DTSC-approved sampling program.

4.4 Results of Laboratory Analyses

The results of laboratory analyses for each of the identified sampling areas are summarized in the following sections and in the summary tables. The analytical results are also illustrated on an area by area basis in Figures 4 through 11 as described in the following sections.

4.4.1 Former Gun Range

The general location of the Former Gun Range is shown in Figure 3 while the area is shown in greater detail in Figure 4. The Former Gun Range was characterized through XRF testing at 64 locations along with the laboratory analysis of three surface samples plus six subsurface samples collected from three

Geoprobe borings. The Former Gun Range sampling locations are designated GR-1, GR-2 and GR-3.

Lead: Testing for the presence of lead in the surficial soils in the area of the Former Gun Range was initially performed using an XRF (X-Ray Fluorescence) Alpha Series Analyzer manufactured by Innov-X Systems. The results of the XRF field screening are illustrated in Figure 5. The XRF field instrument was calibrated to factory standards in advance of the field survey. A copy of the factory-specified calibration log is included in Appendix F. Technical specifications for XRF instrument used for the field screening also are also included in Appendix F. The XRF survey was planned to include field testing for uranium. However, as a result of recently enacted national security regulations, a calibration standard was not available and screening for uranium was not included as part of the XRF survey. As illustrated in Figure 5, the XRF survey was conducted using a 10-foot by 10-foot grid within the 30 foot wide by 120 feet long test area. The field screening measurements were taken by placing the face of the handheld instrument directly in contact with the soil surface and holding the instrument in place for a scan time of at least sixty seconds. A total of 64 measurements were collected. The results were all Not Detected with a detection limit that ranged from 12 mg/kg to 19 mg/kg. The results of the laboratory analyses of the surface samples from the Former Gun Range for lead were consistent with the XRF results – ranging from 6.9 to 15 mg/kg. Sampling activities in the area of the Former Gun Range are shown in Photograph #'s 1 through 5 and in Photograph #'s 41 through 43 (Appendix D). The laboratory reported lead concentrations for the soil samples collected from the Former Gun Range (including the deeper soil samples) ranged from 3.5 to 20 mg/kg with an average concentration of 9.9 mg/kg. The average site background concentration for lead was 11.6 mg/kg. The laboratory analytical results for lead are summarized in Table 1 while copies of the associated laboratory data sheets are provided in Appendix E.

Uranium: The laboratory measured soil uranium concentrations ranged from 0.362 mg/kg to 0.642 mg/kg with an average concentration of 0.488 mg/kg. The site background concentrations for uranium ranged from 0.401 to 0.821 mg/kg with an average of 0.566 mg/kg. The uranium analytical results are summarized in Table 2. It should be noted that uranium is a naturally-occurring element that is found in the surficial soil and rock materials throughout the conterminous United States. In a background survey for the western United States performed by the United States Geological Survey (Ref. 24), uranium was reported at concentrations ranging from 0.68 mg/kg to 7.9 mg/kg with an arithmetic mean of 2.7 mg/kg.

Perchlorate: The laboratory measured soil perchlorate concentrations were below the reported Detection Limit of 0.040 mg/kg for all of the samples that were

analyzed - including the site background samples. The perchlorate analytical results are summarized in Table 3.

Explosives Residues: The laboratory measured soil explosive residue concentrations were below the reported Detection Limit of 0.200 mg/kg for all of the samples that were analyzed. The explosive residue analytical results are summarized in Table 4.

Recommendations for Former Gun Range

Based upon the results described above, no additional sampling or analyses are recommended for this area.

4.4.2 Former Test Pad

The Former Test Pad area was characterized through the laboratory analyses of two surface samples plus four subsurface samples collected from two Geoprobe borings, designated TP-1 and TP-2. The laboratory analytical results collected from the area of the Former Test Pad are shown in Figure 6. A total of six soil samples were analyzed for lead, uranium, perchlorate, and explosives. Sampling activities in the area of the Former Test Pad are shown in Photographs #'s 6 through 11 and 44 to 45.

Lead: The analytical results for lead ranged from 3.7 to 8.1 mg/kg with an average concentration of 5.9 mg/kg. The average site background concentration for lead was 11.6 mg/kg. The results of analyses for lead for the Former Test Pad are summarized in Table 1.

Uranium: The laboratory measured soil uranium concentrations ranged from 0.299 to 0.483 mg/kg with an average concentration of 0.368 mg/kg. The average concentration for uranium in the site background samples was 0.566 mg/kg. The site background concentrations for uranium ranged from 0.401 to 0.821 mg/kg. The uranium analytical results are summarized in Table 2.

Perchlorate: The laboratory measured soil perchlorate concentrations were below the Detection Limit of 0.040 mg/kg for all of the samples that were analyzed - including the site background samples. The perchlorate analytical results are summarized in Table 3.

Explosives Residues: The laboratory measured soil explosive residue concentrations were below the Detection Limit of 0.200 mg/kg for all of the samples that were analyzed from this area. The explosive residue analytical results are summarized in Table 4.

Recommendations for Former Test Pad

Based upon the results described above, no additional sampling or analyses are recommended for this area.

4.4.3 Former 60-Foot Drop Tower Pad

The Former 60-Foot Drop Tower Pad area was characterized through the laboratory analyses of two surface samples plus eight subsurface samples collected from two Geoprobe borings. The eight subsurface samples included four duplicate samples. The sampling locations are designated 60DTP-1 and 60DTP-2. Duplicate samples were collected from each of the subsurface sample depths in each of the borings including the 2.5' to 3.0' depth intervals and the 4.5' to 5.0' depth interval. Sampling locations and the laboratory analytical results for the soil samples collected from the area of the Former 60-Foot Drop Tower Pad are shown in Figure 7. The soil samples were analyzed for lead, uranium, perchlorate, and explosives residues. Sampling activities in the area of the Former 60-Foot Drop Tower Pad are shown in Photograph #'s 12 through 16.

Lead: The results of analyses for lead ranged from 3.4 to 6.5 mg/kg with an average concentration of 5.0 mg/kg. The average site background concentration for lead was 11.6 mg/kg. The analytical results for lead in the Former 60-Foot Drop Tower Pad area are summarized in Table 1.

Uranium: The laboratory measured soil uranium concentrations ranged from 0.271 to 0.427 mg/kg with an average concentration of 0.328 mg/kg. The site background concentrations for uranium ranged from 0.401 to 0.821 mg/kg with an average of 0.566 mg/kg. The uranium analytical results are summarized in Table 2.

Perchlorate: The laboratory measured soil perchlorate concentrations were below the Detection Limit of 0.040 mg/kg for all of the samples that were analyzed - including the site background samples. The perchlorate analytical results are summarized in Table 3.

Explosives Residues: The laboratory measured soil explosive residue concentrations were below the Detection Limit of 0.200 mg/kg for all of the samples that were analyzed - including the site background samples. The explosive residue analytical results are summarized in Table 4.

Recommendations for Former 60-Foot Drop Tower Pad

Based upon the results described above, no additional sampling or analyses are recommended for this area.

4.4.4 Former Lower Arena

The Former Lower Arena area was characterized through the collection of two surface samples plus the collection of four subsurface samples from two Geoprobe borings designated LA-1 and LA-2. Sampling locations and the laboratory analytical results for soil samples collected from the area of the Former Lower Arena are shown in Figure 9. A total of six soil samples were analyzed for lead, uranium, perchlorate, and explosives. Sampling activities in the area of the Former Lower Arena are illustrated in Photograph #'s 17 through 19 and 64 to 68.

Lead: The results of analyses for lead ranged from 2.5 to 7.8 mg/kg with an average concentration of 6.1 mg/kg. The average site background concentration for lead was 11.6 mg/kg. The analytical results for lead for the Former Test Pad are summarized in Table 1.

Uranium: The laboratory measured soil uranium concentrations ranged from 0.291 to 0.584 mg/kg with an average concentration of 0.426 mg/kg. The site background concentrations for uranium ranged from 0.401 mg/kg to 0.821 mg/kg with an average concentration of 0.566 mg/kg. The uranium analytical results are summarized in Table 2.

Perchlorate: The laboratory measured soil perchlorate concentrations were below the Detection Limit of 0.040 mg/kg for all of the samples that were analyzed - including the site background samples. The perchlorate analytical results are summarized in Table 3.

Explosives Residues: The laboratory measured soil explosive residue concentrations were below the Detection Limit of 0.200 mg/kg for all of the samples that were analyzed from this area. The explosive residue analytical results are summarized in Table 4.

Recommendations for Former Lower Arena

Based upon the results described above, no additional sampling or analyses are recommended for this area.

4.4.5 Former Upper Arena

The Former Upper Arena area was characterized through the collection and analysis of two surface samples and four subsurface samples obtained from two Geoprobe borings designated UA-1 and UA-2. Sampling locations and the laboratory analytical results for soil samples collected from the area of the Former Upper Arena are shown in Figure 9. A total of six soil samples were analyzed for lead, uranium, perchlorate, and explosives. A portion of the Former Upper Arena is shown in Photograph #20 and Photograph #'s 53 to 60.

Lead: The results of analyses for lead ranged from 3.7 to 8.8 mg/kg with an average concentration of 6.1 mg/kg. The average site background concentration for lead was 11.6 mg/kg. The results of analyses for lead for the Former Test Pad are summarized in Table 1.

Uranium: The laboratory measured soil uranium concentrations ranged from 0.197 mg/kg to 0.484 mg/kg with an average concentration of 0.373 mg/kg. The site background concentrations for uranium ranged from 0.401 mg/kg to 0.821 mg/kg with an average concentration of 0.566 mg/kg. The uranium analytical results are summarized in Table 2.

Perchlorate: The laboratory measured soil perchlorate concentrations were below the Detection Limit of 0.040 mg/kg for all of the samples that were analyzed - including the site background samples. The perchlorate analytical results are summarized in Table 3.

Explosives Residues: The laboratory measured soil explosive residue concentrations were below the Detection Limit of 0.200 mg/kg for all samples that were analyzed - with the exception of the detection of one explosive constituent (tetryl) at a concentration of 0.210 mg/kg in the surface sample UA-2-0. The explosive residue analytical results are summarized in Table 4. Tetryl is also known as 2,4,6-trinitrophenyl-n-methylnitramine. This compound was utilized in explosives primarily during the World War I and II eras. It is no longer manufactured or used in the United States (Ref 20). Tetryl is relatively immobile (insoluble) and breaks down rapidly when exposed to sunlight (Ref 20). A toxicological profile for tetryl has been prepared by ATSDR (Agency for Toxic Substances and Disease Registry). However, since the substance is no longer manufactured or used in the United States, health effect data is limited and the carcinogenicity of tetryl in humans and animals has not been studied.

Recommendations for Former Upper Arena

Based upon the results described above, including the detection of 0.210 mg/kg of tetryl in one sample, no additional sampling or analyses is recommended for this area.

4.4.6 Hazardous Materials Storage Area

The Hazardous Materials Storage Area was characterized through the collection of one surface sample and four subsurface samples obtained from two Geoprobe borings designated HMS-1 and HMS-2. As indicated in Figures 9 and 10, HMS-1 was located approximately three feet from the edge of a concrete pad while HMS-2 was excavated through a core hole in the adjacent asphalt drive at a location where a crack was present. As a result of the asphalt pavement, no surface

sample was collected from HMS-2. Sampling locations and the laboratory analytical results for soil samples collected from the Hazardous Material Storage Area are shown in Figures 9 and 10. In accordance with the DTSC-approved revised workplan (Ref. 4), soil samples from the Hazardous Materials Storage Area were analyzed for California Code of Regulations (CCR), Title 22 metals, perchlorate, explosive residues, volatile organic compounds, and semi-volatile organic compounds. One sample from this area was also analyzed for uranium. Sampling activities in the area of the Hazardous Materials Storage Area are shown in Photograph #'s 21 through 33 and 46 to 52.

Lead: The results of analyses for lead ranged from 7.5 to 240 mg/kg with an average concentration of 54 mg/kg. The 240 mg/kg concentration was detected in the surface sample from HMS-1. The average lead concentration for this area was 7 mg/kg for the remaining samples. The average site background concentration for lead was 11.6 mg/kg. The analytical results for lead for the Hazardous Materials Storage Area are summarized in Table 1.

Uranium: One sample from the Hazardous Materials Storage Area was analyzed for uranium with a result of 0.728 mg/kg. Uranium was not an identified potential contaminant of concern for this area and no other samples from this area were analyzed for uranium. The site background concentrations for uranium ranged from 0.401 mg/kg to 0.821 mg/kg with an average concentration of 0.566 mg/kg. The uranium analytical results are summarized in Table 2.

Perchlorate: The laboratory measured soil perchlorate concentrations were below the Detection Limit of 0.040 mg/kg for all samples that were analyzed - including the site background samples. The perchlorate analytical results are summarized in Table 3.

Explosives Residues: The laboratory measured soil explosive residue concentrations were below the Detection Limit of 0.200 mg/kg for all of the samples that were analyzed from this area. The explosive residue analytical results are summarized in Table 4.

Volatile Organic Compounds: No volatile organic compounds were detected in the samples that were analyzed. Six samples were analyzed including one duplicate. The detection levels ranged from 0.0025 mg/kg to 0.005 mg/kg. The volatile organic compounds analytical results are summarized in Table 5.

Semi-Volatile Organic Compounds: No semi-volatile organic compounds were detected in the six samples that were analyzed. However, one of the samples (HMS-1-0) had elevated detection limits as a result of the presence of an unspecified compound described as a "heavy oil" by the analytical laboratory. The SVOC detection limits for HMS-1-0 ranged from 10 mg/kg to 25 mg/kg with a dilution factor of 100. The detection limits in the other five samples from this

area ranged from 0.1 mg/kg to 0.25 mg/kg. The semi-volatile organic compounds analytical results are summarized in Table 6.

CCR Title 22 Metals: Five samples from the hazardous materials storage area were analyzed for the seventeen metals that comprise the list of the California Code of Regulations (CCR) Title 22 Metals. These metals include antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, lead, mercury, molybdenum, nickel, selenium, silver, thallium, vanadium, and zinc. The laboratory analytical results for the Title 22 Metals are summarized in Table 7. All of the results were consistent with site background levels as shown in Table 7 with the exception of the surface sample collected from HMS-1-0. The concentrations of five metals in this sample were significantly above the site background levels. The metals with elevated concentrations included cadmium (51 mg/kg); chromium (44 mg/kg); copper (330 mg/kg); lead (240 mg/kg); and nickel (320 mg/kg). The site background concentrations for cadmium were below the reported Detection Limit of 0.5 mg/kg. The site background concentrations for chromium ranged from 11 mg/kg to 30 mg/kg with an average of 22 mg/kg. The site background concentrations for copper ranged from 9.2 mg/kg to 27 mg/kg with an average of 16.3 mg/kg. The site background concentrations for lead ranged from 4.2 mg/kg to 20 mg/kg with an average of 11.6 mg/kg. The site background concentrations for nickel ranged from 8.9 mg/kg to 30 mg/kg.

Supplemental Soil Sampling Program: As a result of the detection of elevated concentrations of cadmium, chromium, copper, lead and nickel in sample HMS-1-0, a supplemental soil sampling program was conducted in the Hazardous Materials Storage Area. The supplemental soil sampling program was conducted to evaluate the potential extent of the impacted area. The supplemental soil sampling program included a surface XRF testing program for lead combined with the collection and laboratory analyses of four additional soil samples. The results of the XRF survey were utilized as a guide in the selection of the four supplemental soil sampling locations. Results of the XRF survey are illustrated in Figure 10. As indicated in Figure 10, the XRF survey included areas covered by asphalt and concrete as well as an area of exposed soil. XRF measurements of lead in the surface materials were obtained at 51 locations with a minimum scan time of sixty seconds per location. The XRF measurements ranged from <16 mg/kg to 100 mg/kg for the asphalt area; from <16 mg/kg to 29 mg/kg in the concrete pad area; and from <13 mg/kg to 51 mg/kg in the soil area. Three locations in the soil area with the greatest XRF results for lead were selected for soil sampling and laboratory analyses for the identified potential metals of concern - including cadmium, chromium, copper, lead and nickel. One location covered by asphalt was also selected for soil sampling and laboratory analyses. These sampling locations are illustrated in Figure 10 and were designated HMS-3, HMS-4, HMS-5 and HMS-6. The laboratory analytical results are summarized in Table 8 and illustrated in Figure 10. With the exception of the surface sample at HMS-1 discussed previously, and a slightly elevated copper concentration in the

surface sample at HMS-5, the results are consistent with the site background levels for all of the metals. The four supplemental soil samples (i.e. HMS-3 through HMS-6) were also analyzed for hexavalent chromium using EPA Method 7196A for differentiation of trivalent chromium from the more toxic hexavalent chromium. The laboratory analytical results for hexavalent chromium are summarized in Table 9. As indicated, hexavalent chromium was not detected in any of the samples with a reported method detection limit of 0.2 mg/kg.

In addition to the supplemental soil sampling and analysis described above, the solubilities of the cadmium, chromium, copper, lead and nickel in soil sample HMS-1-0 were evaluated in accordance with Soluble Threshold Limit Concentration (STLC) testing procedures. The STLC results are summarized in Table 10. As indicated, cadmium was reported at a concentration of 11 milligrams per Liter (mg/L); chromium at 0.5 mg/L; copper at 150 mg/L; lead at 26 mg/L; and nickel at 30 mg/L. The respective STLC limits for these compounds, which are used for identification of hazardous waste characteristics, are 1 mg/L for cadmium; 6 mg/L for total chromium; 25 mg/L for copper; 5 mg/l for lead; and 20 mg/l for nickel. Based upon the reported STLC results for cadmium, copper, lead, and nickel, the impacted soil should be classified as "hazardous waste" for disposal purposes. As indicated in Figure 10, the results of the supplemental soil sampling program indicate that the metals impacted area is confined to the surficial soil in the immediate area of sample locations HMS-1 and HMS-5. Run-off from the adjacent concrete pad discharges onto the ground surface at this location. This appears to represent the most likely explanation for the location and distribution of the contamination that has been identified. Copies of the laboratory reports of analyses for the supplemental soil sampling program for the hazardous materials storage area are included in Appendix E.

Recommendations for Hazardous Materials Storage Area

Results of the initial and supplemental soil sampling programs conducted for the hazardous waste materials storage area have identified a shallow soil area impacted with elevated levels of cadmium, copper, lead and nickel that exceed STLC limits. This area is also impacted by an unidentified oily substance that resulted in elevated detection limits for analysis of semi-volatile organic compounds. The approximate limits of the impacted area are shown in Figure 10 based upon the testing results presented herein. The laboratory analytical results for deeper soil samples in this area indicate the contamination is restricted to the surficial soils within an estimated 20 square-foot area. The volume of the impacted soil is estimated to be on the order of 1.5 cubic yards. We recommend the impacted soils be excavated and disposed of as hazardous waste. Confirmatory soil samples should be collected and analyzed from the bottom and side walls of the excavation to confirm all of the impacted material is removed.

5.0 LIMITATIONS AND CLOSING

We have prepared this report with the degree of skill and care ordinarily exercised by Geologists and Engineers practicing in this, and similar, localities. No other warranty, expressed or implied is given regarding the conclusions or professional opinions given in this document. In preparing this work plan, we have relied on information derived from secondary sources. Except as set forth in this document, we have made no independent investigation as to the accuracy of the information derived from secondary sources, and have assumed that such information is accurate and complete. More extensive studies may be performed to reduce any inherent uncertainties. All recommendations, findings and conclusions stated in this work plan are based upon facts and circumstances, as they existed at the time this work plan was prepared. A change in any fact or circumstance upon which this work plan is prepared may necessitate re-evaluation and/or modification of the recommendations and findings presented herein.

Due to the nature of this type of investigation, uncertainty exists with respect to the subsurface conditions that are present between sampling locations. If the level of inherent certainty is unacceptable, additional sampling and/or testing should be considered.

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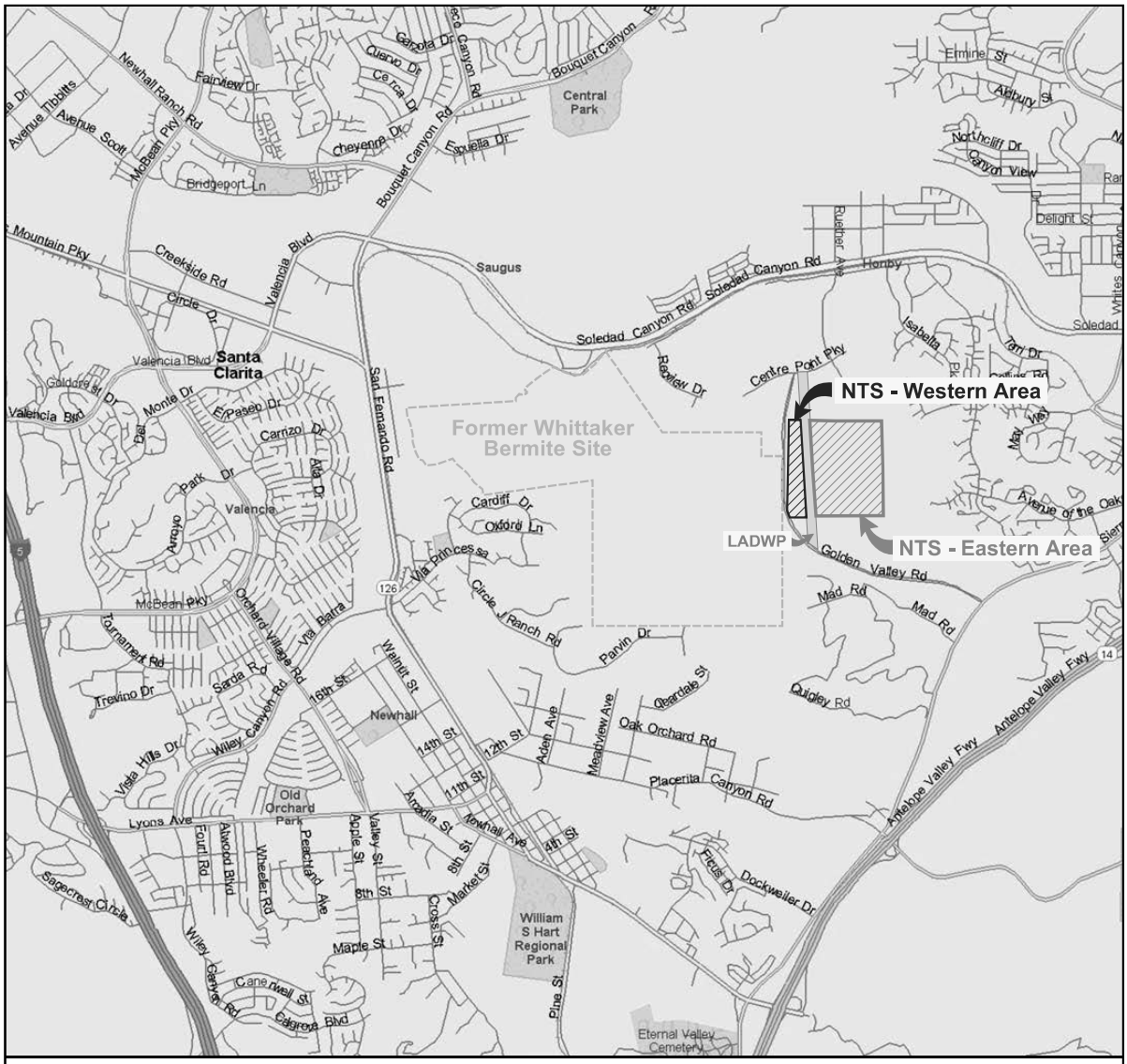
21. United States Environmental Protection Agency, October 1988: Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA.

22. United States Environmental Protection Agency, March 1987: Data Quality Objectives for Remedial Response Activities.

23. United States Environmental Protection Agency, 1986: Test Methods for Evaluating Solid Waste (SW846): Physical/Chemical Methods.

24. United States Geological Survey, 1984: Element Concentrations in Soils and Other Surficial Materials of the Conterminous United States.



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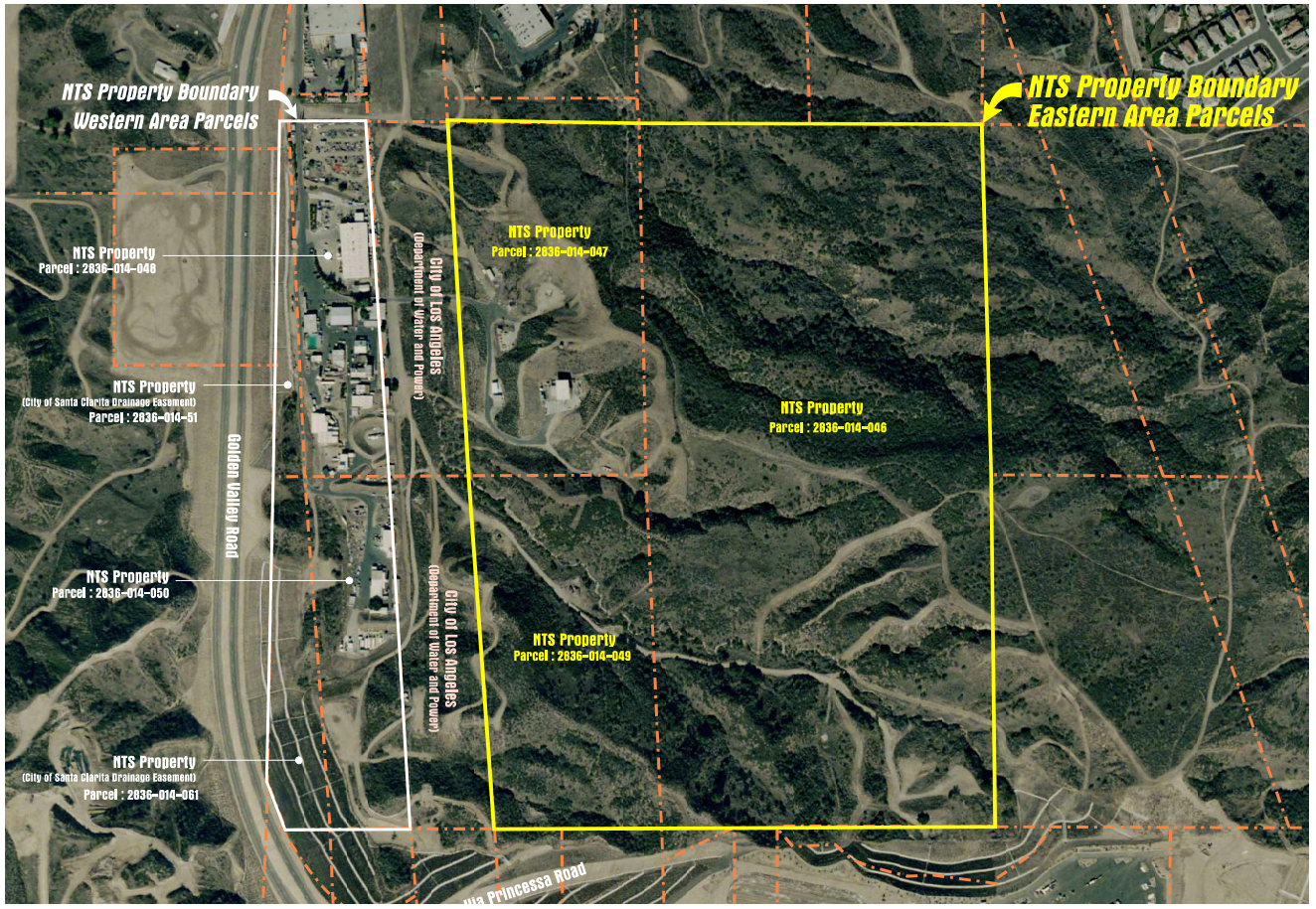
Project Name: NTS

Date: April 2007

Site Location

Figure 1



Explanation

NTS Property Boundary Eastern Area

NTS Property Boundary Western Area

Parcel Boundary

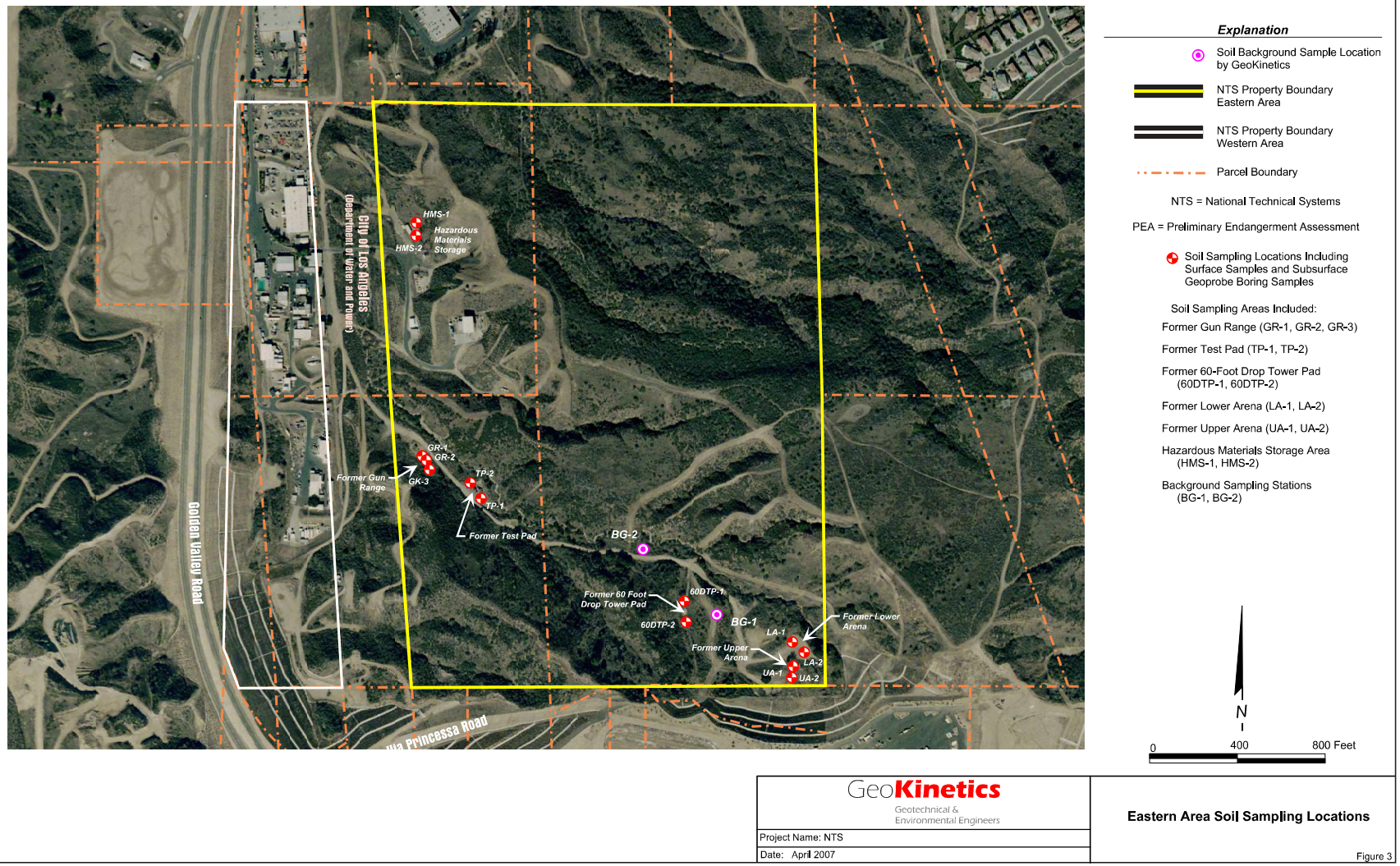
Parcel : 2836-014-048 Recorded Parcel Number

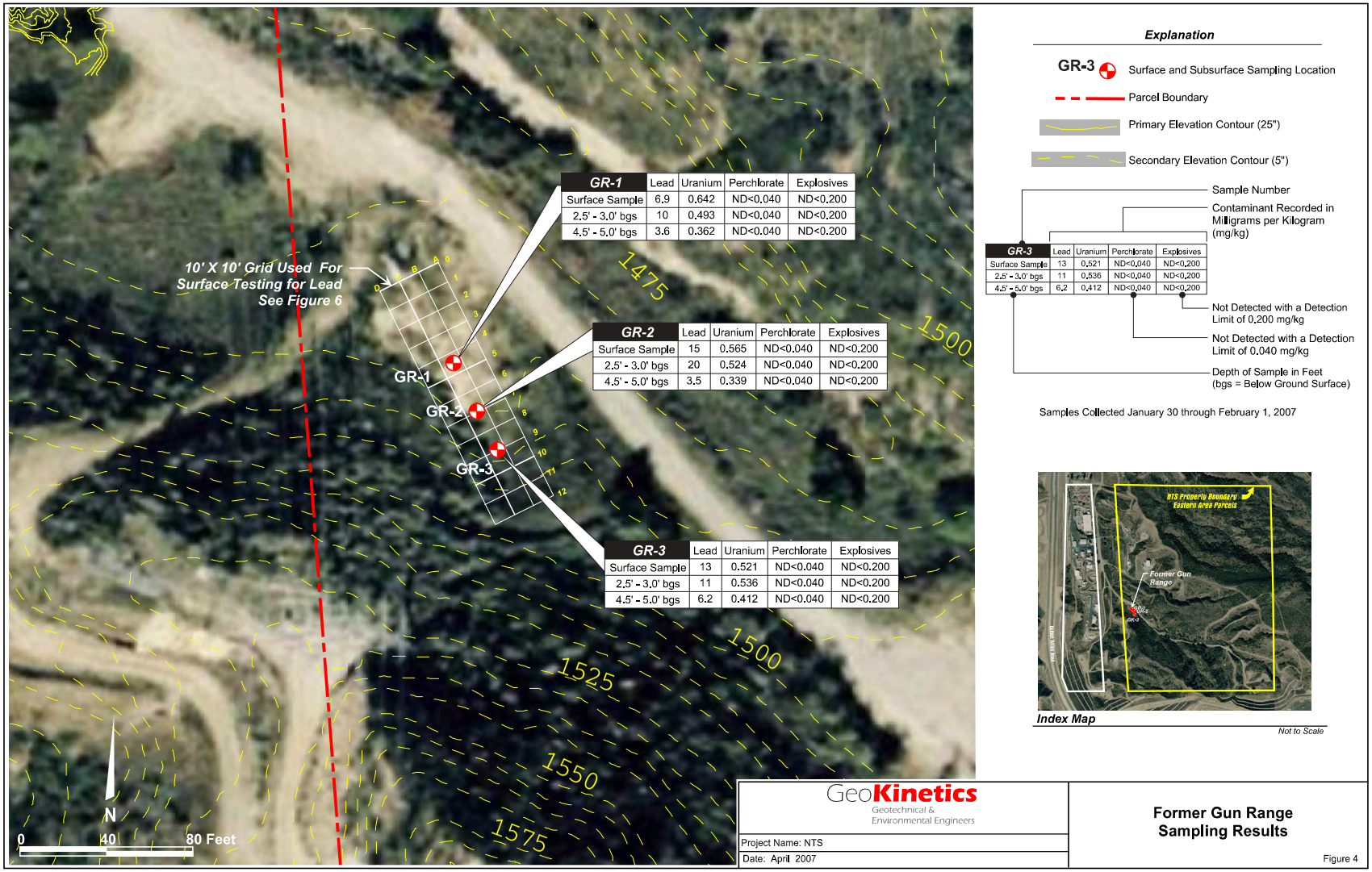
NTS = National Technical Systems

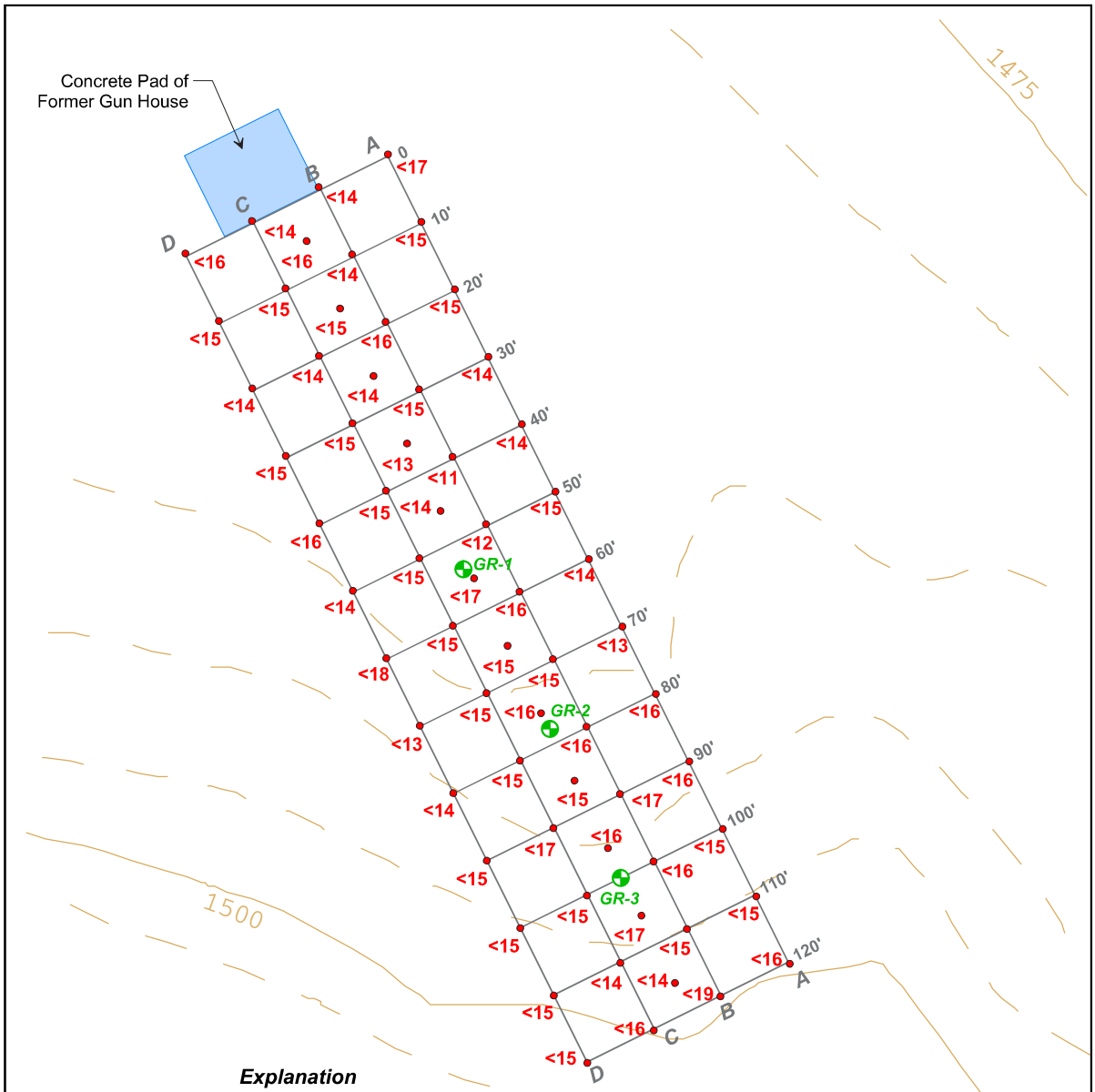
N

0 400 800 Feet

GeoKinetics Geotechnical & Environmental Engineers	**Recent Aerial Photograph**
Project Name: NTS	
Date: April 2007	Figure 2


HMS-1
Hazardous Materials Storage
HMS-2
City of Los Angeles (Department of Water and Power)
GR-1
GR-2
GR-3
Former Gun Range
TP-2
TP-1
Former Test Pad
BG-2
Former 60 Foot Drop Tower Pad
60DTP-1
60DTP-2
BG-1
LA-1
Former Lower Arena
Former Upper Arena
LA-2
UA-1
UA-2
Golden Valley Road
Via Princessa Road
Explanation
Soil Background Sample Location by GeoKinetics
NTS Property Boundary Eastern Area
NTS Property Boundary Western Area
Parcel Boundary
NTS = National Technical Systems
PEA = Preliminary Endangerment Assessment
Soil Sampling Locations Including Surface Samples and Subsurface Geoprobe Boring Samples
Soil Sampling Areas Included:
Former Gun Range (GR-1, GR-2, GR-3)
Former Test Pad (TP-1, TP-2)
Former 60-Foot Drop Tower Pad (60DTP-1, 60DTP-2)
Former Lower Arena (LA-1, LA-2)
Former Upper Arena (UA-1, UA-2)
Hazardous Materials Storage Area (HMS-1, HMS-2)
Background Sampling Stations (BG-1, BG-2)
N
0
400
800 Feet
GeoKinetics
Geotechnical & Environmental Engineers
Project Name: NTS
Date: April 2007
Eastern Area Soil Sampling Locations
Figure 3


10' X 10' Grid Used For Surface Testing for Lead See Figure 6
GR-1
GR-2
GR-3
1475
1500
1525
1550
1575
N
0
40
80 Feet
GR-1 | Lead | Uranium | Perchlorate | Explosives
Surface Sample | 6.9 | 0.642 | ND<0.040 | ND<0.200
2.5' - 3.0' bgs | 10 | 0.493 | ND<0.040 | ND<0.200
4.5' - 5.0' bgs | 3.6 | 0.362 | ND<0.040 | ND<0.200
GR-2 | Lead | Uranium | Perchlorate | Explosives
Surface Sample | 15 | 0.565 | ND<0.040 | ND<0.200
2.5' - 3.0' bgs | 20 | 0.524 | ND<0.040 | ND<0.200
4.5' - 5.0' bgs | 3.5 | 0.339 | ND<0.040 | ND<0.200
GR-3 | Lead | Uranium | Perchlorate | Explosives
Surface Sample | 13 | 0.521 | ND<0.040 | ND<0.200
2.5' - 3.0' bgs | 11 | 0.536 | ND<0.040 | ND<0.200
4.5' - 5.0' bgs | 6.2 | 0.412 | ND<0.040 | ND<0.200
Explanation
GR-3 Surface and Subsurface Sampling Location
Parcel Boundary
Primary Elevation Contour (25")
Secondary Elevation Contour (5")
Sample Number
Contaminant Recorded in Milligrams per Kilogram (mg/kg)
Not Detected with a Detection Limit of 0.200 mg/kg
Not Detected with a Detection Limit of 0.040 mg/kg
Depth of Sample in Feet (bgs = Below Ground Surface)
Samples Collected January 30 through February 1, 2007
NTS Property Boundary
Eastern Area Parcels
Former Gun Range
Index Map
Not to Scale
GeoKinetics
Geotechnical & Environmental Engineers
Project Name: NTS
Date: April 2007
Former Gun Range Sampling Results
Figure 4



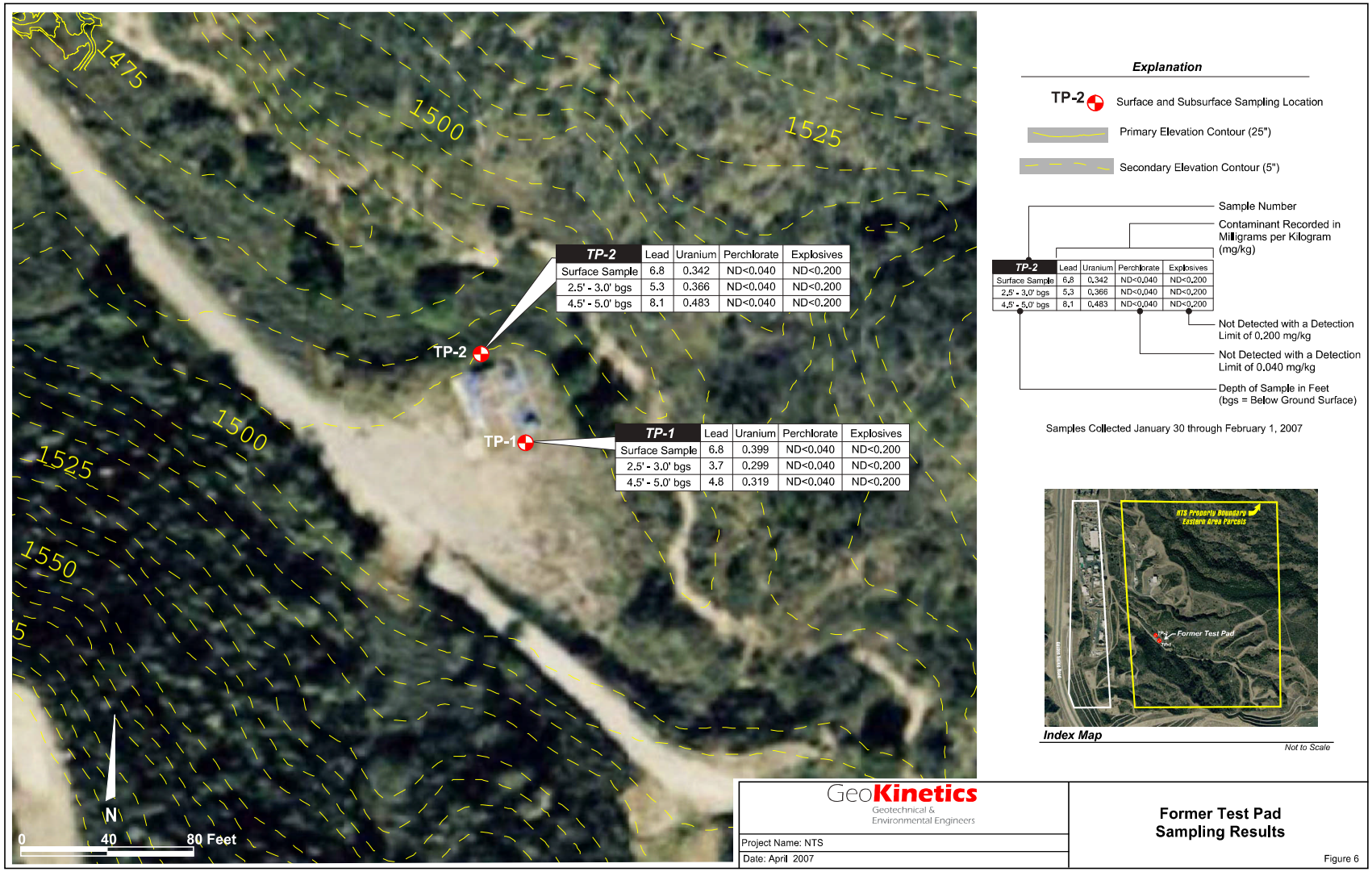
GeoKinetics
Geotechnical &
Environmental Engineers

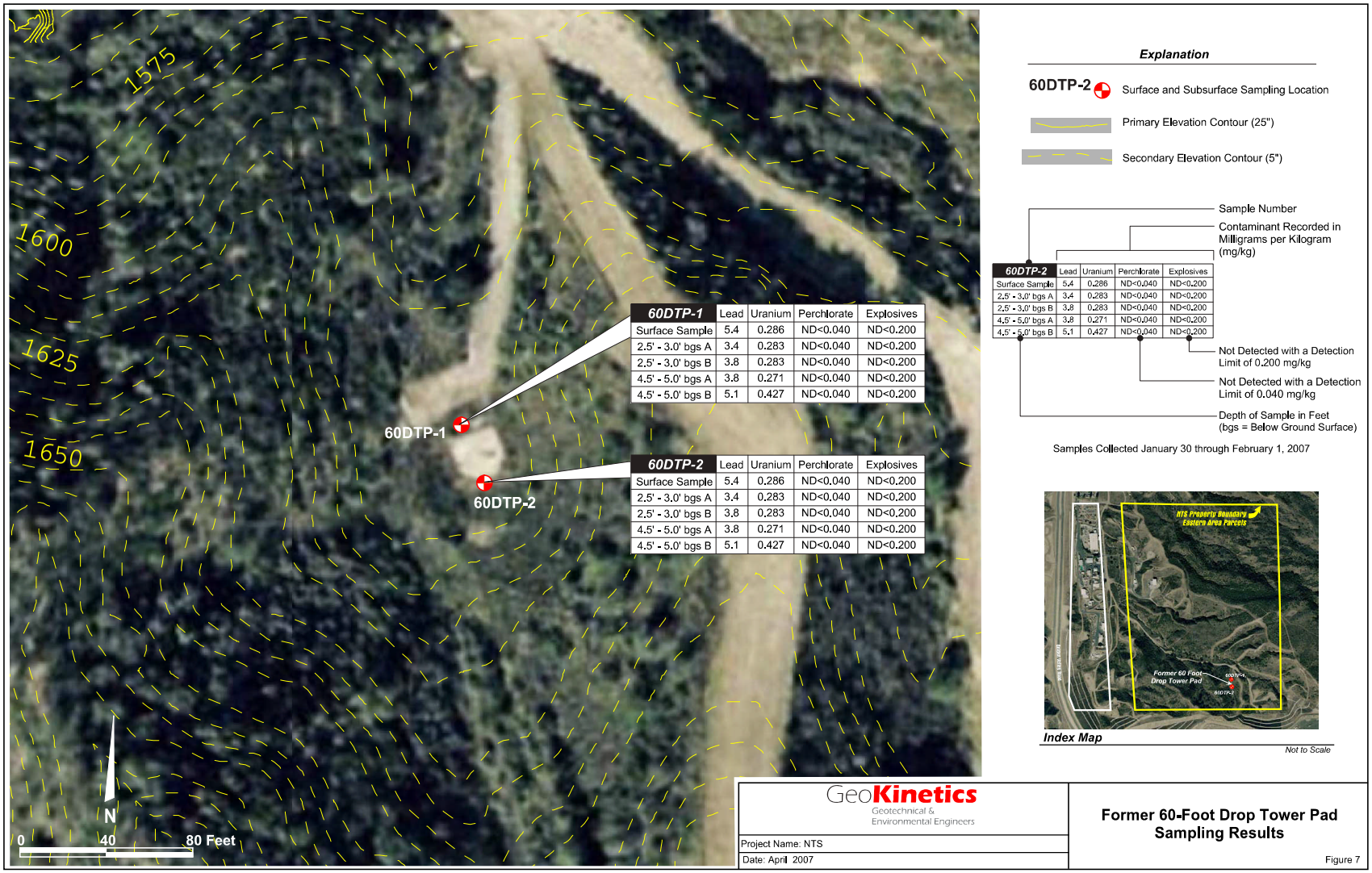
Project Name: NTS

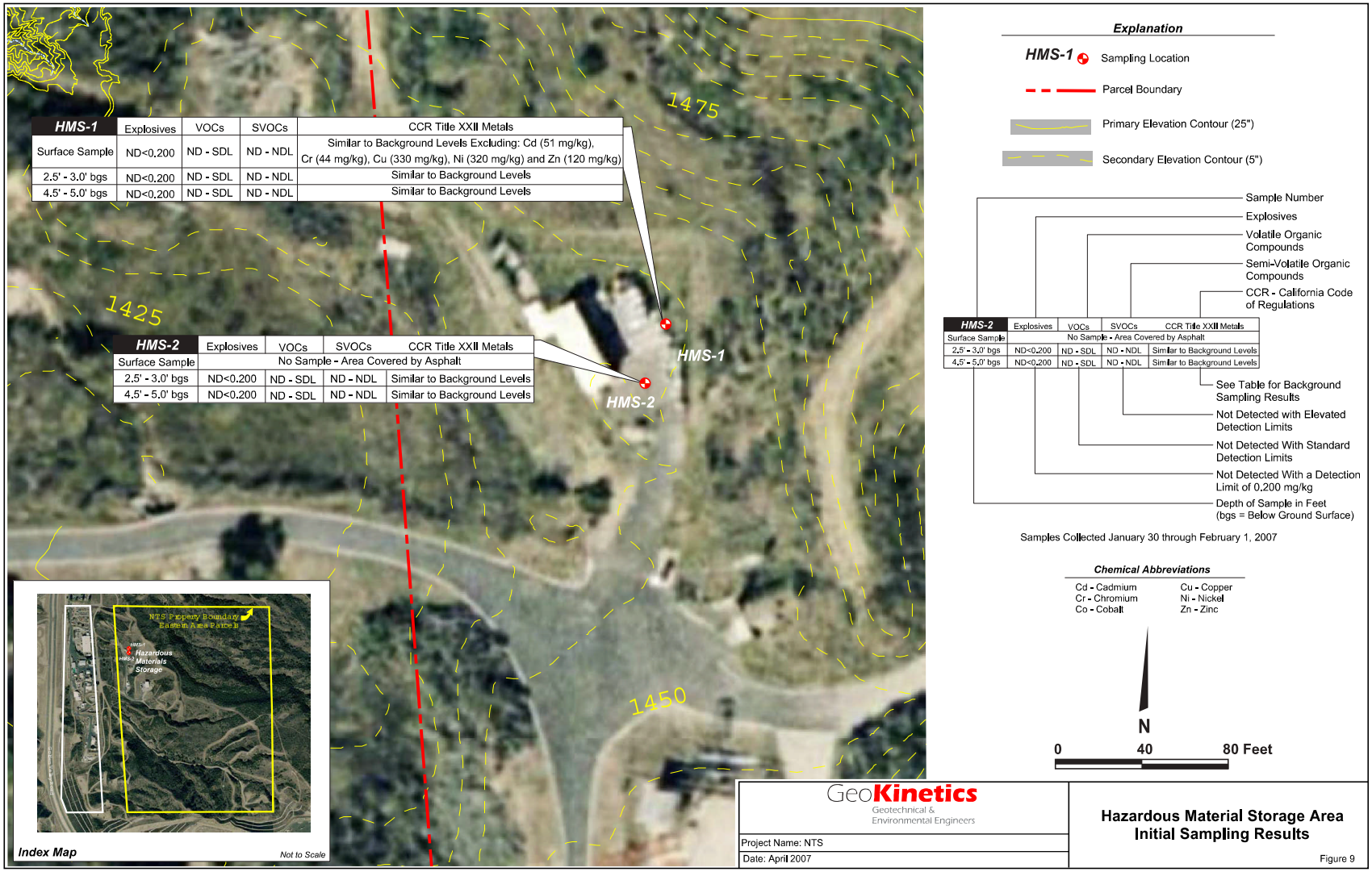
Date: April 2007

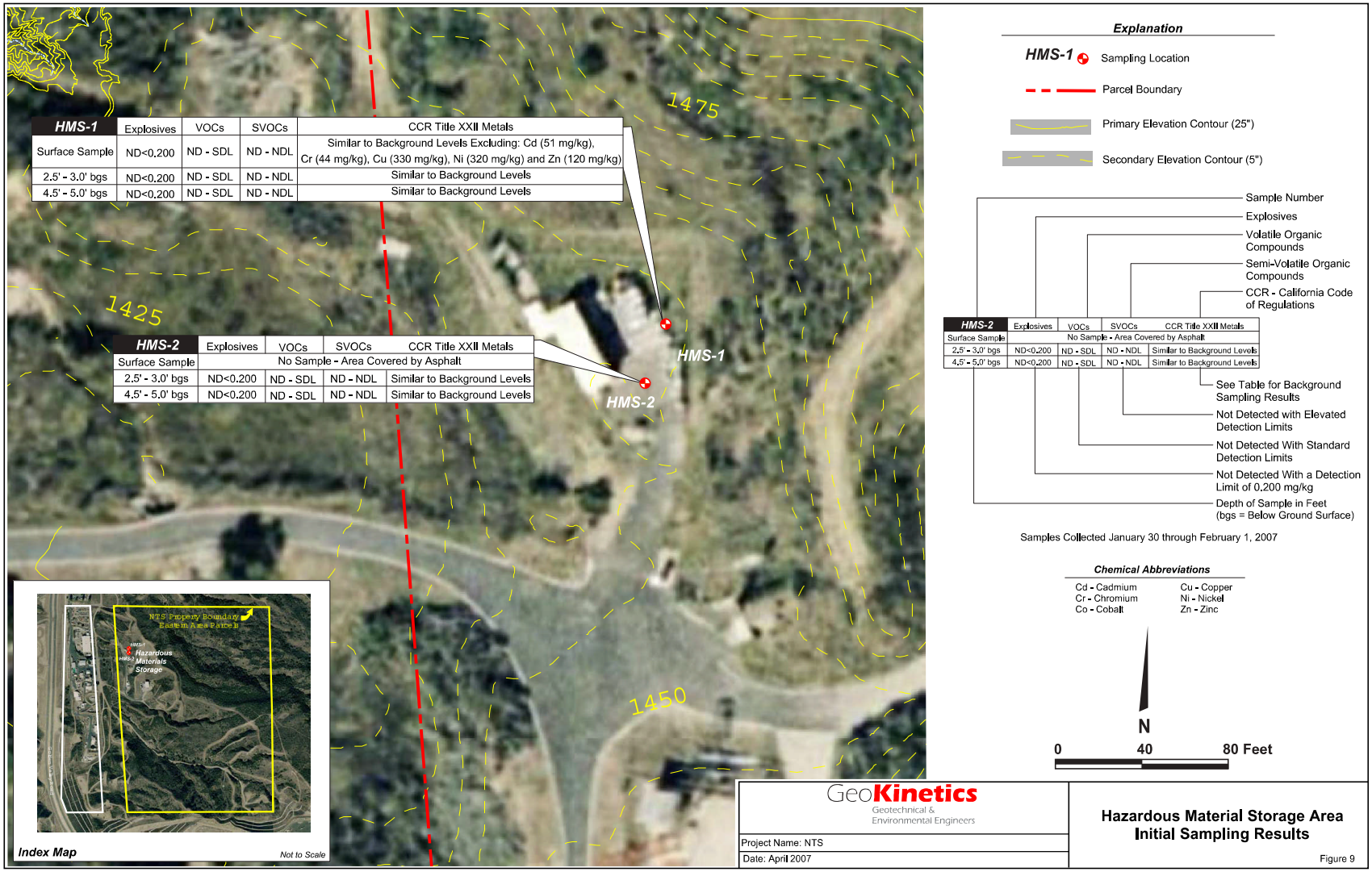
Former Gun Range
Results of XRF Surface
Screening for Lead

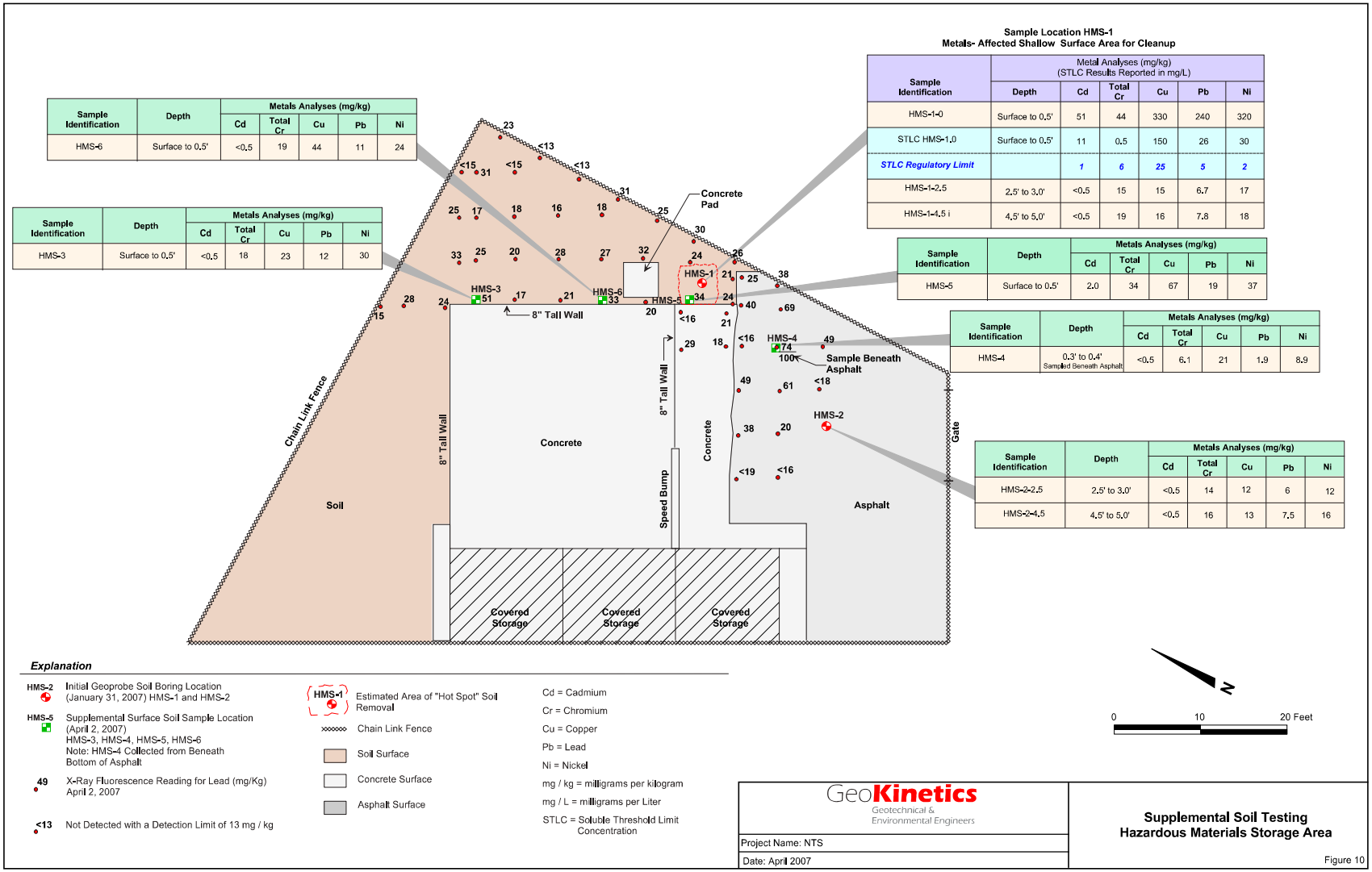
Figure 5

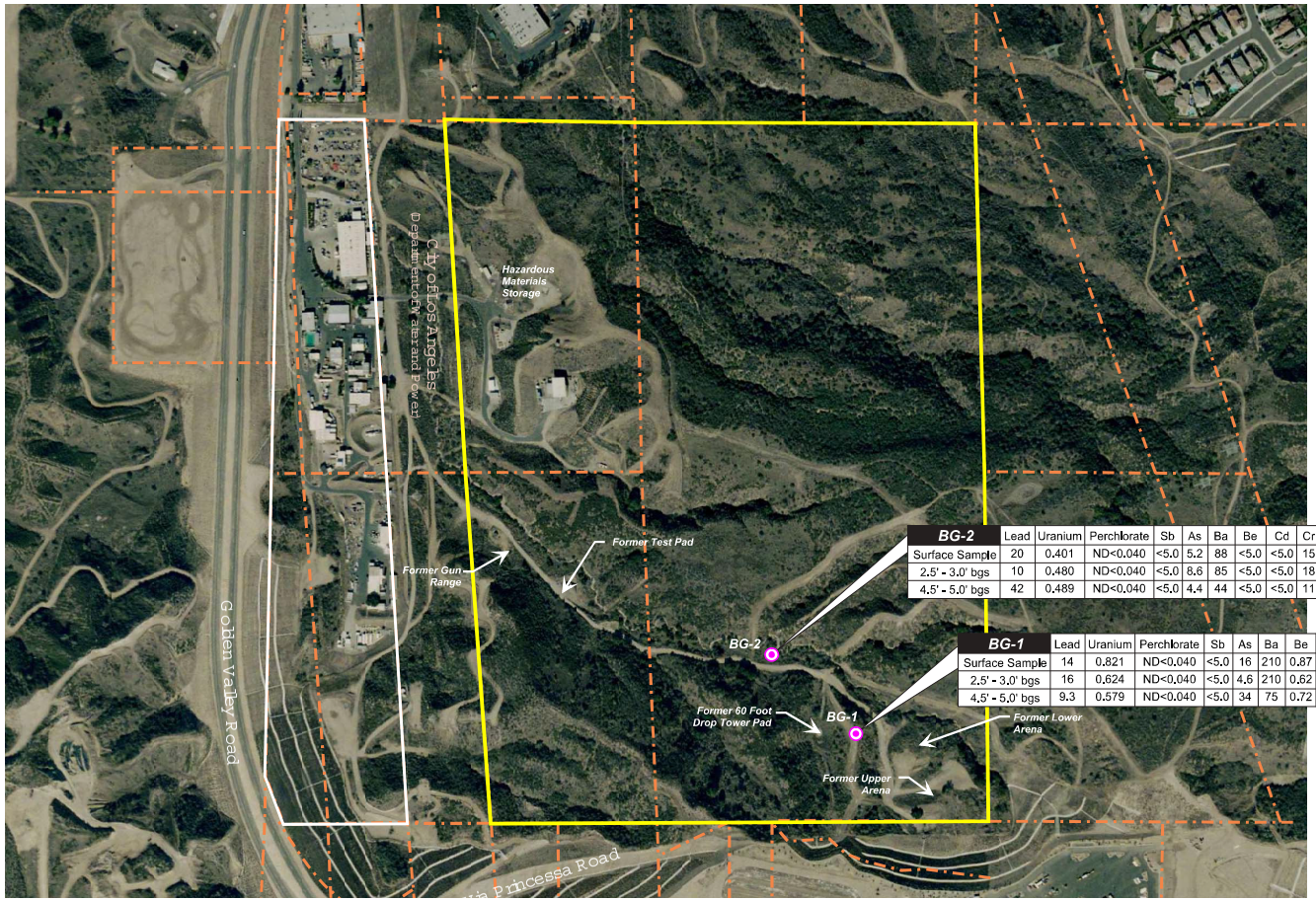

1475
1500
1525
1500
1525
1550
5
TP-2
TP-1
N
0
40
80 Feet
TP-2 | Lead | Uranium | Perchlorate | Explosives
Surface Sample | 6.8 | 0.342 | ND<0.040 | ND<0.200
2.5' - 3.0' bgs | 5.3 | 0.366 | ND<0.040 | ND<0.200
4.5' - 5.0' bgs | 8.1 | 0.483 | ND<0.040 | ND<0.200
TP-1 | Lead | Uranium | Perchlorate | Explosives
Surface Sample | 6.8 | 0.399 | ND<0.040 | ND<0.200
2.5' - 3.0' bgs | 3.7 | 0.299 | ND<0.040 | ND<0.200
4.5' - 5.0' bgs | 4.8 | 0.319 | ND<0.040 | ND<0.200
Explanation
TP-2 Surface and Subsurface Sampling Location
Primary Elevation Contour (25")
Secondary Elevation Contour (5")
Sample Number
Contaminant Recorded in Milligrams per Kilogram (mg/kg)
Not Detected with a Detection Limit of 0.200 mg/kg
Not Detected with a Detection Limit of 0.040 mg/kg
Depth of Sample in Feet (bgs = Below Ground Surface)
Samples Collected January 30 through February 1, 2007
NTS Property Boundary
Eastern Area Parcels
Former Test Pad
Index Map
Not to Scale
GeoKinetics
Geotechnical & Environmental Engineers
Project Name: NTS
Date: April 2007
Former Test Pad
Sampling Results
Figure 6


1575
1600
1625
1650
60DTP-1
60DTP-2
N
0
40
80 Feet
60DTP-1 | Lead | Uranium | Perchlorate | Explosives
Surface Sample | 5.4 | 0.286 | ND<0.040 | ND<0.200
2.5' - 3.0' bgs A | 3.4 | 0.283 | ND<0.040 | ND<0.200
2.5' - 3.0' bgs B | 3.8 | 0.283 | ND<0.040 | ND<0.200
4.5' - 5.0' bgs A | 3.8 | 0.271 | ND<0.040 | ND<0.200
4.5' - 5.0' bgs B | 5.1 | 0.427 | ND<0.040 | ND<0.200
60DTP-2 | Lead | Uranium | Perchlorate | Explosives
Surface Sample | 5.4 | 0.286 | ND<0.040 | ND<0.200
2.5' - 3.0' bgs A | 3.4 | 0.283 | ND<0.040 | ND<0.200
2.5' - 3.0' bgs B | 3.8 | 0.283 | ND<0.040 | ND<0.200
4.5' - 5.0' bgs A | 3.8 | 0.271 | ND<0.040 | ND<0.200
4.5' - 5.0' bgs B | 5.1 | 0.427 | ND<0.040 | ND<0.200
Explanation
60DTP-2 Surface and Subsurface Sampling Location
Primary Elevation Contour (25")
Secondary Elevation Contour (5")
Sample Number
Contaminant Recorded in Milligrams per Kilogram (mg/kg)
60DTP-2 | Lead | Uranium | Perchlorate | Explosives
Surface Sample | 5.4 | 0.286 | ND<0.040 | ND<0.200
2.5' - 3.0' bgs A | 3.4 | 0.283 | ND<0.040 | ND<0.200
2.5' - 3.0' bgs B | 3.8 | 0.283 | ND<0.040 | ND<0.200
4.5' - 5.0' bgs A | 3.8 | 0.271 | ND<0.040 | ND<0.200
4.5' - 5.0' bgs B | 5.1 | 0.427 | ND<0.040 | ND<0.200
Not Detected with a Detection Limit of 0.200 mg/kg
Not Detected with a Detection Limit of 0.040 mg/kg
Depth of Sample in Feet (bgs = Below Ground Surface)
Samples Collected January 30 through February 1, 2007
NTS Property Boundary
Eastern Area Parcels
Former 60 Foot Drop Tower Pad
Index Map
Not to Scale
GeoKinetics
Geotechnical & Environmental Engineers
Project Name: NTS
Date: April 2007
Former 60-Foot Drop Tower Pad Sampling Results
Figure 7


1475
1425
1450
HMS-1
HMS-2
HMS-1 | Explosives | VOCs | SVOCs | CCR Title XXII Metals
Surface Sample | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels Excluding: Cd (51 mg/kg), Cr (44 mg/kg), Cu (330 mg/kg), Ni (320 mg/kg) and Zn (120 mg/kg)
2.5' - 3.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
4.5' - 5.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
HMS-2 | Explosives | VOCs | SVOCs | CCR Title XXII Metals
Surface Sample | No Sample - Area Covered by Asphalt
2.5' - 3.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
4.5' - 5.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
NTS Property Boundary
Eastern Area Parcel
Hazardous Materials Storage
Index Map
Not to Scale
Explanation
HMS-1 Sampling Location
Parcel Boundary
Primary Elevation Contour (25")
Secondary Elevation Contour (5")
Sample Number
Explosives
Volatile Organic Compounds
Semi-Volatile Organic Compounds
CCR - California Code of Regulations
See Table for Background Sampling Results
Not Detected with Elevated Detection Limits
Not Detected With Standard Detection Limits
Not Detected With a Detection Limit of 0.200 mg/kg
Depth of Sample in Feet (bgs = Below Ground Surface)
Samples Collected January 30 through February 1, 2007
Chemical Abbreviations
Cd - Cadmium
Cr - Chromium
Co - Cobalt
Cu - Copper
Ni - Nickel
Zn - Zinc
N
0
40
80 Feet
GeoKinetics
Geotechnical & Environmental Engineers
Project Name: NTS
Date: April 2007
Hazardous Material Storage Area
Initial Sampling Results
Figure 9


1475
1425
1450
HMS-1
HMS-2
HMS-1 | Explosives | VOCs | SVOCs | CCR Title XXII Metals
Surface Sample | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels Excluding: Cd (51 mg/kg), Cr (44 mg/kg), Cu (330 mg/kg), Ni (320 mg/kg) and Zn (120 mg/kg)
2.5' - 3.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
4.5' - 5.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
HMS-2 | Explosives | VOCs | SVOCs | CCR Title XXII Metals
Surface Sample | No Sample - Area Covered by Asphalt
2.5' - 3.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
4.5' - 5.0' bgs | ND<0.200 | ND - SDL | ND - NDL | Similar to Background Levels
NTS Property Boundary
Eastern Area Parcel
Hazardous Materials Storage
Index Map
Not to Scale
Explanation
HMS-1 Sampling Location
Parcel Boundary
Primary Elevation Contour (25")
Secondary Elevation Contour (5")
Sample Number
Explosives
Volatile Organic Compounds
Semi-Volatile Organic Compounds
CCR - California Code of Regulations
See Table for Background Sampling Results
Not Detected with Elevated Detection Limits
Not Detected With Standard Detection Limits
Not Detected With a Detection Limit of 0.200 mg/kg
Depth of Sample in Feet (bgs = Below Ground Surface)
Samples Collected January 30 through February 1, 2007
Chemical Abbreviations
Cd - Cadmium
Co - Cobalt
Cr - Chromium
Cu - Copper
Ni - Nickel
Zn - Zinc
N
0
40
80 Feet
GeoKinetics
Geotechnical & Environmental Engineers
Project Name: NTS
Date: April 2007
Hazardous Material Storage Area
Initial Sampling Results
Figure 9


Sample Location HMS-1
Metals- Affected Shallow Surface Area for Cleanup
Sample Identification
Depth
Metal Analyses (mg/kg)
(STLC Results Reported in mg/L)
Cd
Total Cr
Cu
Pb
Ni
HMS-1-0
Surface to 0.5'
51
44
330
240
320
STLC HMS-1.0
Surface to 0.5'
11
0.5
150
26
30
STLC Regulatory Limit
1
6
25
5
2
HMS-1-2.5
2.5' to 3.0'
<0.5
15
15
6.7
17
HMS-1-4.5 i
4.5' to 5.0'
<0.5
19
16
7.8
18
HMS-6
Surface to 0.5'
<0.5
19
44
11
24
HMS-3
Surface to 0.5'
<0.5
18
23
12
30
HMS-5
Surface to 0.5'
2.0
34
67
19
37
HMS-4
0.3' to 0.4'
Sampled Beneath Asphalt
<0.5
6.1
21
1.9
8.9
HMS-2-2.5
2.5' to 3.0'
<0.5
14
12
6
12
HMS-2-4.5
4.5' to 5.0'
<0.5
16
13
7.5
16
Concrete Pad
8" Tall Wall
Chain Link Fence
Soil
Concrete
Speed Bump
Asphalt
Sample Beneath Asphalt
Gate
Covered Storage
Covered Storage
Covered Storage
Explanation
HMS-2 Initial Geoprobe Soil Boring Location (January 31, 2007) HMS-1 and HMS-2
HMS-5 Supplemental Surface Soil Sample Location (April 2, 2007) HMS-3, HMS-4, HMS-5, HMS-6 Note: HMS-4 Collected from Beneath Bottom of Asphalt
49 X-Ray Fluorescence Reading for Lead (mg/Kg) April 2, 2007
<13 Not Detected with a Detection Limit of 13 mg / kg
HMS-1 Estimated Area of "Hot Spot" Soil Removal
Chain Link Fence
Soil Surface
Concrete Surface
Asphalt Surface
Cd = Cadmium
Cr = Chromium
Cu = Copper
Pb = Lead
Ni = Nickel
mg / kg = milligrams per kilogram
mg / L = milligrams per Liter
STLC = Soluble Threshold Limit Concentration
N
0
10
20 Feet
GeoKinetics
Geotechnical & Environmental Engineers
Project Name: NTS
Date: April 2007
Supplemental Soil Testing
Hazardous Materials Storage Area
Figure 10



Explanation

BG-1 Background Sample Location by GeoKinetics

NTS Property Boundary Eastern Area

NTS Property Boundary Western Area

Parcel Boundary

Results Recorded in Milligrams per Kilogram (mg/kg)

ND < 0.040 = Not Detected with a Detection Limit of 0.040 mg/kg

ND < 5 = Not Detected with a Detection Limit of 5 mg/kg

ND < 0.10 = Not Detected with a Detection Limit of 0.10 mg/kg

bgs = Below Ground Surface

Samples Collected January 30 through February 1, 2007

BG-2	Lead	Uranium	Perchlorate	Sb	As	Ba	Be	Cd	Cr	Co	Cu	Pb	Hg	Mb	Ni	Se	Ag	Tl	V	Zn
Surface Sample	20	0.401	ND<0.040	<5.0	5.2	88	<5.0	<5.0	15	6.3	15	20	<0.1	<0.1	14	<5.0	<5.0	<5.0	35	45
2.5' - 3.0' bgs	10	0.480	ND<0.040	<5.0	8.6	85	<5.0	<5.0	18	7.3	15	10	<0.1	<0.1	17	<5.0	<5.0	<5.0	39	42
4.5' - 5.0' bgs	42	0.489	ND<0.040	<5.0	4.4	44	<5.0	<5.0	11	4.3	9.2	4.2	<0.1	<0.1	8.9	<5.0	<5.0	<5.0	28	27

BG-1	Lead	Uranium	Perchlorate	Sb	As	Ba	Be	Cd	Cr	Co	Cu	Pb	Hg	Mb	Ni	Se	Ag	Tl	V	Zn
Surface Sample	14	0.821	ND<0.040	<5.0	16	210	0.87	<5.0	30	13	27	14	<0.1	<0.1	30	<5.0	<5.0	<5.0	66	65
2.5' - 3.0' bgs	16	0.624	ND<0.040	<5.0	4.6	210	0.62	<5.0	30	22	9.5	16	<0.1	<0.1	20	<5.0	<5.0	<5.0	33	52
4.5' - 5.0' bgs	9.3	0.579	ND<0.040	<5.0	34	75	0.72	<5.0	26	11	22	9.3	<0.1	<0.1	25	<5.0	<5.0	<5.0	64	48

N

0 400 800 Feet

Notes:

Chemical Abbreviations

SB - Antimony	Cu - Copper	Tl - Thallium
As - Arsenic	Pb - Lead	V - Vanadium
Ba - Barium	Hg - Mercury	Zn - Zinc
Be - Beryllium	Mb - Molybdenum	
Cd - Cadmium	Ni - Nickel	
Cr - Chromium	Se - Selenium	
Co - Cobalt	Ag - Silver	

GeoKinetics
Geotechnical & Environmental Engineers

Project Name: NTS

Date: April 2007

Background Sampling Results

Figure 11

Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maureen F. Gorsen, Director
1011 North Grandview Avenue
Glendale, California 91201

Arnold Schwarzenegger
Governor

November 5, 2007

Ms. Cynthia Maher
National Technical Systems
130 Chaparral Court, Suite 250
Anaheim, California 92808

FINAL PRELIMINARY ENDANGERMENT ASSESSMENT FOR EASTERN PROPERTY OF NATIONAL TECHNICAL SYSTEMS (NTS)

Dear Ms. Maher:

The Department of Toxics Substances Control (DTSC) has reviewed the Preliminary Endangerment Assessment (PEA) Report dated April 20, 2007 and Soil Removal and Disposal (Soil Removal) Report dated October 12, 2007, submitted by GeoKinetics, Inc. for the property located at 20970 Center Pointe Parkway, Santa Clarita. The Report presented data collected during the PEA investigation for the area identified as the Eastern Property (Site). The Soil Removal Report documents the removal and disposal of the approximately 2 cubic yards of impacted soil from the vicinity of the hazardous waste materials storage area identified during the PEA investigation. The Soil Removal Report also presented soil sampling confirmation data.

The Site of approximately 120 acres consists of three (3) parcels with Los Angeles County Assessor's Parcel Numbers 2836-014-047, 2836-014-046 and 2836-014-049, and is relatively undeveloped. This Site was primarily used for remote testing and material storage. The Site was investigated for explosive residues, perchlorate, volatile organic compounds (VOCs), semi-VOCs and metals, including uranium.

Based on the information obtained DTSC has determined that the property is suitable for unrestricted land use and No Further Action is required with respect to investigation and remediation of hazardous substances at the Site. As with any real property, if previously unidentified contamination is discovered at the Site, additional assessment, investigation, and/or cleanup may be required.

We appreciate your efforts and your cooperation in protecting human health and the environment. If you have any questions, please contact Mr. Jose Diaz, Project Manager, at (818) 551-2171 or me at (818) 551-2822.

Sincerely,

Sayareh Amir, Chief
Southern California Cleanup Operations Branch - Glendale Office

Enclosure

cc: Mr. John DeReamer
Principal Geologist
GeoKinetics, Inc.
7 Bunsen
Irvine, California 92618

Letter No. D4. Jennifer Kilpatrick [2]

Ms. Jennifer Kilpatrick
[jekilpatrick@hotmail.com]
October 31, 2012

Response D4-1

This comment is an introduction to comments that follow. No further response is required.

Response D4-2

The comment provides background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response D4-3

The letter raises issues concerning the possible existence of unexploded ordnance (UXO) within the construction footprint of the roadway based upon the historical activities of NTS. The commenter references a map, which would show these locations, as well as prior litigation testimony which would identify the location of ordnance testing. To date, staff has not been able to locate the referenced map or testimony, but staff is continuing in efforts to locate the information. In light of this issue, absent staff locating information which conclusively establishes that UXO does not exist within the construction footprint, prior to commencing construction, the City will retain an expert who will (1) conduct a survey/search for UXO on the NTS property within the construction footprint, (2) eliminate any identified UXO, and (3) recommend safety protocols to be followed during construction of the roadway.

The requested correction to **Section 4.6, Human Made Hazards**, in the form of an additional mitigation measure of the Draft EIR has been made. Please see the portion of the Via Princessa East Extension Final EIR entitled "Revised Draft EIR Pages" for the actual text revision.

Letter No. E1

VIA PRINCESSA EAST EXTENSION EIR
PUBLIC OUTREACH MEETING – September 6, 2012
PUBLIC COMMENTS

- J. Cassidy - Unsafe existing traffic condition of Isabella Parkway
- Excessive speeds on Isabella Parkway and no stop signs
- Left turn on southbound Isabella at Via Princessa will not be available
- Median will not mitigate traffic on Isabella
- Need a stop sign at Gratland Ave
- Speed humps needed on Isabella at entrance to the park

1

- J. Cochran - Several speed humps should be installed (at entrance on Via Princessa)

2

- R. Towles – Extension will likely bring more traffic to Isabella; uncomfortable with existing traffic conditions of Isabella
- Placing the 14 freeway next to homes; will affect traffic and safety
- There will be excessive noise impacts
- Speeds too fast around the "slingshot" along Isabella

3

- K. Wilson – 40-50+ junior high school kids walk across/along Isabella
- Important to include analysis on pedestrian activity/impacts on neighborhood
- No change/improvement on Isabella in last 10 years

4

- A. Fernandez – Golden Valley students use the mountain
- Unsafe conditions on Isabella Pkwy; reiterate J. Cassidy's comments

5

- K. Stojkovic – original owner on Isabella Pkwy
- Saying that there will be no impacts on Isabella is short-sighted
- La Mesa junior high school travel down Via Princessa and will affect the safety of the children
- Numerous accidents
- Isabella parkway (traffic and safety conditions) need to be looked at

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- K. Fisher - Excessive speeds on Isabella; accidents on Isabella
- Golden Valley HS students walk down Via Princessa to get to school

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- T. Nasser – Rainbow Glen Board member
- Consider traffic signal at Rainbow Glen and Via Princessa

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- Noise – consider a sound wall along (extending sound wall) along Via Princessa
- J. Kendall – Reiterate previous comments
- It's a matter of time before someone gets killed on Isabella
- Holes get punched through in existing sound wall
- Safety – multiple accidents; traffic on Isabella is already a major problem
- Tragedy is inevitable on Isabella
- J. Kurz – Isabella resident – difficult to back out of driveway on Isabella
- The City has not addressed Isabella issues
- Need stop signs and speed humps
- Need to slow this down and reduce it
- C. McCall – speed limits on Via Princessa?
- M. Lomont – Gratland resident – added frustration of having to make a right on Via Princessa (southbound on Isabella)
- Will there be an entry on to the existing Edison easement?
- Isabella needs to be corrected now
- W. Tannewitz – School bus stop by the park; Isabella parkway unsafe to ride a bike
- Multiple complaints about Sheriff's dept. speeding
- C. Noltemeyer – Alternatives should be presented
- Same pattern as the General Plan (waited a long time) to prepare the environmental document
- Air Quality and Noise – just the building of the project will be significant; General Plan went to extreme
- Impacts due to particulate matter
- Hazards – Whittaker/NTS (active) – concerns
- Who was advised of hazards?
- Wait to do the EIR when the roadway gets funded
- Notify William S. Hart School District of the project
- Proximity of NTS site to GVHS should be evaluated

- G. Upman – Via Princessa will make Isabella worse

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- Suggestion: consider pedestrian bridge or drop off lanes to drop kids off at school
- R. Drew –
- Grade separated intersection/interchange at Golden Valley
- Hazards on NTS site need to be addressed

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Letter No. E1. Public Outreach Meeting – September 6, 2012, Public Comments

Public Outreach Meeting – September 6, 2012, Public Comments
City of Santa Clarita City Hall, Century Room
23920 Valencia Boulevard, First Floor
Santa Clarita, CA 91355

Response E1-1

J. Cassidy stated that there are existing unsafe traffic conditions: excessive speeds and no stop signs on Isabella Parkway. Cassidy indicated that median will not mitigate traffic on Isabella Parkway, a stop sign is needed at Gratland Drive, and speed humps are needed on Isabella Parkway at the park.

The comment raises issues concerning Isabella Parkway that do not appear to relate to any physical effect on the environment. However, given the concern regarding traffic condition safety in the neighborhood, the City Council approved the installation of two stop signs on Isabella Parkway on March 26, 2013. The stop signs were installed in April 2013. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E1-2

J. Cochran suggested that several speed humps should be installed at the entrance on Via Princessa.

The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E1-3

R. Rowles suggested that the Via Princessa extension would bring more traffic to Isabella Parkway. Rowles is concerned with the existing traffic conditions of Isabella Parkway and excessive speeds around the "slingshot" along Isabella Parkway. Rowles stated that placing the SR-14 freeway next to homes will affect traffic and safety and there will be excessive noise impacts.

The comment only expresses the opinions of the commenter regarding additional traffic to Isabella Parkway. However, given the concern regarding traffic condition safety in the neighborhood, the City Council approved the installation of two stop signs on Isabella Parkway on March 26, 2013. The stop signs were installed in April 2013. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

The comment restates information contained in the Draft EIR stating that there would be excessive noise impacts and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E1-4

K. Wilson noted that about 40 to 50 children walk across Isabella Parkway, and also the importance of analysis on pedestrian activity on the neighborhood. Wilson also noted that there had been no change to Isabella Parkway in the last 10 years.

Potential impacts to pedestrians were analyzed in Section 4.10, Transportation and Circulation. Please see pages 4.10-7, 4.10-13, 4.10-14, 4.10-15, 4.10-21, 4.10-23, and 4.10-43 discussing the current condition of pedestrian access and potential impacts to pedestrian safety.

The comment provides factual background information only concerning changes to Isabella Parkway and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E1-5

A. Fernandez stated that Golden Valley student uses the mountain and that there are unsafe conditions on Isabella Parkway and reiterated J. Cassidy's comments, **E1-1**, above.

Please see **Response E1-1**, above.

Response E1-6

K. Stojkovic indicated that they were an original owner on Isabella Parkway. Stojkovic stated that finding no impacts on Isabella Parkway is shortsighted. Children going to La Mesa Junior High use Via Princessa and the project will affect the safety of the children. There will be numerous accidents and Isabella Parkway traffic and safety conditions need to be reviewed.

The comment regarding no impacts on Isabella Parkway only expresses the opinions of the commenter. However, given the concern regarding traffic condition safety in the neighborhood, the City Council approved the installation of two stop signs on Isabella Parkway on March 26, 2013. The stop signs were installed in April 2013. The comment will be included as part of the record and made available to the

decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Please see **Response E1-4** regarding pedestrian safety.

The comment regarding longevity at current address raises issues that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E1-7

K. Fisher stated that there are excessive speeds and accidents on Isabella Parkway. Golden Valley High School students use Via Princessa to get to school.

Please see **Response E1-4** regarding pedestrian safety.

Please see **Response E1-1** regarding excessive speeds and accidents.

Response E1-8

T. Nasr indicated that he is a Rainbow Glen Board Member. Nasr suggests that there should be a signal at Rainbow Glen and Via Princessa. Extension of the sound wall along Via Princessa should be considered.

The comment raises issues concerning Rainbow Glen membership that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Draft EIR, Section 4.10, Transportation and Circulation, page 4.10-33 acknowledges the need for a signal at Rainbow Glen and Via Princessa: "In addition, the intersection of Rainbow Glen Drive and Via Princessa and at the future intersection of Via Princessa and Golden Valley Road would meet the criteria for a signal warrant. Therefore, Mitigation Measures MM 4.10-3 and MM 4.10-4 shall be implemented, which would require the installation of traffic signals at the Via Princessa/Rainbow Glen Drive and Via Princessa/Golden Valley Road intersections."

Section 4.9, Noise, proposes MM 4.9-1 and 2 that would reduce construction noise impacts. Page 4.9-39 states:

during construction, the following mitigation measure shall be implemented to reduce temporary noise levels at the residential units to the northeast of the project site:

MM 4.9-1 The construction contractor shall construct a 10-foot-tall temporary noise barrier on the northeastern perimeter of the proposed project site, separating the existing single-family residential units from the existing western terminus of Via Princessa. The installation of the noise barrier shall occur prior to commencement of Phase 1 construction and left in place through the end of Phase 4 to reduce the noise levels at the effected residential homes. The noise barrier shall be constructed in a manner such that the line-of-sight is blocked between construction activities on the proposed project site and the adjacent single-family residential units to the northeast of the project site. The noise barrier shall be made out of any outdoor weather-resistant solid material that meets a minimum sound transmission loss including: 16-gauge steel, 1-inch thick plywood, and any reasonable thickness of concrete. The use of the noise barrier between construction equipment and the sensitive uses to northeast of the proposed project site would attenuate construction equipment noise levels as much as 11.8 dB(A) CNEL during each construction phase.

CEQA only requires that mitigation be required for environmental impacts.

Response E1-9

J. Kendal reiterated previous commenters' comments. Kendal indicated that it was only a matter of time before someone gets killed on Isabella Parkway as safety (multiple accidents and traffic a major problem). Kendal also mentioned that holes get punched through the existing sound wall.

Please see all responses above concerning previous commenters' comments.

The comment concerning only a matter of time unless someone is killed on Isabella Parkway only expresses the opinions of the commenter. However, given the concern regarding traffic condition safety in the neighborhood, the City Council approved the installation of two stop signs on Isabella Parkway on March 26, 2013. The stop signs were installed in April 2013. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

The comment concerning noise walls provides background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E1-10

J. Kurz noted that it is difficult to back out of a driveway on Isabella Parkway. Kurz indicated that the City has not addressed Isabella Parkway issues. Furthermore, Kurz suggested that Isabella Parkway needs stop signs, speed humps and traffic needs to be slowed down and reduced.

The comment raises issues that do not appear to relate to any physical effect on the environment. However, given the concern regarding traffic condition safety in the neighborhood, the City Council approved the installation of two stop signs on Isabella Parkway on March 26, 2013. The stop signs were installed in April 2013. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E1-11

C. McCall asked what the speed limit would be on Via Princessa.

The speed limit has yet to be determined for Via Princessa. The City does not post speed limits until a new road has been open for a few months and a speed survey is performed. During the first few months with no posted speed limit, speeds are enforced under the maximum speed limit and reckless driving laws.

Response E1-12

M. Lomont indicated that there was added frustration to make a right turn on to Via Princessa. Lomont asked if there was going to be an entry to the existing Edison easement. Lomont also stated that Isabella Parkway issues need to be correctly now.

The proposed project would not provide public access to the Southern California Edison easement.

The comment raises issues concerning Isabella Parkway and right-hand turns onto Via Princessa that do not appear to relate to any physical effect on the environment. However, given the concern regarding traffic condition safety in the neighborhood, the City Council approved the installation of two stop signs on Isabella Parkway on March 26, 2013. The stop signs were installed in April 2013. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E1-13

W. Tannewitz indicated that there was a school bus stop by the park. Tannewitz stated that Isabella Parkway is unsafe to ride a bike and there have been multiple complaints to the Sheriff's Department regarding speeding.

The comment provides background information concerning speeds and safety on Isabella Parkway only and does not raise an environmental issue within the meaning of CEQA. However, given the concern regarding traffic condition safety in the neighborhood, the City Council approved the installation of two stop signs on Isabella Parkway on March 26, 2013. The stop signs were installed in April 2013. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E1-14

C. Noltemeyer stated that alternatives should have been included as a part of the presentation. Noltemeyer indicated that it took a long time to prepare the environmental document - similar to the *General Plan*. Noltemeyer indicated that, with regard to air quality and noise, just the building of the project will be significant and that the *General Plan* went to the extreme. Noltemeyer further stated that impacts are due to particulate matter. Noltemeyer also had concerns regarding hazards on the Whitaker Bermite/NTS site and wanted to know who was advised of hazards. Noltemeyer suggested that the EIR be put on hold when the roadway gets funded. The Wm. S. Hart Unified School District should be notified of the project. The proximity of the NTS site to GVHS should be evaluated.

The comments concerning Alternatives a part of the presentation, length of time to prepare the EIR, and that the *General Plan* went to the extreme regarding air quality and noise only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

The comment restates information contained in the Draft EIR concerning air quality impacts due to particulate matter and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

The comment regarding hazardous materials addresses general subject areas, which received extensive analysis in the Draft EIR. The comment does not raise any specific issue regarding that analysis and,

therefore, no more specific response can be provided or is required. However, the comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

The comment raises issues regarding notification of hazards and the Wm. S Hart Unified School District and the suggestion of waiting to prepare the EIR until the roadway is funded, that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

The request to evaluate the proximity of the NTS site to the Golden Valley High School is beyond the scope of the proposed project. This issue should have been addressed as a part of the environmental documentation of Golden Valley High School.

Response E1-15

G. Upman stated that Via Princessa will make Isabella Parkway worse. Upman suggests a pedestrian bridge or drop off lanes to drop children off at school.

The comment stating the Via Princessa will only make Isabella Parkway worse only expresses the opinions of the commenter. However, given the concern regarding traffic condition safety in the neighborhood, the City Council approved the installation of two stop signs on Isabella Parkway on March 26, 2013. The stop signs were installed in April 2013. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Please see **Response E1-4** regarding pedestrian safety. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response E1-16

R. Drew indicated that there needs to be a grade separated intersection/interchange at Golden Valley and the hazards on the NTS site need to be addressed.

The comment regarding the need for a grade separated intersection/interchange at Golden Valley only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

The comment addresses general subject areas regarding hazardous materials, which received extensive analysis in the Draft EIR Section 4.6 Human Made Hazards. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. However, the comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Letter No. E2

VIA PRINCESSA EAST EXTENSION PROJECT EIR

PUBLIC OUTREACH MEETING PUBLIC COMMENT FORM

This form is provided for your convenience to make written comments regarding the Draft Environmental Impact Report (EIR) prepared for the Via Princessa East Extension Project. Your comments will be considered by the City of Santa Clarita and included in the Final EIR. You may use this form in addition to, or instead of, making oral comments at this public outreach meeting.

After filling out the form, please leave it with City staff prior to leaving this meeting.

Please also provide your name, address, and email address so you can continue to be informed about future meetings on the project and EIR. Please provide your comments below:

ATTACHED PETITION OF THE SANTA CLARITA CITY COUNCIL FOR TRAFFIC MITIGATION MEASURES ALONG ISABELLA PKWY. THE ORIGINAL DOCUMENT WITH ORIGINAL SIGNATURES WILL BE PRESENTED AT A FUTURE CITY COUNCIL MEETING—

1

Name: JOHN CASSIDY
Address: 26610 ISABELLA PKWY
SANTA CLARITA, CA 91361
Email: JOHN.J.CASSIDY@GMAIL.COM

DATE: September 6, 2012

TO: Honorable Members of the Santa Clarita City Council

FROM: Residents of Pacific Grove and Monterey as Appear On the Signed Petition

SUBJECT: **A PETITION OF THE SANTA CLARITA CITY COUNCIL REQUESTING TRAFFIC MITIGATION MEASURES ALONG ISABELLA PARKWAY BETWEEN VIA PRINCESSA AND GOLDEN TRIANGLE ROAD**

PURPOSE

The homeowners/residents of Pacific Grove and Monterey housing tracts respectfully request that the Council of the City of Santa Clarita authorize the Public Works Traffic Division to develop traffic mitigation measures for Isabella Parkway between Via Princessa and Golden Triangle Road to correct the current unsafe, unacceptable conditions along this 25-mile per hour, residential roadway.

BACKGROUND

When the Pacific Grove housing tract was developed in the mid-to-late 1990's, Isabella Parkway began at Via Princessa and terminated at a cul-de-sac just south of the Canyon Country Apartments. When the Monterey housing tract was later approved and developed, Isabella Parkway was extended north thru to Golden Triangle Road, transforming a quiet residential street into a major thoroughfare and increasing traffic along Isabella Parkway dramatically. The traffic increase could initially be attributed to the opening of the Home Depot. But this was later compounded with the addition of Wal-Mart, Sam's Club, LA Fitness, Dick's Sporting Goods, Babies R'Us and the multitude of hilltop commercial developments that comprise the Center Pointe complex on Golden Valley Road.

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ANALYSIS

Prior to the construction of Isabella Parkway, the primary thoroughfare between Via Princessa and Golden Triangle Road was Rainbow Glen Drive. However, all that changed when motorists discovered Isabella Parkway was "the path of least resistance", free of stop signs and closer to the aforementioned shopping destinations. But Isabella Parkway and Rainbow Glen Drive are in no way alike. This table shows several distinct differences between the two thoroughfares:

Isabella Parkway	Rainbow Glen Drive
25 mile per hour posted speed limit	35 mile per hour posted speed limit
Sixty-four (64) residential driveways	Two (2) non-residential driveways
No stop sign in a 1.2 mile stretch	One (1) stop sign at Gilbert Drive
Three (3) playgrounds and (3) pools	No playgrounds and no pools

In addition, there is another very distinct difference in the characteristics of these two roadways as shown on the attached Google map. Rainbow Glen is a relatively straight roadway between Golden Triangle and Via Princessa. On the other hand, Isabella Parkway is a winding roadway with a very dramatic 30 degree transition occurring between Gratland Street and the Pacific Grove playground, park and pool complex. This stretch of roadway is extremely dangerous and poses a significant

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safety risk. On many occasions, pedestrians (children and senior citizens included) have experienced "near misses" with speeding vehicles, as there is very little time to react when a vehicle is observed coming around the curve (see attached photos). Even the simple task of retrieving mail has become a safety risk as the community mailboxes are located on alternating sides of Isabella Parkway. Residents are forced to time crossing the street while competing with speeding vehicles just to get their mail. This is not an acceptable way of life, constantly fearing for one's safety. The following table reflects data showing the measured reaction time at various speeds once a vehicle is observed entering the 30 degree transition until it reaches the Pacific Grove park/playground pedestrian crossing:

Vehicle Speed	Reaction Time
25 miles per hour	10 seconds
35 miles per hour	7 seconds
45 miles per hour	5 seconds

In perspective, it takes approximately 12 seconds to cross Isabella Parkway at the park/playground crossing and in the case of senior citizens a bit longer.

DISCUSSION

For years, homeowners and residents along Isabella Parkway have been subjected to unsafe, unacceptable traffic conditions on a residential street with a posted 25-mile per hour speed limit (see attached photos). An ever-increasing number of motorists ignore the speed limit on a residential street lined with (64) driveways, forcing homeowner's to compete with the constant flow of traffic. This has created a significant safety hazard for residents during ingress/egress to their property. We urge City Council staff to conduct a two-year review of the LA Sheriff's records for a tally of the number of speeding tickets regularly issued along Isabella Parkway. We also urge a review of the number of traffic accidents that have occurred involving homeowner vehicles parked in their driveways, vehicles parked on the street and infrastructure such as streetlight standards and cable TV pedestals. With the planned extension of Via Princessa pending, we do not see a reduction in thru traffic. On the contrary, motorists seeking "the path of least resistance" will continue to use Isabella Parkway as a convenient alternative. **This needs to be corrected, and it needs to be corrected now.** Thru-traffic must to be re-directed back to Rainbow Glen Drive with its 35-mile per hour speed limit and no residential driveways. At the minimum, Isabella Parkway deserves a stop sign along its 1.2-mile roadway. The homeowners of Pacific Grove and Monterey request the installation of a three-way stop sign at Gratland Drive and the addition of speed humps at the crossing adjacent to the Pacific Grove park/playground/pool. This unsafe condition needs to be addressed before a speeding motorist injures someone, or even worse case, takes someone's life.

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RECOMMENDATION

The homeowners/residents of Pacific Grove and Monterey, identified by the names, addresses and signatures logged on the attached petition, respectfully request that the Council of the City of Santa Clarita direct the City's Public Works Traffic Division to develop and install traffic mitigation measures along Isabella Parkway between Via Princessa and Golden Triangle Road. These measures need to be put in place immediately and well in advance of the proposed project known as the Via Princessa East Extension (Master Case 09-108, EIR SCH# 2009091110). Thank you.

w/Attachments

"To the Honorable Members of the Santa Clarita City Council"

I, JOHN J CASSIDY hereby affirm that each person who signed this petition is personally known to me and did so in my presence. I also affirm that I am the person who carried the petition, verified that all persons are homeowners in the Pacific Grove development, and secured the signatures and attest that they are valid on this 5th day of SEPT. 2012.

Homeowner Name (printed) JOHN J CASSIDY
Street Address 26610 ISABELLA PKWY
City SANTA CLARITA State CA Zip 91351
Phone # (818) 522-0727
Signature John J Cassidy

Homeowner Name (printed) Beverly Kurz
Street Address 26534 Isabella Pkwy
City Santa Clarita State CA Zip 91351
Phone # 661-313-8605
Signature Beverly Kurz

Homeowner Name (printed) Lee and Laura Holbrook
Street Address 26605 Isabela Pkwy
City Canyon Country State CA Zip 91351
Phone # 661-299-6802
Signature Lee Holbrook

Homeowner Name (printed) JOSE MARIA CAMUS
Street Address 26585 ISABELLA PKWY
City CANYON COUNTRY State CA Zip 91351
Phone # 661 251-9518
Signature

Homeowner Name (printed) Brad Stoyanoff
Street Address 26624 Isabella Pkwy
City Santa Clarita State CA Zip 91351
Phone # 661-799-1412
Signature

Homeowner Name (printed) Kendra Stojkovic
Street Address 26624 Isabella Pkwy.
City Santa Clarita State CA Zip 91351
Phone # (661) 877-7261
Signature

Homeowner Name (printed) William Tinnewitz
Street Address 26526 Isabella Pkwy
City Santa Clarita State CA Zip 91351
Phone # 661 250-4912
Signature

Homeowner Name (printed) Michael Malloy
Street Address 26530 Isabella Pkwy
City Canyon County State CA Zip 91351
Phone # 661-424-5481
Signature

Homeowner Name (printed) Oscar Villanos
Street Address 26532 Isabella Pkwy
City CC State CA Zip 91351
Phone # 661-360-9408
Signature

Homeowner Name (printed) Charles Wallace
Street Address 26529 Isabella Parkway
City Canyon Country State CA Zip 91351
Phone # 818 3708541
Signature

Homeowner Name (printed) Hamid Dsouti
Street Address 26626 Isabella Hwy
City Canyon Country State CA Zip 91351
Phone # 818-357-9063
Signature

Homeowner Name (printed) Mojdeh Fathi
Street Address 26626 Isabella Pkwy
City Canyon Country State CA Zip 91351
Phone # (818) 674-0695
Signature

Homeowner Name (printed) Breanna Jones
Street Address 20202 Stevie Ct
City Canyon Country State CA Zip 91351
Phone # 661-414-0279
Signature B. Jones

Homeowner Name (printed) Chad McCall
Street Address 20202 STEVIE CT
City CANYON COUNTRY State CA Zip 91351
Phone # 805 295 0601
Signature

Homeowner Name (printed) KELLY SECKAR
Street Address 26622 ISABELLA PKWY
City CANYON COUNTRY State CA Zip 91351
Phone # 661-298 7201
Signature

Homeowner Name (printed) KURT WILSON
Street Address 26502 ISABELLA PKY
City Canyon Country State CA Zip 91351
Phone # (661) 313-7641
Signature

Homeowner Name (printed) JAMES KURZ
Street Address 26534 ISABELLA PKWY
City CANYON COUNTRY State CA Zip 91351
Phone # 213-216-7465
Signature

Homeowner Name (printed) VIRGINIA T. TORRES
Street Address 26604 ISABELLA PKWY
City SANTA CLARITA State CA Zip 91351
Phone # 661 251 3646
Signature Virginia T. Torres

Homeowner Name (printed) CHARLES CAMMACK
Street Address 26634 ISABELLA PKWY
City CANYON COUNTRY State CA Zip 91351
Phone # 661-621-5159
Signature Charles Cammack

Homeowner Name (printed) JOHN KENDALL
Street Address 26636 ISABELLA PARKWAY
City SANTA CLARITA State CA Zip 91351
Phone # 618-256-4462
Signature John Kendall

Homeowner Name (printed) JUAN QUINTERO
Street Address 26525 ISABELLA PKWY
City CANYON COUNTRY State CA Zip 91351
Phone # 818-269-0790
Signature

Homeowner Name (printed) Nathalie QUINTERO
Street Address 26525 ISABELLA PKWY
City Canyon Country State Ca. Zip 91351
Phone # 818 670-6814
Signature OK Quintero

Homeowner Name (printed) Carlo Rocco
Street Address 26514 Isabella Pkwy
City Canyon Country State CA Zip 91351
Phone # 661-299-6918
Signature

Homeowner Name (printed) Thomas Carlson
Street Address 26638 Isabella
City CYN Country State CA Zip 91351
Phone # 661 200 8695
Signature Thomas Carlson

Homeowner Name (printed) JASON MICHELLE VIVIEZ
Street Address 26606
City CYN COUNTRY State CA Zip 91351
Phone # 213 280 5668
Signature

Homeowner Name (printed) DAVID SMITH
Street Address 26538 ISABELLA PARKWAY
City CYN COUNTRY State CA Zip 91351
Phone # 661 298 2011
Signature David Smith

Homeowner Name (printed) Alena Kuriatsoa
Street Address 26538 Isabella Pkwy
City Santa Clarita State CA Zip 91351
Phone # 661 424-9318
Signature

Homeowner Name (printed) Paul Vibbard
Street Address 26534 Isabella Pkwy
City Cyn Cntry State CA Zip 91351
Phone # 661 803 3356
Signature

Homeowner Name (printed) Kevin Williams
Street Address 26520 Isabella Pkwy
City Canyon Country State CA Zip 91351
Phone # 661 424-0201
Signature

Homeowner Name (printed) EMMA SALAMA
Street Address 26632 ISABELLA PARKWAY
City Canyon Country State CA Zip 91351
Phone # 661- 250- 9106
Signature

Homeowner Name (printed) CAROLINE SALAMA
Street Address 26632 ISABELLA PARKWAY
City CANYON COUNTRY State CA Zip 91351
Phone # 661- 250 - 9106
Signature

Homeowner Name (printed) Joann Williams
Street Address 26520 Isabella Pkwy
City Santa Clarita State CA Zip 91351
Phone # 661 424 0231
Signature

Homeowner Name (printed) JAMES COCHRAN
Street Address 26513 ISABELLA PKWY
City CANYON COUNTRY State CA Zip 91351
Phone # 661-257-9306
Signature

Homeowner Name (printed) MARY STILL
Street Address 26510 ISABELLA PKWY
City CANYON COUNTRY State CALIF Zip 91351
Phone # 818 675 6580
Signature Mary Still

Homeowner Name (printed) Jeremiah Johnson
Street Address 26526 Isabella Pkwy
City Santa Clarita State CA Zip 91351
Phone # 661 - 644 - 5425
Signature

"To the Honorable Members of the Santa Clarita City Council"

I, Annette Fernandez hereby affirm that each person who signed this petition is personally known to me and did so in my presence. I also affirm that I am the person who carried the petition, verified that all persons are homeowners in the Monterey development, and secured the signatures and attest that they are valid on this 3 day of Sept. 2012.

Homeowner Name (printed) John R. Fernandez
Street Address 20209 Soladera Way
City Canyon Country State CA Zip 91351
Phone # 661-251-3739
Signature

Homeowner Name (printed) Annette Fernandez
Street Address 20209 Soladera Way
City Canyon Country State CA Zip 91351
Phone # 251-3739
Signature

Homeowner Name (printed) JEFF HARVEY
Street Address 26657 ISABELLA PKWY
City CANYON CTRY State CA Zip 91351
Phone # 661-424-1966
Signature

Homeowner Name (printed) Mark Margis
Street Address 26659 Isabella (prkwy)
City Canyon Country State CA Zip 91351
Phone # (661) 618-9348.
Signature

Homeowner Name (printed) SALVADOR TORRES
Street Address 20209 SOLADERA WAY
City CANYON COUNTRY State CA Zip 91351
Phone # 661 673 6758
Signature

Homeowner Name (printed) Tom Ho
Street Address 26652 Isabella Pkwy
City Canyon Country State CA Zip 91351
Phone # (661) 251-6718
Signature

Homeowner Name (printed) Mabel Escobar-Ho
Street Address 26652 Isabella Pkwy
City Canyon Country State CA Zip 91351
Phone # 661-373-0161
Signature

Homeowner Name (printed) Esther U Escobar
Street Address 26652 Isabella Pkwy
City Canyon Country State CA Zip 91351
Phone # 661-251-6718
Signature

Homeowner Name (printed) Frank Raymond
Street Address 20206 Soladera Way
City Santa Clarita State CA Zip 91351
Phone # 661 478-9204
Signature

Homeowner Name (printed) Janine McGuinness
Street Address 20205 Soladera Way
City Santa Clarita State CA Zip 91351
Phone # (661) 713-3552
Signature

Homeowner Name (printed)
Street Address
City State Zip
Phone #
Signature

Homeowner Name (printed) Martina Torres
Street Address 20204 Soladera Way
City Canyon Country State CA Zip 91351
Phone # 818. 339.1142
Signature

Homeowner Name (printed) MARK KESSLER
Street Address 20316 COLINA DR
City CANYON COUNTRY State CA Zip 91351
Phone # 661-713-6527
Signature

Homeowner Name (printed) Tamara Kessler
Street Address 20316 Colina Dr
City Santa Clarita State CA Zip 91351
Phone # 661-713-6520
Signature

Homeowner Name (printed) Janine Rayburn
Street Address 20206 Soladera Way
City Santa Clarita State CA Zip 91351
Phone # 661-618-7207
Signature

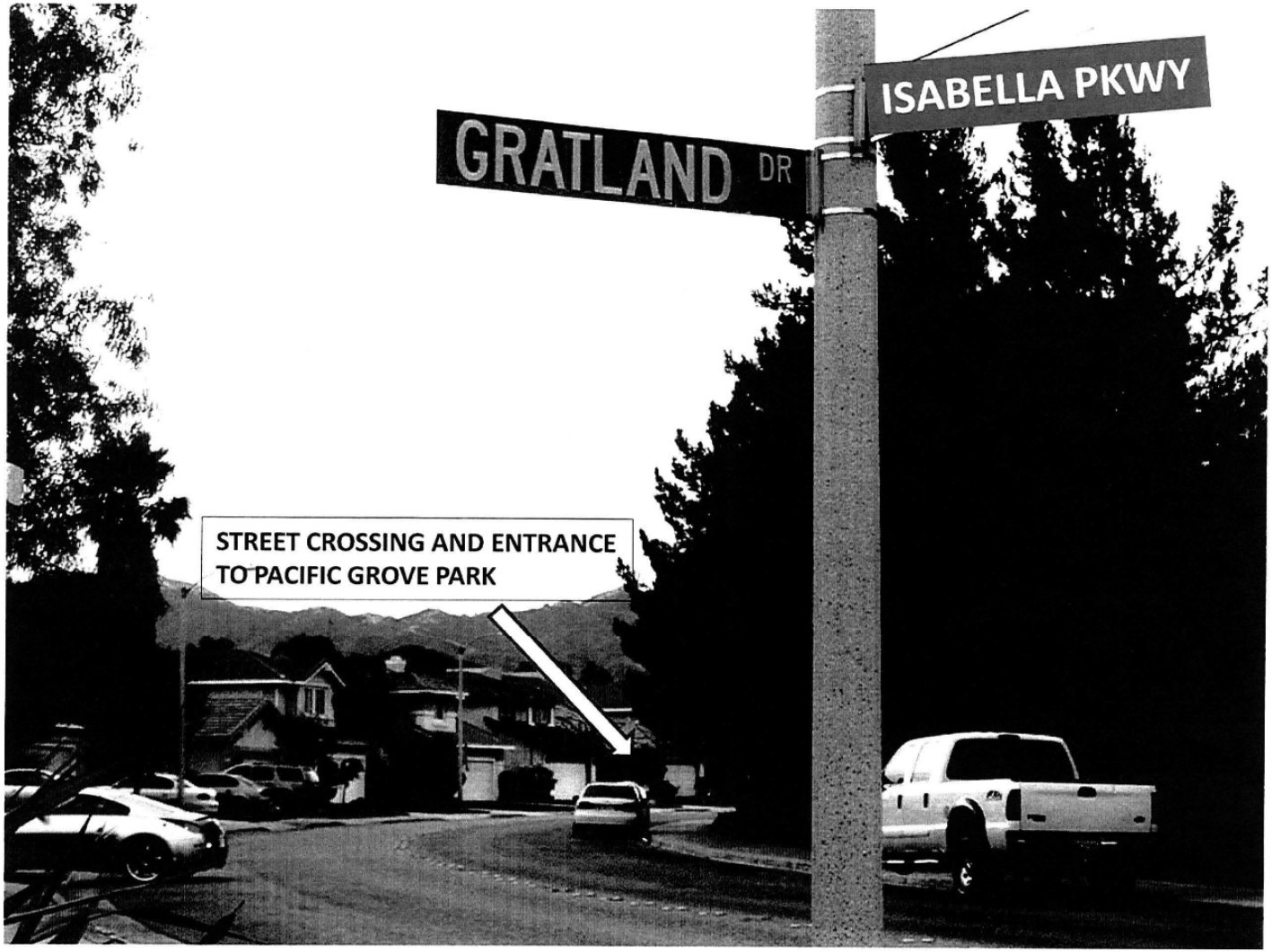
Homeowner Name (printed) R. ROGERS
Street Address 26666 ISABELLA PKWY
City SANTA CLARITA State CA Zip 91351
Phone #
Signature R. Rogers

Homeowner Name (printed) DAN SACHOFF
Street Address 20207 SOLADERA WAY
City SANTA CLARITA State CA Zip 91351
Phone # 818-[illegible]
Signature

ISABELLA PARKWAY LOOKING NORTH – POSTED 25-MILE PER HOUR LIMIT

ISABELLA PARKWAY LOOKING SOUTH – POSTED 25-MILE PER HOUR LIMIT

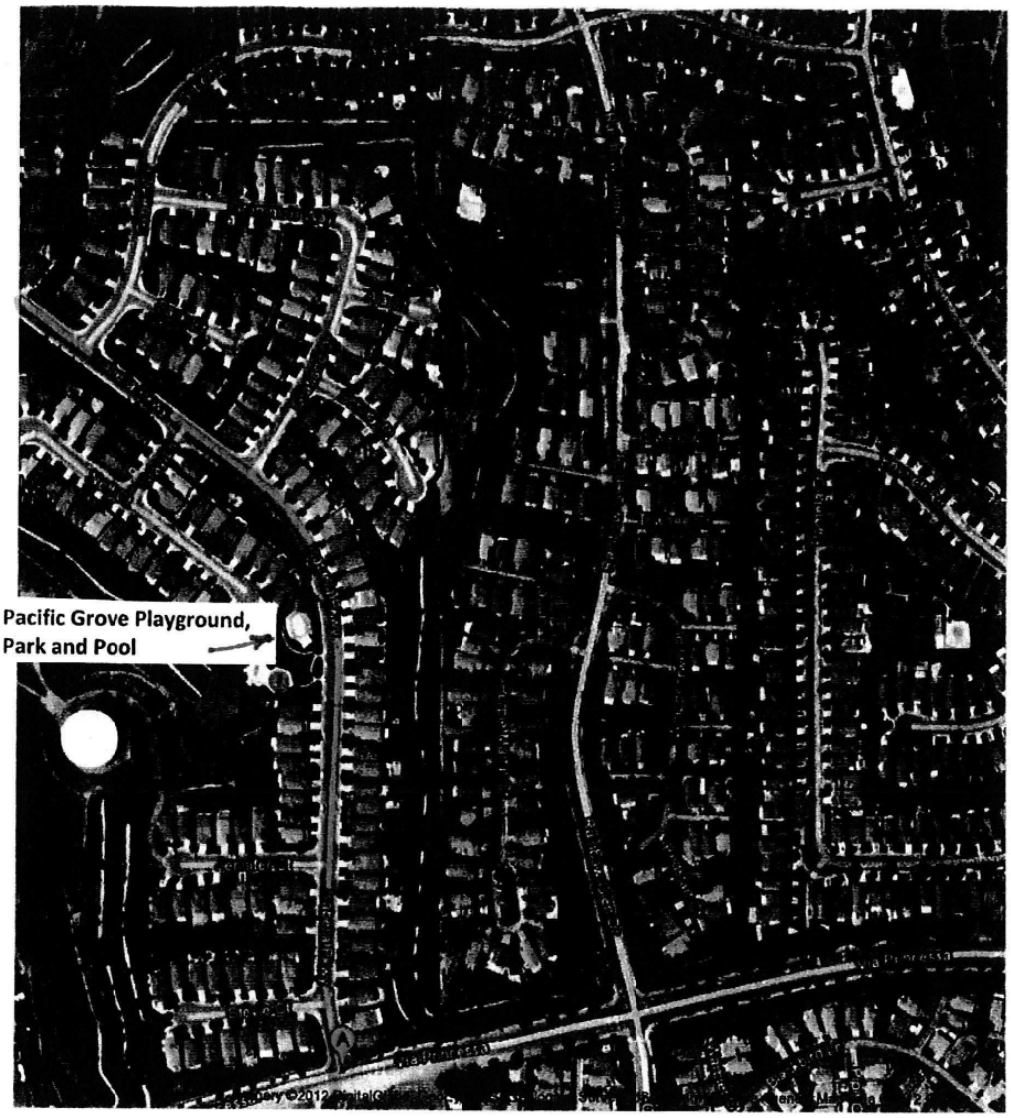
ISABELLA PARKWAY LOOKING NORTH – SHOWING BLIND ROADWAY CURVE AND PROXIMITY TO ENTRANCE TO PACIFIC GROVE PARK/PLAYGROUND/POOL



BLIND CURVE ON ISABELLA PARKWAY LOOKING SOUTH – JUST BEFORE ENTRANCE TO PACIFIC GROVE PARK/PLAYGROUND/POOL

To see all the details that are visible on the screen, use the "Print" link next to the map.

Google



Isabella Parkway

Rainbow Glen Drive

43 residential driveways
Between Gilbert Drive and
Via Princessa

Safety Concern:
30 degree curve in Isabella Parkway creates a very dangerous blind spot for those crossing street and southbound vehicles.

8/10/2012

Letter No. E2. Public Outreach Meeting Public Comment Form, September 6, 2012, John Cassidy

Public Outreach Meeting Public Comment Form, September 6, 2012, John Cassidy
City of Santa Clarita City Hall, Century Room
23920 Valencia Boulevard, First Floor
Santa Clarita, CA 91355

Response E2-1

The comment letter is a petition for traffic mitigation measures along Isabella Parkway.

The comment raises issues that do not appear to relate to any physical effect on the environment. Nonetheless, given the concern regarding traffic condition safety in the neighborhood, the City Council approved the installation of two stop signs on Isabella Parkway on March 26, 2013. The stop signs were installed in April 2013. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Letter No. E3

VIA PRINCESSA EAST EXTENSION PROJECT EIR

PUBLIC OUTREACH MEETING PUBLIC COMMENT FORM

This form is provided for your convenience to make written comments regarding the Draft Environmental Impact Report (EIR) prepared for the Via Princessa East Extension Project. Your comments will be considered by the City of Santa Clarita and included in the Final EIR. You may use this form in addition to, or instead of, making oral comments at this public outreach meeting.

After filling out the form, please leave it with City staff prior to leaving this meeting.

Please also provide your name, address, and email address so you can continue to be informed about future meetings on the project and EIR. Please provide your comments below:

I object to this project on three grounds:
(1) There will be a great disruption in the natural environment, and to habitat of much wildlife. There is a breeding pair of red tail hawks that inhabit this territory and I think that should be preserved. 1

(2) This connection is of dubious value in that it serves no additional transportation purpose because all destinations are readily served by other easily accessed routes. 2

(3) I think it is wasteful of public funds, especially in this economy. Any boost to infrastructure related jobs will probably not be filled by local workers. 3

(over)

Name: Michael LaRue
Address: 20402 Victory Court
Santa Clarita, CA 91350
Email: mjlarue420@gmail.com

As an aerospace engineer, who has been unemployed (layoff) for two years I think local employment solutions needs to extend to people like myself, and not be allocated to projects that seem to serve ~~not~~ no other purpose than build for the sake of building.

3

In summary the project area will ~~is~~ severely impacts beautiful, relatively pristine, natural land and I would like it see it preserved

4

Letter No. E3. Public Outreach Meeting Public Comment Form, September 6, 2012, Michael LaRue

Public Outreach Meeting Public Comment Form, September 6, 2012, Michael LaRue
City of Santa Clarita City Hall, Century Room
23920 Valencia Boulevard, First Floor
Santa Clarita, CA 91355

Response E3-1

Mr. LaRue objects to the project because there will be a great disruption in the natural environment and habitat of much wildlife. Mr. LaRue noted that there is a breeding pair of red-tailed hawks that inhabit the territory and he thinks that this should be preserved.

The comment addresses general subject areas concerning biological resources, which received extensive analysis in the Draft EIR Section 4.2. Section 4.2, page 4.2-8 acknowledges that the red-tailed hawk was observed on the project site. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. However, the comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response E3-2

Mr. LaRue thinks that the connection is of dubious value in that it serves no additional transportation purpose because all destinations are already served by other easily accesses routes.

With regard to the project not serving any purpose, the Via Princessa East Extension will be one of the primary east-west arterials through the City of Santa Clarita and is a part of the Circulation Map in the *General Plan*.

Nonetheless, the comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E3-3

Mr. LaRue believes that it is a waste of public funds, especially in this economy. Any boost to infrastructure jobs will probably not be filled by local workers. As an aerospace engineer who has been unemployed by a layoff for two years, Mr. LaRue thinks that local employment solutions needs to extend to people like himself and not be allocated to projects that seem to serve no others purpose than to build for the sake of building.

The comment only expresses the opinions of the commenter regarding the project being a waste of public funds and instead, money should be directed to persons who have been laid off such as himself. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E3-4

In summary, Mr. LaRue believes that the project area will severely impact beautiful, relatively pristine, natural land and he would like to see it preserved.

The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Letter No. E4

VIA PRINCESSA EAST EXTENSION PROJECT EIR

PUBLIC OUTREACH MEETING PUBLIC COMMENT FORM

This form is provided for your convenience to make written comments regarding the Draft Environmental Impact Report (EIR) prepared for the Via Princessa East Extension Project. Your comments will be considered by the City of Santa Clarita and included in the Final EIR. You may use this form in addition to, or instead of, making oral comments at this public outreach meeting.

After filling out the form, please leave it with City staff prior to leaving this meeting.

Please also provide your name, address, and email address so you can continue to be informed about future meetings on the project and EIR. Please provide your comments below:

I'm concerned about the intersection at Rainbow Glen and Via Princessa. With the extension there should be a traffic light installed to replace the 4 way stop sign. 1

Also, we need a sound wall along Via Princessa at Rainbow Glen to cut down on noise. 2

Name: Tim Nast

Address: 24601 Purple Martin Ct
Santa Clarita, CA 91351

Email: tim.nast@gmail.com

Letter No. E4. Public Outreach Meeting Public Comment Form, September 6, 2012, Tim Nasr

Public Outreach Meeting Public Comment Form, September 6, 2012, Tim Nasr
City of Santa Clarita City Hall, Century Room
23920 Valencia Boulevard, First Floor
Santa Clarita, CA 91355

Response E4-1

Mr. Nasr is concerned about the intersection at Rainbow Glenn and Via Princessa. With the extension there should be a traffic light installed to replace the four-way stop sign.

Draft EIR, Section 4.10, Transportation and Circulation, page 4.10-33 acknowledges the need for a signal at Rainbow Glen and Via Princessa:

> In addition, the intersection of Rainbow Glen Drive and Via Princessa and at the future intersection of Via Princessa and Golden Valley Road would meet the criteria for a signal warrant. Therefore, **Mitigation Measures MM 4.10-3** and **MM 4.10-4** shall be implemented, which would require the installation of traffic signals at the Via Princessa/Rainbow Glen Drive and Via Princessa/Golden Valley Road intersections.

Response E4-2

Extension of the sound wall along Via Princessa at Rainbow Glen should be considered to cut down on noise.

Section 4.9, Noise proposes Mitigation Measures MM 4.9-1 and MM 4.9-2 that would reduce construction noise impacts. Page 4.9-39 of the Draft EIR states:

> during construction, the following mitigation measure shall be implemented to reduce temporary noise levels at the residential units to the northeast of the project site:
>
> **MM 4.9-1** The construction contractor shall construct a 10-foot-tall temporary noise barrier on the northeastern perimeter of the proposed project site, separating the existing single-family residential units from the existing western terminus of Via Princessa. The installation of the noise barrier shall occur prior to commencement of Phase 1 construction and left in place through the end of Phase 4 to reduce the noise levels at the effected residential homes. The noise barrier shall be constructed in a manner such that the line-of-sight is blocked between construction activities on the proposed project site and the adjacent single-family residential units to the northeast of the project site. The noise barrier shall be made out of any outdoor weather-resistant solid material that meets a minimum sound transmission loss including: 16-gauge steel, 1-inch thick plywood, and any reasonable thickness of concrete. The use of the noise barrier between construction equipment and the sensitive uses to northeast of

the proposed project site would attenuate construction equipment noise levels as much as 11.8 dB(A) CNEL during each construction phase.

CEQA only requires that mitigation be required for environmental impacts.

Letter No. E5

Via Princessa East Extension Project EIR

Public Outreach Meeting Public Comment Form

This form is provided for your convenience to make written comments regarding the Draft Environmental Impact Report (EIR) prepared for the Via Princessa east extension Project. Your comments will be considered by the City of Santa Clarita and included in the Final EIR. You may use this form in addition to, or instead of, making oral comments at this public outreach meeting.

After filling out the form, please leave it with City staff prior to leaving this meeting.

Please also provide your name, address, and email address so you can continue to be informed about future meetings on this project and EIR. Please provide your comments below:

- According to your document on page 3.0-8, which states "Construction activities are expected to commence in at such time when funding becomes available or development occurs". Also at the September 6, 2012 Public Outreach Meeting, City staff stated a request for development was advertised with no response. My question is why the City of Santa Clarita is spending funds for this project when it is not needed. There has been no request for development in the area. Put the money to a better use. 1 2
- If Via Princessa is only 4-lanes with median from Soledad Canyon to Rainbow Glen, then why is the City of Santa Clarita proposing 6-lanes with median and bike path from Rainbow Glen to Golden Valley Road. The City has now created a bottleneck in the residential community. 3 4
- Why will the speed limit on Via Princessa go from 45 mph to 55 mph. Speed KILLS. The speed limit should remain at 45mph. During the evening times in this community residents are out walking with their dogs, jogging, and riding bicycles. Why would you increase the speed limit. 5
- According to the Traffic Analysis on page 39, the City of Santa Clarita is recommending residents being prohibited from turning left from Isabella Pkwy to go East on Via Princessa, but to turn right and go West and make a U-turn into oncoming traffic which could be as much or more as 1600 cars at AM and PM hours when the project is built out. The City of Santa Clarita is creating an unsafe condition and someone is going to get injured or killed. 6
- The Pacific Grove community on Isabella Pkwy currently has a traffic problem which needs to be addressed before any consideration is given to the Via Princessa Extension. There will be increased traffic with this extension and the street needs some traffic calming measures such as Speed Humps and Stop Signs to slow down the traffic. 7 8

1

Name: James and Beverly Kurz
Address: 26534 Isabella Pkwy
Email: james.kurz@lacity.org and bkurz@socal.rr.com

Letter No. E5. Public Outreach Meeting Public Comment Form, September 6, 2012, James and Beverly Kurz

Public Outreach Meeting Public Comment Form, September 6, 2012, James and Beverly Kurz
City of Santa Clarita City Hall, Century Room
23920 Valencia Boulevard, First Floor
Santa Clarita, CA 91355

Response E5-1

The comment reiterates information from the Draft EIR concerning length of construction.

The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E5-2

The commenter wondered why the City was spending funds on this project, when there is a better use for the financial allocation.

The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E5-3

The commenter wanted to know why, if Via Princessa is four lanes with a median from Soledad Canyon Road or Rainbow Glen, is the City proposing six lanes with median and bike path from Rainbow Glen to Golden Valley Road.

Draft EIR, Section 4.10 Transportation and Circulation, page 4.10-4 describes project roadway improvements as follows:

> The project is about 1.2 miles in length and the proposed roadway is designated as a Major Arterial Highway per the City of Santa Clarita's Master Highway Plan. The project includes the construction of a new roadway segment between Golden Valley Road and the existing roadway terminus near Sheldon Avenue, the completion of the existing section of Via Princessa between Sheldon Avenue and Rainbow Glen Drive (currently constructed as a half section) by constructing the south side of the roadway, and the re-striping of the existing section of Via Princessa between Sheldon Avenue and Rainbow Glen Drive to add additional vehicle lanes.
>
> The new roadway construction between Golden Valley Road and the existing roadway terminus near Sheldon Avenue would be a six-lane facility with a raised landscaped

> median, a parkway/sidewalk on each side and a two-way bike path along the south side. The vehicle lanes adjacent to the median would be 12 feet wide, the middle lanes 11 feet wide, and the lanes adjacent to the curb would be 12 feet wide. The typical right-of-way width for this section would be 116 feet.
>
> The portion of Via Princessa between Sheldon Avenue and Rainbow Glen Drive that is currently constructed as a half section would be completed by constructing the south side of the roadway. In this section, the roadway would be constructed to a typical right-of-way width of 104 feet, consistent with the original design for this section.

The ultimate roadway width is needed as noted on page 4.10-4: "the proposed project represents part of a long-range improvement that ultimately proposes the gap closure of Via Princessa through the center of the Santa Clarita Valley."

Response E5-4

The commenter stated that the City has now created a bottleneck in the residential community.

The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E5-5

The commenter wanted to know why the speed limit would increase, as "Speed KILLS."

The speed limit has yet to be determined for Via Princessa. The City does not post speed limits until a new road has been open for a few months and a speed survey is performed. During the first few months with no posted speed limit, speeds are enforced under the maximum speed limit and reckless driving laws.

Response E5-6

The commenter believes that the prohibition of left-turns at Isabella Parkway to go east on Via Princessa, and requiring drivers instead to turn right, travel west, and make a U-turn is hazardous.

Draft EIR Section 4.10 Transportation and Circulation, page 4.10-40 analyzed potential hazards associated with the proposed project and concluded:

> No measurable change in ADT volumes, as a result of the proposed project, would occur along Via Princessa east of Rainbow Glen Drive, and along Rainbow Glen Drive and Isabella Parkway north of Via Princessa. The peak hour volumes shown in **Figures 4.10-7** and **4.10-9** indicate a change in traffic patterns which result in minor net changes in traffic volumes to the previously mentioned roadway segments.

> The extension of Via Princessa would reduce the southbound left-turn volume while increasing the southbound right-turn volume at the Via Princessa/Rainbow Glen Drive intersection. Likewise, a decrease would occur for the westbound right-turn volume while an increase would occur to the westbound through volume. In general, the amount of new traffic added to these Via Princessa, Rainbow Glen Drive, and Isabella Parkway would be offset by a similar reduction in traffic as a result of the proposed project.
>
> The traffic analysis determined that changes in traffic patterns due to the proposed project would result in minor net changes in traffic volumes to these three existing roadway segments. Increases to one direction of travel, or to one intersection turning movement, are largely offset by decreases in the opposing direction.
>
> The effect of the Via Princessa extension on the roadways noted above was determined using the City's traffic demand model, which due to the level of detail provided by the zone structure and network coding, has certain limitations that affect the level of change that can be discerned on the roadway network. As such, a quantification of the change in traffic volumes at the local street level is beyond the capabilities of the model. What the results of the traffic analysis do indicate, is that the potential impact of the project on the three existing roadway segments discussed above is not anticipated to be significant enough to cause the need for traffic calming measures for those streets and would not increase design features or hazards.

Response E5-7

The commenter believes that the traffic issues on Isabella Parkway need to be addressed before any consideration is given to the Via Princessa East Extension.

The comment only expresses the opinions of the commenter. However, given the concern regarding traffic condition safety in the neighborhood, the City Council approved the installation of two stop signs on Isabella Parkway on March 26, 2013. The stop signs were installed in April 2013. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E5-8

The commenter stated that with the Via Princessa East Extension that traffic calming measures such as speed humps and stop signs should be utilized to slow down traffic.

The Draft EIR included the following mitigation measures to address traffic control as follows:

MM 4.10-3 Prior to the completion of construction of the proposed project, the City of Santa Clarita shall install a traffic signal at the Rainbow Glen Drive/Via Princessa intersection.

MM 4.10-4 Prior to the completion of construction of the proposed project, the City of Santa Clarita shall install a traffic signal at the Via Princessa and Golden Valley Road intersection.

MM 4.10-5 One year after completion of the Via Princessa Roadway extension, the City's traffic engineer shall evaluate future traffic patterns around Rainbow Glen Drive and Isabella Parkway through standard City practices, including but not limited to plan checks and the collection of future traffic data to determine if traffic calming measures would be needed.

Additionally, given the concern regarding traffic condition safety in the neighborhood, the City Council approved the installation of two stop signs on Isabella Parkway on March 26, 2013. The stop signs were installed in April 2013.

VIA PRINCESSA DRAFT EIR – PUBLIC OUTREACH MEETING

September 27, 2012

PUBLIC COMMENTS

M. LaRue - Concerns with disruption of the natural environment; pristine natural land

- Breeding red tail hawks may be on site

- Concerns with the value of the project; all transportation needs are served by other readily available options

- Can grant money be used to fund other projects? (Economic development)

1

- B. Murray: Is there a cost estimate or a cost/benefit analysis for this project?
- Concerns with the noise impact
- Are there restrictions for development; land will become developable?

2

- B. Barini (Isabella resident)
- Concerned with a major thoroughfare going through a residential area; there's no benefit
- Traffic on other streets (Isabella Parkway); no stop signs and speeding on Isabella; dangerous street
- Pictures/sims are deceptive; residential areas aren't accurately depicted

3

L. Plambeck

- Meeting needs to be recorded and needs to be conducted before the Planning Commission
- Affects habitat; global warming impacts; not the environmentally superior project

4

- Need to consider the less damaging of the alternatives
- Need to evaluate impacts associated with entire Via Princessa extension

H. Miles:

- Issues/concerns with speeds on Rainbow Glenn

5

- Impacts with high school drivers/traffic

- Bottleneck at La Mesa JHS and traffic impacts of Via Princessa

- What are specific traffic calming measures for Rainbow Glen? 5

- How are traffic impacts less than significant?

L. De La Cruz

- Rainbow Glen/Via Princessa intersection – are there any traffic calming measures proposed? 6

- When was the General Plan updated?

C. Noltemeyer

- Alternatives – Robert C. Lee Alt. is the environmentally superior alternative
- Land Use impacts: project versus alternative 7
- Hazardous impacts may be less with alternative
- GVHS should have another access; alternative would provide a second means of access
- Health and safety would be improved with Robert C. Lee Alt.

- Roadway is being piecemealed; roadway connects to Via Princessa (west) 7

T. Miles

- Heavy earth moving vehicles entering and exiting Via Princessa will be impactful/a problem

- Construction will be dangerous to existing portions of Via Princessa; safety hazards with construction vehicles 8

- Staging areas for construction are a concern

- Would the City be building only a portion of the roadway?

- Consider impacts to adjacent properties

K. Towles (27-year resident)

- Roadway is not needed and will decrease quality of life 9

- Heath of residents will be impacted

- Money can be better used to facilitate Golden Valley bridge

- Traffic on Isabella: gradual speed bumps would be a good idea

- Concerned with property values on homes in the area as a result of this project

9

- Concerns with quality of life

- Roundabout could be a good traffic calming measure for Isabella

B. Kurz

- Speeding on Isabella.

- Property values will decline as a result of the project

- Concerned with safety, enjoyment of homes

10

- Funding is better used to improve Soledad and Rainbow Glen intersection

- Stop signs on Isabella will not help with traffic calming; motorists will run stop signs
- City in 2001 was going to pay for half of the cost of roundabouts on Isabella; residents would pay for other half; residents on cul de sacs weren't willing to pay
- Traffic study: would Rainbow Glen and Isabella traffic be impacted? 10
- Biological impact with vernal pools are enough to reject/eliminate the project
- Is contamination on NTS enough to eliminate the project?
- Pictures in the EIR: Will these be updated to show the homes?

J. Cassidy

- Poor turnout for number of residents that will be impacted by this project 11

Letter No. E6. Public Outreach Meeting – September 27, 2012, Public Comments

Public Outreach Meeting – September 27, 2012, Public Comments
City of Santa Clarita City Hall, Century Room
23920 Valencia Boulevard, First Floor
Santa Clarita, CA 91355

Response E6-1

M. LaRue had concerns with the disruption of the natural environmental and pristine natural land. Breeding red-tail hawks may be on-site. The comment addresses general subject areas concerning biological resources, which received extensive analysis in Section 4.2 of the Draft EIR. Section 4.2, page 4.2-8 acknowledges that the red-tailed hawk was observed on the project site. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. However, the comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

LaRue also had concerns with the value of the project; all transportation needs are served by other readily available options. With regard to the project not serving any purpose, the Via Princessa East Extension will be one of the primary east-west arterials through the City of Santa Clarita and is a part of the Circulation Map in the *General Plan*.

Nonetheless, the comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

LaRue also asked if grant money could be used to fund other projects. The grant money allocated to the proposed project can only be used for Via Princessa East Extension planning purposes.

Response E6-2

B. Murray asked if there was a cost estimate or a cost/benefit analysis prepared for the project. A cost/benefit analysis was not prepared for the project.

Murray was concerned with the noise impacts. The comment addresses general subject areas concerning noise, which received extensive analysis in the Draft EIR Section 4.9, Noise. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. However, the comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Murray asked if there are restrictions for development, will land become developable? The City's Land Use Element and accompanying Land Use Map designates the project site as BP (Business Park) and UR5 (Urban Residential) as noted on page 4.8-3, Draft EIR Section 4.8 Land Use. Consequently, parcels surrounding the site presently have development potential.

Response E6-3

B. Barini was concerned with a major thoroughfare going through a residential area and does not believe that there is a benefit to the roadway. The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

There are traffic concerns on Isabella Parkway and there are no stop signs and there is speeding on this roadway. It is a dangerous street. The comment raises issues concerning Isabella Parkway that do not appear to relate to any physical effect on the environment. However, given the concern regarding traffic condition safety in the neighborhood, the City Council approved the installation of two stop signs on Isabella Parkway on March 26, 2013. The stop signs were installed in April 2013. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Barini indicated that the visual simulations in the Draft EIR are deceptive and residential areas aren't accurately depicted. Visual simulations are prepared taking photos of existing conditions and simulating the project to the existing photos. Consequently, the residential units are portrayed accurately.

Response E6-4

L. Plambeck stated that the meeting needed to be recorded and needs to be conducted before the Planning Commission. The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Plambeck stated that the project affect habitat. There are global warming impacts associated with the project. The proposed project is not the environmentally superior project as indicated in the Alternatives section of the Draft EIR. The comment addresses general subject areas, which received extensive analysis in the Draft EIR in Sections 4.2 Biological Resources, 4.5 Global Climate Change, and 6.0 Alternatives. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific

response can be provided or is required. However, the comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Plambeck stated that the less damaging of the Alternatives needs to be considered. The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Plambeck stated that impacts associated with the entire Via Princessa extension needs to be evaluated. At this time, not enough information is known about the extension of the entire roadway to provide environmental analysis. No plans have been formulated for this roadway nor has the roadway been included in any project plans under consideration by the City. No further response is required.

Response E6-5

H. Miles has issues/concerns with the speeds on Rainbow Glenn. Draft EIR, Section 4.10, Transportation and Circulation, page 4.10-33, acknowledges the need for a signal at Rainbow Glen and Via Princessa:

> "In addition, the intersection of Rainbow Glen Drive and Via Princessa and at the future intersection of Via Princessa and Golden Valley Road would meet the criteria for a signal warrant. Therefore, **Mitigation Measures MM 4.10-3** and **MM 4.10-4** shall be implemented, which would require the installation of traffic signals at the Via Princessa/Rainbow Glen Drive and Via Princessa/Golden Valley Road intersections."

Miles was concerned with high school drivers and traffic. Miles was also concerned with the bottleneck at La Mesa Junior High School and the traffic impacts of the project. The comment addresses general subject areas, which received extensive analysis in the Draft EIR, Section 4.10, Traffic and Circulation. The comment does not raise any specific issue regarding that analysis; therefore, no more specific response can be provided or is required. However, the comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Miles also inquired about the specific traffic calming measures for Rainbow Glen. Draft EIR Section 4.10 Transportation and Circulation, page 4.10-40 analyzed potential hazards associated with the proposed project and concluded:

> No measurable change in ADT volumes, as a result of the proposed project, would occur along Via Princessa east of Rainbow Glen Drive, and along Rainbow Glen Drive and Isabella Parkway north of Via Princessa. The peak hour volumes shown in **Figures 4.10-7** and **4.10-9** indicate a change in traffic patterns which result in minor net changes in traffic volumes to the previously mentioned roadway segments.

> The extension of Via Princessa would reduce the southbound left-turn volume while increasing the southbound right-turn volume at the Via Princessa/Rainbow Glen Drive intersection. Likewise, a decrease would occur for the westbound right-turn volume while an increase would occur to the westbound through volume. In general, the amount of new traffic added to these Via Princessa, Rainbow Glen Drive, and Isabella Parkway would be offset by a similar reduction in traffic as a result of the proposed project.
>
> The traffic analysis determined that changes in traffic patterns due to the proposed project would result in minor net changes in traffic volumes to these three existing roadway segments. Increases to one direction of travel, or to one intersection turning movement, are largely offset by decreases in the opposing direction.
>
> The effect of the Via Princessa extension on the roadways noted above was determined using the City's traffic demand model, which due to the level of detail provided by the zone structure and network coding, has certain limitations that affect the level of change that can be discerned on the roadway network. As such, a quantification of the change in traffic volumes at the local street level is beyond the capabilities of the model. What the results of the traffic analysis do indicate, is that the potential impact of the project on the three existing roadway segments discussed above is not anticipated to be significant enough to cause the need for traffic calming measures for those streets and would not increase design features or hazards.

Lastly, Miles asked how traffic impacts are less than significant. In summary, the proposed project did not exceed any traffic impacts that would deem traffic impacts significant. A complete discussion of the potential transportation and circulation impacts associated with the project can be found in Draft EIR, Section 4.10.

Response E6-6

L. De La Cruz asked if any traffic calming measures were proposed for the Rainbow Glen/Via Princessa intersection. Please see **Response E6-5**, above.

De La Cruz asked when the General Plan was updated. The General Plan was updated in June 2011.

Response E6-7

C. Noltemeyer stated that the Robert C. Lee Alternative is the environmentally superior alternative, including land use and hazardous (health and safety) impacts. The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Noltemeyer believes that Golden Valley high School should have another access and the Robert C. Lee Alternative would provide that access. The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Noltemeyer also believes that the roadway is being piecemealed as the roadway connects to Via Princessa west. Please see **Response E6-4**, above.

Response E6-8

T. Miles stated that heavy earth-moving vehicles entering and existing Via Princessa would be impactful and a problem. The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Miles further stated that construction would be dangerous to existing portions of Via Princessa and there would be safety hazard with construction vehicles and staging areas.

In order to ensure that there are no hazards associated with construction vehicles or the staging area, a mitigation measure has been added to Section 4.10, Transportation and Circulation. The mitigation measures will outline the need, timing, review, and location of staging area in order to minimize potential traffic conflicts.

Miles asked if the City would only be building a portion of the roadway? Depending upon the circumstances, the City could use Metro funding to construct a portion of the highway with the remainder to be built with Bridge & Thoroughfare fees. It is unknown at this time, how or when the roadway will be constructed, and who will construct it.

Miles stated that impacts to adjacent parcels should be considered. Impacts to adjacent parcels are considered in the Draft EIR. One example is noise impacts. Due to impacts to adjacent parcels during construction, mitigation is proposed for placement of a temporary noise barrier.

Response E6-9

K. Towles does not believe that the roadway is needed and will decrease the quality of life. Towles suggests that the money can better be used to facilitate the Golden Valley Bridge.

The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Towles believes that the health of residents will be impacted.

The comment addresses general subject areas, which received extensive analysis in the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. However, the comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Towles commented on the traffic on Isabella Parkway and suggested the placement of speed humps and a roundabout.

The comment raises issues that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Towles is also concerned with property values as a result of the project, quality of life.

The comment only expresses the opinions of the commenter and raises issues that do not appear to relate to any physical effect on the environment. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response E6-10

B. Kurz noted the speeding on Isabella Parkway and is concerned with enjoyment of homes.

The comment raises issues that do not appear to relate to any physical effect on the environment. However, given the concern regarding traffic condition safety in the neighborhood, the City Council approved the installation of two stop signs on Isabella Parkway on March 26, 2013. The stop signs were installed in April 2013. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Kurz believes that property values will decline as a result of the project and believes that funding is better used to the Soledad Canyon and Rainbow Glen intersection.

The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Kurz is also concerned with safety.

The comment addresses general subject areas, which received extensive analysis in the Draft EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. However, the comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Kurtz stated that stop signs on Isabella will not help with traffic calming; motorists will run stop signs.

The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Kurtz commented on a funding scheme for street improvements that was not implemented.

The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Kurtz asked if the traffic study showed if Rainbow Glen and Isabella traffic would be impacted.

Section 4.10, Transportation and Circulation fully analyses potential impacts of the proposed project to area traffic and circulation patterns, including Rainbow Glen Drive and Isabella Parkway. Following implementation of the mitigation measures the proposed project would have a less than significant impact on these two intersections.

Kurtz asked if the impacts to the vernal pools are enough to reject the project.

Please refer to **Responses to Comments A1-5, A1-14** and **B4-4**.

Kurtz asked if the contamination on the NTS site is enough to reject the project.

Please refer to **Responses to Comments D2-3** and **D4-3.**

Kurtz asked if the visual simulations in the EIR would be revised "to show the homes."

Please refer to Response to Comment B6-3.

Response E6-11

J. Cassidy stated that the meeting had a poor turnout in comparison to the number of residents impacted by the project.

The comment only expresses the opinions of the commenter. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.