

NEWHALL LAND

April 9, 2012

via electronic mail (losangeles@waterboards.ca.gov)

Mr. Samuel Unger, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

RE: Comment Letter – WDRs Newhall Land RMDP
Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements
(WDR) for The Newhall Land and Farming Company, Proposed Resource Management and
Development Plan and Spineflower Conservation Plan, Santa Clarita, Los Angeles County
(File No. 11-168)

Dear Executive Officer Unger:

The Newhall Land and Farming Company (Newhall Land) appreciates the opportunity to comment upon the proposed Clean Water Act section 401 water quality certification and waste discharge requirements (WDR) in connection with the Newhall Ranch Resource Management and Development Plan (RMDP). The draft WDR will complement the extensive requirements of the Clean Water Act section 404 permit issued on August 31, 2011 by the United States Army Corps of Engineers (Army Corps). By law, the federally-issued Clean Water Act 404 permit is contingent upon the Regional Water Quality Control Board, Los Angeles Region (Regional Board) approval of the section 401 certification/WDR.

The Newhall Ranch Specific Plan and the RMDP were developed to guide the long-term, master planning and permitting through the course of the build-out of Newhall Ranch. Newhall Land is committed to environmental stewardship and protection of natural resources and water quality, while meeting long-term housing needs, creating jobs, building valuable resources such as schools, parks and open space, hiking trails, and libraries and improving overall infrastructure. For over a decade, Newhall Land has worked with the Regional Board, U.S. Army Corps of Engineers (Corps), U.S. Environmental Protection Agency (U.S. EPA), the California Department of Fish and Game (CDFG), the U.S. Fish and Wildlife Service (FWS), and Los Angeles County (County) to study and mitigate anticipated and potential impacts of the RMDP.

Working cooperatively, Newhall Land and these agencies have engaged in studies to determine whether, and how, the RMDP may impact waters of the State of California and United States, tributaries to those waters, critical habitat and endangered or threatened species. We appreciate the efforts of staff throughout this process, and in particular note the extraordinary focus and commitment shown by Regional Board staff over this period of time. Regional Board staff has toured the site numerous times, commented during CEQA reviews, and participated during the CDFG and Army Corps permitting processes. The proposed WDR is the result of many years of review and careful environmental analysis by multiple agencies including the Regional Board in addition to the public and interested stakeholders.

Mr. Unger, LARWQCB
Comments Regarding Tentative WDR and 401 Certification
Newhall Ranch RMDP 401 Water Quality Certification (File 11-168)
April 9, 2012
Page 2

The agency actions will ensure that the RMDP will be developed in a manner that protects water quality and ensures compliance with the numerous permits applicable to Newhall Land. The administrative record supporting this draft WDR has been available on the Regional Board website for the duration of the public comment period and has a voluminous record of environmental agency requirements and regulatory history. The majority of the administrative record is comprised of studies and supporting documents that have been public and subject to comment for number of years. Newhall Land is not attaching the pertinent documents submitted along with the WDR permit application (Report of Waste Discharge or ROWD) to this comment letter, but notes their public availability and incorporate them by reference. During the development of the WDR, Regional Board staff carefully reviewed the RMDP and related requirements to ensure that the WDR met the rigorous standards of the Regional Board. Environmental groups and interested stakeholders have been extremely active through the various stages of agency approval and have also participated in reviews by other regulatory agencies and the County of Los Angeles. The final project as reflected in the WDR, has benefited by the lengthy and extensive public process and will be protective of water quality and natural resources.

Under the proposed WDR, Newhall Land will preserve and protect in perpetuity approximately 612 acres of waters of the United States, including 272 acres of wetlands. The Santa Clara River flows through the proposed development and will be protected in perpetuity by conservation easements and management plans. In addition, the major tributaries that flow into the Santa Clara River will be protected and enhanced. Newhall Land will obtain conservation easements or deed restrictions to preserve, in perpetuity, over 1,172 acres of high quality wildlife habitat in the Santa Clara River and tributaries. The coordinated efforts of Newhall Land and local, state and federal resources agencies have resulted in a plan that avoids permanent or temporary impacts to 87 percent of the waters of the United States existing on the RMDP site. For the remaining 13 percent of those waters, Newhall Land will mitigate at an average ratio of 2.4 acres of water for every 1 acre permanently impacted and will restore all areas impacted by the RMDP. Overall, impacts have been significantly reduced from more than 93 acres in the County approved project to less than 48 in the Corps approved project.

The proposed WDR also reflects Newhall Land's obligation to set aside over 8,567 acres of natural open space and recreation areas, including 199 acres of preserve for the endangered/threatened spineflower within the RMDP project site. Moreover, Newhall Land will protect the Salt Creek wildlife movement corridor by placing 5,722 acres of the Salt Creek watershed and Newhall Ranch High Country into a permanent conservation easement. Proposed mitigation also includes restoration and enhancement lower Salt Creek. Of note, in order to protect habitat functions and services during construction, the WDR requires Newhall Land to implement 54.9 acres of compensatory mitigation *before* any development impacts occur, including creation of 35.2 acres of wetlands in Lower Potrero Canyon and the Santa Clara River at Mayo Crossing and 19.7 acres of habitat enhancement in portions of the Salt Creek watershed.

Throughout the development process, Newhall Land will protect water quality by complying with all applicable permits and waste discharge requirements in effect pursuant to state and federal law. During construction, Newhall Land will be subject to the General NPDES Permit for Construction Stormwater Discharges (Order No. 2009-0009-DWQ; NPDES No. CAS000002). As such, it will implement Best Management Practices (BMPs) to prevent and/or reduce erosion and the transport of sediment and other

Mr. Unger, LARWQCB
Comments Regarding Tentative WDR and 401 Certification
Newhall Ranch RMDP 401 Water Quality Certification (File 11-168)
April 9, 2012
Page 3

potential pollutants from the project site during construction. Newhall Land will also create and implement a Stormwater Pollution Prevention Plan (SWPPP) to identify, implement and maintain appropriate BMPs to reduce or eliminate pollutants in stormwater discharges and authorized non-stormwater discharges during construction.

Following construction, water quality will be protected both by requirements of the Newhall Ranch Specific Plan, and requirements described by the Los Angeles County Municipal Separate Storm Sewer System (MS4) Permit in effect.

To further protect water quality, Newhall Land has also agreed to incorporate Low Impact Development (LID) measures for each development within the RMDP that are more stringent than those currently required. The LID Performance Standard is similar to the LID requirements in the Ventura County MS4 Permit. LID measures will be selected and sized to retain the volume of stormwater runoff produced from a 0.75 inch storm event to reduce the percentage of Effective Impervious Area (EIA) to 5 percent or less of the total project area within the Newhall Ranch Specific Plan. Runoff from all EIA will be treated with effective treatment control measures that are selected to address the pollutants of concern and are sized to capture and treat 80 percent of the average annual runoff volume. The LID measures will include infiltration, bioretention and biofiltration to keep stormwater out of waterways and on its originating properties. Where direct discharges to waters of the United States are anticipated, Newhall Land will use design measures and BMPs to limit impervious area and disconnect imperviousness to avoid and minimize hydromodification impacts. Overall, these measures will help minimize continued impacts from the developments once built and will ease the amount of runoff affecting tributaries and other waters.

For the duration of the WDR Newhall Land is required to submit 5-year reports to the Executive Officer for review. These requirements, in addition to the village-level specific review of the Project Water Quality Technical Reports (WQTRs) will ensure permit compliance and a continuing emphasis on long-term planning and protection of water quality. The WDR requirements reflect the Regional Board process developed for this WDR with the approval of requirements through the Los Angeles MS4 sub-regional approach since 2008. Regional Board staff vigilance and preparation has resulted in coordinated permits and state of the art LID requirements in advance of the LA MS4 permit. Regional Board staff should be acknowledged for their level of effort and vision.

After Newhall Land has implemented the RMDP, responsibility for storm drain and receiving water quality monitoring at outfalls will fall under the Los Angeles County MS4 permit requirements for MS4 permittees or owner/operators of the storm drain system. Newhall Land would appreciate the final WDR to clarify this understanding by an addition to the current permit language that facilitates the transfer of outfall monitoring responsibility. This responsibility shift would occur with the transfer of the drainage facilities accompanied by the appropriate funding mechanism as reflected in the RMDP Appendix A (RMDP Maintenance Manual). This would in turn allow for continuity of monitoring, reporting and long-term analysis to ensure compliance with the MS4 requirements beyond the duration of the WDR.

Mr. Unger, LARWQCB
Comments Regarding Tentative WDR and 401 Certification
Newhall Ranch RMDP 401 Water Quality Certification (File 11-168)
April 9, 2012
Page 4

In addition to that change, it may make sense to modify the specificity of the storm drain outfall and receiving water monitoring parameters in the draft WDR. Monitoring parameters ideally are designed to be adaptable and able to change in accordance with evolving permit and Total Maximum Daily Load (TMDL) requirements. For example, the current list may be too large or too small for the future needs of watershed managers. Newhall Land proposes that the monitoring parameters be established by and through the same process of approval for the monitoring plans that will be submitted to the Executive Officer.

The Newhall Ranch Specific Plan and RMDP have undergone a long and detailed regulatory agency and public review, including more than 20 public hearings and 700 meetings. As a result, over 68 percent of the available land within the Specific Plan areas is being protected as natural open space. In addition, impacts to the vast majority of waters of the State and United States will be completely avoided and impacts fully offset. Newhall Land will protect and preserve waters and wetlands, and through the completion of this draft WDR process will embark upon a stringent program to implement the mitigation requirements designed to protect water quality, while also working to bring environmentally responsible development to the region.

Newhall Land appreciates the hard work and commitment shown by Regional Board staff throughout the process of developing the draft WDR. Please feel free to contact me directly with any questions pertaining to this comment letter.

Sincerely,
THE NEWHALL LAND AND FARMING COMPANY



Matt Carpenter
Director, Environmental Resources