riparian zone. Yet in Figures IV.D-3 and D-5, these riparian areas do not appear on these maps. Figure IV.D-5 understates the riparian area losses. I do not know what other riparian areas have been excluded from the consultant's biology survey.

More Southern Coast Oak Riparian habitat is missing from the Figure IV.D-3 and D-5. This habitat would be eliminated when the development is built. It's loss is not noted in the EIR. The riparian areas extend up into tributaries 4.26 and 4.16. The riparian areas also extend further into tributary 4.19 than is noted on the maps. Yet in Figures IV.D-3 and D-5, these riparian areas do not appear on these maps. Figure IV.D-5 understates the riparian area losses. This is another example of the inadequacy of the biological survey.

I also noted that other oak trees that would be impacted were not included in the tree survey. I was not able to reach these areas because they are not readily accessible. But it is not my job to count these trees, it is the job of the EIR consultants. There were a few Quercus agrifolia that were in tributary 4.38 near its confluence with tributary 4.32. Also, this Southern Coast Oak Riparian habitat is missing from the Figure IV.D-3 and D-5. There was also at least one significant size oak that was not included in the tree survey in tributary 4.1. It looked like it was midway between points 5/5 and 3/3. This area also should be classified as Southern Coast Oak Riparian habitat. This habitat was not noted on the habitat maps. These habitats will be lost when the development will be built. It will be buried under tons of fill.

It is important that the EIR contain accurate information because that may be riparian area that will be lost due to direct or indirect impacts of the development. The road in the drainage 4 area between Tributaries 4.6 and 4.9 may directly eliminate this riparian habitat. There is also potential impact in the EIR that was not discussed on areas where there was no grading proposed. Whether or not the road are not scheduled to impact or destroy some of the trees in this riparian area, the gradient on the hill slope that must be cut to put the road in is very steep. It is very likely that dirt and rocks from the road building will fill or impact drainage 4, destroying additional trees directly or indirectly by significantly altering their present habitat. The EIR must discuss all impacts such as these which would destroy more than either 259 or 284 trees that are discussed in the EIR.

The maps such as Figure IV.D.-3 titled Jurisdictional Delineation Map characterize a vegetation type as "Southern Mixed Riparian". Having surveyed much of the project site, we contend that this is primarily riparian Live Oak or Oak woodland. The predominant tree in this habitat is Coast Live Oak. In any natural habitat, there may be a number of trees species present in the habit. However, biologists tend to classify the habitat according the predominant species. The riparian Live Oak habitat is a rare habitat. The EIR must be corrected to reflect this and categorize how much of this habitat will be lost.

I also do not understand why in Figure IV.D-4 and other figures in this and other sections discussing the project impact show that this development will have direct impacts on the land known as the Duke Development property. The applicant does not explain in this section or other sections what they intend to do with the Duke property. They do not own this land and

should properly discuss impacts related to cumulative impacts. If the Duke development is built, it would be a cumulative impact. If the applicant intends to acquire the Duke Development site and impact it, it should disclose this. Otherwise, it is completely inappropriate for the applicant to modify, grade, improve or impact land which is not theirs. The consultant must fully explain why they are discussing impacts for property they do not own.

The EIR must discuss in this and related sections how their project meets or does not meet the policies and objectives of the Los Angeles General Plan. We have included the framework of the General Plan's Open Space and Conservation Element.

INTRODUCTION

The Framework Element contains goals, objectives, and policies for the provision, management, and conservation of Los Angeles' open space resources, addresses the outdoor recreation needs of the City's residents, and are intended to guide the amendment of the General Plan's Open Space and Conservation Element. As established by the State legislature, "open space" is defined at a broader level than the traditional zones that have been used by the City. It encompasses both publicly- and privately-owned properties that are unimproved and used for the preservation of natural resources, managed production of resources, outdoor recreation, and protection of life and property due to natural hazards. The inclusion of policies affecting private open space in this Element should not be interpreted to mean that the City intends to change fair market values or purchase such land.

The Framework Element's Open Space and Conservation policies also examine unconventional, non-statutory ways that the City of Los Angeles may create and utilize open space, particularly in parts of the City where there is a significant deficiency of this resource. These open space policies therefore address matters of land use, urban form, and parks development; subjects that are also addressed in other chapters of this document.

SUMMARY OF OPEN SPACE CHARACTERISTICS AND CONDITION

Although Los Angeles has open space resources located throughout its many neighborhoods, the City is properly characterized as an urbanized area framed by open space. The Pacific Ocean, San Gabriel Mountains, Santa Susana Mountains, Baldwin Hills, and the Santa Monica Mountains are examples of natural open space resources that bound the City and help define its geography and influence its development patterns.

Within these open space areas, a wide variety of environmental and recreational activities take place: from bird-watching to horseback riding, making Los Angeles unique among cities of its size.

Economic, social, and ecological imperatives require that Los Angeles take full advantage of all existing open space elements in the City, and create an extensive, highly interconnected Citywide Greenways Network. The economic dimension of this proposition is based on the development of places of pride and amenity that will maintain and augment property values, attract new investment, and establish greater economic stability in the neighborhoods. The social dimension is founded on the availability and distribution of open space resources to all residents of the City, on the way in which open space can instill and/or increase pride of place, and on the ability of

open space to connect neighborhoods and people throughout the entire City. The ecological dimension is based on the improvement of water quality and supply, the reduction of flood hazards, improved air quality, and the provision of ecological corridors for birds and wildlife.

The City's open space policies seek to resolve the following issues:

1. *Open space conservation and development are often competing goals.*

   Conserving ecologically and aesthetically important areas while meeting the needs of the developing community can create some difficult choices. During the 1980s, Los Angeles County created a network of Significant Ecological Areas (SEAs) to save remnants of the State's natural heritage. The status of many of these SEAs is not known to County officials, however, because very few resources were available to monitor and preserve them. Despite this lack of information, it is clear that development such as housing construction, commercial projects, roads and landfills has encroached upon many of the SEAs. Given that the City is largely built out, the pressure for development to intrude into these areas will likely continue.

2. *There is a deficiency of open space in the City.*

   As the City urbanizes, and the pressures of population growth and encroaching development activity increases, the amount of land available for open space continues to diminish. The difficulty in acquiring large, contiguous tracts of land reduces the likelihood of creating new regional parks the size of Griffith Park or smaller community and neighborhood parks. In addition, there are insufficient local funds to purchase open space land.

3. *The Los Angeles River presents numerous opportunities for enhancing the City's open space network.*

   Since the Los Angeles River and its tributaries pass through much of the City, they could become the "spine" of the Citywide Greenways Network. Where appropriate, these waterways could be developed as places for outdoor recreation and become amenities in the communities through which they pass.

4. *Park acquisition is limited due to existing patterns of development and lack of funding.*

   Since the availability of open space acquisition funds is based in part on local development activity, areas of Los Angeles that experience little or no development have more limited resources to acquire open space. Not surprisingly, such communities are often also the areas with the greatest open space need.

   The City has traditionally acquired open space through Quimby fees, park dedication requirements, and a dwelling unit construction surcharge. Quimby fees differ from the construction tax in that they are collected from development projects and must be spent in the community in which they are collected. Some areas of the City are recipients of

both the Quimby fees and the construction surcharge fee. Older areas of the City in which little new residential development occurs receive considerably lesser levels of funds and are characterized by the highest development densities. Discrepancies in the amount of open space that exists among communities results in the more densely populated areas having insufficient open space to meet the needs of their population.

5. *Park standards do not reflect current conditions and needs.*

Standards for various categories of parks, which were created when the availability of open space was not as limited, should be re-examined in view of changing population and urban form dynamics. If the population continues to grow and the amount of open space available remains more or less the same, the discrepancy between what is and what should be will continue to widen.

Existing open space standards (and, more significantly, existing open space acquisition policies) do not sufficiently recognize the full range of potential open space resources at the neighborhood and community levels. As opportunities for traditional open space resources are diminished, it is important to identify areas of open space that have not traditionally been considered as resources. Thus, vacated railroad lines, drainage channels, planned transit routes and utility rights-or-way, or pedestrian-oriented streets and small parks, where feasible, might serve as important resources for serving the open space and recreation needs of City residents in communities where those resources are currently in short supply. Additionally, as resources diminish, the quality, intensity, and maintenance of existing open space (especially in more dense neighborhoods) becomes more important.

Each development must conform to the goals and objectives of this plan. The EIR must discuss in this and related sections how their project meets or does not meet the policies and objectives of the Los Angeles General Plan.

GOAL 6A

An integrated citywide/regional public and private open space system that serves and is accessible by the City's population and is unthreatened by encroachment from other land uses.

RESOURCE CONSERVATION AND MANAGEMENT

Objective 6.1

Protect the City's natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City's natural resources to contribute to the sustainability of the region.

Policies

6.1.1 Consider appropriate methodologies to protect significant remaining open spaces for resource protection and mitigation of environmental hazards, such as flooding, in and on the periphery of the City, such as the use of tax incentives for landowners to preserve their lands, development rights exchanges in the local area, participation in land banking, public acquisition, land exchanges, and Williamson Act contracts. (P2)

6.1.2 Coordinate City operations and development policies for the protection and conservation of open space resources, by:

a. Encouraging City departments to take the lead in utilizing water re-use technology, including graywater and reclaimed water for public landscape maintenance purposes and such other purposes as may be feasible;

b. Preserving habitat linkages, where feasible, to provide wildlife corridors and to protect natural animal ranges; and

c. Preserving natural viewsheds, whenever possible, in hillside and coastal areas.
(P2, P9, P59, P60)

6.1.3 Reassess the environmental importance of the County of Los Angeles designated Significant Ecological Areas (SEAs) that occur within the City of Los Angeles and evaluate the appropriateness of the inclusion of other areas that may exhibit equivalent environmental value. (P2, P59)

6.1.4 Conserve, and manage the undeveloped portions of the City's watersheds, where feasible, as open spaces which protect, conserve, and enhance natural resources. (P2, P8)

6.1.5 Provide for an on-site evaluation of sites located outside of targeted growth areas, as specified in amendments to the community plans, for the identification of sensitive habitats, sensitive species, and an analysis of wildlife movement, with specific emphasis on the evaluation of areas identified on the Biological Resource Maps contained in the Framework Element's Technical Background Report and Environmental Impact Report (Figures BR1A-D). (P2)

6.1.6 Consider preservation of private land open space to the maximum extent feasible. In areas where open space values determine the character of the community, development should occur with special consideration of these characteristics. (P70)

6.1.7 Encourage an increase of open space where opportunities exist throughout the City to protect wild areas such as the Sepulveda Basin and Chatsworth Reservoir. (P1, P2, P59)

The EIR must discuss how it meets or does not meet the goals, objectives, **programs** and policies of the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan. The section on Open Space is pasted below:

OPEN SPACE

In the Community Plan area, open space areas exist which are not part of the City's Department of Recreation and Parks land inventory. Open space is important due to its role in both physical and environmental land use protection. Open space locations in the community include the Tujunga Wash, Angeles National Forest, the Verdugo Mountains, and the former Lopez Canyon Landfill site now known as Lopez Canyon Restoration Project.

Open Space is generally defined as land which is essentially free of structures and buildings or is natural in character and which functions in one or more of the following ways:

1. Recreational and educational opportunities.
2. Scenic, cultural and historic values.
3. Public health and safety.
4. Preservation and creation of community identity.
5. Rights-of-way for utilities and transportation facilities.
6. Preservation of natural resources or ecologically important areas.

The Plan designates most of the Tujunga Wash as a Natural Resource Preserve, to be utilized primarily for flood control purposes and secondarily for open space and recreational purposes. The Plan also recognizes the Conservation Plan identification of the Tujunga Wash as a rock and gravel resource area.
The objective of the classification and designation process required by the Surface Mining and Reclamation Act of 1975 is to assist local government in preserving for the future essential mineral resources that otherwise might be unavailable when needed. The State Mining and Geology Board has classified the Tujunga Wash area as a "Mineral Resource Zone - 2" which indicates significant mineral deposits are present. The natural resource preserve designation used in this plan is consistent with the objective of the Surface Mining and Reclamation Act in that it is intended to preclude development that would prevent future mining. The need to mine in the wash is not anticipated during the life of this plan and it is the intent of the plan to prohibit such mining through the year 2025.

The Plan designates the former Lopez Canyon Landfill Site as Open Space. The State of California requirements for closing a landfill site involve preparation of a postclosure maintenance plan. This plan mandates that the site be maintained and monitored for not less than thirty (30) years after the last shipment of waste to the site. The plan requires the detection and monitoring of methane gas and its migration underground during this time. In addition, a 30-year restoration project, entailing slope stabilization and landscaping, is proposed for the site. Closed organic waste landfill sites in the County of Los Angeles have not been reused for residential purposes.

The Plan proposes that the site be designated a future recreational area. **The Plan designates Stonehurst Avenue, La Tuna Canyon Road,** Lopez Canyon Road, Wentworth Street, Big Tujunga Canyon Road, Sunland Boulevard and **the Foothill Freeway as Scenic Highways. Scenic Highways are roadways which merit special controls for the protection and**

enhancement of scenic resources. The land area visible from, and normally contiguous to a Scenic Highway is known as a Scenic Corridor. The Plan proposes that protective land use controls be established for these corridors.

GOAL 5-*A COMMUNITY WITH SUFFICIENT OPEN SPACE IN BALANCE WITH NEW DEVELOPMENT TO SERVE THE RECREATIONAL, ENVIRONMENTAL, HEALTH AND SAFETY NEEDS OF THE COMMUNITY AND TO PROTECT ENVIRONMENTAL AND AESTHETIC RESOURCES.*

Objective 5-1 To preserve existing open space resources and where possible develop new open space.

Policies
5-1.1 Encourage the retention of passive and visual open space which provides a balance to the urban development of the Community.

Program: The Plan Map designates areas to be preserved for open space.

5-1.2 Protect significant environmental resources from environmental hazards.

Program: The Plan Map designates areas for open space.

Program: Implementation of State and Federal environmental laws and regulations such as The California Environmental Quality Act (CEQA), the National Environmental Protection Act (NEPA), the Clean Air Quality Act, and the Clean Water Quality Act.

Program: Implementation of SCAG's and SCAQMD's Regional Air Quality Management Plan, and SCAG's Growth Management Plan.

Program: **A minimum 100-foot buffer zone should be designated from the top of channel bank for all riparian habitats.**

Program: Projects that affect wetlands or natural waterways should comply with requirements of the California Department of Fish and Game and U.S. Army Corps of Engineers.

5-1.3 Accommodate active park lands, and other open space uses in areas designated and zoned as Open Space.

This project has conflicting goals with the preservation of La Tuna Canyon Road and the Foothill Freeways as scenic corridors. The community plan says that Scenic Highways are roadways which merit special controls for the protection and enhancement of scenic resources. The land area visible from, and normally contiguous to a Scenic Highway is known as a Scenic Corridor. The Plan proposes that protective land use controls be established for these corridors. This development would cause a significant and unavoidable impact on the Scenic Highways and Scenic Corridors. There could be no mitigation unless the project is not built. The EIR must discuss this and reach this conclusion.

This development will violate one of the programs under Policy 5-1.2. That program says "a minimum 100-foot buffer zone should be designated from the top of channel bank for all riparian habitats." Many places of both Development Areas A and B will have roads or lots within this minimum 100 foot buffer zone from the top of the riparian area channel bank. This is a significant and unavoidable impact of this development. This impact can be mitigated. The mitigation would involve redesigning the development to incorporate the 100 foot buffer zones. If this could not be done, the EIR must reach the finding that this development would have a significant and unavoidable impact on the 100 foot buffer zones from the top of the riparian area channel banks.

CEQA Guidelines in Section 15382 define a significant effect on the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance. Particular impacts to biological resources are considered significant if they adversely affect a rare or endangered species of plant or animal or their habitats, interfere substantially with the movement of any resident or migratory fish or wildlife species or substantially diminish habitat for native fish, wildlife or plants.

I will discuss the movement of wildlife species in Section IV –D.3. about wildlife movement. There are rare habitats such as the Riparian Live Oak that will be lost. The project does impact or is expected to impact rare plant or animal species. As these rare habitats or rare species will be eliminated or extirpated, it does adversely affect affect a rare or endangered species of plant or animal or their habitats or substantially diminish habitat for native fish, wildlife or plants. Based on these criteria found in CEQA, the consequence of this development would result in a significant unavoidable impact on the flora and fauna of the area. Mitigation efforts would not bring this below the threshold of significance. These rare habitats or species would be eliminated and not replaced with the same habitat types or species lost.

The EIR must be changed to reach this conclusion. Any other conclusion based upon the facts presented in the EIR would be false and misleading.

The EIR must contain a discussion of the overall loss of biodiversity with the development of this site. This is an important part of the project's discussion of impacts. The overall loss of biodiversity must be included and the significance of the project's impact of this must be discussed. If the applicant is planning to try to mitigate the loss of biodiversity on site, those plans must be discussed.

There should be a discussion of mitigation that the California Department of Fish and Game has required for the loss of the riparian Oak woodlands and Oak woodlands in similar projects in Southern and Central California. This is important to ascertain the proper mitigation for the loss of these resources. The DFG will require mitigation for the effects of this project. The DFG mitigation and monitoring requirements are listed below.

4.2.2 MITIGATION REQUIREMENTS

The 1997 statutory amendments require that the "impacts of the authorized take shall be minimized and fully mitigated." The measures required must be "roughly proportional" in extent to the impact of taking on the species. The measures required to mitigate for the impacts of take must also be "capable of successful implementation."

Regarding the amount of habitat mitigation required, the practice of deciding what amount of mitigation is necessary for take permits will not change substantially from past and existing policies and practices. DFG routinely requires full mitigation of the impacts of taking. The law is now explicit about the mandate to "minimize" and "fully mitigate" in a manner that is "roughly proportional" to the impacts, which essentially codified the existing practice. In circumstances where use of mitigation ratios has been appropriate, their use and the relative amount of mitigation land will continue similar to current practice; the "minimize," "fully mitigate" and "roughly proportional" standards in the 1997 amendments are expected to neither increase nor decrease the amount of habitat mitigation land required in practice for take authorizations. The proposed regulations do not change the statutory mandate; therefore, the regulations do not alter the standards that determine the amount of mitigation necessary to "minimize" and "fully mitigate" the impacts of take and that are roughly proportional in extent to those impacts.

Mitigation measures required in the past have also been capable of successful implementation. The law includes the conceptual standard of "successful" implementation. The statutory standard reflects the approach historically used by DFG to define mitigation requirements, so substantial changes in practice are not anticipated.

4.2.3 MONITORING FOR EFFECTIVENESS

The 1997 statutory amendments' inclusion of the mandate that mitigation measures must be capable of successful implementation and that adequate funding for monitoring of effectiveness must be assured has established the need for monitoring of effectiveness of required minimization and mitigation measures. This is a new statutory requirement and it is modifying the mitigation monitoring features of DFG's compliance practice for incidental take permits. Effectiveness monitoring is being required now for incidental take permits along with financial assurances for the monitoring. The benefit of this requirement is to provide better understanding of the success of the mitigation measures implemented.

With the mandate and standards established in the law, the proposed regulations provide guidance about how to carry out the requirement. Specifically, §802(a)(9) and (10) calls for the preparation of a plan to implement effectiveness monitoring, an identification of sources of funding, and a description of the level of funding available. While the mandate to provide monitoring was created by statute, the regulations will help shape future practice and will provide an established means by which to satisfy the statutory mandate.

The EIR should discuss the benefits of Oak woodlands, Oak trees, and major ecosystems present on site. There is only a very brief description of some of the inhabitants of the different communities. This should be included in this EIR to help the City Council properly evaluate what will be lost.

I believe that important rare animal species were missed as a result of the survey work. Accurate survey work must be done and surveys must be conducted again to make the information in the EIR accurate in order to understand what flora and fauna will be lost and the significance of the project's impact on wildlife. Also, the EIR must state how it does or does not meet the Los Angeles General Plan Objectives and Goals on Open Space preservation. The conclusions of the EIR must be changed to note that this project will create a significant and unavoidable impact on the flora and fauna of the area.

Section IV. D.2. BIOLOGICAL RESOURCES-NATIVE TREES

The consultant discusses the potential impact on 486 adult coast live oaks and western sycamores in the project area. All other native trees with a diameter measured at breast height (52") of 12" or more should be counted. There are willows present in both the impacted Development Areas A & B. These are not mentioned as adult trees. It is uncertain why the consultant omitted mention of these trees and possibly others as part of a native tree inventory.

Also, in some areas the development may have a greater impact on trees than what is discussed in the EIR. The EIR discusses 259 trees that will be impacted. There are an additional 25 trees that the EIR consultant believes will be preserved, but may actually die as a result of the development disturbance. Also, in Section III of the EIR, there is a discussion of 20% remedial grading. As there was no map provided that showed the full impacts of grading and disturbance including the 20% remedial grading, an unknown number of additional adult trees may be lost in the development.

There is also potential impact in the EIR that was not discussed on areas where there was no grading proposed. For example, the applicant plans to build a road without houses near parts of drainage 4 in Development Area A. Even though parts of the road are not scheduled to impact or destroy some of the trees in this riparian area, the gradient on the hill slope that must be cut to put the road in is very steep. It is very likely that dirt and rocks from the road building will fill or impact drainage 4, destroying additional trees directly or indirectly by significantly altering their present habitat. The EIR must discuss all impacts such as these which would destroy more than either 259 or 284 trees that are discussed in the EIR.

The EIR must discuss the impact on trees and other plants outside the project footprint. There are trees and other plants that will die in that are outside the project footprint. They will die because their surrounding environment will be sufficiently altered such as loss of water, shade, nutrient enrichment from surrounding ecosystem. The trees that will be impacted are both within and outside the applicant's property. Many trees and other plants outside or near the adjacent subdivision will be affected.

I believe that the general health and size of the adult trees that will be impacted is generally better that the EIR consultants have stated. However, these factors are not taken into account when considering adequate replacement for the loss of these trees under the Los Angeles Municipal

Code.

The measurement of the health of trees is a subjective art. Many of the native trees, especially oaks may exhibit fire damage near the base and have non-diseased cavities but yet are very healthy and will live many more years than the consultant's rating system may lead you to believe. These native trees survive very well in these conditions and may survive multiple wildfires in their lifetime. Therefore, it would be difficult to place a monetary value on the trees lost using these subjective criteria to help determine the value of the trees.

I conducted a quick survey of what I thought would have been some of the trees inventoried by the EIR consultants in their tree count. The results of our survey are shown in the table below.

EXAMINATION OF TREE INFORMATION
CANYON HILLS ENVIRONMENTAL IMPACT REPORT

Based on Survey Conducted Nov. 22, 2003

	Per Environmental Impact Report					Per Survey			
	Tree Number	Species Name	Status	Effective DBH (in Inches)	Overall Rating	Species Name	Effective DBH (in Inches)	Overall Rating	GPS Location
1	Unrecorded					Willow, possibly Black Willow	21	Good	N 34, 14.411, W118, 17.862
2	Unrecorded					Willow, possibly Black Willow	15	Good	Near Tre Describe Above
3	429	Platanus racemosa	Possibly Impacted	16	2.6	Platanus racemosa	18	Healthy	
4	Unrecorded					Quercus agrifolia	27	Healthy	N34, 14.421, W118, 17.849
5	Unrecorded					Quercus agrifolia	17	Healthy	Near Tre Describe Above
6	Unrecorded					Quercus agrifolia	33	Healthy	Near Tre Describe Above
7	223	Quercus agrifolia	Possibly Impacted	21	3.8	Quercus agrifolia	24	Healthy	
8	428	Quercus agrifolia	Impacted	24	3	Quercus agrifolia	Not Measured	Healthy	

9	215	Quercus agrifolia	Impacted	25	3.4	Quercus agrifolia	26	Healthy
10	219	Quercus agrifolia	Impacted	13	3.4	Quercus agrifolia	14	Good
11	210	Quercus agrifolia	Impacted	24	3.6	Quercus agrifolia	27	Healthy
12	212	Quercus agrifolia	Impacted	29	2.4	Quercus agrifolia	30	Good

Of 12 Trees selected for survey, 5 or 41.7% do not appear on the EIR despite their presence in the impacted area.

All 12 trees that we examined are either good or healthy meaning that they had no damage or disease which would impair or abridge the life of these trees. Of the trees documented, we believe that 3 of 7 trees described in the EIR are probably in better health than the EIR consultant's rating would be described or 42.9% of the population described. We basically agree with the assessment of the other 4 or 57.1% of the surveyed trees description of health.

We compared the measurements of 6 trees described in the EIR to our field measurements. Of these 6 measurements 3 or 50% were different by about 1". This is not significant and means that the consultant's measurements are probably correct. However, in 3 or 50% of the tree diameter measurements taken at breast height (52"), our measurements varied 2 or more inches, our measurements recording tree diameters of about 10 % greater than the EIR consultants.

It is astounding that in a sample count, over 40% of the trees that I counted were excluded from the tree survey. These were native oaks and willows that should be part of the tree inventory for that immediate area. If these results were applied on the applicant's development area as a whole, there would be a phenomenal number of trees that should be inventoried for potential development impact.

Also, the presence of willow trees may indicate in that area, it may be classified as riparian willow habitat. If there are willow trees that are in that area, that must be noted in the EIR, because the destruction of those trees would result in a significant and unavoidable impact on a rare habitat. This rare habitat is conceivably habitat for the Least Bell's Vireo, which uses willow areas as nesting sites. The tree survey must be redone to account for trees and rare habitats that may be lost that were missed on the original tree survey.

I conducted another habitat survey on December 6, 2003. I found 5 more willows that should be classified as "trees" that were excluded from the tree surveys. These were in drainage 4 and had trunk diameters in excess of 12 inches. One had three trunks with diameters of 13", 10", and 11" respectively. The total trunk diameter measured at breast height would exceed 12 inches. The second willow had three trunks of 10", 12", and 8" respectively. The total trunk diameter measured at breast height would exceed 12 inches. The third willow had five trunks. One trunk had a diameter of 15" and the other four were not measured. The total trunk diameter measured