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August 31, 2009

Attention: Jodie Sackett
County of Los Angeles Department of Regional Planning
320 West Temple Street, Room 1382
Los Angeles, CA 90012

re: DEIR Case No: 02-176, Fairmont Butte Motorsports Park

Dear Mr. Sackett,

Thank you for the opportunity to comment on the proposed Fairmont Butte Motorsports Park. ***The board of directors of Antelope Valley Conservancy strongly recommends that approval for this project be denied.*** This request is based on existing biological resources on and adjacent to the proposed project site and the substantial investment made in preserving land surrounding the proposed project area by the Antelope Valley Conservancy, The Nature Conservancy, Santa Monica Mountains Conservancy, Archaeological Conservancy, City of Lancaster, Los Angeles County Parks and Recreation Department, and California State Parks. The project is located in a South Coast Missing Linkages-documented wildlife corridor, and within and adjacent to a Los Angeles County-designated Significant Ecological Area. The proposed project is incompatible with current adjacent land uses and will have significant detrimental impacts on ecosystem function and wildlife movement, and on recreational and cultural resources.

The DEIR states that several significant impacts cannot be adequately mitigated to a level that is less than significant. We therefore request that the project be reconsidered. Despite the just conclusion for certain impacts, the document fails to address other relevant environmental concerns. We therefore urge the Planning Commission Director to require the applicant to prepare a new DEIR that corrects insufficiencies and rectifies specific data gaps.

The inadequacies of the Biological Resources Section and inadequate consideration of cumulative impacts in the Draft Environmental Impact Report (DEIR) warrant deep concern.

1. **Biological Resources Section.** The Biological Resources Section is based, in part, on incomplete supporting studies and surveys. Several potential impacts not discussed or discussed in general terms, proceeding with the review process appears premature.
 - a. The initial plant survey was undertaken over six years ago in late May following a period of temperature in the 81 to 100 degrees Fahrenheit (Edwards AFB Climatology). Due to ***the number of special status plants*** expected to occur on the project property, a single plant survey conducted late in May is inadequate to obtain an acceptable listing of plants growing on the property.

A rare plant survey consistent with the methodology outlined in the California Native Plant Society's General Rare Plant Survey Guidelines should be performed

(http://www.fws.gov/sacramento/es/documents/rare_plant_protocol.pdf). ***We request the Planning Commission to direct the developer to conduct more appropriate plant surveys consistent with the above-mentioned methodology.***

- b. The DEIR suggests that an inadequate survey of species was conducted, particularly for nocturnal ***rodent and reptile species***.
- c. The surveys and reports do not adequately address the seasonal changes in insect and bird diversity. Over the last few years, more than 20 bird species currently protected under the ***Migratory Bird Treaty Act*** have been observed on surrounding properties. ***We request that the Planning Commission direct the developer to reaccomplish seasonal surveys to more accurately depict the species reliant on the property's habitat in a revised DEIR.***
- d. The DEIR proposes to ***trap and relocate several special-status species***, specifically the silvery legless lizard and coast horned lizard, as a mitigation action for these species. Many reptiles are territorial, and the DEIR provides no evidence that this mitigation action will be effective or is scientifically supported. ***We request that the Planning Commission direct the developer to provide evidence that this mitigation will protect these special-status species.***
- e. The DEIR repeatedly describes the northern portion of the site as disturbed with unpaved roads, agricultural use, gravel mining, sheep grazing and off-road use, which misrepresents the condition of the land. Gravel mining occurred in a very small area. There is only one small off-road track on the property other than at the rock quarry, which is outside the race track plans. Historical aerial photographs at the Natural Resources Conservation Service Lancaster Service Center document that the property has not been farmed for decades.

The land has recovered, and the final vegetative community is established: a community rich in native wildflowers. The SEATAC itself has documented the need to quantify the degree of recovery of previously disturbed lands.

The DEIR identifies sheep grazing as a disturbance, despite active, ongoing scientific debate and research as to whether grazing can be categorized a "disturbance" or if it is beneficial to native wildflower displays.

Photographs taken on the proposed project site have won prizes in photographic competitions and have been featured on the front covers of national magazines and calendars, all of which evidence attests to the quality of wildflower displays that will be lost if this project is approved. Broad Canyon is one of the best sites for annual wildflower displays. With wildflower areas in the state already destroyed, this area is worthy of, and demands, our protection.

- f. Wildlife migration corridors are not adequately addressed. South Coast Missing Linkages (Beier et al 2005) specifically discusses the importance of this portion of western Mojave to predators such as mountain lion. Mountain lion and black bear have been documented from several places in the Antelope Valley floor;

the document only briefly mentions bobcat, kit fox, and coyote as migratory mammals in the project area. It does not mention the effect of noise and nocturnal activities as well as other indirect effects on migratory wildlife.

- g. Typographical error in section 5.5.5.5.2- *Branchinecta conservatio* not *conservation*.
- h. Also in section 5.5.5.5.2 - Le Conte's thrashers do not normally nest in Joshua trees. They more normally nest close the ground in shrubs, where they are more typically detected.

2. **Inadequate DEIR analysis of light, noise, vibration, fire danger, and other cumulative impacts.** A critical failure of the DEIR is its inadequate consideration of offsite impacts and cumulative impacts.

- a. ***Lighting.*** While numerous studies document significant detrimental impacts on nocturnal species due to nighttime lighting, this DEIR provides an unacceptably limited discussion of project lighting and its impacts. The DEIR provides only general comments about downward pointing lights, and indicates that a lighting plan will be prepared at a future time. This DEIR does not provide a level of data required for the public to assess its impacts. ***We request the Planning Commission to direct the developer to prepare and include a lighting plan, including an analysis of lighting's impacts on nocturnal species and cumulative impacts on regional ecology, in a revised DEIR, providing quantifiable data that will allow the public to evaluate and comment on this potentially significant project impact.***
- b. ***Noise.*** The DEIR's discussion of the potential impact of noise is limited to traditional traffic and momentary noise sources. The frequency, harmonics, and sound level of racing cars significantly differs from traffic din. As pointed out in the DEIR, there is very little research data on the effects of noise even on birds, let alone other species, which should force us to err on the side of prudence. Studies conducted by the military on the effects of sonic booms are and low-overflight are based on sporadic and generally brief impacts. Recently published data (Goodwin 2009) suggests that birds that vocalize in the frequency range of traffic din are driven away from traffic noise sources. The DEIR provides no discussion of the expected frequencies and amplitude characteristics of racing cars, vocalization frequencies of birds frequenting the area, or the potential impact that noise will likely have on bird populations. If raptors and other birds are driven from the Fairmont area as a result of this project's noise, it will have a profound impact on the ecology of the area. ***We request the Planning Commission to direct the developer to reaccomplish his DEIR, with detail, quantifiable data, and discussion of all project impacts.***
- c. ***Vibration.*** While it is widely recognized that rodents, their predators, and reptiles are sensitive to ground vibrations, the DEIR has no discussion of vibration. Any impact to these important consumers of rodent and insect populations will have extensive, cumulative impacts on the eco-region. ***We request that the Planning Commission direct the developer to include a discussion on vibration and its effects in a resubmitted revised DEIR.***

- d. ***Fire Potentials.*** The current DEIR is seriously remiss for not discussing the potential impact of increased fire risks due to this project. Periodic racing crashes or engine mishaps, potential fireworks displays, and “attractive nuisance” draw for nonpaying and uncontrolled spectators accessing the Buttes to watch the racing activities, can result in the ignition of vegetation on and some distance from the track roadway. Combined with regular winds and dry vegetation for most of the year, ***a brush fire is more likely to be started than if the facility is not approved.***

It is widely documented in scientific journals that fire increases the spread of invasive plant species, and that the vegetative community is likely to be permanently altered following a fire. ***We request that the Planning Commission direct that a revised DEIR include a discussion of fire risk, likely consequences to plant and animal communities, and a proposed mitigation plan to reduce fire risk and ensure restoration of fire consequences.***

- e. ***Fencing, Devices, and Streambed Alterations.*** Contrary to claims in the DEIR, Fairmont Butte, particularly at its base, is a significant wildlife corridor, documented in the South Coast Missing Linkages and other reports. There are numerous documentations of recent and historical movements of coyotes, mountain lions, bobcats, lynx, black bears, and other top-level carnivores and omnivores that are critical to ecosystem function. The six-foot chain link fencing on the west and northern borders, and onto the flank of the butte, will be a barrier to wildlife movement. ***We request the Planning Commission to direct the developer to use only range fencing on this project.***

The DEIR refers to installation of devices adjacent to the track to prevent burrowing owl from foraging on the track, yet gives no details for the public to assess the appropriateness of the proposed design.

And, contrary to statements in the DEIR, Broad Canyon does have a deep and well-defined drainage bed along much of the west side of Fairmont Butte, affording cover for coyote and other wildlife movement.

Therefore, we request the Planning Commission to direct the developer to prepare a revised DEIR, to include description and analysis of all means that may impact wildlife and wildlife movement, to include evidence to support the DEIR’s claim that the site is not a wildlife corridor, and to prepare and include all wildlife and watershed resource plans for the project.

- f. ***Cumulative Impacts.*** The DEIR fails to consider the cumulative impacts of its project on the functioning biotic community and the regional ecosystem. It also fails to consider the cumulative impacts of its project in light of other regional projects, including Renewable Energy Transmission Initiative sitings, Antelope-East Kern Water Banking, Public Utility Commission Transmission Lines, 28,000 homes and commercial development of Centennial at Quail Lake, and dozens of other planned projects in the area. ***These cumulative impacts render preservation of the functioning ecological corridor, including the project site, as nothing less than critical.***

It is essential that recreational opportunities be enhanced, not lost. The scenic beauty and passive recreational enjoyment of preserved sanctuaries and County-approved multi-use trails in the immediate vicinity are public treasures that must not be compromised for a commercial venture such as the Fairmont Butte Motorsports Park. These are resources that must be preserved for future generations. These are resources that cannot be replaced, or mitigated for elsewhere. There is nowhere else in which to preserve these resources.

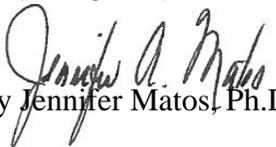
We request the Planning Commission to direct the developer to analyze and discuss the cumulative impacts of its project on the ecosystem, on regional recreational and cultural resources, and with consideration to other regional developments, in a new, revised DEIR.

These analyses should include impacts that are, in this current DEIR, indicated to be addressed in plans that will be developed ***after*** project approval, to wit, a habitat management plan, a lighting plan, a streambed alteration plan, a Joshua tree protection and restoration plan, and a desert wash creation/enhancement plan. It is critical that these plans be completed ***prior*** to project approval, to allow public and trustee agency review and comment as intended by CEQA.

- g. ***Mitigation.*** Lastly, the likely cumulative impacts of this project call the DEIR's proposed mitigation measures into serious question. ***No mitigation can significantly reduce*** the detrimental impacts of this project on protected species, its impacts on sensitive plant communities, and its impacts on the last remaining active north-south wildlife corridor in the area. ***No mitigation can significantly reduce*** this project's detrimental impacts on the functioning ecosystem of one of the last remaining forland biotic communities. ***No mitigation can significantly reduce*** the detrimental impacts of this project on preserved lands, recreational resources, and cultural resources owned by conservancies and federal, state, and local agencies in the area of the project site.

There are no overriding reasons for the LA County Regional Planning Commission to approve this project in light of these unmitigatable significant impacts. The economic benefits cannot be considered an overriding factor. There are many alternative sites available, more appropriate for a motorsports facility. We request the Planning Commissioners to deny approval for this project.

Respectfully Submitted,
by Resolution of the Board of Directors of
ANTELOPE VALLEY CONSERVANCY


by Jennifer Matos, Ph.D., Chairperson