

COMMENTS

RESPONSES

Page 1 of 1

To: <Nelsongang@aol.com>
Cc: "Rojas, Joel" <joelr@rpv.com>
Subject: Re: Re: DEIR Review Period

Bob,

Thanks for the comments. The area below in red is noted. By copy of this to staff I am requesting their comment on the idea of a critical path for the NCCP.

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----- Original Message -----

From: Nelsongang@aol.com
To: clark@rpv.com ; Tom.Long@rpv.com ; Douglas.Storn@rpv.com ; SteveW@rpv.com
Sent: Friday, March 26, 2004 3:03 PM
Subject: FYI: Re: DEIR Review Period

Mayor Pro-Tem Clark, council members Long, Stern and Wolowicz,
At the last Council meeting, during remarks on the NCCP DEIR, I pointed out my reading of the law (section 2815(a)) was this DEIR should receive a 60-day public review, not 45. Afterward, Mayor Pro-Tem Clark directly questioned Carol and Joel about this and received the comment I was wrong, 45 days was correct. I have no problem with that except 45-days exempts the DEIR from being "a draft document associated with the NCCP" to which the obvious question is why are we funding the DEIR?
I am pleased to let you know - today the Planning Department did indeed extend the review period to 60 days and our DEIR does now qualify to be associated with the NCCP. In the same announcement it was quietly published that a meeting will take place **Wed April 14 @ 7PM** in the community room. A question and answer session with **Joel Rojas and Barbara Dye on both the DEIR and draft SubArea plan.** I'm marking my calendar to re-engage Joel on the mandatory finding cost questions I raised at council and the answer I received.

NELSON 1

Councilman Long: One of my submitted comments on the DEIR was it cries out for a CP - Critical Path - re time/cost phasing to the end documents and events the Council has declared 2004-5 goals. Should you decide this is a good idea, I'm sure your helpful pushing in that direction will be needed. Sure would help you and the Council status this project.

NELSON 2

Bob Nelson

Comment 1

The EIR comment period was extended to 60 days.

Comment 2

The City's consultant has been asked to prepare a timeline for inclusion in the staff report which will be presented to the City Council with the Plan. The report on the financial analysis of the Plan that was provided to the Finance Advisory Committee is included in Appendix C of the Plan.

COMMENTS	RESPONSES
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Robert A. Nelson
6612 Channelview Court
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Carlsbad Field Office
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RECEIVED
MAR 20 2004
PLANNING, BUILDING &
CODE ENFORCEMENT

March 26, 2004

**Comments on Draft Environmental Impact Report (DEIR), dated Feb. 20, 2004
(Rancho Palos Verdes Natural Communities Conservation Planning SubArea Plan
(NCCP) (SCH 2003071008) dated February 20, 2004)**

Dear Mr. Rojas, Mr. Tippetts and Ms. Goebel,

The purpose of this cover letter is to provide you an "Executive Summary" of what follows: my comment letter on our subject DEIR and to prepare you for our follow-on EIR.

Initially, I provide 5 comments. These question this 45-day review period vis-à-vis 60-day review per section 2815(a), request a revised "Executive Summary, request acronyms be spelled out at first usage, request a Critical Path chart be included and question how much of the project will actually be revegetated in the next 50 years vs. public expectations.

Then I give DEIR my comments, section by section. Many are minor corrections.

Some are major. For example:

- 1. I believe state and federal agencies may receive a significant overestimate of both lands actually going into the Reserve (section 3.4.2.2) and current usage (5.3-1). } NELSON 3
- 2. Table 5.2-3 (Consistency (of NCCP) with Applicable (Current) Plans and Policies) is fatally flawed. I found in 25 of the 74 measurements either "weasel" words were used to find compliance or, to provide consistency, portions of the goal or the entire goal was ignored. } NELSON 4
- 3. Also Table 7-1 (Comparison of Alternative Conservation Plans) is the only mention of project cost. In my comments I request expansion of this cost data and verification using RPV's Finance Advisory Committee. } NELSON 5

I support RPV's NCCP and believe our DEIR is a significant first document. However, it needs all our help to be a more accurate and useful reference companion to our NCCP.

Thank you for your time and effort on behalf of all the citizens of RPV.

Sincerely,

Bob Nelson

Comment 3

The acreage estimates are based on property ownership and calculated from parcel boundary information provided by the City and SCAG. The estimates are sufficiently accurate for the purpose of CEQA analysis.

Comment 4

The City believes that the Subarea Plan is consistent with applicable plans and policies.

Comment 5

In response to questions about the long term costs to the City and funding, Staff Reports discussing the fiscal impacts of the NCCP were presented to the City's Finance Advisory Committee (FAC) on April 28 and May 26, 2004. After a review of the project costs to the City, the FAC concluded that it did not note anything problematic and that the City Council should move forward expeditiously with the completion of the NCCP and the related land acquisition.

COMMENTS

RESPONSES

Comment 6

See response to Nelson comment 1.

Robert Nelson: Comments on February 20, 2004 DEIR

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Joel Rojas
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RECEIVED

MAR 26 2004

PLANNING, BUILDING &
CODE ENFORCEMENT

March 25, 2004

Comments on Draft Environmental Impact Report (DEIR), dated Feb. 20, 2004
In support of
Rancho Palos Verdes Natural Communities Conservation Planning SubArea Plan
(NCCP) (SCH 2003071008) dated February 20, 2004

Dear Mr. Rojas,

At our City Council Meeting March 16, 2004 public comments on this DEIR were taken and I gave my slightly over 3 minutes worth. Afterward, in a sidebar with you and the city attorney, I was told my remarks about the DEIR being silent regarding Calif. DFG (Calif. Dept. of Fish and Game) mandatory NCCP section 2800 findings, particularly sections 2820(a)10, 2829(f)1E and 2829; that these were not apropos because this DEIR is not the NCCP and is not being considered a draft document associated with the NCCP. Further, answers to my questions would be found in our NCCP, a new version to be available in two weeks. (See Comment 1 below.)

Here I am submitting comment directed to this DEIR for incorporation in the final EIR.

Five initial comments.

1. DEIR Review Period:

On March 16, at the City Council meeting, you explained, though this DEIR "supports" the actual NCCP, it is not the NCCP and in fact, does not qualify under section 2815(a) of Senate Bill 107 (Calif. Dept. of Fish and Game - NCCP section 2800 et al) for 60 day review.

The lead agency, the City of Rancho Palos Verdes, does not consider this DEIR to be (2815(a)) "draft document(s) associated with a natural community conservation plan" even though 2815(a) continues "The review period specified in this subdivision may run concurrently with the review period provided for by any document required by the California Environmental Quality Act (CEQA) ... that is associated with the natural community conservation plan."

The evening of March 16, upon my questioning, our city attorney indicated CEQA trumps the 60-day requirement, reducing it to the current 45-day period, something I still question in view of the above. I believe the review period for this DEIR should be 60 days.

Supporting my opinion is the DEIR's verbiage on pg. 1-2. "The EIR/EA is intended to be used by the City in its capacity as lead agency under CEQA for the adoption of the NCCP ... to be relied upon in the future by the USFWS in its role as lead agency ... etc."

Again, I am asking your double check the review period for this DEIR and:

If it is not a 2815(a) "associated document," then my opening request is the EIR clearly state that, revise Section 1.2 as to why it is being done and clearly divorce our EIR from our NCCP.

NELSON 6

<i>COMMENTS</i>	<i>RESPONSES</i>
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Robert Nelson: Comments on February 20, 2004 DEIR

2. Introductory Executive Summary:

Most documents, of as substantive nature as this, have a brief **Executive Summary** as a lead off. The final EIR needs this to enable any reader to *quickly grasp the document's authority, summary findings and required future action. One page. Needed.*

NELSON 7

3. Define Acronyms:

The first time you use an acronym (such as IS) paren its full meaning. Example: IS (Initial Statement). It wasn't always done in the DEIR and try to do this in the EIR.

NELSON 8

4. Chart of Project's Critical Path (CP)

The DEIR does not contain a critical path (CP) chart and the EIR should have one. This will time phases all activities to reach our end goal and quickly permit determination of ahead or behind schedule condition. For example, time phasing processing steps of all (1) required documents through their final state and federal approvals; (2) post-approval implementation processes and (3) funding requirements should be included. *To improve overall project visibility and credibility, and to avoid Council exposure to time-phase questions such as status, this one or two page CP should be part of the EIR, even if not required.* Preferably placed in the EIR just after the new one page Executive Summary.

As a start here are time-phased end activities for such an EIR Critical Path:
(from Rancho Palos Verdes City Council Goals for 2004-2005)

July 1, 2004

Council receives the draft NCCP, EIR and Implementation Agreement (IA)

PVP Land Conservatory to have \$6 million commitment

Council to have \$2 million commitment from LA County

September 1, 2004

Complete negotiation of the IA and State Funding package

October 1, 2004

Lobbyist to have commitment of \$17 million state funds

November 1, 2004

Complete funding package for land acquisition

December 1, 2004

City completes acquiring the properties

March 1, 2005

Nature Preserve opens to public

In a CP each of these items would have it's own brief schedule of time-phased events to accomplish these dates.

NELSON 9

5. Length of Project

Within this DEIR are many references to it being a 50-year plan that will clear 5 acres a year (and revegetate those the following year). In 3.4.5.3.2 "5 acres or 20 small sites" is introduced. I would suggest the EIR remove all reference to 5 acres and use only the 20 small sites. *That goal may be doable each year.*

There are 1514 acres in the proposed Reserve, at 5 acres per year that will take 302 years, not 50. *Math shows a 50-year project will do 250 acres.* The EIR should either admit it all will not get done in 50 years, spelling out what acreage will receive the 5 acres/year plan, or take the easy route and say 20 small sites per year. *Don't mislead your community. They think all 1514 acres are going to be revegetated.*

NELSON 10

Comment 7

The executive summary is provided as Section 2 of the EIR.

Comment 8

All abbreviations and acronyms are listed and defined at the end of the Table of Contents.

Comment 9

Please see response to Nelson comment 2.

Comment 10

The text has been clarified. A plan would be developed selecting 5 acres or 20 small sites for plant removal each year. The Targeted Exotic Removal Program (TERP) is in addition to the Habitat Restoration Program. Additional restoration will be initiated as other funding sources allow.

<i>COMMENTS</i>	<i>RESPONSES</i>
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Robert Nelson: Comments on February 20, 2004 DEIR

What follows are my comments regarding potential corrections to our DEIR. Please understand I have included some "editorial" comments to set the actual, real political scene and to avoid miss-leading the approving bodies. For readers who might be upset, I presume they used this review period to provide their own comments for inclusion in the EIR.

Section 1 (Introduction and Purpose)

1.4 (Compliance with CEQA)

See my comments under 1. Review Period above.

1.5.2 (CEQA/NEPA Scoping Process)

3 issues were considered potentially "significant" included recreation. This should be changed to "active recreation vs. passive recreation." The City Council has taken a stand, applauded by our environmentalists; there will be no active recreation (ex: girls softball at the Interpretive Center - by unanimous vote). I believe their public stance against active recreation should be part of the EIR as it explains quite well the total lack of active recreation in both the DEIR and NCCP. (And the reader should note 3,600 girls playing softball were denied 4 badly needed playing fields in favor of the Interpretive Center docents, a special interest group, who want to use the area for "dry farming" or some such.)

NELSON 11

1.6 (Format of the FIR/EA)

I believe the EIR should start with the current Section 2 (Executive Summary) as revised above in Comment 2, then add a Critical Path figure and then flow into the existing Section 1 and onward. I believe the readers will want first to know the document's authority, summary findings and future action before what is now the current section 1 (CEQA compliant information).

NELSON 12

Section 2 (Executive Summary)

As in point 2 above I believe the readers would like a one page Executive Summary as the first page (Section 1) of the EIR, with the document's authority, summary findings and future action. Nothing more. The current Executive Summary (Section 2) could be incorporated into the EIR following the CEQA compliant information (currently in Section 1). That is, the EIR could have a new Section 1 (Executive Summary) followed by a new Critical Path figure and then the DEIR's current Section 1 and 2 combined into a new Section 2. Just for ease of reading.

NELSON 13

2.5 (Environmental Issues/Mitigation Summary)

Structurally this belongs at the end of Section 5 (Description of Environmental Setting, Impacts and Mitigation Measures). An Executive Summary does not contain 4 pages of tables. But if they do remain unchanged in the EIR add in another Executive Summary topic - total program cost.

NELSON 14

Table 2.1 page 2-6 "Biological Resources" ref. 5.1.2.4

The mitigation measures here are the crux of the entire project. The EIR's discussion of the probability of failure on the part of one party or the other should be at least referenced here to its discussion page in the EIR. That is, as stated, mitigation is "less than significant" only if there is a backup plan addressing recovery from the failure of one party to perform. Otherwise, there is no mitigation. Example: vegetation. The EIR should discuss this.

NELOSN 15

Section 3 (Project Description)

This section has minor errors, mostly in "Figures." Where I have knowledge of these they are pointed out below.

3.4.2.1 (Existing Public Lands)

What is the difference between paragraph 1 and 2, i.e., City-owned lands dedicated as biological open space to be included in the Reserve (para1) and City-owned land to be dedicated to the Reserve (para 2)? They are all city -owned lands that will be in the Reserve. So

NELSON 16

Comment 11

The state CEQA Guidelines identify the environmental factors that an EIR is to examine, one of which is "Recreation". Therefore to remain consistent with the CEQA Guidelines, the issue will remain titled "Recreation". City decisions made on lands outside the Reserve are beyond the scope in analysis in this EIR.

Comment 12

The format of the EIR is consistent with CEQA guidelines.

Comment 13

Comment noted. The current format of the EIR is consistent with CEQA guidelines.

Comment 14

Information regarding program costs has been added to Section 2.

Comment 15

Project-specific mitigation requirements will be required to be fulfilled prior to or concurrent with the approved loss of habitat. Other conditions of the take permit and Plan must be in compliance for the permit to remain active. Plan and permit compliance will be reviewed annually by the City and Wildlife agencies.

Comment 16

The City owns some lands already dedicated as biological open space. Other City Lands are not yet dedicated, but are proposed for dedication with this Plan. Lands already dedicated as biological open space cannot be used for habitat mitigation acreage for projects covered by the Plan.

COMMENTS	RESPONSES
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Robert Nelson: Comments on February 20, 2004 DEIR

make one paragraph and call it that, i.e., "City-owned lands in the Reserve." Confusing otherwise.

NELSON 16 (cont'd)

3.4.2.2 (Private Lands)

Only 6 acres appears certain for inclusion. 177.6 acres are subject to highly doubtful actions in order to be included. 41 acres will not happen until the City Council approves a development project as a quid pro quo, 136.6 acres from HOAs are most likely subject to super-majority votes of residents per their CC&Rs and, usually, HOAs have problems just getting a majority to even vote. Also the referenced "Additions to the Reserve" process is not explained. I conclude the total acreage should be stated as 6, not 183.6. That is the real, today number. I admit tomorrow could be different but the Calif. DFG should have actual existing numbers with other potential acreages given a probability and estimated date of inclusion.

NELSON 17

3.4.2.3 (Priority Acquisition Areas)

This acreage is the reason for this entire exercise. The EIR should note the reference to the 17.9 acres for "active recreation" is also in an "active landslide" area. This gives the City Council and PVPLC the opportunity to deny any construction to provide for "active recreation" and the opportunity, therefore, to prevent any "active recreation" within the project. The reader should know this prohibition is a goal of the PVPLC, Interpretive Center docents and our City Council. It is totally in line with their proven anti-active recreation development stances vis-à-vis Pt. Vicente Interpretive Center land outside the Project and Denial thereof of girls softball diamonds. Unanimously.

NELSON 18

3.4.5.1 Public Use Master Plan (PUMP)

The EIR, due fire threat, should address the PUMP pertaining to lands outside the Reserve Boundary. Particularly properties adjacent to reserve and neutral lands. As currently projected, lands within the reserve will grow without mitigation for fire. Therefore, the EIR should require the PUMP to include providing dirt fire lanes adjacent to the Reserve so easy access can be made: when the fires come; for access to the 5 acre restoration projects and permit "passive recreation" enthusiasts to enter. (Otherwise the residents will figure how to access the Reserve anyway.) Providing these lanes could, in case of fire, save structures and the resulting lawsuits against PVPLC and the City based on non-access.

NELSON 19

Further, I suggest our current archery range be retained as "unchanged" and not subject to the whim of the PVPLC which is stated in the DEIR as "(archery) can be allowed in areas where impacts to habitat can be minimized." The PVPLC will not allow continuation of the existing archery active recreation area under the PUMP. Guaranteed.

NELSON 20

3.4.5.2 Reserve Habitat Management Plan

Suggest EIR specify any plan within or affecting the Project be subject to a public hearing and approval by the City Council. The public deserves to be able to comment. In reviewing the DEIR's stated parts of the plan (3.4.5.2.1 through 3.4.5.3.3) I would hope the PVPLC will utilize consultants. Based on their record to date it would be advisable to have professionals looking over PVPLC's shoulder throughout development of this plan. The problem is one of reliably sourcing the resources to carry out these substantive requirements and they must be detailed in the plan. Otherwise it will fail and the City Council and RPV citizens will be left holding the performance bag.

NELSON 21

Section 4 (Basis for Cumulative Analysis)

RPV is 90% built out. The EIR should include that information here. It would minimize the question "Is there no other area for a major project?" The answer is, under this NCCP, no, not for 50 years.

NELSON 22

Comment 17

The 40 acres associated with the Lower Filiorum parcel is the area of land the Plan requires the property owner to dedicate to the Reserve if a project is approved. The HOA lands are in the Neutral Lands category until such time that habitat management agreements can be secured. The HOA lands are not available for future development, but access for habitat management activities is needed for these lands to be included in the Reserve.

Comment 18

The area of the active recreation area has been re-calculated. Appropriate language will be added to the Subarea Plan to clarify that the proposed 25 acre active recreation area is in an active landslide area. Any uses proposed within the active recreation area must be approved by the City Council and will have to be consistent with the City's landslide moratorium ordinance.

Comment 19

The PUMP shall specifically address public use of the Reserve areas, including designated trails. No existing fire management areas associated with existing development will be affected by the Reserve designation. All new development must account for fire management areas within the development limits of the proposed project. No new fire management areas will be allowed within the Reserve boundary.

Comment 20

Pursuant to the Subarea Plan, the existing archery range will be able to remain even though it is located within the proposed Reserve. In order to allow it to remain in the habitat Reserve, language has been added to satisfy the Resource Agencies that impacts to any adjacent habitat will be minimized.

Comment 21

The management Plan for the Reserve will be made available for public comment.

Comment 22

Areas not designated as Reserve or neutral lands would be available for development consistent with existing regulations.

<i>COMMENTS</i>	<i>RESPONSES</i>
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Robert Nelson: Comments on February 20, 2004 DEIR

Section 5 (Biological Resources)

This section has easily correctable errors. Two areas: **Figures and tables.**

Figures:

5.1-1 Agriculture:

*The area east of Long Point (a tiny dark grey section) is not agriculture. It is "Disturbed" and belongs to the Villas Apartments for future use as a parking structure!
The true "agriculture" in this area is an even-smaller section of land next to Sea Bluff HOA, just west of where Beachview turns into Nantasket. Maybe a football field in size. It will not exist when the hotel is built and will not be here for most of the NCCP. Delete it in the EIR.*

NELSON 23

5.1-2 (Covered Species Distributions)

There are 88 boxes, one per Gnatcatcher. There are 26-56 breeding pairs in all of Palos Verdes Peninsula. In talking to the USFWS person in charge of gnatcatchers, I found out 1. There has never been a study isolating RPV and all its gnatcatchers, 2. You can only get a gnatcatcher count by bringing sound producing equipment into the field, turning it on and counting those gnatcatchers that react. This has not been done in RPV. So I challenge the 88 (until the City is in possession of a letter from USFWS saying they or their approved persons have done such a study). Until then those boxes are guesses, at best. The EIR should comment to that effect. Or, to prevent such a challenge, the City should arrange for USFWS to do such a study. Part of the problem is the numbers say there are so few gnatcatchers outside RPV. It's like there's a gnatcatcher boundary at our city limits and birds don't fly over the boundary to PVE, RHE, RH, etc. Doubt it.

NELSON 24

5.2-1 (Existing Land Within RPV)

a. Agriculture: *The green area by Long Point is wrong. That may be the area currently zoned agriculture but during the NCCP and, after the hotel (est. 2008), it will be either "Commercial" (hotel property) or, along the eastern border, a parking structure for the Villas Apartments (something they won't formally admit to). The EIR should delete it.*

NELSON 25

b. My HOA (Sea Bluff), to the NE of Long Point is shown as both "low density residential" and "medium to high density residential." That is wrong. All of Sea Bluff is "low." That is, west of Sea Hill, north of Beachview, to the Long Point property is "low" and the EIR should correct this.

NELSON 26

5.3-1 (Existing Parks and Recreation Areas)

Vanderlip Park is one lot in size. It does not spread west as shown. Most of the area shown as the park is actually family homes on the ocean. Easy EIR correction.

NELSON 27

Tables:

5.2-3 (Consistency with Applicable Plans and Policies)

74 specific plans and policies in the RPV General Plan, Coastal Specific Plan and Regional Comprehensive Plan and Guide have detailed parts here compared to the NCCP project. All 74 selected plans and policy checkpoints are deemed "consistent." **Not one is found "inconsistent."** That is a statistical impossibility, unless the measurement points were put through a very fine sieve, which they were not. Also, the verbiage used to confirm consistency in 25 of these was **weasel wording used to make them fit. Examples:**

NELSON 28

pg. 5-39 Overall Policy 7:

Goal: Encourage study of and funding to preserve unusual flora and fauna.

Consistency statement: "The SubArea plan would be implemented through use of public and private funding to preserve endangered and sensitive species within city boundaries."

No mention of "study" but deemed consistent.

NELSON 29

Pg. 5-40 Policy 1:

Goal: Provide leadership in coordinating a cooperative approach to solving the need for community meetings, cultural events, and recreational facilities.

NELSON 30

Comment 23

Figure 5.1-1 has been revised.

Comment 24

A five-year study of the gnatcatcher and cactus wren populations on the peninsula was conducted by Dr. Jon Atwood in the 1990s. Several Atwood reports are referenced in the EIR. RPV supports the majority of the peninsula population of gnatcatchers and cactus wren.

Comment 25

While it is correct that development of the Long Point site will change the land use, the land use designations will have to be amended by SCAG, which provided the map. The map is reasonably accurate for baseline conditions.

Comment 26

The land use designations are defined by SCAG, which provided the map. Furthermore, the City's land use maps more accurately depict land uses within Rancho Palos Verdes.

Comment 27

Comment is noted, however SCAG provided the land use data and it is sufficient for the purposes of this CEQA analysis. Furthermore, the City's land use maps more accurately depict land uses within Rancho Palos Verdes.

Comment 28

See response to Nelson comment 4.

Comment 29

The monitoring program includes surveys and other monitoring activities that meet the policy goal.

Comment 30

Not all policy goals are relevant to the Subarea Plan. Establishment of a formal trail system through the Reserve is consistent with recreation goals.

<i>COMMENTS</i>	<i>RESPONSES</i>
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Robert Nelson: Comments on February 20, 2004 DEIR

Consistency statement: "An RTP (Reserve Trail Plan) would be developed jointly by the city and PVPLC to address recreational issues, such as public access, trailhead locations, overlooks and trail use."

No mention of community meetings, cultural events or recreational facilities. Consistency doesn't mention a single goal but is deemed consistent.

Pg. 5-41 Goal D:

Goal: The city shall endeavor to provide, develop, and maintain recreational facilities and programs of various types to provide a variety of activities for persons of all age groups and in all areas of the community.

Consistency statement: "See discussion for Policy 4 - Current, Social Service and Cultural Organizations of the Socio/Cultural Element." That states "Although playing fields would not be included in the proposed Reserve area, no active recreational areas would be affected by the proposed Project. Acreage would be available outside the Reserve to provide for the City's active recreation needs."

No mention of these goal items in the consistency (which, in my opinion, there is not and probably never will be) but deemed consistent.

I found in 25 of the 74 measurements Consistency statements ignored the Goal/Objectives. The EIR should fix this. How dumb do we think the USFWS and Calif. DFG are?

5.3-1 (Existing Recreational Facilities in RPV)

Out of a total 8,661 acres in RPV (Calif. DFG website), if you exclude golf courses - dedicated to only one recreational activity, table 5.3-1 shows 118.9 acres currently in "active recreation" This proves the lack of interest by the City Council, over years, for any "active recreation" development. *And, based on a vote by the City Council in January, denying girls softball use of land adjacent to our Point Vicente Interpretive Center for 4 softball fields, the real number should pull its 27.5 acres out of the 118.9. This leaves only 91.4 acres in the entire city for "active recreation"= 1.07% of the city acreage. Pathetic.*

PVPLC's PUMP will, no doubt, eliminate any real active recreation in spite of public testimony. The docents of the Point Vicente Interpretive Center, a special interest group, have produced a report showing 18 other sites for girls softball but others will write, having seen these 18, that the report is largely bogus (2 empty lots together, etc.). Yet for 4 years girls softball has been trying to gain approval to accommodate demand only to have the Council most recently escape responsibility by hiring a \$15,000 consultant to prove the docents right and get the Council off the hook. The EIR should discuss this glaring deficiency and indicate the PUMP will provide "active recreation."

This lack of "active recreation" and equal lack of discussion is a major fault of the DEIR and will be in the EIR. We can only look to the approving authorities at the state and federal level to help force the issue on behalf of our non-voting youth. We are planning the next 50 years and ignoring our community's youth!

5.3-3 (PMP Recommendations) Note: PMP is undefined. Include in Abbreviations.

Point Vicente Park/Civic Center

"Build a municipal golf course" Didn't happen. Why? For the record, a special interest group, SOCII, promised to help the City clean up and revegetate acreage that otherwise would have been the golf course. *SOCII won the election, defeating the golf course, promptly disbanded and has not turned one spade to fulfill their promise to our City.* The public fear is PVPLC will do the same. If not this year, within 10 years. *Approving authorities should know this history before blandly accepting PVPLC's plans. Nothing is in place in the DEIR to prevent a repeat of SOCII. Here the EIR needs to expand the DEIR.*

Point Vicente Interpretive Center

As discussed above, the Center's docents, another special interest group, got the Council to overrule any "active recreation" (girls softball) on the only area in RPV easily available, with flat

Page 6 of 8

NELSON 30 (cont'd)

NELSON 31

NELSON 32

NELSON 33

NELSON 34

NELSON 35

Comment 31

See response to Nelson comment 30.

Comment 32

The boundaries of the proposed habitat preserve were first developed by a working group, under the guidelines of the NCCP Act. They were modified by City staff based on the latest aerial photos. The current design deliberately excludes the existing developed City parks and other relatively flat portions of City-owned land that could accommodate public active recreational facilities. As a result, the EIR concluded that impacts to existing recreational facilities would not occur. It will be up to the City Council to determine the use of City lands outside the Reserve.

Comment 33

The text has been corrected. PMP is the acronym for Parks Master Plan.

Comment 34

The City is ultimately responsible for the long-term management of the Reserve. PVPLC will be the designated Habitat Manager under a contractual agreement with the City. Alternative habitat management options are available should PVPLC not perform per the contract.

Comment 35

The portion of Lower Pt. Vicente Park that will remain outside the Reserve is available for recreational uses. It is up to the City Council to determine the use of City lands outside the Reserve.

COMMENTS	RESPONSES
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Robert Nelson: Comments on February 20, 2004 DEIR
 land for 4 fields of play. That means for 50 years parents will be driving outside RPV for this sport. Before signing off on the NCCP approving authorities should know this history and community frustration with this special interest group. The EIR should bring this City Council decision out of the closet.

NELSON 35 (cont'd)

Section 6 (Long Term Implications of the Proposed Project)

Key phrase (pg. 6-2) "No aspect of the Proposed Project would induce growth directly. Although the SubArea Plan would likely enhance quality of life, it is not anticipated that it would induce people to move to Rancho Palos Verdes." Then why undertake it? How will it "likely" enhance quality of life? RPV already has the lowest growth rate for housing cost in LA's south bay. (18.2% increase in 2003 vs. 24.5% in Palos Verdes Estates. (Daily Breeze: 2/13/04) Reads like in 2003 the homeowners lost 6.3% of their potential house value by living in RPV. How will this project affect home value? This un-discussed "Long Term Implication of the Proposed Project" should be included in the EIR to substantiate the value of this Project to homeowners.

NELSON 36

Section 7 (Alternatives to the Proposed Project)

The EIR should delete the lead off sentence. It reads "Understanding the alternatives selected for analysis (under NEPA and CEQA) requires a full understanding of the project." Delete it because the full understanding, as brought out in the City Council meeting of March 16, 2004, is not to be found in this document. Better to say in the EIR, "We looked at three alternatives (environmentalists, developers, no project) and compromised, adopting a fourth alternative."

NELSON 37

The alternatives are well summarized.

Table 7-1 (Comparison of Alternative Conservation Plans)

Here is the only Table with program cost detail.

1. In the EIR put "Cost" somewhere in the title.
2. Total Program Cost. Maximum \$35.7 million. It is estimated acquisition cost (max: \$31.3 million) plus \$4.1 million for an endowment to fund in perpetuity the annual 10 acres of work and project management plus one-time start up \$0.3 million.

NELSON 38

Here is the big hole. Financial detail. At the Council meeting I was told in a sidebar that was in the "Plan," the NCCP, a separate document, the latest version of which would be available in two weeks. I strongly suggest if you are putting "total program cost" in the DEIR you should provide in the EIR additional data such as projected funding sources for the \$35.7 million, the PAR analysis of annual cost and a second opinion from RPV's Finance Advisory Board on all costs (to protect the city council).

NELSON 39

In these litigious days the last thing the City needs is another citizen lawsuit when those cost are found insufficient. The past performance of the PVPLC in raising funds to meet commitments must be scrutinized in relation to their commitment here to raise \$6 million by July 1, 2004. And that amount only covers the minimum "total program cost" of \$26.7 million. If the actual requirement becomes or is close to the maximum estimated, \$35.7 million, where will the additional \$9 million come from? I believe the EIR should at least address finance sourcing to meet the maximum (worst case), not the minimum (sourcing of which is not currently addressed in the only DEIR table with cost, Table 7-1, anyway).

The following table is my suggestion for inclusion in the EIR.

Comment 36

Housing was addressed in issues eliminated from further consideration. Dedicated open space tends to increase adjacent property values relative to parcels not directly adjacent to open space. The overall quality of life of residents is considered enhanced by dedicated open space.

Comment 37

The statement is factually correct. A full understanding of the Proposed Project is necessary for the alternatives analysis. The project is fully described in Section 3 of the EIR

Comment 38

The title of table 7-1 has been revised.

Comment 39

The range of land values was based on comparative open space land sales in Los Angeles and Orange counties. The City commissioned appraisals for the proposed lands to be acquired. The appraisals were slightly less than the mean value estimated from the land sales database. The Subarea Plan is the base documentation for the EIR analysis and details need not be repeated in the EIR. Management costs have been revised in the Subarea Plan. The appraised land values are the most accurate cost estimate for acquisition costs.

COMMENTS	RESPONSES
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Robert Nelson: Comments on February 20, 2004 DEIR

The EIR should contain the following modified to account for the maximum cost (\$35.7 million).
(from Feb. 4, 2003 Staff Report to the City Council on NCCP Strategy)

USFWS "Section 6" Funds	\$ 2 million
Calif. Wildlife Conservation Board	\$10 million
Calif. Coastal Conservatory	\$ 7 million
Los Angeles County	\$ 1 million
City of Rancho Palos Verdes	\$ 1 million
Private Funding (PVPLC)	\$ 6 million
Total	\$27 million

NELSON 39 (cont'd)

Section 8 (Effects Found Not to Be Significant)

It is here where the statement RPV is 90% built and in-fill development will meet the city's regional housing requirement as assessed by SCAG (Southern California Association of Governments) is found. (pg. 8-7)

NELSON 40

The EIR should explain the role of SCAG in assessing housing development for RPV. Something I'd never heard of before and sounds like "big brother government" to me. Admittedly one fact comes from this:
RPV's future development will mostly consist of the tear down of existing homes and rebuilds. Like Palos Verdes Estates.

I was surprised in 8.5 (Geology and Soils) that para 8.5.2 was "no impact" since most the project will be on soil that is historically unstable and borders or is in a landslide area. Yet 8.5.2 deems "No impact" is the correct answer to this location question. Some substantiation in the EIR is in order. There will be, at a minimum, off-site landslides, something the City recognized when it declared most of the project area unsuitable for development.

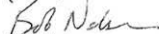
NELSON 41

Sections 9, 10 and 11

These sections are reference. I note no plain-old- ordinary citizens were consulted, all were part of organizations and only one group was non-environmental.
The consultants could have surveyed our RPV community, via mailer, with questions regarding the Project and presented those findings to support this 50-year, up to \$37.5 million project.

NELSON 42

Sincerely,


Bob Nelson

Cc:
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Comment 40

SCAG is the regional planning agency that includes RPV. SCAG estimates the regional allocation of future housing demand based on projected future demand and available lands zoned for residential land uses.

Comment 41

The project does not include impacts associated with specific grading activities. Rather, it is a programmatic document that addresses citywide open space design. All covered projects must under go project-specific CEQA review and be consistent with this Subarea Plan.

Comment 42

The NOP was distributed to interested parties, including individuals (see NOP distribution list in Appendix A. The Subarea Plan project has been ongoing for over 7 year with many meetings, workshops, and city council hearings to gain public input. The list of persons consulted includes agencies and individuals that responded to the NOP. The City website has been continually updated with project information and a standing list of interested parties has been maintained.