

<i>COMMENTS</i>	<i>RESPONSES</i>
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PALOS VERDES PENINSULA HORSEMEN'S ASSOCIATION
 18 RANCHVIEW ROAD
 ROLLING HILLS ESTATES
 CALIFORNIA 90274

MR. JOEL ROJAS
 Director of Planning, Building and Code Enforcement
 City of Rancho Palos Verdes
 30940 Hawthorne Boulevard
 Rancho Palos Verdes, CA 90275

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 APR 1 2004
 PLANNING, BUILDING &
 CODE ENFORCEMENT

Dear Mr. Rojas:

On behalf of the Palos Verdes Peninsula Horsemen's Association, we welcome this chance to comment on the Draft Environmental Impact Report for the Rancho Palos Verdes Natural Communities Conservation Planning Subarea Plan.

We understand The California Environmental Quality Act (CEQA) governs this process. The language of the statute has been explored and explained in many legal opinions by the courts of this state. California's Courts have concluded that the Environmental Impact Report is "the heart of CEQA", and that "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made." Hence Courts have found, "[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with information about the project that is required by CEQA." This constitutes prejudicial error where "[T]he failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the FIR process." We believe the Draft Environmental Impact Report under consideration does not provide adequate disclosure of important impacts of the proposed project on area equestrians.

1. Existing Land Use.

In order to assess the impacts of a proposed project, the Environmental Impact Report (EIR) must include a description of the existing physical environment. The Draft Environmental Impact Report (DEIR) in question purports to address existing land use in, among others, Section 2.2, Project Location and Environmental Setting, Section 3.1, Project Location and Setting, Section 3.2, Background and History, Section 5.3, Recreation, and 5.3.1, Existing Conditions. None of these sections describe existing recreational use of the land that is slated to become part of the reserve.

The subject area has been traditionally and historically used for outdoor recreation. The earliest descriptions of the developing communities on the Palos Verdes Peninsula refer to the pleasure of riding the equestrian trails in the area. In 1926, a neighboring newspaper, The San Pedro Pilot praised the Palos Verdes Hills as a "haven

VPPHA 1

Comment 1

There are no developed or improved public recreational facilities on any of the properties proposed to be included in the Reserve. All of the areas proposed to be included in the Reserve presently support passive recreational uses such as trail use and picnicking. Although there are some publicly dedicated trails, most of the trails on the lands slated to be in the Reserve are unimproved, non-dedicated trails, which are used by hikers, bicycle riders and equestrians. There is no data available as to how many persons currently use the trails within the lands that are proposed to be in the Reserve. However, the creation of the Reserve will not create a significant impact to the existing passive trail use, as the creation, maintenance and public use of a trail system consistent with the City's Conceptual Trail Plan is allowed within the Reserve. Portions of this response have been added to EIR Section 5.3.1.

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for the equestrian'. From that day to this, recreational trail riding in the area proposed to become part of the reserve has been enjoyed by area equestrians.

In recent times, the ancient horse trails have seen increasing use by recreational off road bicyclists. Every day many of their number can be seen accessing trails in this area. They share the trails with hikers, joggers and dog walkers all of whom currently enjoy the outdoor recreation the area provides.

In order for the DEIR to provide a complete picture of the impact of the plan to turn the area into a nature preserve, the Report must clearly describe the various current uses of the land and the number of people involved.

2. Impacts on Recreation.

A. Trails.

The DEIR is required to examine impacts the project will have on existing recreation in the area. The DEIR provides: "before the Reserve is open to the public for compatible passive recreation, a Public Use Mater Plan (PUMP) would be developed to address issues such as public access, trail use, etc." Thus the PUMP Committee will decide what trails remain and which are closed, what is considered active recreation and what is passive recreation, who can use the trails and how they will get access. If the answers to these questions are not set forth in the EIR, one cannot decide the impact on recreation in the City.

For instance, where will the equestrians currently using the land ride? How crowded will the remaining trails and/or facilities be? What if half of the trails are closed? What if the trails that provide access to the network of trails that cover the Peninsula are closed? Wouldn't this impact recreation in other Cities in addition to Rancho Palos Verdes?

The Report says these issues are addressed in the SubArea Plan, the SubArea plan says the issues will be decided in the future by a PUMP committee and the PUMP Committee is supposed to be acting in accordance with the City's Trails Plan which itself is conceptual with, according to the DEIR: "specific alignments to be determined during future development." (DEIR 5-52).

B. Equestrian Facilities.

In addition, the public has been informed that the plans for the reserve include the construction of a 17-acre equestrian facility adjacent to the reserve. However, the DEIR says: "The Proposed Project identifies existing and future recreational uses compatible with management of the proposed Reserve area but does not propose development of specific recreational activities or facilities." (DEIR 2-8, 5.3.2.3)

The Sub area Plan says: The City is proposing to locate an active recreation area . . . to provide a staging area for accessing the Reserve trail system. The facility would encompass 17.9 acres . . . The uses of this area would be determined through the PUMP process and could include riding rings and stables, outdoor educational program areas, an unpaved vehicular access roads and parking area." (NCCP 3-14)

PVPHA 1 (Cont'd)

PVPHA 2

Comment 2

Section 3.2 of the Subarea Plan lists all of the land uses that will be allowed within the Reserve. One of the allowed uses listed is the creation, maintenance and public use of a trail system consistent with the City's Conceptual Trail Plan. In addition, the Subarea Plan calls for the development of a Reserve Trail Plan, which will be developed through the PUMP process. The Reserve Trail Plan will need to be consistent with the City's Conceptual Trails Plan as well as the Subarea Plan in terms of minimizing impacts to habitat and covered species. In developing the PUMP, issues such as shared trail use, trail location, links to the Peninsula-wide trail network and what, if any, trails may be closed will be addressed. Preparation of the PUMP will be a public process that will rely strongly on local public input, including that of the equestrian community.

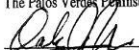
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<p>So there is no clear statement that the 17 acres adjacent to the reserve will be used for an equestrian facility. Even if the PUMP committee decides to allow some equestrian facilities on that land, much of the 17 acres will be used for a parking lot for everyone visiting the reserve, for outdoor educational programs and for other recreational activities. If that is the case, such information must be provided in the DEIR in order to evaluate potential impacts on recreation in the City including impacts on existing equestrian facilities.</p>	<p>Comment 3 The EIR text has been changed to specifically include a possible equestrian facility. Uses for the active recreation site must be approved through a CEQA process by the City Council.</p>
<p>Approximately 47 acres are being donated by developers on the condition that their development projects are approved. If the projects are not approved they are not required to donate the land. Some subject parcels are essential for the connectivity of habitat especially the upper and lower Filiorum parcels. Thus the determination of whether the development will be approved or not is integral to an assessment the habitat plan. The language of the letter submitted in response to the NCCP by the developer of the Filiorum parcel suggests the developer believes the terms permitting his development project have been agreed upon. This view is supported by the fact that the NCCP requires a development project as part of the plan. It is further supported by the description in the DEIR giving the City permission to “take” endangered species which the City would have to give the developer to allow his project to proceed. Area residents have been informed that the City is not going to permit the development but will buy the land from the developer.</p>	<p>Comment 4 Covered projects, including the Lower Filiorum project must undergo project-specific CEQA review and be consistent with the Subarea Plan and EIR. As part of this review, a proposed project will be assessed as to whether it is consistent with the Plan. For the Lower Filiorum area, the Subarea Plan excludes a portion of the area from the future Reserve. If a development project is approved for a portion of the Lower Filiorum area, the Plan requires the developer to donate at least 40 acres of the property into the Reserve. If no Lower Filiorum development project is approved, the entire Lower Filiorum area remains as non-reserve Open Space.</p>
<p>The parcel subject to development included a riding arena and cross-country course used by the local Pony Club. It is adjacent to the largest equestrian facility in the area, the Portuguese Bend Riding Club. The area to which the Pony Club facilities are being moved is also within the proposed boundaries of the Reserve. The proposed development will have an impact on the use of existing equestrian facilities. In order to determine the impact on existing land use and recreation, specific information regarding the status of negotiations with the developer and the potential for development permits to be granted must be set forth in the DEIR.</p>	<p>Comment 5 Up until sometime in 1999, the local Pony Club was allowed to use a riding arena and cross-country course on the privately owned Lower Filiorum parcel. After the property owner disallowed the Pony Club further use of the Lower Filiorum property, the Pony Club was issued a City permit to operate on a different privately owned parcel that is not proposed to be included in the Reserve. Given these circumstances, implementation of the Subarea Plan would have no impact on the Pony Club equestrian facility.</p>
<p>3. Existing Land Ownership.</p> <p>The proposed Reserve is bounded in several areas by land zoned for horsekeeping. Riders have access to the previously described trails for recreation and horse training. Some local riders use the trails for conditioning horses for competition. The DEIR provides: “Existing trails within the Reserve that are not identified in the Conceptual Trails Plan and are determined to be unnecessary would be closed . . .” (DEIR p. 5-56) The closure of these trails could result in some equestrian properties being landlocked. Other equestrians could have to trailer their horses to a location where they can access the remaining trails. These changes would affect the property value of the equestrian zoned parcels. In order to determine the impact of the proposed project it is essential to have a Trails Plan that delineates which trails are expected to remain as part of the reserve and which will be closed.</p>	<p>Comment 6 What, if any, trails are closed will be determined as part of the PUMP process. As noted earlier, preparation of the PUMP will be a public process that will rely strongly on local public input, including that of the equestrian community.</p>

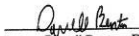
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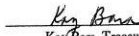
As horsemen we support the conservation of open space within our cities. In making conservation decisions, however, we must be able to evaluate the consequences. The current DEIR does not provide sufficient information to determine the impact on horse owners, riders and the owners of equestrian property in the City of Rancho Palos Verdes. The terms of the DEIR are so indefinite as to appear not to comply with CEQA. It would seem more appropriate to clearly delineate the specific plans for the project at this point than to risk expending valuable resources in potential subsequent legal action. We look forward to the resolution of this issue.

Sincerely,
The Palos Verdes Peninsula Horsemen's Association


Dale Allen, President


Darrell Benton, Education

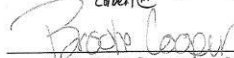

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