UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

OFFICE OF THE REGIONAL ADMINISTRATOR

SEP 17 2009

Colonel Thomas H. Magness
District Engineer, Los Angeles District
U.S. Army Corps of Engineers
PO Box 532711
Los Angeles, California 90053-2325

Subject: Permit Application No. 2003-01264-AOA for the proposed Newhall Ranch Management and Development Plan, Los Angeles County, California

Dear Colonel Magness:

On August 24, 2009, EPA provided written comments regarding the proposed Newhall Ranch project (enclosed). The applicant, Newhall Land and Farming Company, proposes to fill/impact approximately 82.3 acres of waters of the United States (including wetlands) in conjunction with the construction of the Newhall Ranch Project, a master-planned development encompassing approximately 12,000 acres along the Santa Clara River in unincorporated Los Angeles County. The comments provided identified concerns regarding potential adverse project impacts to waters, and the proposed project's compliance with the Federal Guidelines (40 CFR 230) promulgated under Section 404(b)(1) of the Clean Water Act (CWA). The letter concluded, that based upon the available information, the project may result in substantial and unacceptable impacts to an aquatic resource of national importance (ARNI).

These concerns were reiterated in a second comment letter to your agency, dated 1 September 2009, as part of our review of the project's Draft Environmental Impacts Statement (DEIS) (also enclosed).

We have been working in coordination with the Los Angeles District and the applicant to obtain additional project information. However, given the complexity of the project and the short time allowed under the MOA to resolve initial concerns, no additional substantive information has yet been presented. Therefore, we must act to preserve our authority to elevate the proposed permit in the event that our environmental concerns are not resolved. We respectfully reaffirm our objections to permit approval for the Newhall Ranch Project on the basis that the authorization **will** have substantial and unacceptable impacts to an ARNI.

We look forward to working with you, your staff, and the applicant to resolve the important environmental issues concerning the proposed project. If you wish to discuss this matter further, please call me at (415) 972-3572, or have your staff contact David W. Smith, Chief of our Wetlands Office, at (415) 972-3464.

Sincerely,

Laura Yoshii
Acting Regional Administrator

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Enclosure

cc:

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