impacts to wetlands along the river will be avoided or minimized where practicable; (3) a balance of wetland losses and wetland gains (by mitigation) will be sought; and (4) as proposed, clearing of vegetation in the finished river channel for maintenance purposes will not be necessary. (Los Angeles County Department of Public Works is in concurrence with this goal for most areas of the proposed project. Negotiations on the details of the maintenance agreement ("agreement") between Valencia Company and L.A. County Public Works are in process. The agreement must be signed prior to completion of the DEIS in order that the agreement and a discussion of its ramifications can be included in the DEIS. (If the signed agreement cannot be included in the DEIS other alternative maintenance regimes will be considered in the DEIS.)

Scope of Analysis in the EIS

The scope of the EIS impact analysis will follow the directives in 33 CFR 325 (Appendices B and C) which require the scope of an EIS be limited to the impacts of the specific activities requiring a 404 permit and only those portions of the project outside of waters where there is sufficient federal control and responsibility to warrant federal review. The latter activities are characterized as those which would not occur "but for" the 404 discharge activity. That is, related actions that are clearly and solely dependent upon the nearby 404 activities.

The EIS will address impacts of facilities that would occur within jurisdictional waters. In addition, the EIS will address adjacent land development projects in the "but for zone" (see below) that are directly dependent on adjacent bank protection or levees.

The EIS will address potential permitting strategies in which an individual permit, general permit, or combination of individual, nationwide, and/or general permits, are issued. The permit timeframe would be 5 years, with administrative renewals over a 15 to 20 year period in accordance with Corps regulations.

"But for Zone"

The EIS will clearly delineate a "but for zone" along the edge of jurisdictional waters. The boundary of the "but for zone" to be used as the upland limit of the EIS impact assessment is defined as 105 feet inland from the existing river bank. The 105 feet determination is based on information that 105 feet is the distance necessary to move the levee laterally in

order that both the toe of the levee and the construction zone would be behind the bank (i.e. all structures and construction would be in uplands and therefore not regulated by the Corps under Section 404 of the Clean Water Act). Bank protection installed within "but for zone" will result in permanent or temporary discharges of dredged or fill material to waters, and therefore require a 404 permit. Bank protection installed outside this zone, would not affect waters and therefore would not require a 404 permit.

Valencia Company submitted the following statement in justification for limiting the lateral extent of the Scope of Analysis to 105 feet:

"Arguments For Justifying The Development Assumptions Outside

The "But For" Zone, Valencia Master Plan 404 Permit

The scope of the EIS impact analysis will follow the directives in 33 CFR 325 that require the scope of an EIS be limited to the impacts of the specific activities requiring a 404 permit, and only those portions of the project outside of "waters" over which the Corps has sufficient control and responsibility to warrant federal review. The latter activities would include actions that would not occur "but for" the 404 discharge activity. That is, related actions that are clearly and solely dependent upon the nearby 404 activities.

The boundary of the "but for zone" to be used as the upland limit of the EIS impact assessment is defined as 105 feet inland from the existing river bank. Bank protection installed in uplands within this zone will result in temporary impact to "waters," and therefore require a 404 permit. Bank protection installed outside would not affect "waters", and therefore would not require a 404 permit.

The impacts of future land development and public works projects outside the "but for zone" would not be addressed in the EIS because it is a reasonable assumption that such projects would occur with or without the issuance of a 404 permit for bank protection, which would allow land development within the "but for zone". In other words, future land development and public works projects are independent of the proposed bank protection and will not be addressed in the EIS as an action that is linked, dependent upon, or otherwise caused by the proposed 404 permit. The justification for this approach is based on the reasonable assumption that lands outside the "but for zone" where the Corps has no permit jurisdiction will be developed in the future. This assumption is based on the following considerations:

1. There are tremendous economic and population pressures in the region. The population of the Santa Clarita Valley has been growing rapidly since 1970 and 1980. The valley experienced a 23.7% increase in population. Between 1980 and 1989, the population doubled to approximately 154,000 people. The City and County's

General Plans project populations which will double again by the year 2010. The Southern California Association of Governments (SCAG) adopted a new demographic projections in June 1994 which showed the Santa Clarita Valley population at 462,000 people by the year 2015.

Employment is expected to increase by even greater percentage. SCAG Forecasts from the City of Santa Clarita General Plan shows employment growing from an estimated 23,000 in 1984 to 97,000 jobs in the year 2010, an increase of over 315%. At its peak in the late 1980's industrial square footage was being added at a rate of a million square feet per year. Another measure of demand for industrial square footage is the vacancy rate which is currently 6.5% in the Valencia Industrial Center. This compares to 11.3% in the San Fernando Valley and 12.7% in Southern California. Retail commercial space has shown similar strengths in the Santa Clarita Valley. The Santa Clarita area has exhibited an annual retail sales rate of 11.5% in the last seven years, compared to retail sales rate of only 2% in the last five years in California.

2. Lands outside the "but for zone" in the City are zoned for development. Lands outside the "but for zone" in the City of Santa Clarita are zoned for residential, commercial, and industrial uses and are surrounded by these same land uses. Valencia Company intends to continue this type of development to meet the demands of the growing population in the Santa Clarita Valley. One of the principal components of the City of Santa Clarita's General Plan is the "Valley Center Concept". This concept is intended to create a valley identity and to unify surrounding communities by designating a central core of the valley. Within this area, higher density residential and commercial land uses would be allowed to permit lower densities in the surrounding communities. The Santa Clara River corridor is the major opportunity to link the components of the center together with the uniform theme of natural open space preservation and river enhancement.

3. Land outside the "but for zone" in the unincorporated portions of the County are designated for commercial and industrial development in the General Plan. Many are still zoned for agriculture; however, zone change requests for residential, commercial, and industrial uses are being processed by the County to make the zoning consistent with the General Plan designations and allow urban development. Valencia Company and others intend to continue residential, commercial, and industrial developments to meet the demands of the growing population in the region.

4. Lands outside the "but for zone" in the County are zoned for Development. Land development outside the "but for zone" is feasible without adjacent 404 permits. If a Corps permit were not issued and the "but for zone" was not developed, land development would still be feasible outside the "but for zone". However, less land would be available and many parcels would be reduced in size and altered in terms of their configurations. These effects would reduce the value and potential uses of these