Phase 2 Mitigation Site As-Built Report

Devil's Gate Reservoir Restoration Project

City of Pasadena Los Angeles County, California

Prepared for:

Los Angeles County Department of Public Works 900 South Fremont Avenue Alhambra, CA 91803 Contact: Mr. Tae Uk Mark Gim

Prepared by:

ECORP Consulting, Inc. 2861 Pullman Street Santa Ana, California 92705 Contact: Ms. Carley Lancaster

July 29, 2021



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LIST OF ACRONYMS AND ABBREVIATIONS

CDFW California Department of Fish and Wildlife

HRP Habitat Restoration Plan

LACPW Los Angeles County Department of Public Works

LSAA Lake and Streambed Alteration Agreement

N/A Not Applicable PLS Pure Live Seed

PMA Permanent Maintenance Area

Project Devil's Gate Reservoir Restoration Project

RE Restoration Ecologist

1.0 INTRODUCTION

The Los Angeles County Public Works (LACPW) completed Phase 2 of habitat restoration implementation for the Devil's Gate Reservoir Restoration Project (Project) on May 5, 2021. Habitat restoration is being implemented to comply with the compensatory mitigation requirements in Conditions 3.1, 3.2, and 3.5 of the Lake or Streambed Alteration Agreement (LSAA) (Notification No. 1600-2015-0263-R5 dated March 21, 2017 and Amendment dated July 17, 2018) executed between the California Department of Fish and Wildlife (CDFW) and the Los Angeles County Flood Control District (LACFCD). Two amendments to the LSAA were issued by the CDFW in response to modifications to the boundaries of the Project (dated July 17, 2018) and to address the proposed offsite mitigation component (dated July 16, 2018). LACPW is currently working on an amendment to the LSAA with the CDFW that will reflect the changes in the Project resulting from the legal settlement. The changes resulting from the legal settlement primarily include fewer permanent impacts associated with a change in the Project boundary and modifications to the area around Altadena Drain. Slight changes to the acreages of restoration in the Phase 1 and Phase 2 as-builts may result but those will be updated when the Phase 3 as-built is completed.

Implementation of habitat mitigation for Phase 2 was conducted in mitigation areas DG-W-1 (Johnson Field), DG-W-2 (Mining Pit), DG-W-2 Outlet, DG-2, DG-2 New Channels, DG-2 WOUS, DG-4A, DG-4 Sheet Flow, DG-4 WOUS, DG-4 Drainage, DG-SF-1, and DG-SF-2. Implementation of habitat mitigation was conducted according to the Final Habitat Restoration Plan (HRP) for the Project (dated November 2018) which addresses the impact areas associated with the Project and the on-site compensatory mitigation areas at the Project site (ECORP 2018). According to the HRP, onsite compensatory mitigation will include the creation, restoration, and enhancement of native habitats with the purpose of providing quality habitat for an abundance of wildlife including the least Bell's vireo (*Vireo bellii pusillus*), which is listed as endangered under the Federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA) (CDFW 2018). Per Condition 4.5 of the LSAA (Appendix A), a Mitigation Site As-Built Report shall be submitted to CDFW within 60 days of completing the initial restoration activities. This *Post-Implementation Mitigation Site As-Built Report* only addresses the Phase 2 restoration areas. Separate as-built reports will be prepared for the subsequent restoration phases for the Project.

The Project, which includes an initial removal of 1.7 million cubic yards (cy) of sediment to establish a Permanent Maintenance Area (PMA), will restore flood capacity and establish a reservoir management system to maintain the flood control capacity of the reservoir. Subsequently, annual maintenance and episodic maintenance will be conducted in the established PMA to remove accumulated sediment and to ensure continued flood control capacity. Removal of sediment will not occur outside of the boundaries of the PMA.

1.1 Project Location

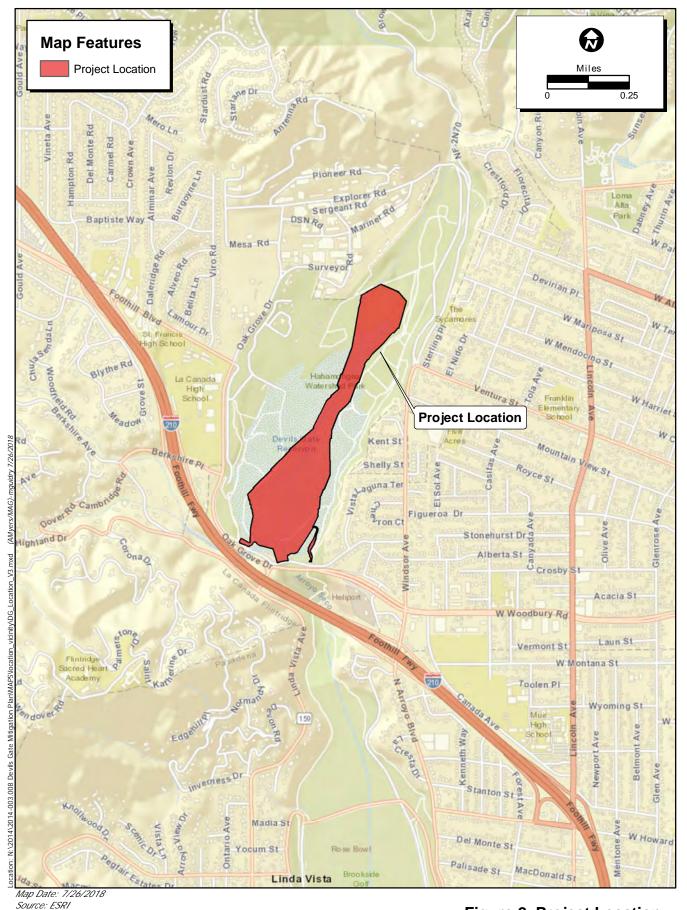
The Project is located in the City of Pasadena (City) in Los Angeles County on the Pasadena United States Geological Survey (USGS) California 7.5' topographic quadrangle (Figure 1). More specifically, the Project is located within the upper portion of the Arroyo Seco Watershed within the City's Hahamongna Watershed Park (Figure 2). The Project site is located along an approximately 4,754-feet linear section of



Niap Date. 1720/2016 Service Layer Credits: Sources: Esri, USGS, NOAA

Figure 1. Project Vicinity





ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

Figure 2. Project Location

the Arroyo Seco drainage and alluvial fan, which is an area subject to change and disturbance due to erosion, runoff, and sediment movement. The elevation of the Project site ranges from approximately 985-feet above mean sea level (msl) behind the dam, to approximately 1,100-feet above msl at the northern end of the project.

2.0 MITIGATION REQUIREMENTS

The LSAA issued by the CDFW for the Project on March 21, 2017 provided a breakdown of the required onsite and offsite compensatory mitigation for permanent impacts (Condition 3.1) as well as the mitigation required for the temporary impacts of the Project (Condition 3.2). The LSAA amendment issued on July 17, 2018 provided a revision to the Project impacts that were based on a revised Project boundary and also revised Condition 3.1 to reflect modifications to the required onsite mitigation. LACPW is currently in the process of preparing an LSAA amendment application that will account for changes to the permitted Project boundary. The changes are a result of clearing that occurred outside of the permitted project boundary, changes resulting from the legal settlement, and potentially some changes to the mitigation requirements, which will all be addressed in future as-built reports.

The original design of the onsite mitigation for the Project, which is what this as-built report is based upon, included the creation, restoration, and enhancement of 69.94 acres subject to CDFW jurisdiction located outside of the PMA. It should be noted that the mitigation acreage for the Project may change following the approval of the LSAA amendment that is currently in process. The 69.94 acres of mitigation is required to compensate for permanent impacts to 41.98 acres of CDFW jurisdiction. The LSAA also requires mitigation for temporary impacts to 16.17 acres by delaying the impacts to these areas until the third year of sediment removal and replanting them within 24 months of the impacts. In addition, the Episodic Maintenance Area, or side slopes of the PMA, which encompasses 7.34 acres according to the original design, will be replanted with native vegetation, including shrub and annual species associated with riparian scrub and alluvial scrub vegetation communities. Allowing the side slopes of the Annual Maintenance Area to support native vegetation will provide additional compensatory mitigation by creating a riparian scrub buffer habitat between the areas that are actively managed in the annual maintenance area and the compensatory mitigation areas. The side slopes may be periodically affected by re-contouring if large sediment deposits bury portions of the side slopes. In this case, the sediment will be removed, and the side slopes will be re-contoured and allowed to naturally revegetate. Onsite compensatory mitigation will include invasive and nonnative weed abatement, planting with native container stock, planting pole cuttings for specific species, seeding with native seed material, and maintaining and monitoring each mitigation area for a period of five years for riparian areas and ten years for upland areas, or until all success criteria have been met.

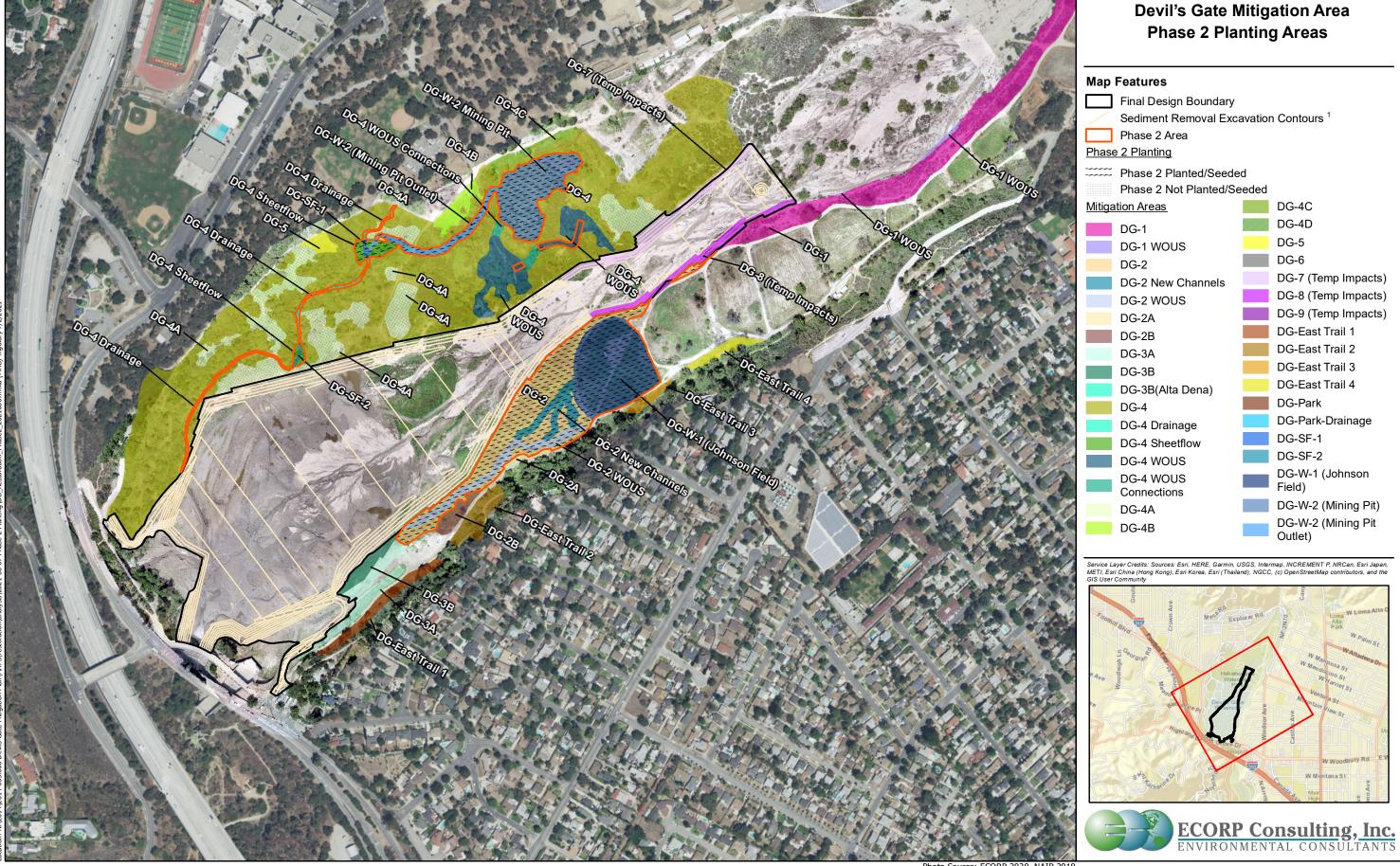
3.0 SUMMARY OF HABITAT RESTORATION IMPLEMENTATION

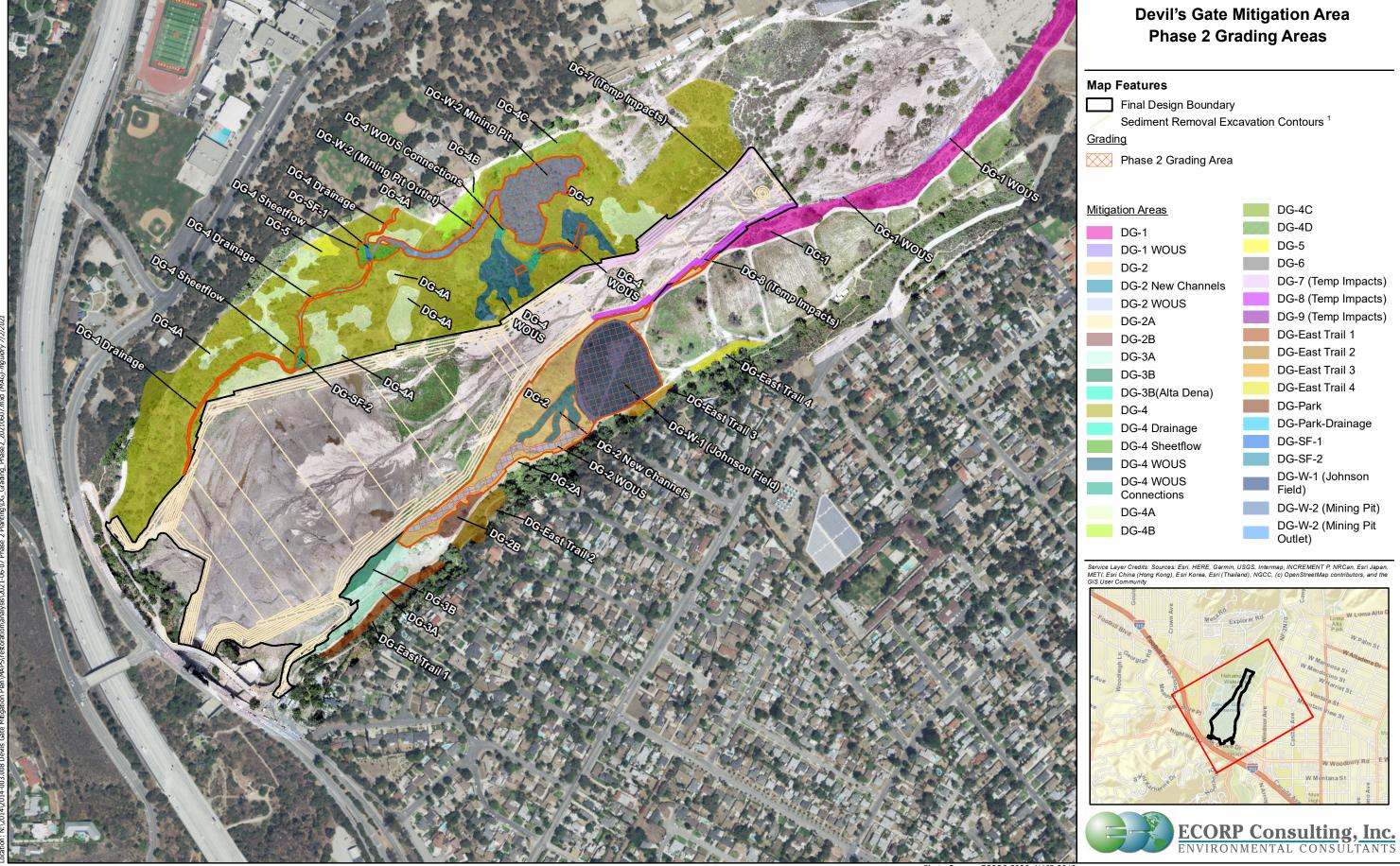
Habitat restoration implementation was conducted by Nature's Image, with oversight by Stillwater Sciences (Stillwater) and ECORP Consulting, Inc. (ECORP). Oversight was primarily provided by Margie Pfeffer (Biologist, Stillwater), Wendy Katagi (Senior Manager, Watershed and Ecosystem Restoration Services, Stillwater), Carley Lancaster (Restoration Ecologist, ECORP), Josh Corona-Bennett (Senior Restoration Ecologist, ECORP) and Mari Quillman (Biological Resources Program Manager, ECORP).

Nature's Image is a subcontractor to Stillwater. Stillwater and ECORP are the prime contractors to LACPW. Implementation of habitat restoration for Phase 2 was conducted in mitigation areas DG-W-1 (Johnson Field), DG-W-2 (Mining Pit), DG-W-2 Outlet, DG-2, DG-2 New Channels, DG-2 WOUS, DG-4A, DG-4 Sheet Flow, DG-4 WOUS, DG-4 Drainage, DG-SF-1, and DG-SF-2. However, container plant installation and seed application only occurred in mitigation areas DG-W-1 (Johnson Field), DG-W-2 (Mining Pit), DG-W-2 Outlet, DG-2, DG-2 New Channels, DG-2 WOUS, DG-4 Sheet Flow (northern), and DG-SF-1. Mitigation area DG-4A was not planted due to the ongoing implementation of a grow and kill weeding program in this area. Mitigation areas DG-4 Sheet Flow (southern), DG-4 WOUS, DG-4 Drainage, and DG-SF-2 were not planted with container plants or seeded due to the dynamic nature of these mitigation areas in the path of water flow. To the extent feasible, these areas will be planted with mulefat (Baccharis salicifolia) and willow (Salix sp.) during the fall/winter of 2021/2022. These areas were not planted with mulefat or willow stakes during the Phase 2 implementation documented in this report due to late timing of stake harvesting. Several of the Phase 2 mitigation areas required surface grading and recontouring prior to planting and seeding. A total of two vegetation communities were included in the Phase 2 habitat restoration effort including Mulefat Thickets (Baccharis salicifolia Shrubland Alliance) and Black Willow Thickets (Salix gooddingii Woodland Alliance). Habitat restoration implementation commenced on October 12, 2021 and included nonnative and invasive plant removal and follow-up weed abatement efforts. Implementation for Phase 2 was completed on May 5, 2021. A description of the habitat restoration implementation is provided in the following sections. Figure 3, pages 1 and 2, shows the locations where the various habitat restoration activities took place.

3.1 Weed Abatement

Initial weed abatement activities commenced on December 14, 2020. Following the completion of the initial weed abatement activities, follow-up weed abatement efforts commenced and are ongoing for all the Phase 2 areas. Pre-planting nonnative and invasive plant removal was conducted using a combination of hand-pulling, weed whips, and hula hoes. During the pre-planting weed removal efforts, all nonnative and invasive plant species that had gone to flower or seed were removed by hand or by using hand tools, placed on tarps, and disposed of in an onsite dumpster. Onsite dumpsters were picked up regularly and the nonnative and invasive plant materials were disposed of at an appropriate facility located outside of the Project site. After planting and seeding, nonnative and invasive plant control has been ongoing using hand-pulling, weed whips, and hula hoes. In March 2019, the Los Angeles County Board of Supervisors placed a moratorium on use of glyphosate at all County facilities until further notice and the moratorium is currently still in place. Keeping the nonnatives and invasive plants under control using only hand methods is extremely difficult. The primary species targeted during nonnative and invasive plant removal included black mustard (*Brassica nigra*) red brome (*Bromus madritensis ssp. rubens*), poison hemlock (*Conium maculatum*), red-stemmed filaree (*Erodium cicutarium*), foxtail barely (*Hordeum murinum*), perennial pepperweed (*Lepidium latifolium*), and horehound (*Marrubium vulgare*).





3.2 Grading and Recontouring

Grading and recontouring for Phase 2 was conducted in the DG-W-1 (Johnson Field), DG-W-2 (Mining Pit), DG-W-2 Outlet, DG-2 New Channels, DG-2 WOUS, and DG-4 WOUS mitigation areas. The activities were conducted according to the Final Design Plans for the Project (Design Plans) dated September 29, 2020 (ECORP 2020). The purpose of the grading and recontouring was to create new low flowing channels and topography to support the hydrology needed to sustain riparian habitats. Equipment used during grading included excavators, backhoes, bulldozers, water trucks, and various hand tools. Biological monitors were present during all grading and recontouring activities to ensure the Design Plans were followed and to minimize disturbance to biological resources.

3.3 Seeding

Upon completion of the initial weed abatement effort, the seeding process, which consisted of broadcast seeding, commenced on January 11, 2021. Seed used for the Project was procured from S&S Seeds Inc. and only seed materials collected within the acceptable geographic regions described in Section 4.9 of the HRP was used. Broadcast seeding was completed using hand-crank spreaders or simply by-hand. Seed was applied evenly throughout each mitigation area and incorporated into the soil to a depth of approximately 0.5 inches using metal hand rakes. To the extent possible, seed was applied during the fall, winter, or other periods when sufficient rainfall was expected to occur.

Table 1. Summary of Seeding							
Scientific Name	Common Name	PLS Lbs./Acre per HRP ¹	PLS Lbs./Acre Applied	Percent Purity	Percent Germination		
	Mulefat Thickets	Seed Mix					
Ambrosia psilostachya	western ragweed	4	4	4	41		
Artemisia douglasiana	mugwort	4	4	20	34		
Elymus triticoides	beardless wild rye	4	4	95	80		
Urtica dioica ssp. holosericea	hoary nettle	4	4	64	63		
Achillea millefolium	yarrow	1	1	98	85		
Artemisia dracunculus	tarragon	1	1	12	74		
Bromus carinatus	California brome	1	1	98	85		
Calystegia macrostegia ssp. intermedia	south coast morning glory	0.5	0.5	99	81		
Cirsium occidentale	western thistle	1	0.25	No Test	No Test		
Elymus condensatus	giant wild rye	1	1	77	90		
Epilobium canum	California fuchsia	0.5	Not Available ²	N/A	N/A		
Epilobium ciliatum	slender willow herb	NA	.5	8	76		

Devil's Gate Reservoir Restoration Project	
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Table 1. Summary of Seeding

Scientific Name	Common Name	PLS Lbs./Acre per HRP ¹	PLS Lbs./Acre Applied	Percent Purity	Percent Germination
Eriodictyon parryi	poodle-dog bush	0.5	Not Available ²	N/A	N/A
Eriodictyon crassifolium	thickleaf yerba santa	NA	0.5	59	64
Eschscholzia californica	California poppy	0.5	0.5	90	80
Galium aparine	Cleavers	0.5	0.25	No Test	No Test
Gutierrezia californica4	matchweed	0.5	0.5	10	76
Lupinus bicolor	bicolored lupine	0.5	0.5	95	85
Lupinus truncata	blunt-leaved lupine	0.5	Not Available ²	N/A	N/A
Monardella breweri ssp. lanceolata	mustang mint	0.5	0.5	No Test	No Test
Phacelia cicutaria	caterpillar phacelia	0.5	0.5	95	70
Phacelia distans	common phacelia	0.5	0.5	95	70
Phacelia minor	wild Canterbury bells	0.5	0.5	90	60
Phacelia parryi	Parry's phacelia	0.5	0.5	99	91
Marah macrocarpa	chilicothe	0.5	0.5	99	28
Pseudognaphalium californicum	California everlasting	0.5	0.5	23	26
Rumex hymenosepalus	wild rhubarb	0.5	Not Available ²	N/A	N/A
Vitis girdiana	Southern wild grape	1	Not Available ²	N/A	N/A
	Primary Seed Mix Total	30.0	27.0		
	Black Willow Thick	ets Seed Mix			
Anemopsis californica	yerba mansa	3	3	62	45
Artemisia douglasiana	mugwort	5	5	20	34
Cyperus eragrostis	tall flatsedge	3	3	99	88
Elymus triticoides	beardless wild rye	2	2	95	80
Urtica dioica ssp. holosericea	hoary nettle	3	3	64	63
Achillea millefolium	yarrow	1	1	98	85
Artemisia dracunculus	tarragon	1	1	12	74
Bromus carinatus	California brome	1	1	98	85
Calystegia macrostegia ssp. intermedia	south coast morning glory	0.5	0.5	99	81
Cirsium occidentale	western thistle	1	0.25	No Test	No Test
Elymus condensatus	giant wild rye	1	1	77	90
Epilobium canum	California fuchsia	0.5	0.25	N/A	N/A

Devil's Gate Reservoir Restoration Project
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Table 1. Summary of Seeding								
Scientific Name	Common Name	PLS Lbs./Acre per HRP ¹	s./Acre per Lbs./Acre		Percent Germination			
Eriodictyon parryi	poodle-dog bush	0.5	Not Available ²	N/A	N/A			
Eschscholzia californica	California poppy	0.5	0.5	90	80			
Galium aparine	Cleavers	0.5	0.25	No Test	No Test			
Gutierrezia californica	matchweed	0.5	0.5	10	76			
Lupinus bicolor	bicolored lupine	0.5	0.5	95	85			
Lupinus truncata	blunt-leaved lupine	0.5	Not Available ²	N/A	N/A			
Monardella breweri ssp. lanceolata	mustang mint	0.5	0.5	No Test	No Test			
Phacelia cicutaria	caterpillar phacelia	0.5	0.5	95	70			
Phacelia distans	common phacelia	0.5	0.5	95	70			
Phacelia minor	wild Canterbury bells	0.5	0.5	90	60			
Phacelia parryi	Parry's phacelia	0.5	Not Available ²	99	91			
Marah macrocarpa	chilicothe	0.5	0.5	99	28			
Pseudognaphalium californicum	California everlasting	0.5	0.5	23	26			
Rumex hymenosepalus	wild rhubarb	0.5	Not Available ²	N/A	N/A			
Vitis girdiana	Southern wild grape	1	Not Available ²	N/A	N/A			
Black W	Black Willow Thickets Seed Mix Total 30.0 25.75							

¹HRP – Habitat Restoration Plan

3.4 Container Plant Installation

The container plant installation process commenced on January 11, 2021 and was completed on May 5, 2021. Container plants used for the Project were procured from Tree of Life Nursery and Arroyo Seco Foundation (ASF) Nursery and only container plants grown from seed collected within the acceptable geographic regions described in Section 4.9 of the HRP were used. Prior to installation, all plant material was inspected by the Restoration Ecologist (RE) to ensure that container stock was healthy and did not show signs of having pests or disease. Container stock determined to be in poor condition was rejected by the RE.

Container plant installation followed the methods described in Section 4.11 of the HRP. Container plants were planted using standard horticultural practices. Planting holes for all container plants were dug to a width twice the size of the root ball and to a depth slightly deeper than the depth of root ball so that the root crown was one inch below grade following installation. Prior to installation, all plants were thoroughly watered in their containers and the soil in each of the planting holes was wetted with a

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Los Angeles County Department of Public Works		2018-047.031

²Not Available – Was not available for purchase from seed vendor.

PLS - Pure Live Seed

Lbs. - Pounds

N/A - Not Applicable

minimum of one gallon of water. Planting holes were backfilled with native soil and irrigation basins were formed around the base of each planting. Basins were constructed to be a minimum of two feet wide and with a ridge no less than four inches. Rocks greater than two inches in diameter were removed to the extent possible from the backfill soil. Fertilizer was not added to backfill. Soil was tamped-in by hand to collapse air pockets in the backfill. All container plants were irrigated with a minimum of one gallon of water immediately following installation and basin creation. Container plants were planted in ecologically appropriate locations throughout the site and as directed by the RE. Table 2 provides a summary of the species and numbers of container plants installed during Phase 2.

3.5 Photo Documentation

Digital photographs were taken during key steps of the implementation process. Relevant photos are provided in Appendix B.

Table 2. Summary of Container Planting							
DG-							
Scientific Name	Common Name	DG-W-1 (Johnson Field)	DG-2/ DG-2 New Channels/ DG-2 WOUS	DG-W-2 (Mining Pit)	DG-W-2 Outlet	DG-4 Sheet Flow/ DG-SF-1	TOTAL
Artemisia douglasiana	Mugwort	349	448	187	50	31	1,065
Baccharis pilularis	Coyote brush	349	375	187	50	31	992
Baccharis salicifolia	mulefat	673	827	228	61	37	1,826
Populus fremontii	Fremont's cottonwood	349	375	187	50	31	992
Rosa californica	California rose	349	375	187	50	31	992
Rubus ursinus	California blackberry	349	375	141	38	23	926
Salix gooddingii	Black willow	698	896	373	101	61	2,129
Salix laevigata	Red willow	349	375	187	50	31	992
Salix lasiolepis	Arroyo willow	349	375	187	50	31	992
Sambucus mexicana	Mexican elderberry	175	225	94	25	15	534
	Total	3989	4646	1958	525	322	11,440

4.0 COMPLIANCE WITH HABITAT RESTORATION PLAN

During the implementation process, few deviations from the HRP were required. Minor deviations, including species substitutions to the seed mix and planting and seeding outside of the fall and winter seasons did occur. All substitutions to the seed mix were approved by CDFW prior to being used for the restoration effort and seeding outside of the fall and winter months only occurred when sufficient rainfall was forecasted. Certain species were not available when the seed order was placed and in some cases, the required pounds per acre were not available so the seed was applied at a lower rate; however, the HRP discusses the fact that not all of the species may be available at the time of implementation. Table 3 provides a summary of the Phase 2 mitigation areas, associated acreages, and associated vegetation

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communities. The table includes both the acres of the mitigation areas without the easements and the total acres in each of the mitigation areas including the easements. The areas within the easements were included in the planting and seeding but the acreage within the easements are not counted as mitigation.

Table 3. Summary of Phase 2 Mitigation Areas					
Site #	Target Vegetation Type	Mitigation Method	Acreage Excluding Easements	Total Acreage	
DG-W-1 (Johnson Field)	Salix gooddingii Woodland Alliance	Creation	3.01	3.44	
DG-W-2 (Mining Pit)	Salix gooddingii Woodland Alliance	Restoration	1.98	2.12	
DG-W-2 (Mining Pit Outlet)	Salix gooddingii Woodland Alliance	Creation	0.13	0.13	
DG-2	Salix gooddingii Woodland Alliance/ Baccharis salicifolia Shrubland Alliance	Restoration- Enhancement	3.75	3.83	
DG-2 New Channels	Salix gooddingii Woodland Alliance	Creation	0.83	0.83	
DG-2 WOUS	Salix gooddingii Woodland Alliance	Restoration	0.75	0.75	
DG-4A ¹	Salix gooddingii Woodland Alliance Baccharis salicifolia Shrubland Alliance	Creation	5.43	5.46	
DG-4-Sheet Flow	Salix gooddingii Woodland Alliance/ Baccharis salicifolia Shrubland Alliance	Restoration- Enhancement	0.40	0.40	
DG-SF-1	Salix gooddingii Woodland Alliance	Restoration	0.08	0.08	
DG-SF-2 ¹	Salix gooddingii Woodland Alliance	Restoration	0.03	0.03	
DG-4-WOUS ²	Salix gooddingii Woodland Alliance/ Baccharis salicifolia Shrubland Alliance	Restoration	1.84	1.88	
DG-4-Drainage ¹	Salix gooddingii Woodland Alliance	Restoration	0.49	0.49	
		TOTAL	18.72	19.44	

¹Weed abatement only

5.0 IMPLEMENTATION ACCEPTANCE

The Phase 2 mitigation sites will be maintained and monitored for a period of five years, or until the performance standards outlined in the HRP are achieved and CDFW determines the site is successful. Habitat restoration implementation for Phase 2 of the Project was completed on May 5, 2021; therefore, the five-year maintenance and monitoring period for Phase 2 commenced on May 5, 2021 and the assumed end dates will be May 5, 2026. Per the HRP, a total of 19.44 acres of onsite mitigation has been installed (easements were planted and seeded but do not count towards mitigation) and will be monitored until the areas meet the performance standards to achieve the mitigation requirement for the Phase 2 restoration areas. It should be noted that the acreage of the mitigation areas will potentially change following the approval of the LSAA amendment that is currently in process.

²Weed abatement and grading/recontouring only

6.0 REFERENCES

- CDFW. 2018. Amendment of Lake or Streambed Alteration Agreement for the Devil's Gate Sediment Removal and Management Project (Notification No. 1600-2015-0263-R5). Permittee: Los Angeles County Department of Public Works. July 17, 2018.
- CDFW. 2017. Lake or Streambed Alteration Agreement for the Devil's Gate Sediment Removal and Management Project (Notification No. 1600-2015-0263-R5). Permittee: Los Angeles County Department of Public Works. March 21, 2017.
- ECORP Consulting, Inc. 2020. Devil's Gate Reservoir Restoration Project Final Design Plans.
- ECORP Consulting, Inc. 2018. Devil's Gate Sediment Removal and Management Project Final Habitat Restoration Plan.

LIST OF APPENDICES

Appendix A – Streambed Alteration Agreement No. 1600-2015-0263-R5

Appendix B – Photo Documentation

APPENDIX A

Streambed Alteration Agreement No. 1600-2018-0042-R6



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE ALHAMBRA, CALIFORNIA 91803-1331 Telephone: (626) 458-5100 http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO: P.O. BOX 1460 ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE:

SWE-5

July 17, 2018

Mr. Ed Pert, Regional Manager Streambed Alteration Program California Department of Fish and Wildlife, Region 5 4665 Lampson Avenue, Suite C Los Alamitos, CA 90720

Attention Ms. Erinn Wilson

Dear Mr. Pert:

DEVIL'S GATE RESERVOIR SEDIMENT REMOVAL AND MANAGEMENT PROJECT AMENDMENT OF STREAMBED ALTERATION AGREEMENT NOTIFICATION NO. 1600-2015-0263-R5

Enclosed are two original signed copies of the Amendment of Lake or Streambed Alteration Agreement We appreciate your collaboration on this important project and look forward to continued work with you.

If you have any questions, please contact Mr. George De La O at (626) 458-7155 or gdelao@dpw.lacounty.gov.

Very truly yours,

MARK PESTRELLA

Director of Public Works

CHRISTOPHER STONE **Assistant Deputy Director** Stormwater Engineering Division

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Enc.



State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE South Coast Region 3883 Ruffin Road San Diego, CA 92123 (858) 636-3160 www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director

July 17, 2018

Christopher Stone
Los Angeles County Flood Control District
900 S. Fremont Ave.
Alhambra, CA 91803
CSTONE@dpw.lacounty.gov

Dear Mr. Stone:

Amendment of Lake or Streambed Alteration, Notification No. 1600-2015-0263-R5, Devil's Gate Dam Sediment Removal and Management Project

On March 21, 2017 the California Department of Fish and Wildlife (CDFW) executed the Final Streambed Alteration Agreement 1600-2015-0263-R5 (Agreement) for the Devil's Gate Sediment Removal and Management Project (Project). On May 17, 2017 a Peremptory Writ of Mandate was issued by the California Superior Court (Los Angeles County) regarding the environmental impact report relied upon by the Los Angeles County Flood Control District (Lead Agency) under California Environmental Quality Act (CEQA, SCH 2011091084) and a Recirculated Final Environmental Impact Report (RFEIR) was required by the court. CDFW, as a CEQA responsible agency, relied on the Lead Agency's environmental impact report to issue the Agreement. The Recirculated portions of the RFEIR was circulated for public and agency review and comment from July 24, 2017 to September 18, 2017 and recertified by Lead Agency on November 7, 2017. The CDFW received notice on December 6, 2017 of the Order Discharging Peremptory Writ of Mandate (Discharged Writ) for the matters before the Los Angeles County Superior Court related to the RFEIR.

The Discharged Writ was issued because the Court found that the RFEIR disclosure, analysis, and revision of mitigation measures complied with the Peremptory Writ of Mandate that the Final EIR for the Project, for Alternative 3, Configuration D (Approved Project), and for Alternative 5 (Haul Route Alternative) related to: 1) the 1:1 mitigation ratios in Mitigation Measures BIO-6, -7, and -8; 2) the imposition of Mitigation Measures BIO-1 through 8 on the proposed Devil's Gate Water Conservation Project, should such a project go forward, to reduce potential cumulative impacts for this Project; and 3) the requirement, in Mitigation Measure AQ-1, that sediment removal dump trucks meet Environmental Protection Agency's emission standards for Model Year 2010 or later.

The CDFW under its sole discretion has decided to amend the Agreement (see page 39 "Amendment") to reflect changes to the environmental impact report that appear in the RFEIR. CDFW hereby amends the Agreement with addition and revision of the

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following conditions (insertions in **bold underline**, deletions in **red strikeout** type face). All other conditions in the Agreement remain in effect unless otherwise noted herein

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<u>Initial Sediment Removal Area.</u> The 68.63 65.56 acre area where the initial excavation of sediment and debris will occur.

Permanent Maintenance Area. The 51.78 49.39 acre area to be maintained for flood capacity. This includes the Routine Annual Maintenance Area and the Episodic Maintenance Area.

Routine Annual Maintenance Area. The 40 80 42.05 acre area where annual maintenance of the facility will occur (see Exhibit B).

Episodic Maintenance Area. The 10 98 7 34 acre area side slope proposed at 3:1 (V:H) grade (see Exhibit B). where occasional maintenance will occur. This area is within the Permanent Maintenance Area, abuts Routine Annual Maintenance Area and forms transitional habitat with Habitat Restoration Area.

<u>Habitat Restoration Area</u>. The 77.01 acre area in the reservoir subject to minor land alteration, vegetation management, and planting of native plants. This area is outside the Permanent Maintenance Area (See Exhibit E).

Sediment Removal Program

This phase of project is limited to the restoration of a public facility, through excavation within the 68 63 65.56-acre Initial Sediment Removal Area (see Exhibit B. Work Plan Map) and transition to long term Permanent Maintenance Area, composed of a total of 51.78 49.39 acres that consists of 40.8 42.05 acres for Routine Annual Maintenance. and 10 987 34 acres for Episodic Maintenance Areas for the term of this Agreement. Sediment removal will not involve expansion of use beyond that of the designed facility. The proposed initial excavation is to mechanically remove 2 41 7 Million Cubic Yards (MCY) of post-fire debris from the Initial Sediment Removal Area within Devil's Gate Reservoir. The location of the Initial Sediment Removal Area was selected to maximize the efficient removal of post-fire debris while at the same time, avoid and minimize sensitive habitats and sensitive species impacts. Sediment levels behind Devil's Gate Dam will be brought down to 986 feet above mean sea level (msl) to eliminate the threat to the dam outlet works and comply with standards as set by the State Water Resources Division of Safety of Dams (DSOD). The Initial Sediment Removal Area will then slope upwards to 9951,000 feet above msl where the basin will constrict and increase in elevation to 1,040 feet above msl, and widen again to meet final elevation of 1,060 feet above msl approximately 4,7004,788 linear feet upstream from the dam. Devil's Gate Reservoir is routinely drained after every storm; therefore, it will not be

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necessary to drain the facility for non-routine activities.

Page 4 of 49, 4th paragraph

The 24 17 MCY of sediment and debris in the 68 6365.56-acres Initial Sediment Removal Area includes established native and non-native vegetation that will be removed. Vegetation and organic debris will be separated from the sediment and hauled to Scholl Canyon Landfill in the City of Glendale. Project Start is estimated to take place in the Fall of 20172018. In subsequent years of sediment removal, vegetation and organic debris will be hauled to Scholl Canyon Landfill.

Page 4 of 49, 6th paragraph

Permanent Maintenance Program

Once excavation is complete for this project, annual maintenance of the facility will occur within the 40-80 42.05 acre Routine Annual Maintenance Area (see Exhibit B). Vegetation management and sediment removal within the 40-80 42.05 acre Routine Annual Maintenance Area will occur for the life of this Agreement. Excavation over the lifetime of the project within the 40-80 42.05 acre Routine Annual Maintenance Area will be hauled to disposal sites previously authorized by Permittee (see Figures 2.5-2,-3-4 from Final Environmental Impact Report). Trucks hauling sediment will access the reservoir from an existing maintenance road east of Devil's Gate Dam and exit via a proposed upgraded access road on the western edge of Devil's Gate Dam that will exit on to Oak Grove Drive (see Exhibit A). Vegetation within the Routine Annual Maintenance Area will be mowed or grubbed annually over a 2 to 12 week period in late summer or early fall.

Page 5 of 49, 2nd paragraph

Episodic Maintenance within the 10.98 7 34 acre (horizontal projection) Episodic Maintenance Area will initially include planting with appropriate native plants and thereafter annual undesirable plant control (using herbicides, hand tools, and mechanically operated hand tools (i.e., chainsaws and motor powered winches). In the event of a large debris flow or hyper concentrated flood³ Episodic Maintenance would involve the need for sediment excavation/trucking off site. The types of equipment involved in excavation may include those similar to the initial sediment removal phase including, but not limited to, front loaders with four-yard buckets, bulldozers, excavator, grader, water truck, and tender trucks. Vehicles expected to be used for sediment

³ **Debris flow:** A mix of water and debris, which may include particles ranging in size from clay to boulders and may contain woody debris and other materials, that flows down a stream channel or steep slope, sometimes at great velocity, and contains more than 60 percent debris (less than 40 percent water) by volume. **Hyper-concentrated flood:** A moving mixture of sediment and water containing between 20 and 60 percent sediment by volume.

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hauling include double dump trucks with an 18 cubic yard (CY) capacity or equivalent.

Page 5 of 49, 3rd paragraph

After Episodic Maintenance the side slopes would be returned to the proposed 3:1 (V:H) grade, and the 10.98 7 34 acre area will be subject to the continuing annual undesirable plant control. Because this area is restricted from a general right of public access, and will be subject to undesirable plant control, it is anticipated to be revegetated naturally after periodic large debris flow or hyper concentrated floods.

Page 6 of 49, 6th paragraph

Native Plants: Nevin's barberry (Berberis nevinii), Plummer's mariposa lily (Calochortus plummerae), Greata's aster (Symphyotrichum gretae), Parry's spineflower (Chorizanthe parryi var. parryi), slenderhorned spineflower (Dodecahema ieptoceras), mesa horkelia (Horkelia cuneata ssp. puberula), white rabbit-tobacco (Pseudognaphalium leucocephalum), Parish's gooseberry (Ribes divaricatum var. parishii), black willow thickets, mulefat thickets, riparian herbaceous, coast live oak woodland, scale broom scrub, and all other aquatic and wildlife resources in the area. including the riparian vegetation which provides habitat for such species in the area. These resources are further detailed and more particularly described in the document(s): "Devil's Gate Reservoir Sediment Removal and Management Project Final Environmental Impact Report "dated October 2014, prepared for Los Angeles County of Department of Public Works by Chambers Group; Biological Technical Report (November 2010), Final Sediment Transport Capacity Analysis (January 2013), and the Noise and Traffic Reports (September & October 2013, respectively), Recirculated EIR for the Project and response to comments (July and October 2017, respectively), Revised Board Motion (November 7, 2017). Notice of Determination for Recirculated Final Environmental Impact Report, Order Discharging Peremptory Writ of Mandate (December 5, 2017), "Lake and Streambed Alteration Notification Package - Devil's Gate Dam and Reservoir Sediment Removal Project" dated December 11, 2015, prepared for CDFW by Permittee complete with all attachments and exhibits, Revised vegetation mapping and impact analysis for Devil's Gate Dam and Sediment Removal Project dated May 19, 2016 by ECORP Consulting, Inc., revised assessment of temporary impact areas and incorporation of Episodic Maintenance area dated May 5, 2016.

Page 7 of 49, 1st paragraph

Project Impacts

The adverse effects the project could have on the fish or wildlife resources identified above include a total of 68 63 65.56 acres subject to Department jurisdiction to implement the Initial Sediment Removal After Initial Sediment Removal 51 78 49.39 acres will be maintained for flood capacity through Routine Annual Maintenance and Episodic Maintenance (see above). Additionally, in order to implement compensatory

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mitigation for the project, 77.01 acres subject to the Department's jurisdiction outside the Permanent Maintenance Area, will be subject to minor surface alteration of the land, vegetation management, and application of herbicides. The following impacts would occur to vegetation communities within the 68.63 65.56 acres necessary for Initial Sediment Removal.

Page 7 of 49, 2nd paragraph

Total Permanent Project Impacts

Permanent impacts to 40 80 42.05 acres of vegetation communities and land cover classifications from initial sediment removal include the removal of 16-2715.64 acres of Salix gooddingii Alliance (black willow thickets), 1.821 97 acres Lepidospartum squamatum Alliance (Scalebroom scrub), 8.039 71 acres Baccharis salicifolia shrubland Alliance (mulefat thickets), 9.8810.24 acre Lepidium latifolium-Conium maculatum herbaceous semi-natural stand, 2.452 61 acre Conium maculatum herbaceous seminatural stand, 2.331 80 acres non-native or disturbed (including 4-00.67 acre Xanthium strumarium herbaceous stand, 4.331 13 acres disturbed (trails/barren/IMP Area)), 0.020 01 acre Artemisia californica-Eriogonum fasciculatum California sagebrush-California buckwheat scrub. Additionally, there are expected permanent impacts to individual California live oak trees (Quercus agrifolia) in an area of approximately 0.06 acre. The impacts that vary from direct impacts, resulting in complete removal to a limited number of individual trees, and indirect impacts to individual trees that are located in close proximity to areas where direct impacts will occur. The indirect impacts are undetermined at this time because the area's hilly topography may not result in any significant effect or project disturbances may be avoided all-together based on project design modifications. made from incorporating Measures to avoidance impacts toef oak trees will be identified following the completion of the in three monitoring reportsurvey that is required prior to the start of the Projectstart

Page 7 of 49, 3rd paragraph

Total Temporary Project Impacts

Temporary impacts to 27.83 23.52 acres subject to Department jurisdiction consisting of vegetation communities and land cover classifications will occur from Initial Sediment Removal, worksite access, and installation of side-slopes in Episodic Maintenance Area. These areas contain 12.70 13.16 acres Lepidospartum squamatum Alliance (Scalebroom scrub), 5.89 4.65 acres of Salix gooddingii Alliance (black willow thickets), 3.41 2.11 acres Baccharis salicifolia shrubland Alliance (mulefat thickets), 1.97 0.06 acres disturbed (trails/barren/IMP Area), 1.24 0.72 acre Lepidium latifolium-Conium maculatum herbaceous semi-natural stand, 1.70 1.19 acres Conium maculatum herbaceous semi-natural stand, 0.507 acre Xanthium strumarium herbaceous stand, 0.207 acre Quercus agrifolia coast live oak (trees), 0.07 acre Eucalyptus (globulus, camaldulensis) Semi-natural stand, 0.0812 acre Artemisia californica- Eriogonum fasciculatum California sagebrush-California buckwheat scrub.

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The following Conditions have been added or amended:

- 1.11 The Permittee shall fully implement all mitigation measures identified in the Final Environmental Impact Report (FEIR) and as revised by Recirculated FEIR (RFEIR). All Conditions, Studies, and mitigation measures relating to biological resources identified in the FEIR and RFEIR shall be enforceable by CDFW as terms of this Agreement.
- 2.1 <u>Work Period</u>. Initial Vegetation Removal work within the Initial Sediment Removal Area shall be confined to the period starting September 15 to February 1, in the year(s) of 20172018 to 2019 2020, unless otherwise requested by Permittee and approved by CDFW in writing. Excavation shall be confined to April 15 to December 31 Monday through Friday from 0700 to 1800 hours Standard Time (1900 hours during Daylight Savings Time), and on Saturday between 0800 to 1700 hours during Standard and Daylight Savings Time. Routine Annual Maintenance or Episodic Maintenance work involving vegetation management and/or excavation is specifically addressed in Conditions 2.40 to 2.72 below.
- 2.41 Permittee shall implement Routine Annual and Episodic Maintenance in conformance with the Project Description and the following Conditions in this Agreement. The Permittee shall remove all human generated debris, such as cuttings, garbage and trash. The Permittee shall remove washed out culverts, and other construction materials, that the Permittee places within, or where they may enter the stream. Routine Annual Maintenance activities shall be limited to the inspection, routine maintenance (e.g., fence repair, minor maintenance of access roads, graffiti removal, trash removal, weed abatement, etc.) sediment removal. and vegetation management (annually) within the approved Routine Annual Maintenance Area (40.80 42.05 acres) footprint. Vegetation may be mowed annually and when necessary for capacity reasons the root zone may be grubbed. Sediment removal may be implemented by: 1) sediment excavation and hauling off site; and 2) Flow-Assisted Sediment Transport (FAST). Episodic Maintenance within the 10.98 7 34 acre (horizontal projection) side slope area may include annual undesirable plant control (including herbicides, hand tools, and mechanically operated hand tools (e.g., chainsaws and motor powered winches). and in the event of a large debris flow or hyper concentrated flood sediment excavation/trucking off site. If additional major maintenance/repair work is required a separate Agreement is required for said repairs.
- 2.42 Work Period. Vegetation Management work shall be confined to September 15 to February 1 starting approximately in 20232024 until 2037 2038. The general days and hours of the week that Permittee should conduct Routine Annual Maintenance is Monday through Friday from 0700 to 1800 hours Standard Time (1900 hours during Daylight Savings Time), and on Saturday between 0800 to 1700 hours during Standard and Daylight Savings Time.

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Table 3.0 Compensatory Mitigation [Permanent] Requirements for Creation and Restoration

IMPACTS TO VEGETATION COMMUNITIES	COMPENSATORY MITIGATION REQUIREMENT				
	PERMANENT IMPACTS	Creation	Restoration	Total	
Salix gooddingii Woodland Alliance	16.27 15.64	16.27 15.64	22.31 21.44	38.58 37.08	
Baccharis saltifolia Shrubland Alliance	8.039 71	8.03 9 71	4.835 84	12.86 15.55	
Lepidospartum squamatum Shrubland Alliance	1.82 1 97	1.82 1 97	7.28 7 88	9.1 9 85	
Artemisia californica -Eriogonum fasciculatum Shrubland Alliance	0.02 0 01	0.02 0 01	0.04 <u>0.02</u>	0.060.03	
Conium maculatum Herbaceous Semi-Natural Alliance*	2.45 2 61	0.00	1.23 1.31	1.23 1 31	
Lepidium latifolium - Conium maculatum Herbaceous Semi- Natural Alliance*	9.88 <u>10.24</u>	0.00	4.94 <u>5 12</u>	4.945 12	
Xanthium strumarium Herbaceous Alliance (Unofficial Alliance)	1.00 0 67	0.00	1.50 1 00	1.50 1 00	
Disturbed/Developed	1.33 <u>1 13</u>	0.00	0.00	0.00	
TOTAL COMPENSATORY MITIGATION REQUIRE	D	26.14 27.33	42.13 42.61	68.2769.94	
TOTAL PERMANENT IMPACTS	4 0.80 41.98				

- 3.2 <u>Mitigation for Temporary Impacts.</u> The total of <u>27-83</u> <u>23.52</u> acres of temporary impacts, described in detail in the Project Description, shall be established and maintained pursuant to the following requirements:
 - a. The Permittee shall mitigate the temporary impacts to 16.8517 acres of vegetation and habitat communities located in restoration areas designated (DG3B, DG 7, DG 8, DG 9, See Exhibit E) by delaying impacts to temporary impact areas until 3rd year of sediment removal project and implement restoration pursuant to Habitat Restoration Plan (see Condition 3.9, below) with 24 months of impacts (see Condition 3.5), and maintained pursuant to Habitat Management Plan (see Condition 3.10).
 - b. The 10.98 7 34 acre (horizontal projection, see Exhibit B) Episodic Maintenance Area will include initially planting with appropriate native plants and thereafter annual undesirable plant control (including herbicides, hand tools, and mechanically operated hand tools (i.e., chainsaws and motor powered winches), and in the event of a large debris flow or hyper concentrated flood Episodic Maintenance would involve the need for sediment excavation/trucking offsite. After Episodic Maintenance the side slopes would be returned to proposed 3:1 (V:H) grade, and the 10.98 7 34 acre area will be subject to the continuing annual undesirable plant control.
- 3.4 Establish Permanent Cross-Section. Permittee shall establish single cross section, established by monument, at upstream limit of Permanent Maintenance Area to document condition and be comparable overtime. The annual monitoring of cross section should be conducted immediately following the high flow season

and include the physical measurements of the site, photos from a fixed photographic station, and if applicable results from interviews with local persons, Permittee, or Permittee's assignees that had important observations. The cross-section and photographic station shall be monitored and reported to CDFW according to the following sub-measures.

- a. Initial Monitoring. Permittee shall monitor cross section annually for the first 5 years following Initial Sediment Removal, estimated at 2-4 1 7 mcy plus any additional annual deposits, and as soon as feasible after the first major high flow event. If major high flow event occurs in the first 5 years of monitoring then frequency of future monitoring will be adjusted by CDFW based on consultation with Permittee. Monitoring frequency adjustments shall be based on results of annual monitoring and high flow observations.
- b. Long-term Monitoring. Permittee shall monitor cross section every once every 5 years and immediately after a major high flow event for the duration of this Agreement.

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TERM

This Agreement shall expire on March 31, 2037 June 31, 2038, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

Please sign and return two copies of this letter to acknowledge the amendment. The amendment becomes valid once the letter is signed by CDFW. Copies of the Agreement and this amendment must be readily available at project worksites and must be presented when requested by a CDFW representative or agency with inspection authority.

If you have any questions regarding this letter, please contact Steve Gibson, Senior Environmental Scientist (Specialist) at (562) 342-2106 or by email at steve.gibson@wildlife.ca.gov.

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Sincerely,

Erinn Wilson, Environmental Program Manager

Veronica Mardis, LACFCD vmardis@dpw.lacounty.gov ec:

ACKNOWLEDGEMENT

I hereby agree to the above-referenced amendment.

Print Name: Mristopher Stone Date: July 17, 2018
Signature: Munipher Stone

APPENDIX B

Photo Documentation



Photo 1. Overview Phase 2 Irrigation Installation



Photo 2. Overview Phase 2 Container Plant Installation



Photo 3. Overview Phase 2 Container Plant Installation

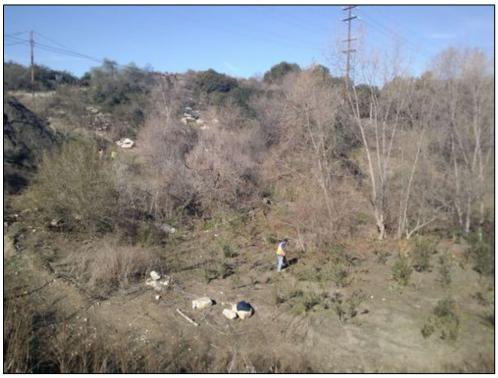


Photo 4. Overview Phase 2 Weed Abatement



Photo 5. Overview Phase 2 Container Plant Installation



Photo 6. Overview Phase 2 Container Plant Installation



Photo 7. Overview Phase 2 Irrigation Installation



Photo 8. Overview Phase 2 Container Plant Installation



Photo 9. Overview Phase 2 Container Plant Installation



Photo 10. Overview Phase 2 Seeding



Photo 11. Overview Phase 2 Weed Abatement



Photo 12. Overview Phase 2 Container Plants



Photo 13. Overview Phase 2 Weed Abatement



Photo 14. Overview Phase 2 Irrigation Installation



Photo 15. Overview Phase 2 Weed Abatement



Photo 16. Overview Phase 2 Container Plant Installation



Photo 17. Overview Phase 2 Irrigation Installation



Photo 18. Overview Phase 2 Weed Abatement



Photo 19. Overview Phase 2 Cage Creation for Container Plants



Photo 20. Overview Phase 2 Tree Removal



Photo 21. Overview Phase 2 Weed Abatement



Photo 22. Overview Phase 2 Container Plant Installation