

**RESPONSES TO COMMENTS FOR
RECIRCULATED PORTIONS OF
FINAL ENVIRONMENTAL IMPACT REPORT
AND MITIGATION MONITORING AND REPORTING PROGRAM**

**DEVIL'S GATE RESERVOIR SEDIMENT REMOVAL
AND MANAGEMENT PROJECT
PASADENA, CA
(LOS ANGELES COUNTY)**

State Clearinghouse No. 2011091084

Prepared for:

**LOS ANGELES COUNTY
FLOOD CONTROL DISTRICT**
P.O. Box 1460
Alhambra, California 91802-1460



Prepared by:



1801 E. Park Court Place, Building B
Santa Ana, California 92701

October 2017



THIS PAGE INTENTIONALLY LEFT BLANK

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
SECTION 1.0 – INTRODUCTION	1-1
1.1 REPORT ORGANIZATION	1-1
1.2 SUMMARY OF PUBLIC COMMENT PERIOD.....	1-1
SECTION 2.0 – LIST OF COMMENTORS	2-1
SECTION 3.0 – COMMENT LETTERS AND RESPONSES TO COMMENTS	3-1
3.1 MASTER RESPONSES	3-1
3.1.1 Master Response 1: Limited Scope of the Recirculated Portions of the Final EIR	3-1
3.1.2 Master Response 2: Extension of Public Review Period	3-2
3.1.3 Master Response 3: Require Natural Gas or Alternative Fueled Trucks.....	3-3
3.1.4 Master Response 4: Deficiency of 1:1 Mitigation Ratio	3-4
3.1.5 Master Response 5: Availability of a Habitat Restoration Plan	3-13
3.1.6 Master Response 6: Location of Mitigation	3-15
3.2 CATEGORY A: AGENCY COMMENTS	3-19
Letter A1: California Department of Transportation	3-20
Letter A2: City of Pasadena.....	3-22
Letter A3: City of La Cañada Flintridge	3-40
Letter A4: La Cañada Flintridge Unified School District	3-42
Letter A5: City of La Cañada Flintridge	3-45
Letter A6: California Department of Fish and Wildlife	3-59
3.3 CATEGORY B: ORGANIZATION COMMENTS	3-63
Letter B1: San Gabriel Mountain Chapter of the California Native Plant Society	3-64
Letter B2: Crescenta Valley Community Association.....	3-66
Letter B3: Altadena Heritage	3-69
Letter B4: Friends of Hahamongna	3-72
Letter B5: Arroyo Seco Foundation and Pasadena Audubon Society.....	3-86
Letter B5A: SWAPE.....	3-111
Letter B5B: Scott Cashen, M.S.	3-128
Letter B5C: Toure Associates	3-151

Letter B6: Pasadena Audubon Society.....	3-166
Letter B7: Arroyo Seco Foundation and Pasadena Audubon Society.....	3-170
Letter B8: Arroyo Seco Foundation and Pasadena Audubon Society.....	3-173
Letter B9: Arroyo Seco Foundation and Pasadena Audubon Society.....	3-176
3.4 CATEGORY C: GENERAL PUBLIC COMMENTS	3-180
Letter C1: Anne Chomyn.....	3-181
Letter C2: Joe Wilson	3-184
Letter C3: Kathy Sturdevant.....	3-186
Letter C4: papacs	3-188
Letter C5: Christle Balvin.....	3-190
Letter C6: Rody Stephenson	3-194
Letter C7: Constance Brines.....	3-196
Letter C8: Amy Mainzer	3-198
Letter C9: Michele Zack	3-200
Letter C10: Christina Heath.....	3-203
Letter C11: Marnie Gaede.....	3-205
Letter C12: Genette Foster	3-209
Letter C13: Nancy St	3-212
Letter C14: Susan Hoskins.....	3-214
Letter C15: Katie Riggs	3-216
Letter C16: Richard Benson	3-219
Letter C17: Kendra Elliott.....	3-221
Letter C18: Joan Depew	3-223
Letter C19: Alton Cullen.....	3-225
Letter C20: Arin Rao.....	3-227
Letter C21: Richard McCarthy.....	3-229
Letter C22: Barbara Eisenstein.....	3-231
Letter C23: Gregg Oelker	3-235
Letter C24: Dessi Sieburth.....	3-237
Letter C25: Yvonne Ortiz.....	3-244
Letter C26: Beatrix Schwarz.....	3-246
Letter C27: Don Bremner.....	3-248

Letter C28: Michael Long	3-251
Letter C29: Wendy Crowley	3-253
Letter C30: Kristopher Kreichbaum	3-255
Letter C31: Shannon Griffin	3-257
Letter C32: Anne Chomyn.....	3-262
Letter C33: Jess Donoho	3-264
Letter C34: Suzy Beal	3-266
Letter C35: Joan Probst.....	3-268
Letter C36: Susanna Dadd.....	3-272
Letter C37: Timothy Martinez.....	3-274
Letter C38: Kate Vincent and Donald Crockett.....	3-276
Letter C39: Jonathan Frame.....	3-278
Letter C40: Maria Delgadillo	3-281
Letter C41: Mark Hunter	3-284
Letter C42: Johnathan Perisho.....	3-287
Letter C43: Steve Messer	3-290
Letter C44: Tim Brick.....	3-293
Letter C45: Laura Garrett.....	3-302
Letter C46: Thomas Seifert	3-307
Letter C47: Thomas Johnston	3-310
Letter C48: Morey Wolfson	3-312
Letter C49: Rachel Wing.....	3-315
Letter C50: William Christian	3-319
Letter C51: Patricia Pipkin.....	3-325
Letter C52: Dorothy Wong.....	3-328
Letter C53: Alan Hoffman	3-334
Letter C54: Mark Scheel.....	3-336
Letter C55: Janet Scheel.....	3-339
Letter C56: Suzannah Ferron	3-341
Letter C57: Holly Schiefelbein.....	3-344
Letter C58: Hans Rosenberger	3-346
Letter C59: Debra Francis	3-349

Letter C60: Kate Vincent and Donald Crockett	3-351
Letter C61: Deb Halberstadt	3-353
Letter C62: Linda Klibanow	3-355
Letter C63: Marilyn Garcia	3-357
Letter C64: Levi Brewster	3-359
Letter C65: Sean Townley	3-361
Letter C66: Bob Aronoff	3-365
Letter C67: Mark Stowe	3-367
Letter C68: Andreas Aebi	3-369
Letter C69: Jim Saake	3-371
Letter C70: Lou Anne Insprucker	3-373
Letter C71: Natasha Stavros	3-375
Letter C72 Geri Johnston	3-377
Letter C73: Hans Rosenberger	3-379
Letter C74: John Harris.....	3-381
Letter C75: Dancingwater	3-383
Letter C76: Sylvia Stachura	3-385
Letter C77: Patricia Caldwell.....	3-387
Letter C78: Stephanie Strout	3-389
Letter C79: Christina Heath.....	3-391
Letter C80: Blair Miller	3-393
Letter C81: Yeun-Bin Lee.....	3-395
Letter C82: Marietta Kruells.....	3-397
Letter C83: Lori L. Paul	3-422
Letter C84: Octavia Thuss	3-442
Letter C85: Susanna Dadd.....	3-444
Letter C86: Herbert Bosgood	3-447
Letter C87: Chris and Pam Tober	3-449
Letter C88: Robert L. Staehle	3-451
Letter C89: Andrea Davis, Ph.D.....	3-455
Letter C90: Marnie Gaede.....	3-458
Letter C91: Christian Kasperkovitz	3-462

Letter C92: Don Wielenga	3-464
Letter C93: Taliba Carr	3-466
Letter C94: William Christian	3-468

SECTION 4.0 – MITIGATION MONITORING AND REPORTING PROGRAM4-1

LIST OF TABLES

<u>TABLE</u>	<u>PAGE</u>
2-1 List of Comment Letters.....	2-1

THIS PAGE INTENTIONALLY LEFT BLANK

1.0 INTRODUCTION

1.1 Report Organization

The Recirculated Portions of the Final Environmental Impact Report (RFEIR) for the Devil's Gate Sediment Removal and Management Project (Project) was circulated for public and agency review and comment from July 24, 2017 to September 7, 2017. Due to requests for additional time to review the document, the public review period for the RFEIR was extended for an additional 10 days, with the extended public review period ending on September 18, 2017. This document responds to comments regarding significant environmental issues and concerns raised in the public and agency review process.

This Final EIR is organized as follows:

- ◆ **Section 1** discusses the structure of this document;
- ◆ **Section 2** lists the agencies, organizations, and individuals that commented on the contents of the Recirculated Portions of the Final EIR;
- ◆ **Section 3** includes the comments received on the RFEIR and the responses to those comments; and
- ◆ **Section 4** provides the Mitigation Monitoring and Reporting Program (MMRP) for the Project.

1.2 Summary of Public Comment Period

The REIR and Notice of Availability (NOA) were distributed for review and comment to a mailing list of 1,381 cities, stakeholders, and local agencies; the State Clearinghouse; and other interested parties for a 45-day public and agency review period from July 24, 2017 to September 7, 2017. As previously mentioned, due to the requests of the public and agencies, the review period was extended for an additional 10 days, ending on September 18, 2017. The NOA was also filed at the Los Angeles County Clerk and the State Clearinghouse. The NOA and RFEIR were available at the locations listed below:

- ◆ Linda Vista Library, 1281 Bryant Street, Pasadena, CA
- ◆ Pasadena Central Library, 285 East Walnut Street, Pasadena, CA
- ◆ San Rafael Branch Library, 1240 Nithsdale Road, Pasadena, CA
- ◆ Altadena Library District, 600 East Mariposa Street, Altadena, CA
- ◆ Bob Lucas Memorial Library, 2659 Lincoln Avenue, Altadena, CA
- ◆ La Cañada Flintridge Library, 4545 North Oakwood Avenue, La Cañada Flintridge, CA
- ◆ Irwindale Public Library, 5050 Irwindale Avenue, Irwindale, CA
- ◆ Sun Valley Library, 7935 Vineland Avenue, Sun Valley, CA
- ◆ County of Los Angeles Department of Public Works, 900 South Fremont Avenue, Alhambra, CA - Available at the Water Resources Division's 2nd Floor Public Counter

The RFEIR was also available online at <http://www.LASedimentManagement.com/DevilsGate>.

THIS PAGE INTENTIONALLY LEFT BLANK

2.0 LIST OF COMMENTORS

A list of public agencies, organizations, and individuals that provided comments on the Recirculated Portions of the Final EIR is presented below. The letters have been organized into three categories:

- A. Agencies
- B. Organizations
- C. General Public

Each comment letter has been assigned a numerical designation corresponding to their category. Each comment within each letter has been assigned an additional numerical designation so that each comment can be cross-referenced with an individual response. These letters, and the responses to the comments, are included in Section 3 of this document.

**Table 2-1
List of Comment Letters**

LETTER NUMBER	SENDER	DATE RECEIVED
A – Agencies		
Letter A1	California Department of Transportation	August 30, 2017
Letter A2	City of Pasadena	September 5, 2017
Letter A3	City of La Cañada Flintridge	September 5, 2017
Letter A4	La Cañada Flintridge Unified School District	September 7, 2017
Letter A5	City of La Cañada Flintridge	September 19, 2017
Letter A6	California Department of Fish and Wildlife	October 2, 2017
B – Organizations		
Letter B1	San Gabriel Mountain Chapter of the California Native Plant Society	August 23, 2017
Letter B2	Crescenta Valley Community Association	September 5, 2017
Letter B3	Altadena Heritage	September 6, 2017
Letter B4	Friends of Hahamongna	September 6, 2017
Letter B5	Arroyo Seco Foundation and Pasadena Audubon Society	September 7, 2017
Letter B6	Pasadena Audubon Society	September 18, 2017
Letter B7	Arroyo Seco Foundation and Pasadena Audubon Society	August 15, 2017
Letter B8	Arroyo Seco Foundation and Pasadena Audubon Society	August 29, 2017
Letter B9	Arroyo Seco Foundation and Pasadena Audubon Society	August 31, 2017
C – General Public		
Letter C1	Anne Chomyn	July 24, 2017
Letter C2	Joe Wilson	August 4, 2017
Letter C3	Kathy Sturdevant	August 11, 2017
Letter C4	papacs	August 1, 2017
Letter C5	Christle Balvin	August 17, 2017
Letter C6	Rody Stephenson	August 25, 2017
Letter C7	Constance Brines	August 25, 2017
Letter C8	Amy Mainzer	August 29, 2017

*Responses to Comments for
Recirculated Portions of Final EIR Devil's Gate Reservoir Sediment Removal and Management Project
Los Angeles County, California*

LETTER NUMBER	SENDER	DATE RECEIVED
Letter C9	Michele Zack	August 29, 2017
Letter C10	Christina Heath	August 26, 2017
Letter C11	Marnie Gaede	August 30, 2017
Letter C12	Genette Foster	August 30, 2017
Letter C13	Nancy St	August 31, 2017
Letter C14	Susan Hoskins	September 1, 2017
Letter C15	Katie Riggs	September 1, 2017
Letter C16	Richard Benson	September 1, 2017
Letter C17	Kendra Elliott	September 1, 2017
Letter C18	Joan Depew	September 1, 2017
Letter C19	Alton Cullen	September 2, 2017
Letter C20	Arin Rao	September 2, 2017
Letter C21	Richard McCarthy	September 3, 2017
Letter C22	Barbara Eisenstein	September 5, 2017
Letter C23	Gregg Oelker	September 5, 2017
Letter C24	Dessi Sieburth	September 5, 2017
Letter C25	Yvonne Ortiz	September 5, 2017
Letter C26	Beatrix Schwarz	September 5, 2017
Letter C27	Don Bremner	September 5, 2017
Letter C28	Michael Long	September 5, 2017
Letter C29	Wendy Crowley	September 6, 2017
Letter C30	Kristopher Kreichbaum	September 6, 2017
Letter C31	Shannon Griffin	September 6, 2017
Letter C32	Anne Chomyn	September 6, 2017
Letter C33	Jess Donoho	September 6, 2017
Letter C34	Suzy Beal	September 6, 2017
Letter C35	Joan Probst	September 6, 2017
Letter C36	Susanna Dadd	September 6, 2017
Letter C37	Timothy Martinez	September 6, 2017
Letter C38	Kate Vincent and Donald Crockett	September 6, 2017
Letter C39	Jonathan Frame	September 6, 2017
Letter C40	Maria Delgadillo	September 6, 2017
Letter C41	Mark Hunter	September 7, 2017
Letter C42	Johnathan Perisho	September 7, 2017
Letter C43	Steve Messer	September 7, 2017
Letter C44	Tim Brick	September 7, 2017
Letter C45	Laura Garrett	September 7, 2017
Letter C46	Thomas Seifert	September 7, 2017
Letter C47	Thomas Johnston	September 7, 2017
Letter C48	Morey Wolfson	September 7, 2017
Letter C49	Rachel Wing	September 7, 2017
Letter C50	William Christian	September 7, 2017
Letter C51	Patricia Pipkin	September 7, 2017

*Responses to Comments for
Recirculated Portions of Final EIR Devil's Gate Reservoir Sediment Removal and Management Project
Los Angeles County, California*

LETTER NUMBER	SENDER	DATE RECEIVED
Letter C52	Dorothy Wong	September 7, 2017
Letter C53	Alan Hoffman	September 7, 2017
Letter C54	Mark Scheel	September 7, 2017
Letter C55	Janet Scheel	September 7, 2017
Letter C56	Suzannah Ferron	September 7, 2017
Letter C57	Holly Schiefelbein	September 7, 2017
Letter C58	Hans Rosenberger	September 7, 2017
Letter C59	Debra Francis	September 7, 2017
Letter C60	Kate Vincent and Donald Crockett	September 8, 2017
Letter C61	Deb Halberstadt	September 8, 2017
Letter C62	Linda Klibanow	September 8, 2017
Letter C63	Marilyn Garcia	September 9, 2017
Letter C64	Levi Brewster	September 10, 2017
Letter C65	Sean Townley	September 10, 2017
Letter C66	Bob Aronoff	September 10, 2017
Letter C67	Mark Stowe	September 11, 2017
Letter C68	Andreas Aebi	September 11, 2017
Letter C69	Jim Saake	September 11, 2017
Letter C70	Lou Anne Insprucker	September 11, 2017
Letter C71	Natasha Stavros	September 11, 2017
Letter C72	Geri Johnston	September 12, 2017
Letter C73	Hans Rosenberger	September 8, 2017
Letter C74	John Harris	September 12, 2017
Letter C75	Dancingwater	September 15, 2017
Letter C76	Sylvia Stachura	September 15, 2017
Letter C77	Patricia Caldwell	September 15, 2017
Letter C78	Stephanie Strout	September 17, 2017
Letter C79	Christina Heath	September 17, 2017
Letter C80	Blair Miller	September 18, 2017
Letter C81	Yeun-Bin Lee	September 18, 2017
Letter C82	Marietta Kruells	September 18, 2017
Letter C83	Lori L. Paul	September 19, 2017
Letter C84	Octavia Thuss	September 18, 2017
Letter C85	Susanna Dadd	September 18, 2017
Letter C86	Herbert Bosgood	September 18, 2017
Letter C87	Chris and Pam Tober	September 18, 2017
Letter C88	Robert L. Staehle	September 18, 2017
Letter C89	Andrea Davis, Ph.D.	September 19, 2017
Letter C90	Marnie Gaede	September 28, 2017
Letter C91	Christian Kasperkovitz	September 7, 2017
Letter C92	Don Wielenga	July 27, 2017
Letter C93	Taliba Carr	August 3, 2017
Letter C94	William Christian	August 23, 2017

THIS PAGE INTENTIONALLY LEFT BLANK

3.0 RESPONSES TO COMMENTS

This section includes the letters received during the public and agency review period on the RFEIR. Each of the letters is followed by responses to the comments in each particular letter. Revisions to the RFEIR are included in Section 4 of this document. The responses are organized as listed in Table 2-1.

3.1 Master Responses

A number of the comments received on the RFEIR discussed the same issues or environmental concerns. Rather than repeat responses, master responses to common issues were prepared. These master responses are provided below.

3.1.1 Master Response 1: Limited Scope of the Recirculated Portions of the Final EIR

Summary of Issues Raised. Several of the comment letters received on the RFEIR raise issues or requested additional analysis with regard to potential environmental impacts in areas beyond those in the scope of the ruling of the Los Angeles County Superior Court.

Response. The purpose of the RFEIR, as discussed in pages ii and iii of the Introduction to the RFEIR, is only to respond to the directives of a Court ruling on three very narrow issues, not to reanalyze the impacts of the Project as a whole, or to analyze different alternatives. On April 19, 2017, the Los Angeles County Superior Court issued its judgement in *Arroyo Seco Foundation v. County of Los Angeles*, LACSC Case No. BS 152771, a lawsuit that had challenged the Final EIR prepared for this Project. The Court's ruling held that the majority of the EIR fully complied with CEQA, and only required that a limited number of pages of the Final EIR be revised and recirculated for public review.

The Court's ruling required LACFCD to revise and recirculate three narrow portions of the EIR – specifically (1) to provide substantial evidence to support the mitigation ratios in Mitigation Measures BIO-6, -7, and -8; (2) to require the application of Mitigation Measures BIO-1 through BIO-8 to the Devil's Gate Water Conservation Project, should that project ever go forward; and (3) to revise Mitigation Measure AQ-1 to require that sediment removal dump trucks meet the EPA's emission standards for Model Year 2010. In total, this resulted in the revision and recirculation of only 55 pages of the Final EIR.

Beyond these limited edits, the Court found that the remainder of the EIR fully complied with CEQA and therefore did not need to be recirculated. (April 13, 2017 Reporters Transcript 14:22-26 [Court: "I have ruled that most of the EIR is okay. I am sending back for reevaluation a small portion"].) Specifically, the Court rejected the lawsuit's claims that: 1) the Project description was inadequate for omitting the separate Devil's Gate Water Conservation Project, finding that the description of the Project in the EIR fully complied with CEQA, 2) removal of 2.4 million cubic yards of sediment was not necessary for flood control, finding substantial evidence that removal of sediment was necessary, 3) the EIR improperly segmented the Project from the Devil's Gate Water Conservation Project, finding that the Project is independent of that separate project, 4) that the environmental setting description of biological resources was incomplete, finding that the EIR's description fully complied with CEQA and 5) the EIR failed to analyze the cumulative effects of air quality and cultural resources, finding the LACFCD's analysis fully complied with CEQA.

State CEQA Guidelines section 15088.5(b) permits a lead agency to recirculate only those portions of an EIR that have been modified. Here, consistent with the Court's ruling, only three narrow portions of the EIR have been modified, and therefore only those portions were recirculated, consistent with both the ruling and State CEQA Guidelines section 15088.5(b). (September 26, 2017 Ruling, pp, 7, 10-11 ["Petitioners lost on all of the issues that would have required decertification of the entire EIR"], ["Petitioners managed to prevail only on three very limited challenges to the cumulative impacts analysis and two mitigation measures, and the only relief they obtained was to require the District to recirculate and revise specific, limited portions of the FEIR"].)

State CEQA Guidelines section 15088.5(f)(2) permits a lead agency to request that reviewers limit their comments to only the revised portions of a recirculated EIR, as was done in the RFEIR. Under this section, a lead agency need only respond to comments received during the recirculation period that relate to the portions of the EIR that were revised and recirculated. No responses to comments that have been submitted during the recirculation period that relate to issues other than the recirculated portions of the RFEIR are necessary or required by the Court. This includes comments requesting: 1) consideration of Project alternatives to remove smaller amounts of sediment, including the Pasadena Sediment Working Group's proposal, 2) the preparation of additional air quality analysis, 3) the development of an annual /on-going sediment removal plan, and 4) the preparation of additional analysis of potential cumulative impacts associated with the as-yet-only-conceptual Devil's Gate Water Conservation Project (sometimes referred to by the public as the Altadena or cross-town pipeline). Therefore, to the extent that any comments exceed the scope of the Court's order, those comments do not require a response in the RFEIR. (February 14, 2017 Reporter's Transcript 51:15-18 [Court: 'if an issue is denied by me, it's done. Only the issues on which I grant the petitioner have to be addressed by [the District]. Only those issues"].)

3.1.2 Master Response 2: Extension of Public Review Period

Summary of Issues Raised. Several comment letters requested that the public review period be extended beyond the 45-days ordered by the Los Angeles County Superior Court.

Response. The Writ of Mandate issued by the Los Angeles County Superior Court in *Arroyo Seco Foundation v. County of Los Angeles*, LACSC Case No. BS 152771 specifically ordered the LACFCD to recirculate the revised portions of the EIR for 45-days. (Peremptory Writ of Mandate, §1(a)(i).) Further, State CEQA Guidelines section 15105(a) requires a 45-day public review and comment period for EIRs that are submitted to the State Clearinghouse for review. Here, the RFEIR was submitted to the State Clearinghouse (SCH No. 2011091084), and therefore CEQA required a 45-day public review and comment period. That comment period ran from July 24, 2017 to September 7, 2017. A lead agency is not legally required to grant extensions or otherwise prolong the public review and comment period beyond 45 days.

Nonetheless, due to requests for additional time to review the document, the public review period for the RFEIR was extended for an additional 10 days, with the extended public review period ending on September 18, 2017. In total, only 55 pages of the original Final EIR were revised and recirculated, with revisions clearly noted in underline and strikethrough. No further extension of the public review period is required.

3.1.3 Master Response 3: Require Natural Gas or Alternative Fueled Trucks

Summary of Issues Raised. Several comment letters requested that natural gas or alternative fueled vehicles be used for the removal of sediment.

Response. As was discussed with the Superior Court, LACFCD has always proposed that Mitigation Measure (MM) AQ-1 require the Project to employ sediment removal dump trucks that meet the EPA's stringent emissions standards for 2010 Model Year trucks in order to ensure that the Project's NOx emissions during sediment removal are less than the South Coast Air Quality Management District's (SCAQMD) Regional Threshold for NOx, and thus less than significant. (February 14, 2017 Reporter's Transcript of Hearing (RT) at pp. 44-45 [THE COURT: "You are going to require 2010 models. . . .That's what it should say. What it says now is 2007 or later." MS. OUELLETE: "Because of the EPA standards, we believed it was saying the same thing. We can change 2007 to 2010, and it sounds like everybody is happy." THE COURT: I think that's right. If they say 2010, then you are happy; right? MS. CARO: "That's correct."])

Accordingly, the RFEIR clarifies, as directed by the Court, that, pursuant to MM AQ-1, "all construction contractors during the sediment removal phase" of the Project must use "trucks that meet EPA's emission standards for Model Year 2010 or later." (See February 14, 2017 RT, 14:18-20 [THE COURT "[T]he District does not need to conduct a feasibility analysis of MM AQ-1; it may merely change the language of MM AQ-1 so that it is enforceable"].)

Air quality impacts associated with truck traffic were already analyzed in the Final EIR in Section 3.5.6. As detailed in EIR Table 3.5-1, and on page 88 of the RFEIR, the use of the Model Year 2010 sediment removal trucks to meet the EPA's stringent emissions standards will ensure that the Project does not exceed the SCAQMD Regional Threshold for NOx, as it will result in a "Project Daily Maximum" of 81.7 pounds per day of NOx, below the Regional Threshold of 100.00 pounds per day. As LACFCD always understood that MM AQ-1 would require the use of trucks whose emissions equated to Model Year 2010 levels, Table 3.5.1, as it appeared in the EIR, remains accurate, as it was prepared based on the assumption of the use of Model Year 2010 trucks.

Several commenters have requested that the Project use natural gas or other alternative fuel sediment dump trucks to avoid what they suggest are significant air quality impacts. However, as detailed above, with the implementation of MM AQ-1 and the clarification that MM AQ-1 pertains to trucks that meet the EPA's emissions standards for Model Year 2010 or later, the Project will not exceed SCAQMD's Regional Threshold for NOx. Given this, with the further implementation of MM AQ-2 (a mitigation measure that is now final and is not part of the RFEIR), the Project will not result in a significant impact with regard to Significance Threshold Air Quality 1, Conflict with or obstruct implementation of the applicable air quality plan and Significance Threshold Air Quality-2, Violate an air quality standard or contribute substantially to an existing or project air quality violation. LACFCD therefore declines to impose further mitigation requiring the use of natural gas or other alternative fuel sediment removal dump trucks given that such mitigation is not required to ensure that the Project's Air Quality impacts are less than significant. (Pub. Res. Code §§21100(b)(3), 21150; CEQA Guidelines §15126.4(a)(3) [EIRs are not required to discuss mitigation

measures for insignificant environmental impacts]; see also *A Local & Reg'l Monitor (ALARM) v. City of Los Angeles* (1993) 12 Cal.App.4th 1773, 1810.)

3.1.4 Master Response 4: Deficiency of 1:1 Mitigation Ratio

Summary of Issues Raised. Several of the comment letters received on the RFEIR contend that the 1:1 mitigation ratio required in Mitigation Measures BIO-6, -7, and -8 is insufficient and that it would not adequately protect sensitive habitat and species.

Response. The Court's ruling required LACFCD to provide substantial evidence to support the mitigation ratios in Mitigation Measures BIO-6, -7, and -8. In the RFEIR, LACFCD provided substantial evidence that the vegetation communities that will be affected by the Project, including Riversidean Alluvial Fan Sage Scrub, Coastal Sage Scrub, Riparian Woodland and Mule Fat Thickets, have successfully been restored in other areas. In addition, LACFCD also provided substantial evidence that other projects have been required to mitigate impacts at a 1:1 mitigation ratio and have done so successfully. The projects referenced in the RFEIR (RFEIR Pages 130C-D, 130G, 130K-L, and 132C) were required by CEQA and various resources agencies' permits to mitigate impacts to habitats at a 1:1 ratio, which provides substantial evidence that this mitigation ratio has been successfully imposed on projects in the past.

Riversidean Alluvial Fan Sage Scrub

Several comment letters question the RFEIR's reference to the revegetation of Riversidean Alluvial Fan Sage Scrub at Vulcan Materials Company's (Vulcan) Cajon Creek Conservation Management Area (Management Area) (Cajon Creek Revegetation Analysis 2013). The reference, on page 130C of the RFEIR, demonstrates that this sensitive vegetation community can be and has been successfully restored using similar restoration protocols to those proposed for the Project, Alternative 3 Configuration D (Approved Project). The purpose of this reference was not to compare the required mitigation ratios between Vulcan's project and the LACFCD's Project. Further, the fact that a portion of Vulcan's Management Area serves as a Conservation Bank where credits are sold to outside parties to mitigate for their own projects is not relevant to the contents of the Cajon Creek Revegetation Analysis. At that project, Vulcan is responsible for mitigating for their mining impacts and they do that by setting aside credit acres as mitigation and by reclaiming and successfully restoring areas where mining impacts have occurred.

Comparing the conditions in Cajon Creek, where the Riversidean Alluvial Fan Sage Scrub has been removed and successfully revegetated, is relevant to the conditions in the Arroyo Seco, where sediment will be removed by LACFCD's Approved Project. Cajon Creek is a wide, sandy wash, much like the Arroyo Seco, where Riversidean Alluvial Fan Sage Scrub is a dominant plant community. Vulcan is responsible for reclaiming the mined areas and successfully revegetating them with Riversidean Alluvial Fan Sage Scrub after the removal of the sand and gravel materials. Of further note, Vulcan's restoration activities are guided by a Habitat Enhancement and Management Plan (Martha Blane & Associates 1996), which was approved by the U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Services (USFWS), and California Department of Fish and Wildlife (CDFW). Vulcan's performance standards were based on the results of biological surveys in undisturbed Riversidean Alluvial Fan Sage Scrub and comparisons to

undisturbed reference sites. These performance standards, much like those for the project at issue here, included established values for percent cover of each of the seeded species and overall percent cover of the vegetation community. Vulcan's efforts to revegetate Riversidean Alluvial Fan Sage Scrub have been shown through annual monitoring according to their approved Habitat Enhancement and Management Plan that the performance standards were met and the restoration of this plant community was successful (Cajon Creek Revegetation Analysis 2013). Vulcan submitted annual reports to the USACE, USFWS, and CDFW to document the successful restoration efforts and the adaptive management efforts that were implemented in the revegetation areas.

As stated in the discussion of the LACFCD's Project impacts to Riversidean Alluvial Fan Sage Scrub (RFEIR Pages 130A-E, 131, 131A-B, 445, 446, 446A, 451, 451A, 561, 561A, 748, and 749), LACFCD's Project will result in the removal of Riversidean Alluvial Fan Sage Scrub for the purposes of removing sediment that was deposited in the Arroyo Seco following the Station Fire and subsequent storms. After the sediment is removed, LACFCD will be responsible for restoring Riversidean Alluvial Fan Sage Scrub in areas where it existed prior to the sediment removal and/or in suitable offsite areas. Prior to the implementation of any vegetation removal associated with the Project, a Habitat Restoration Plan (RFEIR Pages ES-15, ES-15A-B, 130D, 131B, 131D, 446B, 561A-B, 676, 676A-B, 2057, and 2057A-B) describing the restoration activities and the performance standards established to determine the success of the restoration activities, must be prepared and approved by CDFW as a Trustee Agency with jurisdiction over natural resources affected by the Project (State CEQA Guidelines, Section 15386) and pursuant to CDFW's authority as a Responsible Agency under CEQA Guidelines Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA) (Fish and Game Code, Section 2050 et seq.) and Fish and Game Code Section 1600 et seq. Vulcan's success at revegetating this plant community in Cajon Creek (Cajon Creek Revegetation Analysis 2013), which exhibits similar alluvial processes and similar substrates to those present in the Arroyo Seco, demonstrates that this plant community can be restored in areas similar to the Arroyo Seco using similar restoration and monitoring protocols. Specifically, the LACFCD will implement similar protocols as those used by Vulcan to determine the diversity of plant species and the percent cover of those species in undisturbed Riversidean Alluvial Fan Sage Scrub in Arroyo Seco and these values are what will be used to develop the performance standards for LACFCD's Project. Success of the restoration of Riversidean Alluvial Fan Sage Scrub in Arroyo Seco for LACFCD's Project will be assured when the results of the annual quantitative monitoring at the mitigation sites meets the performance standards in the Project's Habitat Restoration Plan (See Master Response 5), a Plan that also must be approved by CDFW.

A commenter questions the RFEIR's citation to the City of Riverside's Quail Run Apartment's Project, which required a 1:1 mitigation ratio for impacts, simply because the project is within an area covered by a Habitat Conservation Plan (HCP). The fact that the project is within an HCP is not relevant to the mitigation ratio imposed on the project and does not serve as evidence that a higher than 1:1 mitigation ratio should be imposed on all projects located outside of an HCP area. Determining the appropriate mitigation ratio for impacts to biological resources is based on numerous site-specific and project-specific factors. The LACFCD will be responsible for creating, restoring, and enhancing habitats according to an agency approved Habitat Restoration Plan (see Master Response 5) that includes quantitative monitoring to determine when the

performance standards are met and the resources agencies will be responsible for verifying that the mitigation sites are successful.

Coastal Sage Scrub

Several comment letters question the RFEIR's reference to Coastal Sage Scrub restoration at the Tonner Hills Planned Community project. The purpose of referencing the Coastal Sage Scrub restoration at the Tonner Hills Planned Community on page 130F of the RFEIR was not to compare the required mitigation ratio between this project and the LACFCD's Approved Project. Rather, the purpose was to demonstrate that this plant community can be and has been successfully restored as mitigation for project impacts and that the restored Coastal Sage Scrub successfully supported breeding pairs of coastal California gnatcatcher, a species listed as threatened under the Federal Endangered Species Act. The restoration of coastal sage scrub at the Tonner Hills Planned Community project was conducted according to the approved Final Coastal Sage Scrub Mitigation and Monitoring Plan (Chambers Group 2004), which described the methods for implementing, maintaining, and monitoring the coastal sage scrub mitigation sites. The plan included performance standards that had to be met for the mitigation to be deemed successful. As stated on page 130G of the RFEIR, the two restoration areas (A and B) with the most stringent performance standards were signed off as successful by the USFWS because all of the performance standards had been met. The mitigation for impacts to coastal sage scrub from LACFCD's Approved Project will also be implemented according to a Habitat Restoration Plan that must be approved by CDFW prior to the any impacts to vegetation communities. As stated in the RFEIR (Page ES-15C-E, 130F-H, 131D, 132, 132A, 445, 445A, 446, 446A-D, 451, 451A, 561, 561A, 562, 562A, 563A, 676B-E, 707, 707A, 749A, 750, 750A-C, 767, 767A-C, 2058, and 2058A), implementation of the mitigation for impacts to Coastal Sage Scrub will follow the requirements of the approved Habitat Restoration Plan, just as the mitigation was implemented for the Tonner Hills Planned Community project (RFEIR Page 130G), which provides evidence that Coastal Sage Scrub can be successfully restored as mitigation for project impacts.

The 1:1 mitigation ratio approved in the EIR and MMRP for impacts to Coastal Sage Scrub from the Rambla Pacifico Street Reconstruction project in the City of Malibu (City of Malibu 2010a) is relevant because it shows that this mitigation ratio has been previously approved for this plant community in a certified EIR. According to the Revegetation Annual Monitoring Report #4 – Rambla Pacifico Reconstruction (E Read and Associates, Inc. 2015), the road work for this project was completed on October 21, 2011, the hydroseeding of the slopes was completed on November 3, 2011, site conditions were observed in the four years after construction, and annual reports were completed each year of monitoring. With Mitigation Measures BIO-1(a) and BIO-8(c) and the Revegetation Plan, the City of Malibu required revegetation and annual monitoring for five years as part of mitigation for the project impacts (E Read and Associates, Inc. 2015). The results after four years of monitoring indicate that all species of native plants included in the hydroseed list were observed in 2015 and the revegetated areas were determined to be performing well, despite the drought. The criterion for successful restoration was attainment of “90 percent vegetative coverage within five years, or that percentage of ground cover demonstrated locally appropriate for a healthy stand of the particular native vegetation.” In the 2015 report, the range of native cover was visually estimated at 20 to 100 percent. The patchy vegetation observed was determined to be “typical of situations where rainfall is

the only source of water, and where browsing by deer can slow the rate of vegetation growth.” The only recommendation for the 2015-2016 fifth year was to continue with control of invasive exotics and with close attention paid to weeding, seedling recruitment, and re-growth, the native shrubs would be more likely to attain the cover goal than adding additional new seed material. Like the LACFCD Project, the revegetation areas at Rambla Pacifico will continue to be monitored according to the mitigation measures in the EIR and the Revegetation Plan prepared for the project.

Reference: E Read and Associates, Inc. 2015. Revegetation Annual Monitoring Report #4 – Rambla Pacifico Reconstruction, City of Malibu, California.

Riparian Habitats

Several comment letters raised concerns that the projects referenced in the RFEIR that were used to demonstrate the success of projects required to mitigate at a 1:1 ratio for impacts to riparian habitats were not comparable to the LACFCD Project. The LACFCD provided the Ambrose Study as evidence that projects required to mitigate impacts at a 1:1 ratio were successful more often than not. The Ambrose Study found that 16 percent of the project permits evaluated were required to mitigate at a ratio of 1:1 or less and that approximately 70 percent of those projects were successful in achieving or exceeding the mitigation acreage required in the permits.

Further, the success of riparian restoration projects, or projects that restore any other types of habitat, is predicated on having an approved Habitat Restoration Plan that includes the latest and most up-to-date approaches and technologies for creating, restoring, and enhancing the target habitats. Habitat restoration approaches and technologies utilized currently and proposed here are based on successes and failures of past restoration projects and are more advanced than those used for the projects reviewed in the 2007 Ambrose Study. The projects reviewed in the Ambrose Study were implemented between 1997 and 2002. In the 15 to 20 years since those projects were implemented, the requirements for monitoring the success of habitat restoration projects have changed, with the resources agencies, including the U.S. Army Corps of Engineers (USACE) in their Final 2015 Compensatory Mitigation and Monitoring Guidelines for the South Pacific Division, issuing regulations regarding functional success of restoration projects (USACE 2015 pp. 20-24). Functional assessment methods, such as the California Rapid Assessment Method (CRAM), are now required to assess the wetland and riparian functions at impact sites and are used to project the target functions for restoration sites. As stated in the RFEIR on page 130J, LACFCD will include CRAM in the monitoring of the riparian and wetland mitigation sites and standards to ensure that the wetland and riparian functions at the mitigation sites meet the established performance standards.

As stated in Master Response 5, the Habitat Restoration Plan for the LACFCD’s Project must be approved by CDFW prior to the removal of vegetation or disturbance associated with the implementation of the Project. The Habitat Restoration Plan will include performance standards that not only ensure that the required acreage of each habitat is restored but also that the target functions of those habitats are also successfully restored. The quantitative monitoring conducted at each of the mitigation sites will determine when the mitigation sites achieve the performance standards related to the required acreage and functional requirements and when they do achieve those standards, then they will be deemed successful. The Habitat

Restoration Plan will also include monitoring and adaptive management measures that will help to identify and resolve problem issues early. Monitoring and adaptive management measures will be implemented for five years or until the onsite and/or offsite mitigation sites achieve all of the performance standards.

Ambrose Study

Several comment letters also questioned the RFEIR's use of the Ambrose Study on other grounds as summarized below:

- They suggest that the Ambrose Study lacks relevance given the small size of the projects studied. However, the comparison of the sizes of the projects covered in the Ambrose Study to the LACFCD's Approved Project is not relevant because project size is not relevant to the fact that 16 percent of the project permits evaluated were required to provide a mitigation ratio of 1:1 and 70 percent of those successfully achieved or exceeded the required mitigation acreage.
- Other comments question the RFEIR's citation to the Arroyo de Laguna Project, relating to the project's treatment of wetland habitat mitigation. However, the RFEIR cited to the Ambrose Study, and thus to this project, because the Ambrose Study found that projects do exist, such as the Arroyo de Laguna Project, where a 1:1 mitigation ratio was required and where the restoration was successful.
- Commenters note that four of the projects evaluated in the Ambrose study were required to mitigate at a 1:1 ratio and they purchased credits in mitigation banks. However, again this does not change the fact that the Ambrose Study found that projects do exist where a 1:1 mitigation ratio was required and where the restoration was successful.
- Commenters also question the RFEIR's characterization of projects with the Ambrose Study as "successful," asserting that "only 16% of the projects fully complied with all mitigation plan conditions, and most failed (sometimes miserably) to offset wetland functions impacted by the project." However, the comments provide no evidence to support that contention because the authors of the study stated that they "did not assess function at impacted sites, nor did we assess function at the mitigation sites before the mitigation action was taken; therefore, it was not possible to compare directly the functions lost through permitted activities to those created through compensatory mitigation." (Ambrose 2007 Page iii).
- A commenter questions the RFEIR's citation to the Ambrose Study's San Roque Creek Project, which they concede was recorded by the Study as achieving the 1:1 mitigation requirement, by asserting that the Study did not have sufficient evidence to conclude that the project met its 1:1 mitigation requirement. This appears to be because the San Roque Creek Project was permitted in 1994 and when it was evaluated for the purposes of the Ambrose Study, Ambrose et al. (2007) reported that heavy erosion had damaged the site such that they were not able to "perform a CRAM [California Rapid Assessment Method] evaluation on this area, as the revegetation efforts had since been eroded." The fact that the area where the revegetation

efforts were implemented had been subsequently heavily damaged by erosion is irrelevant and does not provide evidence that the permittee did not restore the target habitats or functions.

Wetlands

Certain comments raise contentions regarding the adequacy of the analysis of mitigation with regard to wetlands, a topic not raised in litigation concerning the adequacy of the EIR, which is not a subject of the Court's ruling, and is a part of the EIR that remains certified and beyond challenge. The RFEIR includes portions of the EIR concerning potential impacts to wetlands only to the extent it was necessary to reflect revisions to Mitigation Measures BIO-6 and BIO-8.

Commenters assert that the projects evaluated in the Ambrose Study with a 1:1 mitigation ratio or less reveals that those projects resulted in an overall net loss of at least 17.84 [wetland] acres. The commenter references Table 11-2 in the Ambrose et al. (2007) study, but LACFCD cannot reproduce the commenter's claim of a loss of at least 17.84 acres from Table 11-2 for projects that were required to mitigate at a ratio of 1:1 or less. In reality, because some of the projects evaluated in the Ambrose Study were required to mitigate at less than a 1:1 ratio, one would expect the data to show less acreage required than what was impacted.

The RFEIR correctly states that 70 percent of the projects required to mitigate at a 1:1 ratio that were evaluated by Ambrose et al. (2007) achieved the required mitigation acreage. As commenters acknowledge, only 30 percent of the projects failed to achieve the required mitigation acreage. The claim of a loss of 17.84 wetland acres is in question based on the data in Table 11-2. Even though commenters claim that many of the projects failed to meet all of the requirements of the 401 permit, the mitigation plan, or both, on the contrary, many of the projects did meet the requirements of the 401 permit, the mitigation plan, or both. In addition, the commenter claims that almost all of the projects exhibited significant issues, including significant mortality of plantings or an abundance of weeds but in reality, not all of the projects exhibited these issues. Ambrose et al. (2007) reported that 70 percent of the projects requiring a mitigation ratio of 1:1 were successful. Based on the results of the Ambrose study, the issues with mortality or invasive species were not significant enough to affect the success of 70 percent of the projects that were reviewed.

Evidence provided in the Ambrose Study indicates that 70 percent of the projects required to mitigate at a 1:1 ratio were successful in achieving the required acreage. Commenters statement that the Ambrose Study showed a 39 percent overall loss of acreage, a 47 percent net loss of jurisdictional "waters" acreage, and a 28 percent net wetland loss, prove that in most cases there were gains. Looking at gains instead of losses, the Ambrose study indicates that 61 percent of the evaluated projects resulted in net acreage gains overall, 53 percent resulted in a net gain of jurisdictional "waters," and 72 percent resulted in net wetland gains. Ambrose et al. (2007) indicated that they "did not assess function at impacted sites, nor did we assess function at the mitigation sites before the mitigation action was taken; therefore, it was not possible to compare directly the functions lost through permitted activities to those created through compensatory mitigation. (Ambrose 2007 Page iii).

Determination of Mitigation Ratios

Several comment letters contend that a number of factors should have resulted in the LACFCD's selection of higher mitigation ratios for the Approved Project. They assert that:

- Lag time between sediment removal and habitat compensation efforts warrants a higher mitigation ratio.
 - The LACFCD intends to begin the restoration activities at the onsite mitigation sites concurrently with implementation of the Approved Project to account for temporal loss of habitat. In addition, in the fully executed Streambed Alteration Agreement issued by CDFW (Condition 3.2.a), the CDFW requires LACFCD to delay impacts in the temporary impact areas until the third year of the sediment removal project to further minimize the temporal loss of habitat resulting from impacts of the Project.
- Uncertainty regarding the ability to fully replace lost functions and values with the mitigation warrants a higher mitigation ratio.
 - To minimize the risk associated with the habitat restoration at the mitigation sites, the LACFCD will follow the requirements in the approved Habitat Restoration Plan (see Master Response 5) that will include performance standards that establish the functional goals that must be achieved in order for the mitigation sites to be deemed successful. Quantitative monitoring will be conducted to determine whether the mitigation sites have achieved the functional performance standards and adaptive management measures will be implemented if the mitigation sites are not achieving the established functional performance standards. The LACFCD will conduct quantitative monitoring at the mitigation sites for at least five years and longer if the mitigation sites have not achieved the performance standards. The locations of compensatory mitigation sites are addressed in Master Response 6. The LACFCD will also follow the requirements of the Habitat Restoration Plan for offsite mitigation sites and will quantitatively monitor them and conduct adaptive management until the mitigation sites achieve all of the established performance standards.
- The need for buffer areas warrants a higher mitigation ratio.
 - Mitigation measures MM BIO-3 and MM BIO-4 in the FEIR include conducting pre-construction surveys to identify the presence of sensitive species and moving them out of harm's way and weekly nesting bird surveys within 300 feet of the construction work area during the breeding season. If active nests are found, then avoidance buffers will be implemented until the nests are determined to be inactive. The surveys required by these two mitigation measures will serve to protect sensitive species and nesting birds in the proposed mitigation sites. In addition, Condition 3.2.b in the Streambed Alteration Agreement requires the LACFCD to plant the 10.98 acres of slopes between the Permanent Maintenance Area and the onsite compensatory mitigation sites with

native vegetation to create a buffer between the sediment removal activities and the native habitats in the compensatory mitigation sites.

- The Project will “impact” rare species which warrants a higher mitigation ratio.
 - Mitigation Measures BIO-1, BIO-2, and BIO-3 were adopted to ensure no significant impact from the Project to least Bell’s vireo, two-striped garter snake, coast patch-nosed snake, yellow warbler and yellow-breasted-chat. These Mitigation Measures were not raised in litigation challenging the EIR, the Court did not require any revision to these Measures, and they are now final and beyond challenge.
- Performance of mitigation offsite warrants a higher mitigation ratio.
 - The approval of Alternative 3, Configuration D, Option 2 by the Board of Supervisors resulted in a reduction in the impact area to 51.78 acres and the avoidance of 77.01 acres in the reservoir that are located outside of the Permanent Maintenance Area. The avoidance of the 77.01 acres in the reservoir allows for LACFCD to conduct compensatory mitigation activities onsite on all or a portion of the 77.01 acres. The CDFW did not impose a mitigation ratio higher than 1:1 as a Trustee Agency under CEQA. CDFW has required a higher mitigation ratio in the fully executed Streambed Alteration Agreement that will require 25.6 acres of offsite mitigation in addition to onsite compensatory mitigation. The locations of the offsite compensatory mitigation will be approved by CDFW prior to the removal of vegetation for the Approved Project (see Master Response 6).
- Indirect impacts warrant a higher mitigation ratio.
 - No commenter identified a specific indirect impact of the Project that could potentially warrant a higher mitigation ratio.

CDFW Streambed Alteration Agreement

CDFW, as a Trustee Agency with jurisdiction over natural resources affected by the Project (State CEQA Guidelines Section 15386) and pursuant to CDFW’s authority as a Responsible Agency under CEQA Guidelines Section 15381, submitted a comment letter on the Draft EIR (FEIR Letter #171 dated January 14, 2014) that provided comments on various aspects of the Proposed Project and the Alternatives. Of note, CDFW did not recommend, as part of CEQA compliance, an increase in the mitigation ratios included in Mitigation Measures BIO-6 and BIO-8.

The CDFW comment letter included two comments related to coordination with CDFW and providing written notification to CDFW for a Lake or Streambed Alteration Agreement (LSA) pursuant to Section 1600 et. seq. of the Fish and Game Code. In subsection C of comment 1 of the comment letter, CDFW “recommends LACFCD meet with the Department to discuss the Lake or Streambed Alteration Agreement

(LSA) (Fish and Game Code §1600 et seq) necessary for the completion of this project.” Comment 9 in the CDFW comment letter states the following:

“Department Jurisdictional Wetlands. The Project includes the excavating of a lake and stream within the regulatory authority of the Department. The Department has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department determines whether a LSA with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department as a responsible agency under CEQA may consider the Lead Agency's EIR for the Project. To minimize additional requirements by the Department pursuant to Section 1600 et seq. and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.”

After the approval of Alternative 3, Configuration D, Option 2 by the Board of Supervisors, LACFCD complied with CDFW's request and initiated the process of obtaining a LSA (Fish and Game Code Section 1600 et. Seq.) from the CDFW. CDFW relied on the LACFCD's FEIR to provide the CEQA compliance necessary to issue a LSA for the approved Project Alternative. A final LSA (No. 1600-2015-0263-R5) was executed between LACFCD and CDFW on March 21, 2017 and it requires additional compensatory mitigation beyond the 1:1 mitigation ratio proposed in the RFEIR.

Accordingly, even with LACFCD's conclusion that substantial evidence supports the EIR's use of the 1:1 mitigation ratio, through the LSA, the Approved Project will be subject to even greater mitigation requirements. The final LSA requires LACFCD to delay impacts to 16.85 acres of temporary impact areas to the third year of Project implementation and to restore and maintain the areas according to the approved Habitat Restoration Plan within 24 months of the impacts. The mitigation ratio required for temporary impacts of the approved Project in the fully executed LSA between CDFW and LACFCD is 1:1. In addition, LACFCD is required to initially plant 10.98 acres on the side slopes of the Permanent Maintenance Area (referred to as the Episodic Maintenance Area) with native plant species and LACFCD is also required to conduct annual removal of undesirable plant species in this area. Mitigation for permanent impacts of the approved Project includes restoring 42.67 acres of habitats bordering the Permanent Maintenance Area and within Hahamongna Watershed Park and proposing an offsite compensatory mitigation plan for creation of willow and mulefat thickets and alluvial shrubland on an additional 25.6 acres. The overall mitigation ratio required for permanent impacts of the approved Project in the fully executed LSA between CDFW and LACFCD is 1.67:1. The specific mitigation ratios required for each of the impacted vegetation communities are: Willow Woodland - 2.37:1, Mulefat Thickets - 1.60:1, Riversidean Alluvial Fan Sage Scrub – 5.0:1, Coastal Sage Scrub – 3.0:1, Cocklebur Herbaceous Alliance – 1.50:1, and nonnative plant

communities – 0.50:1. The higher mitigation ratios are not required under CEQA, nor did CDFW recommend that they be adopted by LACFCD as part of its compliance with CEQA, rather, they are required in the negotiated and fully executed LSA issued by CDFW under Section 1600 of the Fish and Game Code.

3.1.5 Master Response 5: Availability of a Habitat Restoration Plan

Summary of Issues Raised. Several of the comment letters received on the RFEIR stated that a habitat restoration plan was not completed or was not made available during the CEQA process.

Response. CEQA does not require that the habitat restoration plan be completed prior to the certification of the EIR, so long as assurances are provided that set out what the habitat restoration plan will include, and how the relevant agencies will determine that such a plan effectively reduces potential environmental impacts. State CEQA Guidelines Section 15126.4(a)(1)(B) acknowledges that so long as a mitigation measure specifies performance standards for mitigating a significant impact that can be mitigated in a variety of specific ways, this is enough to ensure that the measure will be effective. CEQA case law also holds that when it is known that mitigation is feasible, but it is impractical to devise the specific measures during the planning and CEQA process, the agency can commit itself to eventually devising the specifics that will satisfy the identified performance criteria articulated within the EIR, so long as further action to carry out the project is contingent upon meeting them. (See *Sacramento Old City Association v. City Council* (1991) 229 Cal.App.3d 1011, 1029.)

Here, the RFEIR ensures that performance standards for the habitats at the mitigation sites will be established based on comparisons to undisturbed habitats at reference sites. These performance standards must be achieved by LACFCD for the mitigation to be deemed successful, even if it takes longer than the required monitoring period of five years (RFEIR Pages 130B-C, 130F, 130J-K, 131 A-C, 132, 132A, 132C-D, 446, 446A-D, 450, 450A, 451, 561A-B, 562, 562A-B, 563, 563A, 676B, 676E, 707A, 750A-B, 7676A-B, 2057B, and 2058A). In addition, the Habitat Restoration Plan, which LACFCD commits to preparing and implementing as part of MM BIO-6 and MM BIO-8 (RFEIR Pages 131B, 131D, 132, 132A, 446A-D, 561A-C, 562, 562A, 676, 676A-E, 707, 707A, 749A, 750, 750A, 767, 767A, 767B, 2057, 2057A-B, 2058, and 2058A), includes descriptions of the types of habitats to be created, restored, or enhanced, methods for implementing the restoration activities, performance standards for determining the success of the restoration sites, monitoring requirements and frequency, reporting requirements, long-term management and protection of the mitigation sites, and funding for the implementation, long-term management, and protection of the mitigation sites. The Habitat Restoration Plan is also required by CDFW to include descriptions of the following (at a minimum):

- Recontouring the land;
- Measures to alleviate soil compaction;
- Pitting or imprinting the surface to allow small areas where seeds and rain water can be captured, hydroseeding, and hand-broadcasting seed (where appropriate);
- Native plant species to be used, container plant sizes, and seeding rates;

- Collection, storage, and replacement of topsoil (if it was collected);
- Seed collection procedures and permits needed;
- Planting schedule;
- Description of the irrigation methodology;
- Measures to control non-native or nuisance vegetation and non-native invasive animals on site;
- Specific success criteria;
- Detailed monitoring program including an Adaptive Management Program;
- Contingency measures should the success criteria not be met; and,
- Identification of the party responsible for meeting the success criteria and providing for restoration.

The identification of these minimally required activities as part of the habitat restoration plan is consistent with State CEQA Guidelines Section 15126.4(a)(1)(B).

Further details of the habitat restoration plan cannot be determined at this time, because those further details will have to be finalized with and approved by CDFW during the State and Federal permitting phase of the project. This is consistent with CEQA case law that permits the deferral of specifics (i.e., the determinations of the resource agencies, and the specifics of the habitat restoration plan) so long as further action in furtherance of the project is contingent upon the meeting of all identified performance criteria.

During the permitting phase of the project, the applications for regulatory permits are prepared and submitted to the CDFW, USACE, and RWQCB. The permit applications include the applicant's conceptual plan for mitigating the project impacts to habitats and species, which includes restoring habitat. The resources agencies will then review and comment on the conceptual mitigation plan and negotiate with the applicant to determine the approved mitigation ratios (either equal to, or above and beyond, those provided in the Final EIR and revised in the RFEIR) and the onsite and/or offsite locations where the mitigation will be implemented. The priority for the locations of the mitigation sites will be onsite, offsite within the Arroyo Seco subwatershed, and offsite within the greater Los Angeles River watershed. During the permitting phase, the specific locations of onsite and/or offsite mitigation sites will be identified and approved by the resources agencies. In addition, the resources agencies will review and approve the plans for restoring habitat and conducting maintenance, monitoring, and long-term management actions at the onsite and/or offsite mitigation sites. The project cannot be implemented until the permits from these agencies are issued to the project applicant.

The LSA executed between LACFCD and CDFW for this Project includes a requirement that the applicant submit a Habitat Restoration Plan prior to the initial project impacts and it stipulates that impacts to the biological resources cannot occur until the Habitat Restoration Plan receives written approval from the

CDFW. CDFW requires the Habitat Restoration Plan to address all temporarily impacted areas and on-site compensatory mitigation areas. Finally, as required by CDFW as a Trustee Agency with jurisdiction over natural resources affected by the Project (State CEQA Guidelines Section 15386) and pursuant to CDFW's authority as a Responsible Agency under CEQA Guidelines Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code Section 2050 et seq.) and Fish and Game Code Section 1600 et seq., LACFCD will submit and receive written approval of the Habitat Restoration Plan from CDFW prior to implementing any vegetation removal or ground disturbance associated with the Approved Project, further ensuring that no impacts will occur until the Habitat Restoration Plan is finalized, complies with the performance standards in the REIR, is vetted by the relevant resource agencies, and is approved pursuant to the various agency permitting processes.

3.1.6 Master Response 6: Location of Mitigation

Summary of Issues Raised. Several of the comment letters received on the RFEIR raise concerns that the mitigation for the Project may potentially occur in offsite areas that were not specifically identified in the RFEIR and/or that mitigation may not occur in appropriate areas.

Response. The location of onsite and offsite areas where mitigation may potentially occur was addressed in the RFEIR, which establishes a priority order for where mitigation shall be located, with onsite mitigation being the highest priority. Specifically, MM BIO-6 states that "priority for mitigation site locations **shall** be onsite, offsite within Arroyo Seco subwatershed, and offsite within the greater Los Angeles River watershed." (RFEIR, p. 131B [emphasis added].) MM BIO-7 states that "[priority] for tree replacement locations **shall** be onsite, offsite within Arroyo Seco subwatershed, and offsite within the greater Los Angeles River watershed." (RFEIR, p. 131C [emphasis added].) MM BIO-8 states that "[p]riority for mitigation site locations **shall** be onsite, offsite within Arroyo Seco subwatershed, and offsite within the greater Los Angeles River watershed." (RFEIR, p. 132 [emphasis added].)

This prioritization of the location of mitigation areas was incorporated into MM BIO-6, BIO-7, and BIO-8 based on the comments of the CDFW, the Trustee Agency with jurisdiction over natural resources affected by the Project, which recommended that any mitigation for unavoidable impacts to biological resources take place in this order of preference: onsite, offsite within Arroyo Seco Creek, and offsite within the greater Los Angeles River watershed. (See Final EIR Comment Letter #171.)

In its comment letter on the Draft EIR, the CDFW provided an example of offsite riparian mitigation opportunities for LACFCD to consider, which included riparian restoration along portions of the concrete-lined section of the Arroyo Seco Creek that flows through the Brookside Golf Course. It also recommended that LACFCD consider discussing potential mitigation opportunities within the Arroyo Seco Creek with entities including, but not limited to, the Santa Monica Mountains Conservancy, the Arroyo Seco Foundation, North East Trees, and the USACE. CDFW states in their comment that these entities may offer assistance or ideas in meeting various habitat mitigation needs. Based on CDFW's comments and recommendations regarding the priorities for the location of mitigation and their suggestions for potential offsite riparian mitigation opportunities, it is clear that the CDFW anticipated, as detailed in the RFEIR, that

a portion of the compensatory mitigation for the project will be conducted at offsite locations, and that such offsite mitigation locations provide an appropriate and adequate mitigation opportunity.

Nonetheless, **onsite** mitigation will be prioritized, consistent with Mitigation Measures MM BIO-6, -7, and -8, and consistent with CDFW recommendations. Approval of Alternative 3, Configuration D, Option 2 resulted in a reduction in the size of the project and the avoidance of 69 acres of areas bordering the Permanent Maintenance Area, which can be used for onsite mitigation.

Additionally, as stated in the adopted Board Letter Motion by Supervisor Michael Antonovich on November 12, 2014 whose approval remains in place, "I, THEREFORE, MOVE that the Board of Supervisors direct the Director of Public Works to: 1. Further reduce community impacts by including the following provisions in the Devil's Gate Reservoir Sediment Removal and Management Project design plans and specification: ...Work with the permitting agencies and stakeholders to restore habitat in the project area that is consistent with the Hahamongna Master Plan."

Lake or Streambed Alteration Agreement

In addition to the provisions of MM BIO-6, 7, and -8, which, in and of themselves provide sufficient guidance under CEQA regarding the location of onsite and offsite mitigation, LACFCD has also executed a LSA with CDFW for the Project. During the negotiations with CDFW for the LSA, LACFCD agreed to the avoidance of additional areas of habitat in the upstream portion of the Project area and to allow native vegetation to grow on the 10.98 acres of the side slopes of the Permanent Maintenance Area (Episodic Maintenance Area). This will create a native plant buffer zone between the Permanent Maintenance Area and the avoided habitat areas. These reductions in the size of the Project will allow LACFCD to implement mitigation for temporary and permanent impacts in the form of 77.01 acres of habitat creation, restoration, enhancement, and preservation onsite within Devil's Gate Reservoir. Creating, restoring, enhancing, and preserving habitat **onsite** within Devil's Gate Reservoir will ensure that habitat for common and sensitive wildlife species will persist and continue to provide nesting, foraging, cover, and movement opportunities for wildlife.

Conditions imposed by the LSA issued by the CDFW require CDFW to review and approve offsite mitigation (just as with onsite mitigation) to ensure its effectiveness. For example, LSA Condition 3.3 states that the LACFCD shall submit a Conceptual Offsite Mitigation Package to CDFW for its review and approval prior to the start of the project. In addition, CDFW specifies that, prior to initiation of any vegetation or ground disturbing project activities, a final mitigation package shall receive written approval by CDFW. In LSA Condition 3.10, CDFW stipulates that LACFCD shall request an amendment of the LSA to incorporate the specific location(s), amount of acreage, and existing and proposed vegetation communities to be restored from the final mitigation package. To further ensure that offsite mitigation is adequately effective as compensatory mitigation, the CDFW requires LACFCD to submit a Habitat Management Plan (LSA Condition 3.10) for both the onsite **and offsite** compensatory mitigation properties for review and approval prior to the initiation of vegetation removal or ground disturbing activities. CDFW requires the submittal of As-Built Reports at the completion of final site preparation and planting, demonstrating that the temporary impact areas have been restored with native vegetation, and at the completion of the habitat restoration plan

installation phase, demonstrating that the mitigation areas have been restored with native vegetation (LSA Conditions 4.4 and 4.5). In LSA Condition 4.2, the CDFW also requires LACFCD to submit monitoring reports that describe the status of the activities covered by the LSA and if LACFCD does not, then CDFW can suspend or revoke the LSA. In Condition 4.15 in the LSA, CDFW stipulates that “The Permittee [LACFCD] shall not be released from these maintenance and monitoring obligations until such time as the Permittee [LACFCD] has requested and received written concurrence from CDFW that the success criteria have been met in the Habitat Restoration Plan.” CDFW’s requirements to review and provide written approval of the Habitat Restoration Plan, Conceptual Offsite Mitigation Package, and Habitat Management Plan, their requirement to submit As-Built Reports and monitoring reports documenting the status of the restoration sites, and their requirement that CDFW must concur that the success criteria in the Habitat Restoration Plan have been met will further ensure that the onsite and offsite mitigation locations and the plans to create, restore, enhance, or preserve those mitigation sites will result in viable compensatory mitigation for the approved project.

Finally, LSA Condition 3.10 states that the LACFCD shall submit a Habitat Management Plan for onsite **and offsite** mitigation properties to CDFW for review and approval by CDFW prior to the initial vegetation removal associated with the implementation of the approved Project. The Habitat Management Plan will need to include the following:

- Legal description of all parcels, location map, and plat map showing easements;
- Management specifications
- Baseline biological and hydrology data for all parcels
- Designation of land management entity;
- Property Analysis Record, or equivalent, with assumptions specified
- Designation of responsible parties, and the entity or entities identified to hold and manage the land in perpetuity;
- Information on public uses and facilities and operations found on the property;
- CEQA documentation for any management practices or activities which are not exempt;
- Avoidance measures under CESA for any state-listed species found on the property;
- Complete description of the management goals needed to protect, enhance, manage, and conserve the habitat values for which the property was acquired which includes long-term as well as immediate management goals;
- Adaptive Management Program (e.g. include monitoring for non-native and invasive animals to determine when and what control measures should be implemented);

- General operations and maintenance staffing and equipment and associated costs;
- Start-up or infrastructure costs;
- Management constraints (physical or political);
- Acceptable public uses;
- Anticipated public use or natural resource conflicts; and,
- Documentation of any additional agreements, memoranda of understanding, Department internal coordination for state listed species or Section 7 consultations under the federal Endangered Species Act, or cooperative management agreements.

LACFCD will not proceed with the implementation of the Project until written approvals of both the Conceptual Offsite Mitigation Package and Habitat Management Plan have been received from CDFW.

3.2 Category A: Agency Comments

This section provides responses to the comment letters submitted by agencies.

DEPARTMENT OF TRANSPORTATION
DISTRICT 7-OFFICE OF REGIONAL PLANNING
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-0067
FAX (213) 897-1337
www.dot.ca.gov

Letter A1 - Caltrans



*Serious Drought!
Making Conservation
a California Way of Life.*

August 30, 2017

Mr. Christopher Stone
LA County Flood Control District
P.O. Box 1460
Alhambra, CA 91802-1460

RE: Devil's Gate Reservoir
Sediment Removal and Management
Vic: LA-210 PM: 21.939
GTS# 07-LA-2017-01036
SCH# 2011091084

Dear Mr. Stone,

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The project will remove sediment from Devil's Gate Reservoir to restore capacity and to protect the dam and its valves to reduce the risk of flooding in the communities located downstream.

The nearest State facility to the project site is I-210. Caltrans does not expect project approval to result in direct adverse impacts to existing State transportation facilities.

A1-1

Any transportation of heavy construction equipment and/or materials requiring use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. Caltrans recommends that large size truck trips be limited to off-peak commute periods. Also, storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Be mindful that the project needs to be designed to discharge clean run-off water.

A1-2

If you have any questions or concerns regarding these comments, please contact project coordinator, Severin Martinez at (213) 897-0067 or severin.martinez@dot.ca.gov and refer to GTS# 07-LA-2017-01036.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dianna Watson".

DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability."*

Responses to Letter A1 – Caltrans

Response to Comment A1-1:

This comment states that the nearest State facility to the project site is I-210 and that Caltrans does not expect the project to result in direct adverse impacts to existing State transportation facilities. Comment noted.

Response to Comment A1-2:

The comment states that any transportation of heavy construction equipment and/or oversized transport vehicles on the State highway requires a Caltrans transportation permit and that Caltrans recommends that these types of vehicles be limited to off-peak commute periods. Additionally, the comment states that the project needs to be designed to discharge clean run-off water. Comment noted. These items are not within the scope of the RFEIR. Please see Master Response 1 for additional information on the limited scope of the RFEIR.

Letter A2 - City of Pasadena



OFFICE OF THE CITY MANAGER

August 31, 2017

County of Los Angeles
Department of Public Works
Water Resources Division
Attn: Reservoir Cleanouts Program
P.O. Box 1460
Alhambra, CA 91802-1460

Re: City of Pasadena Comments on Recirculated Portions of Final Environmental Impact Report for Devil's Gate Reservoir Sediment Removal and Management Project

Dear County of Los Angeles:

On behalf of the City of Pasadena, please accept this as the City's comments on the Recirculated Portions of the Final Environmental Impact Report (RPEIR) for the Devil's Gate Sediment Removal and Management Project (Project). The City's comments on the RPEIR are set forth in this letter and in the attached statement of comments. I request that both this letter and the statement of comments be reflected in the record of comments received from the City of Pasadena.

As specifically reflected in the attached statement of comments, City staff has extensively reviewed the RPEIR as the basis for the comments provided. Of particular concern to the City is the possibility of trail closure as a corrective measure for poorly performing habitat mitigation, should it occur. The City objects to the vague, blanket statements regarding trails and insists that the County must commit to trail preservation to the extent possible and work collaboratively with the City to ensure continued public access to these regionally important resources.

A2-1

When the project was originally presented, the city established the Pasadena Sediment Working Group to review the proposed plan and offer an alternative for consideration. The Working Group was comprised of individuals with the background and expertise necessary to analyze the Project and corresponding impacts. Their recommendations were presented to the City Council on May 12, 2014. The City Council endorsed the final recommendations and the report was transmitted to the LACDPW on May 15, 2014. At this time, I would like to restate the recommendations made by the Working Group as part of our response to the RPEIR.

A2-2

City Hall
100 N. Garfield Avenue, Room 229
Mailing Address: P.O. Box 7115 • Pasadena 91109-7215
(626) 744-6936 • Fax (626) 744-4774
smernell@cityofpasadena.net

Comments on the Sediment PREIR
Page 2 - August 31, 2017

I look forward to continued cooperation and consultation with the County of Los Angeles on this critical initiative. On behalf of the City I wish to express sincere appreciation to County staff members for their continued responsiveness throughout the process. If you have any questions regarding this letter, please do not hesitate to contact Ara Maloyan, P.E., Director of Public Works, at (626) 744-4233 or amaloyan@cityofpasadena.net, or me at (626) 744-4333 or smermell@cityofpasadena.net.

Respectfully submitted,



STEVE MERMELL
City Manager

Attachments:

1. City of Pasadena Comments on Recirculated Portions of Final Environmental Impact Report for Devil's Gate Reservoir Sediment Removal and Management Project
2. City of Pasadena Sediment Working Group Recommendations Letter and Report, May 15, 2014

Copy: Kathryn Barger, Los Angeles County Board of Supervisors, District 5
Christopher Stone, Assistant Deputy Director, Los Angeles County Department of Public Works
Julie A. Gutierrez, Assistant City Manager, City of Pasadena
Ara Maloyan, P.E., Director of Public Works, City of Pasadena
Brad Fuller, Assistant City Attorney, City of Pasadena

Comments on the Sediment PREIR
Page 3 - August 31, 2017

Attachment 1:

City of Pasadena Comments on Recirculated Portions of Final Environmental Impact
Report for Devil's Gate Reservoir Sediment Removal and Management Project

*Responses to Comments for
Recirculated Portions of Final EIR Devil's Gate Reservoir Sediment Removal and Management Project
Los Angeles County, California*

City of Pasadena Comments – Devil's Gate Reservoir Sediment Removal and Management Project Recirculated Portions of the FEIR

ID#	Page	Section	Paragraph	Dept.	Comment	
1	ii-iii and 133B	Introduction & BIOLOGY-6			<p>The Introduction to the Recirculated Portions of the Final EIR (i.e., the Recirculated FEIR) notes that the Court ordered that the County and LACFCD recirculate portions of the Final EIR to confirm that Mitigation Measures BIO-1 through BIO-8 will be applied as mitigation to the Devil's Gate Water Conservation Project. However, the Recirculated FEIR fails to provide a mechanism to ensure Mitigation Measures BIO-1 through BIO-8 are applied to the Water Conservation Project, but rather simply makes a statement in the narrative analysis of cumulative impacts to that effect. A separate mitigation measure that requires the County/LACFCD to apply Measures BIO-1 through BIO-8 to the Devil's Gate Water Conservation Project must be included in this EIR to reduce potentially significant cumulative impacts.</p>	A2-3
2	130C	BIOLOGY-2			<p>"Corrective re-grading" is identified as an "adaptive management measures" that could be implemented if mitigation measures do not "demonstrate measurable progress toward achieving the necessary performance standards", but no specifics are provided. It is not clear if the re-grading might extend into areas not previously included, nor how substantial re-grading efforts might be.</p> <p>Re-grading may adversely impact City recreational, utility, and service uses within the park by changing such things as slope, surface conditions, or drainage patterns, thereby generating potentially significant environmental effects.</p> <p>The City of Pasadena respectfully requests that LACFCD state in the mitigation measure that it will work collaboratively with the City if this corrective measure is necessary, so as to avoid potentially significant secondary effects of implementation of this measure.</p> <p>Please note this comment is intended to address all instances of "corrective re-grading" discussions in the Recirculated Portions (e.g. MM BIO-6, MM BIO-8, etc.)</p>	A2-4

August 24, 2017

Page 1

*Responses to Comments for
Recirculated Portions of Final EIR Devil's Gate Reservoir Sediment Removal and Management Project
Los Angeles County, California*

City of Pasadena Comments – Devil's Gate Reservoir Sediment Removal and Management Project Recirculated Portions of the FEIR

ID#	Page	Section	Paragraph	Dept.	Comment
3	130C	BIOLOGY-2			<p>"Closing trails or installing barriers" is identified as an "adaptive management measures" that could be implemented if mitigation measures do not "demonstrate measurable progress toward achieving the necessary performance standards", but no specific criteria are provided to establish the conditions when this measure would be implemented.</p> <p>All trails described and shown in City of Pasadena's adopted Hahamongna Watershed Park Master Plan (e.g. fig. 3-44) and trails shown in The City of Pasadena Arroyo Seco "A Guide to Public Hiking Trails and Recreation" map (Attached and found at http://cityofpasadena.net/WorkArea/linkit.aspx?LinkIdIdentifier=id&ItemID=6442454724&libID=6442454722) including, but not limited to, the "Arroyo Seco Trail", "Gabrielino Trail", and "Altadena Crest Trail" must remain outside of any mitigation area footprint, and therefore not subject to closure or limiting of human activity. Closure of these trails would result in a significant and unavoidable impact to recreation due to their unique qualities and location within the park, heavy use, and a lack of available alternative trails (and if closed, it is likely the heavy use will simply shift elsewhere in the Arroyo and potentially significantly impact habitat).</p> <p>As stated above, the City of Pasadena respectfully requests that LACFCD state in the mitigation measure that it will work collaboratively with the City of Pasadena in advance of any proposed closure of trails or limiting of human activity within Hahamongna Watershed Park so as to avoid potentially significant secondary effects of implementation of this measure.</p> <p>Please note this comment is intended to address all instances of trail closure or installing barriers discussions in the Recirculated Portions (e.g.</p>

A2-5

August 24, 2017

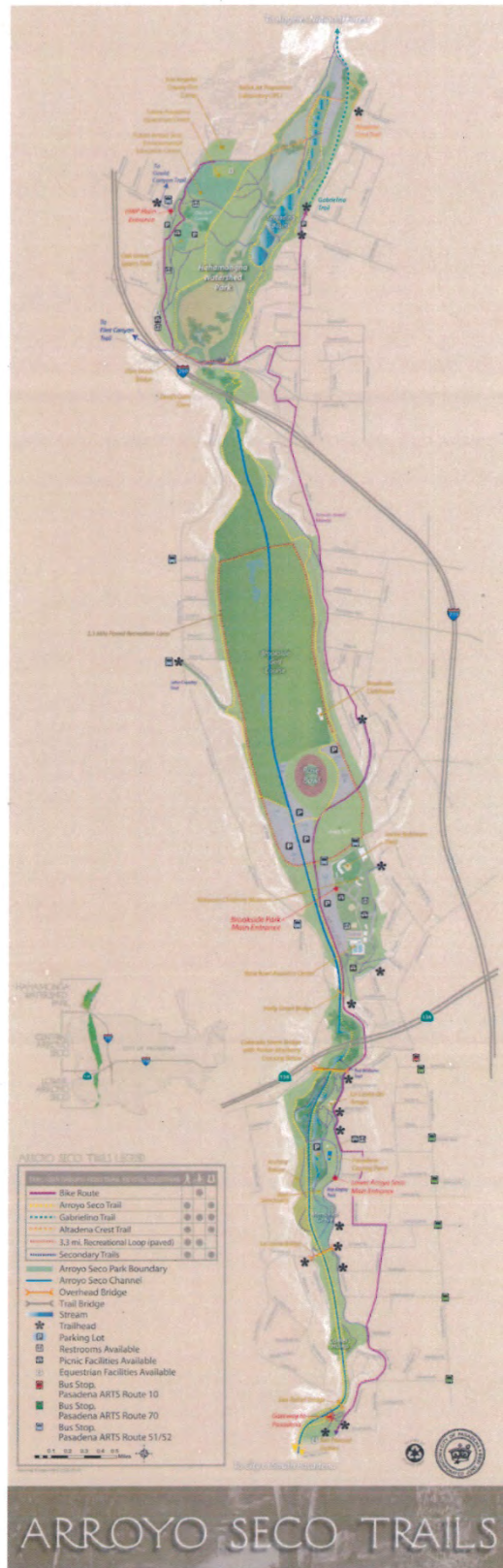
Page 2

*Responses to Comments for
Recirculated Portions of Final EIR Devil's Gate Reservoir Sediment Removal and Management Project
Los Angeles County, California*

City of Pasadena Comments – Devil's Gate Reservoir Sediment Removal and Management Project Recirculated Portions of the FEIR

ID#	Page	Section	Paragraph	Dept.	Comment	
					MM BIO-6, MM BIO-8, etc.)	A2-5 cont.
4	131C	MM BIO-7			<p>MM BIO-7 states "LACFCD shall identify tree replacement areas that are no less than the acreage of the native city-protected tree canopies to be removed." The paragraph also states "The number of replacement trees installed by LACFCD will be greater than the number of trees to be removed should the replacement tree be smaller and younger than the tree to be removed.</p> <p>It is not clear if the replacement "area" refers to the canopy or ground area for the replacements, nor is it clear if replacement tree quantities and sizes will be determined to replicate the removed canopy area or the quantity of trees removed.</p> <p>Tree planting locations are of great interest to the City of Pasadena. The City respectfully requests that LACFCD state in the mitigation measure that it will work collaboratively with the City to define tree replacement areas for those locations within the City.</p>	A2-6

Responses to Comments for
 Recirculated Portions of Final EIR Devil's Gate Reservoir Sediment Removal and Management Project
 Los Angeles County, California



Comments on the Sediment PREIR
Page 4 - August 31, 2017

Attachment 2:

City of Pasadena Sediment Working Group Recommendations Letter and Report, May
15, 2014



OFFICE OF THE CITY MANAGER

May 15, 2014

Gail Farber
Director
Los Angeles County Department of Public Works
P.O. Box 1460
Alhambra, CA 91802-1460

Re: City of Pasadena Recommendations on County of Los Angeles Draft Environmental Impact Report and Proposed Alternatives for the Devil's Gate Reservoir Sediment Removal and Management Project

Dear Ms. Farber:

On Behalf of the City of Pasadena, I present to you further comments and recommendations on the proposed Devil's Gate Reservoir Sediment Removal and Management Project (Project). The City assembled a Working Group to assist the County of Los Angeles in identifying a responsible Project design and sediment management program that conforms to the limitations and responsibilities of the Easement granted by the City to the County in 1919 and expanded in 1965, reflects the configuration, aesthetics, habitat restoration, and vegetation management described in the Hahamongna Watershed Park Master Plan adopted by the Pasadena City Council in 2003, and is only as impactful as necessary to preserve and maintain the Reservoir for water conservation and flood control purposes.

The Working Group was comprised of community members and City staff with various backgrounds and expertise necessary to analyze the Project and corresponding impacts. The Project will shape the future of Hahamongna Watershed Park and the Pasadena community. To facilitate the thorough review of most acute aspects of the Project, the Working Group focused its efforts, including consultation with technical advisors, on the following project components: hydrology, hydraulics and existing sediment behind Devil's Gate Reservoir; hydraulics

A2-7

*City Hall
100 N. Garfield Avenue, Room 5228
Mailing Address: P.O. Box 7175 • Pasadena 91109-7215
(626) 744-4333 • Fax (626) 744-4774
mbock@cityofpasadena.net*

Gail Farber
May 15, 2014
Page 2

downstream of the Reservoir; wildlife and habitat within Hahamongna Watershed Park; neighborhood and recreational impacts from the removal or flooding; and a long-term sediment management plan. Highlights of the Working Group's final recommendation include:

Item	Quantity
Desired target sediment capacity in Hahamongna basin	2.5 million cubic yards (mcy)
Existing sediment capacity in basin	1.4 mcy
Amount to be removed to reach desired capacity	1.1 mcy
Project duration	5 years
Maximum amount to remove each year until target goal is achieved	220,000 cy
Additional amount to remove after heavy inflow during first five years	100,000 cy

The Final Recommendation of The Devil's Gate Dam Sediment Working Group Report is attached for your information and review. The Pasadena City Council received a full presentation on the Final Recommendation at its regular meeting on Monday, May 12, 2014. The City Council endorsed the Final Recommendation and its dissemination to the County.

The City of Pasadena is most appreciative of the support Los Angeles County staff members provided to the Working Group and City staff, especially Christopher Stone, Keith Lilley, and Ken Zimmer. We look forward to a continued working partnership with County staff to identify the least impactful Project, that provides adequate flood protection in the most environmentally responsible and respectful manner resulting in as little impact to Hahamongna Watershed Park and adjacent neighborhoods as possible. The Working Group's Final Recommendation proposes such a project alternative, which the City of Pasadena strongly supports, primarily because it insightfully evaluates and effectively balances the complex priorities of the Devil's Gate Project, while conforming to the limitations and responsibilities of the Easement. The Working Group's detailed review of the Draft Environmental Impact Report and Proposed Alternatives for the Devil's Gate Reservoir Sediment Removal and Management Project identifies many facets of the Project and Project Alternatives that must be modified in furtherance of the City's objectives.

The City of Pasadena looks forward to continued cooperation and consultation with the County of Los Angeles on this critical initiative and requests the opportunity to meet with County representatives as soon as possible to discuss the Pasadena Working Group Final

**A2-7
cont.**

Gail Farber
May 15, 2014
Page 3

Recommendation and the next steps in developing a responsible Project design and sediment management program. I have asked my staff to contact you in the next few days to schedule a meeting at your convenience.

**A2-7
cont.**

Respectfully submitted,


MICHAEL J. BECK
City Manager

Attachment:
Final Recommendation of the Pasadena Working Group

cc:

Mayor and City Council, City of Pasadena
Christopher Stone, Assistant Deputy Director, Los Angeles County Department of Public Works
Keith A. Lilley, Senior Civil Engineer, Los Angeles County Department of Public Works
Ken Zimmer, Senior Civil Engineer, Los Angeles County Department of Public Works
Julie A. Gutierrez, Assistant City Manager, City of Pasadena
Siobhan Foster, Director of Public Works, City of Pasadena
Brad Fuller, Assistant City Attorney, City of Pasadena

**FINAL RECOMMENDATION OF THE DEVIL'S GATE DAM SEDIMENT
WORKING GROUP**

TO: CITY MANAGER, MICHAEL BECK
FROM: DEVIL'S GATE DAM SEDIMENT WORKING GROUP
SUBJECT: CITY OF PASADENA "ALTERNATIVE"
DATE: MAY 1, 2014
CC: MAYOR BILL BOGAARD, ASSISTANT CITY MANAGER JULIE GUTIERREZ,
PUBLIC WORKS DIRECTOR SIOBHAN FOSTER, AND CITY ENGINEER
STEVEN L. WRIGHT

OVERVIEW:

The City of Pasadena wants to work in partnership with the LA County Flood Control District (LACFCD) to ensure flood protection for local residents below Devil's Gate Dam and to preserve the rare natural values of the Arroyo Seco and Hahamongna Watershed Park. Those goals can best be achieved by an ongoing sediment management program that minimizes negative impacts on Hahamongna and the surrounding neighborhoods.

Pasadena proposes a long-term agreement with LACFCD for the County to achieve and maintain a capacity in the Hahamongna basin for 2.5 million cubic yards (mcy) of sediment. In reaching and maintaining this capacity, no more than 220,000 cubic yard (cy) would be removed per year, except after unusually large storm events. Maintaining sediment capacity of 2.5 mcy will ensure adequate flood protection while minimizing impacts to habitat and recreation activities in Hahamongna Watershed Park and the surrounding communities.

SEDIMENT TARGET AND REMOVAL PROGRAM

The Draft EIR's proposed target of capacity for 2 Design Debris Events, approximately 4 mcy of sediment, would mean an overly aggressive project with excessive impacts on wildlife, habitat and the surrounding communities. The historical record of sediment within Hahamongna indicates that a target of 2.5 mcy of sediment storage capacity is quite adequate.

The current available sediment capacity in Hahamongna is about 1.4 million cubic yards. (Draft Summary of Devils Gate Dam and Reservoir Design Standards and History – Los Angeles County Flood Control District March 26, 2014). In reaching a sediment target level of 2.5 mcy, sediment should be removed at a rate of 220,000 cy per year until the target goal is achieved. However, if a large amount of sediment enters the reservoir during the initial five year period, the County may remove up to 100,000 cy per year above the regular annual amount of 220,000 cy.

After the initial five year period, 2.5 mcy of available storage capacity should be maintained with a schedule of sediment removal acceptable to the City, and with regular topographic surveys to

**A2-7
cont.**

evaluate sediment storage, especially after heavy rainfall brings large amounts of sediment into the basin.

A summary of the figures:

Desired target sediment capacity in the Hahamongna basin	2.5 mcv
Existing sediment capacity in the basin	1.4 mcv
Amount to be removed to reach the desired capacity	1.1 mcv
Maximum amount to remove each year until target goal is achieved.	220,000 cy
Additional amount to remove after heavy inflow during the first five years	100,000 cy

PROJECT FOOTPRINT:

A modification of Alternative 3, Configuration D described in the Draft EIR would be the best pattern for sediment excavation with least damage to the environment. The majority of the excavation should take place just to the north of the dam and on the natural stream channel along the east side of the Arroyo as far north as Johnson Field. But in contrast to the proposal in the Draft EIR, there should be no excavation in the westside stream channel beyond where the two channels merge. This will preserve valuable riparian habitat on the westside. An irregular shaped seasonal conservation pool near the dam should be constructed that will allow for water infiltration, water bird habitat, and other wildlife habitat during the wet season. It is recommended that space for wildlife conductivity/passage be located adjacent to the conservation pool.

TRAFFIC/TRUCKING ROUTE

A lane will be constructed off Oak Grove Drive onto the paved area just east of the dam for incoming trucks to enter the reservoir while avoiding the La Canada Verdugo Road neighborhood. Trucks will descend into the basin on the existing ramp. Loaded trucks will depart using the westside reservoir access road, turn right on Oak Grove Drive, then left on Berkshire to the 210 Freeway. The existing western access road is currently unpaved, and the part of this access road from below the West Rim Trail to the reservoir will be widened but remain unpaved. The section of this access road from Oak Grove Drive to the West Rim Trail will need to be widened and paved. Both access roads will only allow for one-way truck traffic. Dedicated turn lanes are essential for all construction vehicle movement. In addition, flaggers are essential to allow for smooth traffic flow and ensure all non-essential traffic for the project site is re-routed.

There will be no staging of trucks on city streets. In addition, onsite storage of trucks and construction equipment shall be minimized; but, if storage takes place onsite, trucks and construction equipment shall be stored when not in use away from recreation, wildlife corridors and habitat to the greatest extent feasible.

**A2-7
cont.**

SCHEDULE

The sediment removal will take place during the dry season from April 15th to October 15th. This alternative does not allow for work during the following days:

- No Weekend Operation (52 days)
- 4 Federal Holidays (Memorial Day, Fourth of July, Labor Day, Columbus Day)
- No operations during Rose Bowl Displacement Events (unknown number of days)

In addition, to reduce the impacts to the adjacent communities the project will limit dump truck activity to the period from 8:45am to 2:45pm. However, it will allow for daily site arrival and setup at 8:00 am and daily site closure at 4:00 pm. In addition, the proposed project limits the number of trucks to 120 trucks per day. The number of trucks per day may need to be adjusted after heavy rainfall brings large amounts of sediment into the basin.

AIR QUALITY

Air quality is of major concern with the proposed project. During sediment removal activities it is anticipated that very fine particulate matter will become airborne. The airborne sediment will have significant public health impacts on northern Arroyo neighborhoods, particularly Pasadena and Altadena Eastside neighborhoods, and on nearby schools. To limit public health impacts of airborne sediment, the Project must be slowed down and spread out over a reasonable time. In addition, construction activities should be suspended during high winds and/or poor air quality and/or Red Flag Days and/or during area wildfires. To mitigate fugitive dust the project should implement best management practices, which include but are not limited to installation of wheel washer, using water trucks to keep sediment from becoming airborne and requiring all trucks to be tarped.

Air quality associated with production of NOx emissions are of concern. Thus to reduce these the following are necessary steps that will reduce construction air quality impacts:

- Use low emission vehicles that adhere to the highest Federal and State standards, including AQMD standards;
- Use electricity from power poles rather than temporary diesel or gasoline power generators; and
- Contractors should apply for SCAQMD "SOON" funds (reduction of NOx emission).

WILDLIFE

Southern California is considered one of about two dozen of the planet's ecological "hotspots" with many of the world's plant and animal species, including those that are rare or endangered. Hahamongna stands out for its rich variety. We want to preserve as much as possible of its vegetation for its own sake, and as habitat for the many birds and animals that forage, nest and rest there during the year. Sediment excavation also should try to preserve corridors for wildlife to move back and forth, some from the foothills southward under the roadways to attractive

**A2-7
cont.**

places such as Cottonwood Canyon and other points farther south of the dam in the Arroyo Seco Watershed. These corridors should be 100 feet wide, or more, where possible to give animals cover from predators.

HABITAT MITIGATION

Habitat mitigation is necessary to reduce overall impacts to the environment. The riparian and alluvial habitat should be replaced at a rate of 5 to 1. The mitigation should take place primarily within the Arroyo Seco Watershed or otherwise within the City of Pasadena.

ONSITE PROJECT MANAGER ACCESSABILITY

To facilitate prompt resolution of Project issues or impacts which require immediate, responsive attention, the following contact information shall be provided on an ongoing basis throughout the Project to the Working Group, the Pasadena neighborhood associations adjacent to Hahamongna and the Central Arroyo, the Public Works Department of the City of Pasadena, and, the City of La Canada-Flintridge: the name and cell phone number of the onsite Project Manager. The onsite Project Manager's contact information shall be regularly updated throughout the duration of the Project as necessary.

A LARGER VISION

The aim for this project should be more than sediment removal and basin capacity. It should accommodate a stream restoration program taking account of the U.S. Army Corps of Engineers Arroyo Seco Watershed Feasibility Study. The Los Angeles County Flood Control District is a partner with the Army Corps in this study, and mitigation for the proposed project could be used to implement this kind of stream restoration. The project should align with the Hahamongna Watershed Park Master Plan.

DEVIL'S GATE DAM SEDIMENT WORKING GROUP

Members of the Working Group: Don Bremner, Tim Brick, Gretchen Brickson, Nina Chomsky, Henreen Nunley and Dr. Seema Shah-Fairbank

Advisors to Sediment Working Group:

Dr. Norman H. Brooks, James Irvine Professor of Environmental and Civil Engineering, Emeritus at California Institute of Technology.

Michael "Mickey" Long, former Natural Areas Administrator of L.A. County's 19 Natural Areas and Nature Centers, and Supervisor at Eaton Canyon Natural Area Park and Nature Center.

**A2-7
cont.**

Responses to Letter A2 – City of Pasadena

Response to Comment A2-1:

This comment states that the City of Pasadena has concerns about potential trail closures as adaptive measures for onsite mitigation sites and requests that the LACFCD work collaboratively with the City in preserving trails to the extent possible. Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration.

All official City of Pasadena trails within Devil's Gate Reservoir, including the Arroyo Seco Trail, Gabrielino Trail, and the Altadena Crest Trail, will be preserved and will not be closed as an adaptive management measure for the mitigation sites. LACFCD encourages recreational users to utilize official City trails when within the vicinity of the dam and reservoir. LACFCD has been and will continue to work closely with the City of Pasadena in coordinating both Project and mitigation activities.

Response to Comment A2-2:

The comment states that the City of Pasadena would like to restate the recommendations made by the Pasadena Sediment Working Group. This comment has been noted. Master Response 1 provides additional information regarding this comment.

Response to Comment A2-3:

The comment recommends that a separate mitigation measure be added to the RFEIR to ensure that Mitigation Measures BIO-1 through BIO 8 are applied to the Water Conservation Project. However, as detailed in the RFEIR on pages 133A and 133B, the Water Conservation Project is still in its conceptual phase and design plans have not been finalized or proposed for review and approval by the LACFCD. Accordingly, the addition of a mitigation measure to the Approved Project's list of mitigation measures, measures which only apply to the Approved Project, would be inappropriate at this time. As directed by the Court, the LACFCD has taken the strongest step available to it and has stated in the RFEIR, which it proposes for certification, that, should the Water Conservation Project go forward, it will be subject to Mitigation Measures BIO-1 through BIO-8. As with any project considered by the LACFCD, should the Water Conservation Project be proposed for approval, it will also be subjected to environmental review pursuant to CEQA, including the imposition of all feasible mitigation measures to address any impacts that are identified as potentially significant.

Response to Comment A2-4:

This comment requests clarification on how corrective re-grading would be used as an adaptive management measure.

Corrective re-grading might only be necessary if the growing conditions for the habitats in the mitigation sites are not optimal (e.g., presence of unsuitable soils). The details associated with any corrective re-

grading activities would be developed when this adaptive management measure is deemed necessary. If corrective re-grading is determined to be necessary, it would be limited to areas within the boundaries of the actual mitigation sites. Any plans for re-grading would be developed in a manner that would not be expected to adversely impact City recreational, utility, and service uses within the park by changing such things as slope, surface conditions, or drainage patterns. LACFCD has been and will continue to work closely with the City of Pasadena in coordinating both Project and mitigation activities.

Response to Comment A2-5:

This comment requests that all trails described in the City of Pasadena's adopted Hahamongna Watershed Park Master Plan and trails shown in The City of Pasadena Arroyo Seco "A Guide to Public Hiking Trails and Recreation" map remain outside of any onsite mitigation areas and not be closed as a part of adaptive management of the mitigation sites. This comment also requests that the LACFCD work collaboratively with the City in advance of closing any trails or limiting human activity within the Hahamongna Watershed Park.

All existing official City of Pasadena trails within Devils' Gate Reservoir, as described and shown in the City of Pasadena's adopted Hahamongna Watershed Master Plan and the Arroyo Seco "A Guide to Public Hiking Trails and Recreation", including the Arroyo Seco Trail, Gabrielino Trail, and the Altadena Crest Trail, will be preserved and will not be closed as an adaptive management measure for the mitigation sites. LACFCD will work collaboratively with the City in advance of any proposed closure of trails or limiting of human activity within Hahamongna Watershed Park.

As discussed in Section 3.15 of the Final EIR (a portion of the EIR that is now final and is not part of the RFEIR), implementation of sediment removal and sediment management activities will result in temporarily restricted access to portions of designated trails and indirect impacts to existing recreation uses associated with construction activities. LACFCD does not intend to restrict access to official trails outside of construction activities. LACFCD encourages recreational users to utilize official City trails when within the vicinity of the dam and reservoir. LACFCD has been and will continue to work closely with the City of Pasadena in coordinating both Project and mitigation activities.

Response to Comment A2-6:

This comment requests that LACFCD work collaboratively with the City of Pasadena to define tree replacement areas. The size of the areas occupied by the canopies of each of the native city-protected trees removed by the project will be identified prior to the removal of the trees. The acreage of the areas where native city-protected trees will be planted will be at least the size of the area occupied by the canopies of the removed trees. The goal will be to replace the city-protected trees onsite rather than offsite but if enough suitable areas are not available onsite, then offsite locations will be identified (See Master Response 6). LACFCD has been and will continue to work closely with the City of Pasadena in coordinating both Project and mitigation activities and this will include coordination regarding the locations of where replacement trees will be planted.

Response to Comment A2-7:

The commenter letter is dated May 15, 2014 and therefore does not address the RFEIR. Indeed, the letter expressly states that it is providing comments on the Draft EIR. Any such comments are outside the scope of the RFEIR, as they predate the April 19, 2017, Los Angeles County Superior Court judgement in *Arroyo Seco Foundation v. County of Los Angeles*, which, as detailed in Master Response 1, primarily upheld the adequacy of the EIR and required only narrow revision and recirculation of limited portion of the EIR.

Letter A3 - City of La Canada Flintridge

From: Farhad Iranitalab <FIranitalab@willdan.com>
Sent: Tuesday, September 05, 2017 1:57 PM
To: DPW-reservoircleanouts
Subject: "Devil's Gate Reservoir Sediment Removal and Management Project"

I have reviewed the recirculated portion of the final EIR for the subject project and do not have any further comments. | **A3-1**

Thanks
Farhad Iranitalab, PE, TE
City Of La Canada Flintridge
Traffic Engineer

Responses to Letter A3 – City of La Cañada Flintridge

Response to Comment A3-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states the City of La Cañada Flintridge has reviewed the RFEIR and has no further comments. No response is necessary.

Letter A4 - LCUSD

From: Wendy Sinnette <wsinnette@lcsud.net>
Sent: Thursday, September 07, 2017 9:28 AM
To: DPW-reservoircleanouts; kathryn@bos.lacounty.gov
Subject: Hahamongna Watershed Park Final Environmental Impact Report (FEIR) - Comments, Revision Requests, And Concerns
Attachments: Resolution_Regarding_Devil's_Gate_Sediment_Removal_Project Final.doc

Dear Ms. Barger and all,

Please see attached a copy of the La Canada Unified School District's Governing Board Resolution which contains LCUSD's concerns regarding the proposed sediment removal project at Hahamongna Watershed Park/Devil's Gate Dam. The Governing Board continues to feel strongly that the project as it exists does not remedy or mitigate adequately for the resulting air and noise pollution and traffic congestion, all which pose health and safety risks for our students and the LCUSD Community. **A4-1**

Ms. Barger, on Tuesday evening we presented our students with the beautiful certificates of commendation which your office provided recognizing student technology group for their design of a school communication app. Your thoughtfulness in providing the certificates demonstrates your care for and consideration of our students' well being. We hope those sentiments will also be demonstrated by an LA County Board of Supervisors' vote to reject the project in its current iteration and the adoption of a plan which mitigates the potential risks to our students' health and safety. **A4-2**

Sincerely yours,

Wendy Sinnette
LCUSD Superintendent

**LA CAÑADA UNIFIED SCHOOL DISTRICT
A RESOLUTION OF THE GOVERNING BOARD
OF LA CAÑADA UNIFIED SCHOOL DISTRICT
ADDRESSING THE DISTRICT'S CONCERNS RELATED
TO THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
FOR THE DEVIL'S GATE RESERVOIR SEDIMENT REMOVAL AND MAINTENANCE PROJECT**

WHEREAS, the La Cañada Unified School District (LCUSD) is aware of a proposed project by Los Angeles County Flood Control District to remove between 2.4 million and 4.0 million cubic yards of sediment and debris from the Devil's Gate Reservoir over a five or more year time period; and

WHEREAS, the LCUSD Governing Board and District staff have reviewed the Draft Environmental Impact Report (DEIR) for the subject project including alternatives, and has held at a public meeting a discussion on the matter ; and

WHEREAS, the LCUSD Governing Board has numerous concerns related to potential impacts within the city and specifically near La Cañada High School; and

WHEREAS, the LCUSD Governing Board and District staff places the health and safety of its students and families as one of its highest priorities; and

WHEREAS, the LCUSD Governing Board wishes to eliminate or minimize potential adverse environmental, health, and traffic congestion impacts to its students and families.

THEREFORE BE IT RESOLVED that the Governing Board of the La Cañada Unified School District hereby requests that the following comments and concerns be addressed by the Board of Supervisors of the County of Los Angeles before proceeding with the Devil's Gate Reservoir Sediment Removal and Maintenance Project (see DEIR for any specific references):

1. The DEIR determined that there are significant and unavoidable impacts to air quality even after mitigations requiring equipment to meet EPA 2007 standards. This is due to the nature of the debris removal by heavy construction equipment that generates excessive daily NOx emissions. Short and long term health effects due to silica dust, fugitive dust clouds, diesel fumes, carbon monoxide and other pollutants were not fully assessed in the DEIR and students should not be exposed to health risks in the school environment. Student health and safety will be adversely affected. Ensuring student health and safety is a LCUSD Board priority as well as a community and civic responsibility.
2. The LCUSD Governing Board supports the exclusive use of Alternate Haul Routes 1B and 1F during the entire hauling operation because school congestion would not be worsened, thus avoiding negative impacts to attendance and tardy rates while protecting the integrity of the instructional day and supporting student achievement.
3. Vehicle noise generated on haul routes near La Cañada High School will disrupt the learning environment and negatively impact student ability to concentrate and access curriculum.

A4-3

IN WITNESS THERETO, we, the Governing Board of the La Cañada Unified School District, do hereby adopt this resolution this 16th day of December, 2013.

Governing Board Members

Ellen Multari, President

Dan Jeffries, Member

Andrew Blumenfeld, Vice President

Kaitzer Puglia, Member

David Sagal, Clerk

Responses to Letter A4 – LCUSD

Response to Comment A4-1:

The comment states that the Project does not remedy or mitigate adequately for the resulting air and noise pollution and traffic congestion, all which pose health and safety risks for LCUSD students and the LCUSD Community. Master Responses 1 and 3 address this comment.

Response to Comment A4-2:

This comment requests that the County of Los Angeles Board of Supervisors vote to reject the Project, as approved on November 12, 2014, and adopt an alternate plan. Analysis of additional alternatives is not part of the scope of the RFEIR. Master Response 1 addresses this comment.

Response to Comment A4-3:

The Governing Board Resolution is dated December 16, 2013 and therefore does not address the RFEIR. Indeed, the Resolution expressly states that it is providing comments on the Draft EIR. Any such comments are outside the scope of the RFEIR, as they predate the April 19, 2017, Los Angeles County Superior Court judgement in Arroyo Seco Foundation v. County of Los Angeles, which, as detailed in Master Response 1, primarily upheld the adequacy of the EIR and required only narrow revision and recirculation of limited portion of the EIR.

Letter A5 - City of La Canada Flintridge



City Council
Michael T. Davitt, Mayor
Terry Walker, Mayor Pro Tem
Gregory C. Brown
Jonathan C. Curtis
Leonard Pieroni

September 14, 2017

Mr. Christopher Stone, P.E. Assistant Deputy Director
Water Resources Division
County of Los Angeles Department of Public Works
Attn: Reservoir Cleanouts Program
PO Box 1460
Alhambra, CA 91802-1460

Attn: Water Resource Division - Reservoir Cleanout Program

Subject: "Devil's Gate Reservoir Removal and Management Program"

To Whom it May Concern,

The City of La Cañada Flintridge has reviewed the recirculated portion of the Final Environmental Report (EIR) for the subject project. The recirculated document did not include the Traffic Impact Analysis (TIA) because the court found that the TIA was in compliance with the CEQA requirement. Based on our review of the recirculated EIR, the City does not have any further comments. However, it should be noted that we have previously submitted written comments regarding our concern on the number of truck trips and routing during our review of Draft Environmental Review. A copy of the City's letter is attached for your convenience.

A5-1

Sincerely,

A handwritten signature in red ink, appearing to read "Edward Hitti". The signature is stylized and somewhat illegible.

Edward Hitti, P.E.
Director of Public Works

Attachment: City's letter submitted with written comments to Draft EIR dated
December 30, 2013

H:\OUTSIDE AGENCY\LOS ANGELES COUNTY\DEVILS' GATE SEDIMENT REMOVAL\09-14-17 LTR TO LACDPW RE DEVILS GATE RESERVOIR
SEDIMENT REMOVAL.DOCX

1327 Foothill Boulevard • La Cañada Flintridge • California 91011 • (818) 790-8880 • FAX: (818) 790-7536

Comment Letter #94



City Council
Laura Olhasso, Mayor
Michael T. Davitt, Mayor Pro Tem
Jonathan C. Curtis
David A. Spence
Donald R. Voss

December 30, 2013

Mr. Christopher Stone, P.E., Assistant Deputy Director
Water Resources Division
County of Los Angeles Department of Public Works
Attn: Reservoir Cleanouts Program
P.O. Box 1460
Alhambra, CA 91802-1460

**SUBJECT: DEVIL'S GATE RESERVOIR SEDIMENT REMOVAL AND MANAGEMENT PROJECT
CITY COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT**

To Whom It May Concern,

Comment 94-1 On behalf of the City Council of the City of La Cañada Flintridge, this letter reflects our primary comments and concerns regarding the Draft Environmental Impact Report (DEIR) for the Devil's Gate Reservoir Sediment Removal and Management Project. These comments are based on the City Council's obligation to protect the health and welfare of our residents, students and businesses. The City reserves the right to submit further comments and objections.

Comment 94-2 The project's scope and magnitude is especially important to us because of its proximity to eight (8) public and private schools, two churches, several joint use or private sports facilities, Flintridge Riding Club and JPL (See attached map). These are sensitive receptor locations, where children study, play outside and are dropped off/picked up every day. The project location will affect more people and streets in the City of La Cañada Flintridge than in any other city, with significant disturbance to traffic, noise, air quality, and recreational uses.

Comment 94-3 While we are fully cognizant of the need to clean out the reservoir, and understand the attraction of "doing it all at once", we believe it is vitally important to fully weigh the advantages of extending the project from 5 to 10 years or more. All of the significant impacts cited in the DEIR will be reduced or eliminated simply by taking a kinder-gentler approach to the sediment removal. (See Attachment 1 - Summary of Comments.)

Comment 94-4 The City Council appreciates this opportunity to comment on this large project with long-term impacts, and the chance to be a partner in minimizing those potential impacts. If you should have any questions or require additional information, please contact our Director of Public Works, Mr. Edward Hitt, P.E. at (818) 790-8882.

Sincerely,

Laura Olhasso
Mayor

cc: Supervisor Michael D. Antonovich (500 West Temple Street, Room 869, Los Angeles, CA 90012)
City Council
City Manager
Public Works Director
P:\City\County\Devil's Gate Sediment Removal\City Letter to LACDPW Devil's Gate DEIR comments - FINAL.doc

1327 Foothill Boulevard • La Cañada Flintridge • California 91011 • (818) 790-8880 • FAX: (818) 790-7536

**Attachment 1
City of La Canada Flintridge**

**SUMMARY OF CITY COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR
DEVIL'S GATE RESERVOIR SEDIMENT REMOVAL AND MANAGEMENT PROJECT**

PROJECT LOCATION AND SETTING

Comment
94-5

1. The Draft EIR's description of the project location and setting is inadequate and fails to recognize the environmental setting and uses in the area. In particular, there are eight (8) public and private schools, two churches, several joint use or private sports facilities, the Flintridge Riding Club and JPL. In essence, this area is a highly active school and recreational area. The potential impacts are not just traffic impacts at the beginning and end of the school day, but also the continuing daily athletic uses and practices that start early in the day through the evening. These sensitive uses, including for very young children, will be highly impacted by the project's noise, traffic and air quality impacts, especially if the proposed Berkshire Place/I-210 ramp haul route is utilized at all. In turn, these same type of sensitive uses are not present along the proposed Windsor/Arroyo haul route, which the Draft EIR has not recognized in its evaluation.

PROJECT INTENSITY

Comment
94-6

2. The Draft EIR should be expanded to include study of a project extended from 5 years to 10 years during the initial sediment removal phase to reduce the expected environmental impacts generated by intense truck hauling operations, particularly during the school year. This "Kinder-Gentler" alternative reduces the intensity of the hauling to more manageable levels, and opens up three options: Truck hauling can be limited to summer months only, the number of trucks per hour can be reduced, or the hauling operation hours can be modified to avoid school arrival and dismissal times. By doubling the number of years to complete the project, the annual export amount would be cut in half, which could be accomplished in one of three ways: 1) half the annual days, 2) half the hours per day, or 3) half the hauling frequency. A comparison of the reduced intensity debris removal alternatives is shown below:

Reduced Intensity Alternatives Comparison

Option/Description	Proposed Project (Alt. 3, Config. D)	Reduced Intensity Summer Only	Reduced Intensity Reduced Hours	Reduced Intensity Reduced Rate
Project Duration (Yrs)	5	10	10	10
Hauling Months	June-October (5 months)	<i>*June-August (2.5 Months)</i>	June-October (5 Months)	June-October (5 Months)
Hauling Hours	7am-7pm M-F (12hr) 8am-5pm Sat (9hr)	7am-7pm M-F (12hr) 8am-5pm Sat (9hr)	<i>*9am-2pm M-F (5 hr) 9am-2:30pm (5.5)</i>	7am-7pm M-F (12hr) 8am-5pm Sat (9hr)
Total Volume Removed (Million Cubic Yards)	2.43 M	2.43 M	2.43 M	2.43 M
Annual Debris Removal (Cubic Yards)	486,000	243,000	243,000	243,000
Max. Daily Removal (Cubic Yards)	7,650	7,650	3,850	3,850
Max. Hauling Frequency (Trips/day)	425	425	<i>*213</i>	<i>*213</i>
Hourly Hauling Rate (Trips/hour)	50	50	50	<i>*25</i>

**** City's Recommended Alternatives***

Comment
94-6
continued

It should be noted that any hauling operation during school arrival or dismissal times in any of the above alternatives must still be rerouted away from Berkshire Place and the I-210 freeway ramps, in order to mitigate school related congestion. Of these options, the City favors the "Reduced Intensity-Summer Only" option, which would result in fewer overall traffic impacts to the City, especially during sensitive times.

Comment
94-7

AESTHETICS

3. The City urges the County of Los Angeles to pursue the development of a year-round recreational reservoir at the foot of the dam to mitigate the appearance of the excavated land. The water could be recharged from natural drainage flows, ground water, and even a planned Foothill Metropolitan Water District project to generate approximately 1 million gallons per day of recycled water from effluent water in its district.

Comment
94-8

AIR QUALITY

4. Short and long term health effects due to silica dust, fugitive dust clouds, diesel fumes, carbon monoxide, NOx emissions and other pollutants were not fully assessed in the DEIR, and should be evaluated to determine the health risk assessment to the neighboring community and sensitive receptors, such as the schools identified in the attached map. Greater use of alternative fuel vehicles for hauling is needed and should be required as mitigation measures. Based on the expected significant adverse impact due to construction and hauling vehicles, clean-air low-emissions trucks that meet current EPA low emissions criteria should be required for all hauling operations to minimize expected air quality impacts.

Comment
94-9

NOISE AND VIBRATION

5. While loud construction noise will be mitigated near residences by restriction on operation of off-road construction equipment with a 200+ horsepower engine within 180 feet of residences, further analysis should be made of haul vehicle noise generated on the haul routes, particularly near schools and churches. There should be limitations on the use of warning alarms on construction vehicles over certain decibels when used in the reservoir.

Comment
94-10

RECREATION

6. While minor disruption to recreation and trail use is to be expected, the project should be required to provide alternate routes or open the existing trails during non-operational hours and Sundays. Also, trail crossings can be intermittently opened between hauling trips. The project should be required to provide alternate trail connections or provide crossing assistance during hauling operations (See Recreation-1 in the DEIR.)

Comment
94-11

TRAFFIC

7. Hauling on Berkshire Place - There are several reasons why hauling should be prohibited on Berkshire Place:

- a. Hauling conditions assume start time of 7am, which will conflict with school traffic on Berkshire Place. The City objects to Haul Routes 1A, 1C, 1D, 1E, 1G and 1H, particularly during school times.
- b. The proposed haul routes will utilize Oak Grove Drive to Berkshire Place to the I-210 ramps, which are in close proximity to over a dozen sensitive receptors, such as schools, sports fields and churches.
- c. The Berkshire Place/Eastbound I-210 Ramps are expected to be significantly impacted from LOS-D to E in the AM peak hour under existing conditions, and degrade to LOS-F under 2014 conditions if Haul Routes 1A, 1D, 1E, and 1G.
- d. Berkshire Place is currently congested between Oak Grove Drive and I-210 Freeway

Comment
94-11 continued

- during weekday mornings and afternoon school pick-up. Trucks will be delayed in reaching the freeway ramps during peak times, block intersection flow, and exacerbate congestion.
- e. I-210 Westbound on-ramp is severely congested in morning peak hour. Truck acceleration is too slow for proper merging. This ramp must not be used during AM and PM peak school hours.

Based on the above, the Final EIR should include a mitigation measure to prohibit trucks on Berkshire Place and on Oak Grove Drive north of Berkshire Place.

Comment 94-12

- 8. Hauling During School Hours - Notwithstanding the above comment, if the project is approved with hauling on Berkshire Place, then the Project should be required to fully implement the potential impact reduction measure in Section Transportation-2 of the DEIR (Page 463), as follows: "Proposed project haul trucks would avoid using the Berkshire Place and I-210 eastbound ramps intersection during AM peak period by instead using the Windsor/Arroyo and I-210 ramps. This mitigation would require the painted median on Oak Grove Drive to be restriped to a two-way left turn lane (TWLTL). The changes to Oak Grove Drive would require the approval of the City of Pasadena."

The DEIR states that "The optional measures of this intersection are beyond the scope of the project." However, there are at least two mitigation measures available: prohibit truck trips on Berkshire Place during school peak hours and use Haul Routes 1B and 1F, and/or construct a traffic signal at Berkshire Dr/I-210 Ramps.

For these reasons, the City urges the hauling operation to be limited to Haul Routes 1B and 1F during the entire project to avoid the use of Berkshire Place. In addition, the Final EIR should include a mitigation measure to prohibit trucks on Berkshire Place or Oak Grove Drive north of Berkshire Place during school arrival and dismissal times. This is a feasible mitigation measure within control of the project. Flaggers can be used to assist haul trucks to cross a painted median on Oak Grove, so restriping is not mandatory.

Comment 94-13

- 9. Trucks on Berkshire Place Freeway Ramps – The DEIR states that there will be a significant impact at Berkshire Place/I-210 eastbound ramps during the AM peak hour. In addition, the existing stop controls at I-210 ramps and Berkshire Place will not have sufficient capacity for the projected traffic volumes. The existing turn pockets are too short to handle the proposed truck volumes. In particular, the slower acceleration rates and large turning radii will severely impact the stop sign-controlled ramp intersections.

The study failed to conduct a traffic signal warrant study at the intersection of Berkshire Place and I-210 eastbound and westbound ramps. The Final EIR should evaluate both intersections to determine whether the volume, delay or other warrants for traffic signalization are met at either location during the sediment removal phase or ongoing maintenance. The analysis should also include an analysis of queue lengths for all approaches, and stopped delay to accommodate additional project truck traffic.

Comment 94-14

- 10. The Traffic Impact Analysis (TIA) failed to include adjacent freeway ramp volumes and conditions in its ramp merging analysis in its Freeway Ramp HCM Analysis for Ramps #1- I-210 at Berkshire Place WB Off-ramp, and #2 - I-210 at Berkshire Place EB On-ramp (TIA-Appendix J). Both ramps are in close proximity to the Foothill Boulevard ramps to the west. The Traffic Impact Analysis needs to revise the HCM calculations at both ramps for all scenarios to include

Comment 94-11 continued ↑ Foothill Boulevard on/off ramp conditions. It is expected that the EB ramp congestion is worsened due to insufficient merging and ramp storage at Foothill Boulevard.

Comment 94-11 | 11. Due to potential noise and traffic congestion impacts of idling trucks, truck queuing should not be allowed on public streets. All hauling trucks need to be radio-dispatched to prevent queuing on city streets.

Comment 94-11 | 12. The existing bike lanes along Oak Grove will be adversely impacted during hauling operations. The DEIR should propose remedial measures in Transportation-3 to provide uninterrupted bike lanes along Oak Grove Drive during hauling operations.

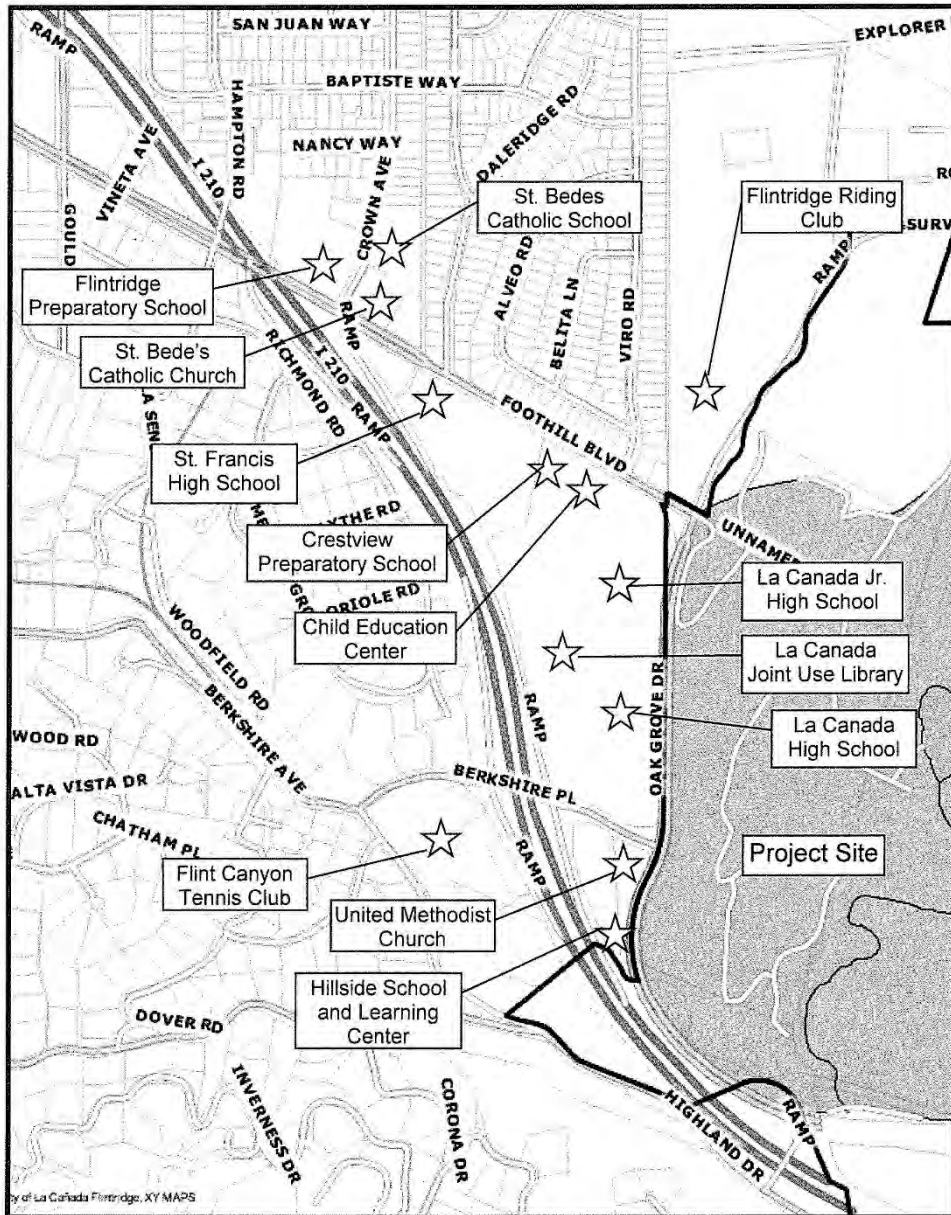
LOAD CONDITION

Comment 94-11 | 13. The massive hauling volume will significantly and prematurely degrade the pavement on Berkshire Place and Oak Grove Drive along the haul route. Neither street was constructed to handle heavy truck traffic or at the proposed frequency. In addition, ongoing maintenance of the reservoir will require higher truck volumes on both streets on an annual basis. The County should be responsible for reconstructing and/or overlaying the street segments (full width) to meet the future Traffic Index (TI) subsequent to initial debris removal and before maintenance operations begin.

CONCLUSION

Comment 94-18 | Overall, the City supports the removal of built-up sediment from the Devil's Gate reservoir to restore flood protection for the surrounding community. However, the City strongly urges the County to (1) take a "kinder-gentler" approach and minimize the amount of sediment removed, (2) extend the project to reduce the potential environmental impacts further, and (3) not utilize Berkshire Avenue/I-210 ramps as a result of all of the schools and other sensitive receptors and rather utilize the Winsor/Arroyo haul route. The City feels that all of the goals of the project are attainable even if it takes a little longer to accomplish.

Attachment 2
City of La Canada Flintridge
SENSITIVE RECEPTOR LOCATIONS





City Council
Laura Olhasso, Mayor
Michael T. Davitt, Mayor Pro Tem
Jonathan C. Curtis
David A. Spence
Donald R. Voss

December 30, 2013

Mr. Christopher Stone, P.E., Assistant Deputy Director
Water Resources Division
County of Los Angeles Department of Public Works
Attn: Reservoir Cleanouts Program
P.O. Box 1460
Alhambra, CA 91802-1460

**SUBJECT: DEVIL'S GATE RESERVOIR SEDIMENT REMOVAL AND MANAGEMENT PROJECT
CITY COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT**

To Whom It May Concern,

On behalf of the City Council of the City of La Cañada Flintridge, this letter reflects our primary comments and concerns regarding the Draft Environmental Impact Report (DEIR) for the Devil's Gate Reservoir Sediment Removal and Management Project. These comments are based on the City Council's obligation to protect the health and welfare of our residents, students and businesses. The City reserves the right to submit further comments and objections.

The project's scope and magnitude is especially important to us because of its proximity to eight (8) public and private schools, two churches, several joint use or private sports facilities, Flintridge Riding Club and JPL (See attached map). These are sensitive receptor locations, where children study, play outside and are dropped off/picked up every day. The project location will affect more people and streets in the City of La Cañada Flintridge than in any other city, with significant disturbance to traffic, noise, air quality, and recreational uses.

While we are fully cognizant of the need to clean out the reservoir, and understand the attraction of "doing it all at once", we believe it is vitally important to fully weigh the advantages of extending the project from 5 to 10 years or more. All of the significant impacts cited in the DEIR will be reduced or eliminated simply by taking a kinder-gentler approach to the sediment removal. (See Attachment 1 - Summary of Comments.)

The City Council appreciates this opportunity to comment on this large project with long-term impacts, and the chance to be a partner in minimizing those potential impacts. If you should have any questions or require additional information, please contact our Director of Public Works, Mr. Edward Hitti, P.E. at (818) 790-8882.

Sincerely,

Laura Olhasso
Mayor

cc: Supervisor Michael D. Antonovich (500 West Temple Street, Room 869, Los Angeles, CA 90012)
 City Council
 City Manager
 Public Works Director

P:\City\County\Devils' Gate Sediment Removal\City Letter to LACDPW Devils Gate DEIR comments - FINAL.doc

1327 Foothill Boulevard • La Cañada Flintridge • California 91011 • (818) 790-8880 • FAX: (818) 790-7536

**Attachment 1
City of La Canada Flintridge**

**SUMMARY OF CITY COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR
DEVIL'S GATE RESERVOIR SEDIMENT REMOVAL AND MANAGEMENT PROJECT**

PROJECT LOCATION AND SETTING

1. The Draft EIR's description of the project location and setting is inadequate and fails to recognize the environmental setting and uses in the area. In particular, there are eight (8) public and private schools, two churches, several joint use or private sports facilities, the Flintridge Riding Club and JPL. In essence, this area is a highly active school and recreational area. The potential impacts are not just traffic impacts at the beginning and end of the school day, but also the continuing daily athletic uses and practices that start early in the day through the evening. These sensitive uses, including for very young children, will be highly impacted by the project's noise, traffic and air quality impacts, especially if the proposed Berkshire Place/I-210 ramp haul route is utilized at all. In turn, these same type of sensitive uses are not present along the proposed Windsor/Arroyo haul route, which the Draft EIR has not recognized in its evaluation.

PROJECT INTENSITY

2. The Draft EIR should be expanded to include study of a project extended from 5 years to 10 years during the initial sediment removal phase to reduce the expected environmental impacts generated by intense truck hauling operations, particularly during the school year. This "Kinder-Gentler" alternative reduces the intensity of the hauling to more manageable levels, and opens up three options: Truck hauling can be limited to summer months only, the number of trucks per hour can be reduced, or the hauling operation hours can be modified to avoid school arrival and dismissal times. By doubling the number of years to complete the project, the annual export amount would be cut in half, which could be accomplished in one of three ways: 1) half the annual days, 2) half the hours per day, or 3) half the hauling frequency. A comparison of the reduced intensity debris removal alternatives is shown below:

Reduced Intensity Alternatives Comparison

Option/Description	Proposed Project (Alt. 3, Config. D)	Reduced Intensity Summer Only	Reduced Intensity Reduced Hours	Reduced Intensity Reduced Rate
Project Duration (Yrs)	5	10	10	10
Hauling Months	June-October (5 months)	<i>*June-August (2.5 Months)</i>	June-October (5 Months)	June-October (5 Months)
Hauling Hours	7am-7pm M-F (12hr) 8am-5pm Sat (9hr)	7am-7pm M-F (12hr) 8am-5pm Sat (9hr)	<i>*9am-3pm M-F (5 hr) 9am-2:30pm (5.5)</i>	7am-7pm M-F (12hr) 8am-5pm Sat (9hr)
Total Volume Removed (Million Cubic Yards)	2.43 M	2.43 M	2.43 M	2.43 M
Annual Debris Removal (Cubic Yards)	486,000	243,000	243,000	243,000
Max. Daily Removal (Cubic Yards)	7,650	7,650	3,850	3,850
Max. Hauling Frequency (Trips/day)	425	425	<i>*213</i>	<i>*213</i>
Hourly Hauling Rate (Trips/hour)	50	50	50	<i>*25</i>

* ***City's Recommended Alternatives***

It should be noted that any hauling operation during school arrival or dismissal times in any of the above alternatives must still be rerouted away from Berkshire Place and the I-210 freeway ramps, in order to mitigate school related congestion. Of these options, the City favors the "Reduced Intensity-Summer Only" option, which would result in fewer overall traffic impacts to the City, especially during sensitive times.

AESTHETICS

3. The City urges the County of Los Angeles to pursue the development of a year-round recreational reservoir at the foot of the dam to mitigate the appearance of the excavated land. The water could be recharged from natural drainage flows, ground water, and even a planned Foothill Metropolitan Water District project to generate approximately 1 million gallons per day of recycled water from effluent water in its district.

AIR QUALITY

4. Short and long term health effects due to silica dust, fugitive dust clouds, diesel fumes, carbon monoxide, NOx emissions and other pollutants were not fully assessed in the DEIR, and should be evaluated to determine the health risk assessment to the neighboring community and sensitive receptors, such as the schools identified in the attached map. Greater use of alternative fuel vehicles for hauling is needed and should be required as mitigation measures. Based on the expected significant adverse impact due to construction and hauling vehicles, *clean-air low-emissions trucks that meet current EPA low emissions criteria should be required for all hauling operations to minimize expected air quality impacts.*

NOISE AND VIBRATION

5. While loud construction noise will be mitigated near residences by restriction on operation of off-road construction equipment with a 200+ horsepower engine within 180 feet of residences, further analysis should be made of haul vehicle noise generated on the haul routes, particularly near schools and churches. There should be limitations on the use of warning alarms on construction vehicles over certain decibels when used in the reservoir.

RECREATION

6. While minor disruption to recreation and trail use is to be expected, the project should be required to provide alternate routes or open the existing trails during non-operational hours and Sundays. Also, trail crossings can be intermittently opened between hauling trips. The project should be required to provide alternate trail connections or provide crossing assistance during hauling operations (See Recreation-1 in the DEIR.)

TRAFFIC

7. Hauling on Berkshire Place - There are several reasons why hauling should be prohibited on Berkshire Place:
 - a. Hauling conditions assume start time of 7am, which will conflict with school traffic on Berkshire Place. The City objects to Haul Routes 1A, 1C, 1D, 1E, 1G and 1H, particularly during school times.
 - b. The proposed haul routes will utilize Oak Grove Drive to Berkshire Place to the I-210 ramps, which are in close proximity to over a dozen sensitive receptors, such as schools, sports fields and churches.
 - c. The Berkshire Place/Eastbound I-210 Ramps are expected to be significantly impacted from LOS-D to E in the AM peak hour under existing conditions, and degrade to LOS-F under 2014 conditions if Haul Routes 1A, 1D, 1E, and 1G.
 - d. Berkshire Place is currently congested between Oak Grove Drive and I-210 Freeway

during weekday mornings and afternoon school pick-up. Trucks will be delayed in reaching the freeway ramps during peak times, block intersection flow, and exacerbate congestion.

- e. I-210 Westbound on-ramp is severely congested in morning peak hour. Truck acceleration is too slow for proper merging. This ramp must not be used during AM and PM peak school hours.

Based on the above, the *Final EIR should include a mitigation measure to prohibit trucks on Berkshire Place and on Oak Grove Drive north of Berkshire Place.*

- 8. Hauling During School Hours - Notwithstanding the above comment, if the project is approved with hauling on Berkshire Place, then the Project should be required to fully implement the potential impact reduction measure in Section Transportation-2 of the DEIR (Page 463), as follows: "Proposed project haul trucks would avoid using the Berkshire Place and I-210 eastbound ramps intersection during AM peak period by instead using the Windsor/Arroyo and I-210 ramps. This mitigation would require the painted median on Oak Grove Drive to be restriped to a two-way left turn lane (TWLTL). The changes to Oak Grove Drive would require the approval of the City of Pasadena."

The DEIR states that "The optional measures of this intersection are beyond the scope of the project." However, there are at least two mitigation measures available: prohibit truck trips on Berkshire Place during school peak hours and use Haul Routes 1B and 1F, and/or construct a traffic signal at Berkshire Dr/I-210 Ramps.

For these reasons, the City urges the hauling operation to be limited to Haul Routes 1B and 1F during the entire project to avoid the use of Berkshire Place. In addition, the Final EIR should include a mitigation measure to prohibit trucks on Berkshire Place or Oak Grove Drive north of Berkshire Place during school arrival and dismissal times. This is a feasible mitigation measure within control of the project. Flaggers can be used to assist haul trucks to cross a painted median on Oak Grove, so restriping is not mandatory.

- 9. Trucks on Berkshire Place Freeway Ramps - The DEIR states that there will be a significant impact at Berkshire Place/I-210 eastbound ramps during the AM peak hour. In addition, the existing stop controls at I-210 ramps and Berkshire Place will not have sufficient capacity for the projected traffic volumes. The existing turn pockets are too short to handle the proposed truck volumes. In particular, the slower acceleration rates and large turning radii will severely impact the stop sign-controlled ramp intersections.

The study failed to conduct a traffic signal warrant study at the intersection of Berkshire Place and I-210 eastbound and westbound ramps. The Final EIR should evaluate both intersections to determine whether the volume, delay or other warrants for traffic signalization are met at either location during the sediment removal phase or ongoing maintenance. The analysis should also include an analysis of queue lengths for all approaches, and stopped delay to accommodate additional project truck traffic.

- 10. The Traffic Impact Analysis (TIA) failed to include adjacent freeway ramp volumes and conditions in its ramp merging analysis in its Freeway Ramp HCM Analysis for Ramps #1- I-210 at Berkshire Place WB Off-ramp, and #2 - I-210 at Berkshire Place EB On-ramp (TIA-Appendix J). Both ramps are in close proximity to the Foothill Boulevard ramps to the west. The Traffic Impact Analysis needs to revise the HCM calculations at both ramps for all scenarios to include

Foothill Boulevard on/off ramp conditions. It is expected that the EB ramp congestion is worsened due to insufficient merging and ramp storage at Foothill Boulevard.

11. Due to potential noise and traffic congestion impacts of idling trucks, truck queuing should not be allowed on public streets. All hauling trucks need to be radio-dispatched to prevent queuing on city streets.
12. The existing bike lanes along Oak Grove will be adversely impacted during hauling operations. The DEIR should propose remedial measures in Transportation-3 to provide uninterrupted bike lanes along Oak Grove Drive during hauling operations.

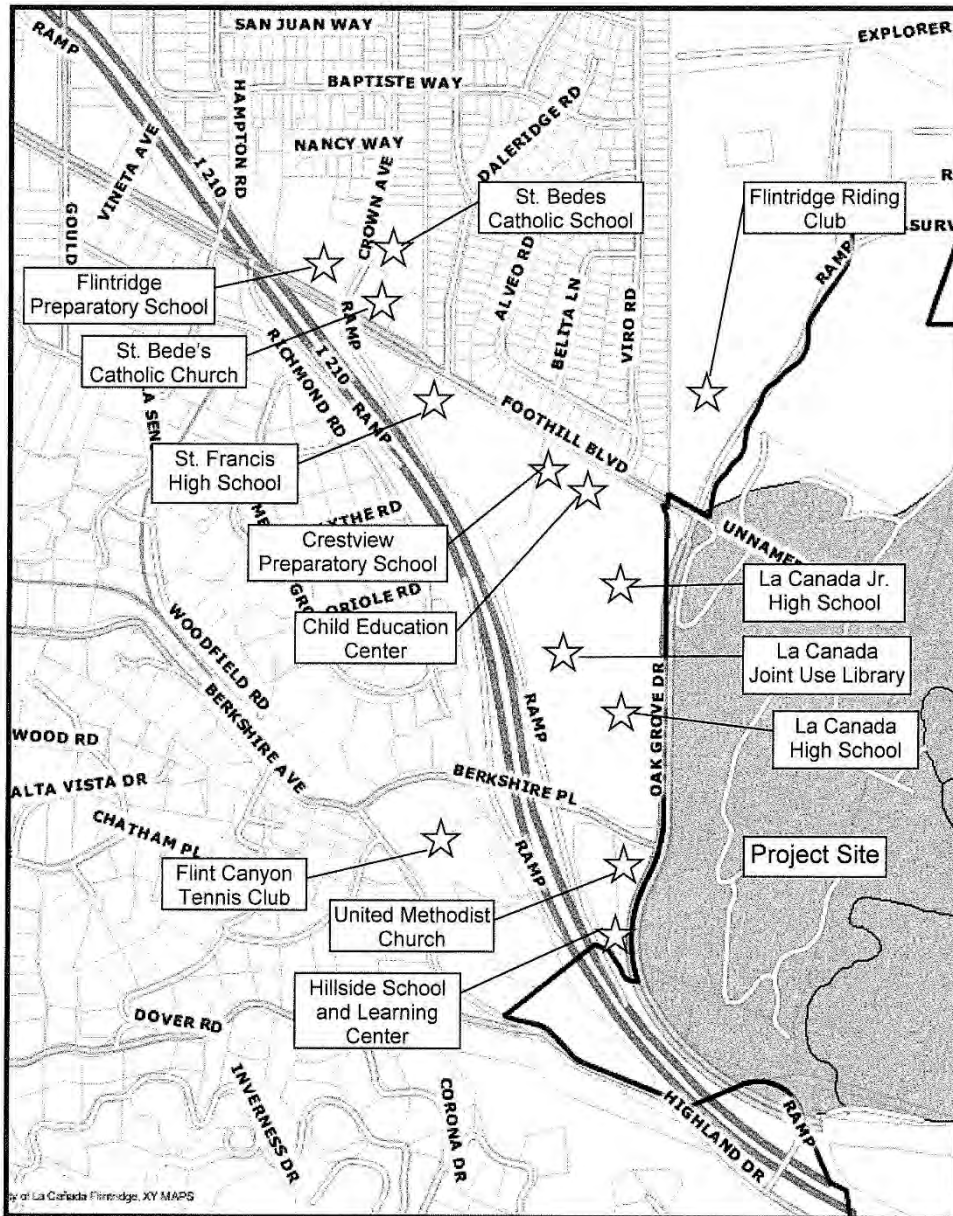
ROAD CONDITION

13. The massive hauling volume will significantly and prematurely degrade the pavement on Berkshire Place and Oak Grove Drive along the haul route. Neither street was constructed to handle heavy truck traffic or at the proposed frequency. In addition, ongoing maintenance of the reservoir will require higher truck volumes on both streets on an annual basis. The County should be responsible for reconstructing and/or overlaying the street segments (full width) to meet the future Traffic Index (TI) subsequent to initial debris removal and before maintenance operations begin.

CONCLUSION

Overall, the City supports the removal of built-up sediment from the Devil's Gate reservoir to restore flood protection for the surrounding community. However, the City strongly urges the County to (1) take a "kinder-gentler" approach and minimize the amount of sediment removed, (2) extend the project to reduce the potential environmental impacts further, and (3) not utilize Berkshire Avenue/I-210 ramps as a result of all of the schools and other sensitive receptors and rather utilize the Winsor/Arroyo haul route. The City feels that all of the goals of the project are attainable even if it takes a little longer to accomplish.

Attachment 2
City of La Canada Flintridge
SENSITIVE RECEPTOR LOCATIONS



Responses to Letter A5 – City of La Cañada Flintridge

Response to Comment A5-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the City of La Cañada Flintridge has reviewed the RFEIR and has no comments. No response is necessary. The City also included their comments on the traffic impact analysis for the Draft EIR. The commenter letter is dated December 30, 2013 and therefore does not address the RFEIR. Indeed, the letter expressly states that it is providing comments on the Draft EIR. Any such comments are outside the scope of the RFEIR, as they predate the April 19, 2017, Los Angeles County Superior Court judgement in *Arroyo Seco Foundation v. County of Los Angeles*, which, as detailed in Master Response 1, primarily upheld the adequacy of the EIR and required only narrow revision and recirculation of limited portion of the EIR.

Letter A6 - California Department of Fish and Wildlife



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

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



October 2, 2017

Mr. Christopher Stone, Assistant Deputy Director
County of Los Angeles
Department of Public Works, Water Resources Division
P.O. Box 1460
Alhambra, CA 91802-1460
reservoircleanouts@dpw.lacounty.gov

Subject: Recirculated Portions of Final Environmental Impact Report for Devil's Gate Reservoir Sediment Removal and Management Project, Los Angeles County, California (SCH#2011091084).

Dear Mr. Stone:

The Department of Fish and Wildlife (Department) has reviewed the Recirculated Portions of the Environmental Impact Report (REIR) dated July 2017 for the above-referenced Devil's Gate Reservoir Sediment Removal and Management Project, hereinafter referenced as Project. The document was prepared by Los Angeles County Flood Control District (LACFCD) acting as the Lead Agency (CEQA Guidelines § 15051) in response to a judgement of noncompliance from the Superior Court of the County of Los Angeles. The REIR indicates the judgement determined that the Final Environmental Impact Report was in noncompliance for; 1) supporting the Final Environmental Impact Report findings that 1:1 mitigation ratios proposed in Mitigation Measures (MM) for biological resources (BIO) designated MM-BIO-6, -7, and -8 were reasonably capable of being successfully implemented and effective at meeting success criteria; 2) the requirements to evaluate and require MM-BIO 1 through 8 for the Devil's Gate Water Conservation Project (should the project go forward); and, 3) the requirement for MM-AQ-1 to have dump trucks meet Environmental Protection Agency emission standards for Model Year 2010 or later. The REIR is specifically limited to recirculating Alternative 3, Configuration D (the Approved Project), and for Alternative 5 (Haul Route Alternative). The REIR indicates that the Superior Court did not void the previous Project approval.

The Devil's Gate Dam and Reservoir are located in the City of Pasadena, in Los Angeles County receiving surface water flows from the Arroyo Seco, its tributaries, and storm water conveyed through municipal storm drain systems. Devil's Gate Dam is regionally located east of La Cañada Flintridge, west of the unincorporated community of Altadena, and south of the Angeles National Forest. Other land uses directly adjacent to the project site include the California Institute of Technology (Caltech)/National Aeronautics and Space Administration–Jet Propulsion Laboratory located directly to the northwest and east of the reservoir; La Cañada High School and Hillside School and Learning Center to the west; single-family residential uses to the north, east, and south; and Interstate 210 Foothill Freeway (I-210) to the south. The Project site is located within Hahamongna Watershed Park (Park). The Park is owned and operated by the City of Pasadena and includes the Oak Grove area. Southern California Edison, Southern California Gas Company, Pasadena Water and Power, and the LACFCD hold easements within Park.

The Department's involvement leading to the Final Environmental Impact Report includes the review and January 14, 2014 submittal of written comments on the Draft Environmental Impact

Conserving California's Wildlife Since 1870

Mr. Christopher Stone, Assistant Deputy Director
County of Los Angeles
October 2, 2017
Page 2 of 3

Report. On November 12, 2014, the LACFCD Board of Supervisors approved Alternative 3 Configuration D as the approved project, and LACFCD certified the Final Environmental Impact Report and filed a Notice of Determination on November 13, 2014.

The Department received Notification for Lake or Streambed Alteration for portions of the Arroyo Seco and tributaries impacted by the Project on December 11, 2015. On May 9, 2015, the Department issued a Draft Streambed Alteration Agreement for sediment removal and sediment management activities. The final Streambed Alteration Agreement was executed between LACFCD and Department on March 21, 2017.

As requested in the Department's January 2014 comment letter, LACFCD initiated California Endangered Species Act consultation for potential impacts to least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*). Based upon the project and the project activities the Department recommended LACFCD request an Incidental Take Permit. The LACFCD submitted an application for an ITP for least Bell's vireo and southwestern willow flycatcher on May 26, 2016. The Department has not issued the ITP

Around March 23, 2017 the Department learned that the Superior Court had determined that LACFCD would need to recirculate sections of the EIR that disclosed and analyzed biological resources. The Department and LACFCD mutually agreed to suspend processing of the ITP until the CEQA process was complete; as the recirculated EIR may result in a change to the project description or activities, thus altering the impacts analysis of the CESA-listed species

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the Project (California Environmental Quality Act [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines Section 15381 over those aspects of the proposed project that come under the purview of CESA (Fish and Game Code §2050 et seq.) and Fish and Game Code Section 1600 et seq.

1. **Revisions to Proposed Mitigation Measures (MM) BIO-6, -7, & -8** The REIR proposed changes to MM-BIO-6, -7, & -8 to support the 1:1 mitigation ratios, and REIR's findings that the Project's biological impacts would be reduced to less than significant. To support this finding, the REIR referenced a comparative study (Ambrose 2007) of the State Water Resources Control Boards 12 Regional Water Quality Control Boards (RWQCB) Regions from 1991 to 2002. However, the Departments fully executed Lake and Streambed Alteration Agreement # 1600-2015-0263-R5 for the proposed project requires additional compensatory mitigation beyond the 1:1 mitigation ratio proposed in the REIR. A6-1

2. **No-Net-Loss of Wetlands** The Department, as described in Fish & Game Code § 703(a) is guided by the Fish and Game Commission's policies. The Wetlands Resources policy (<http://www.fgc.ca.gov/policy/>) of the Fish and Game Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion which would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland A6-2

Mr. Christopher Stone, Assistant Deputy Director
County of Los Angeles
October 2, 2017
Page 3 of 3

habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values".

**A6-2
cont.**

We appreciate the opportunity to comment on the REIR for the Project and to assist the LACFCD in further minimizing and mitigating Project impacts to biological resources. If you have questions regarding this letter, please contact Mr. Matt Chirdon by telephone at (805) 640-1165 or email at Matthew.Chirdon@wildlife.ca.gov.

Sincerely,



Betty Courtney
Environmental Program Manager I
South Coast Region

References:

Ambrose R.F., Callaway J.L., and Lee S.F. 2007. *An Evaluation of Compensatory Mitigation Projects Permitted under Clean Water Act Section 401*. Agency Study, Los Angeles: State Water Resources Control Board.

Responses to Letter A6 – California Department of Fish and Wildlife

Response to Comment A6-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment identifies that the RFEIR has proposed changes to MM BIO-6, -7, and -8 to support the 1:1 mitigation ratios and the findings that the Project's biological impacts would be reduced to less than significant. The commenter also identified that the RFEIR referenced a comparative study to support the finding of less than significant. The commenter also identifies that the CDFW's fully executed Lake and Streambed Alteration Agreement # 1600-2015-0263-R5 requires additional compensatory mitigation beyond the 1:1 mitigation ratio proposed in the RFEIR. Master Response 4 addresses the 1:1 mitigation ratio and describes the additional mitigation required in the fully executed Lake and Streambed Alteration Agreement # 1600-2015-0263-R5.

Response to Comment A6-2:

The comment letter provides reference to the CDFW's policies regarding Wetlands Resources to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. In addition, the comment letter states that it is the policy of the Fish and Game Commission to strongly discourage development or conversion of wetlands. The comment letter opposes, consistent with its legal authority, any development or conversion which would result in a reduction of wetland acreage or wetland habitat values unless, at a minimum, the project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. The comment letter also states that the Fish and Game Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values. The positions of the Fish and Game Commission and the Policies referenced in the comment are acknowledged. To provide further information regarding LACFCD's assurances that the Project will not result in a reduction of wetland acreage or wetland habitat values, please refer to Master Responses 4, 5, and 6.

3.3 Category B: Organization Comments

This section provides responses to the comment letters submitted by organizations.

**Letter B1 - San Gabriel Mountains
Chapter of the California Native Plant Society**



**SAN
GABRIEL
MOUNTAINS**

CHAPTER OF THE CALIFORNIA NATIVE PLANT SOCIETY
1750 North Altadena Drive
Pasadena, CA 91107-1046

August 17, 2017

County of Los Angeles
Department of Public Works
Water Resources Division
Attn: Reservoir Cleanouts Program
P.O. Box 1460
Alhambra, CA 91802-1460

RE: Devil's Gate Dam Sediment Removal Project

Dear Sir:

We support the Pasadena Plan for sediment removal from behind Devil's Gate Dam. We believe that a slower, long-term sediment removal project will preserve the natural features of the Hahamogna Watershed Park and the Arroyo Seco more effectively than the project proposed by Los Angeles County to remove between 2.4 and 4.0 million cubic yards of sediment.

We agree with the Pasadena Plan's assertions that removing 220,000 cubic yards per year (except after severe storms) with later maintenance of a sediment capacity of 2.5 million cubic yards is sustainable and will meet ecological and environmental goals while still providing flood protection.

Thank you for the opportunity to comment. We urge you to adopt the Pasadena Plan and reject the County's more drastic proposal.

Sincerely yours,

A handwritten signature in blue ink that reads "Jane Tirrell". The signature is written in a cursive, flowing style.

Jane Tirrell
Conservation Chair
San Gabriel Mountains Chapter
California Native Plant Society

B1-1

**Responses to Letter B1 – Jane Tirrell-San Gabriel Mountains
Chapter of the California Native Plant Society**

Response to Comment B1-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that implementation of the Pasadena Sediment Removal Plan is preferable to the current Proposed Project. Master Response 1 provides a response to this comment.

Letter B2 - Crescenta Valley Community Association

From: Weisman William <wdweisman@yahoo.com>
Sent: Tuesday, September 05, 2017 7:58 AM
To: DPW-reservoircleanouts
Cc: Sharon Thompson; mike lawler; Sherry / Dan Stubbs; Liz Nelson; Susan Bolan; grant@michals.com; Sharon Raghavachary; Kathryn@bos.lacounty.gov
Subject: Recirculated Portions of the Final EIR for the Devil's Gate Sediment Removal and Management Project
Attachments: 20170831 comment to FEIR for Hahamongna big dig.pdf

County of Los Angeles
Department of Public Works
Water Resources Division
Attn: Reservoir Cleanouts Program

Regarding: Recirculated Portions of the Final EIR for the Devil's Gate Sediment Removal and Management Project

To Whom It May Concern,

The Crescenta Valley Community Association supports the position of the Arroyo Seco Foundation that the July 24, 2017 revisions are inadequate and the Revised Final EIR should not be approved.

B2-1

Please see the attached letter with details. US Mail copy to follow.

Sharon Weisman
on behalf of the Crescenta Valley Community Association



August 31, 2017

County of Los Angeles
Department of Public Works
Water Resources Division
Attn: Reservoir Cleanouts Program

Regarding: Recirculated Portions of the Final EIR for the Devil's Gate Sediment Removal and Management Project

To Whom It May Concern,

The Crescenta Valley Community Association supports the position of the Arroyo Seco Foundation that the July 24, 2017 revisions are inadequate and the Revised Final EIR should not be approved. A public comment period of only 45 days during the summer when many are on vacation is not long enough. The comment period should be extended to fully gather residents' input.

B2-2

The proposed project remains too large, would remove too much sediment using an excessive number of pollution emitting trucks in our neighborhoods. The project would be too destructive to the wildlife habitat established behind the dam and the EIR provides no documentation to support the effectiveness of mitigation measures proposed. Cumulative biological impacts of related projects such as the Trans-Altadena Pipeline, which would export water from Hahamongna and transfer it to the County's spreading basins five miles east in Eaton Canyon, have not been adequately considered.

B2-3

In order to keep the area in its natural state, our organization supports a more sustainable sediment management program with gradual removal yearly rather than this massive one time effort.

Sincerely,

Sharon Weisman, Steering Committee Member
on behalf of the Crescenta Valley Community Association
c/o 5001 Carolyn Way, La Crescenta, CA 91214
wdweisman@Yahoo.com (818) 248 4967

Responses to Letter B2 – Crescenta Valley Community Association

Response to Comment B2-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states the Crescenta Valley Community Association supports the position of the Arroyo Seco Foundation that the July 24, 2017 revisions are inadequate and the RFEIR should not be approved. This comment has been noted.

Response to Comment B2-2:

The comment states that the 45-day comment period is not sufficient and should be extended. Master Response 2 provides a response to this comment.

Response to Comment B2-3:

The comment states that the proposed project is too large, would remove too much sediment, and would require an excessive number of trucks. The comment also states that the no documentation has been provided to support the proposed mitigation and that the cumulative impacts to biological resources from the Devil's Gate Water Conversation Project has not been adequately considered. Master Responses 1, 3, and 4 provide responses to this comment.

Letter B3 - Altadena Heritage

From: Altadena Heritage <altadenaheritage@gmail.com>
Sent: Wednesday, September 06, 2017 10:32 AM
To: DPW-reservoircleanouts
Cc: Kathryn Barger; Sussy Nemer
Subject: Devil's Gate Reservoir Sediment Removal and Management Project

To: Los Angeles County Department of Public Works

Attn: Water Resources Division – Reservoir Cleanouts

The text below reproduces the text of a letter that I mailed through the US postal service today on behalf of the Altadena Heritage Board of Directors:

Altadena Heritage is a volunteer-based 501(c)(3) public-benefit organization incorporated in 1988 to identify and seek protection for our community's significant architectural, historic, cultural, and natural resources. With more than 500 members, we are the largest nonprofit organization in Altadena.

At our annual membership meeting on December 15, 2013, our members voted to respond to the Draft Environmental Impact Report for the Devil's Gate Dam Sediment Removal Project. Accordingly, the AH board submitted a letter to you in January 2014, in which we recognized the need to remove sediment and ensure downstream public safety but posed nine questions relative to the project's expanded magnitude (from 1.67 million cubic yards to 2.4 mcy) in a single large-scale sediment-removal operation (up to 450 trucks per day, 6 days per week, 12 hours per day, 9-10 months per year for 4-7 years). We subsequently committed \$1,000 to the lawsuit brought by Arroyo Seco Foundation and the Pasadena Audubon Society.

Like them, we remain opposed to the scale of the County "Big Dig" and believe smaller viable alternatives have been defined that would still ensure the safety of downstream communities while disrupting local communities less, preserving the current Hahamongna habitat better, and enabling broader-based, longer-term environmental enhancements of the Arroyo Seco. The City of Pasadena, which owns Hahamongna, has endorsed an alternative that we support.

B3-1

While it is a great disappointment to us that County Public Works continues to insist on the Big Dig, we hereby request that the County (1) conduct public outreach meetings to solicit comments on the Revised Final EIR released on July 24, 2017, and (2) extend the public comment period. We believe the 1:1 mitigation ratio proposed in the RFEIR is inadequate to the destruction and disruption the Big Dig will have on the local habitat and environment.

B3-2

Please consider our community opposition to the Big Dig generally and our request for more time for community members to review the RFEIR.

Sincerely,

Linda World, Chair
Altadena Heritage, Board of Directors

--

Altadena Heritage
Advocacy and Preservation
<http://altadenaheritage.org/>

Responses to Letter B3 – Altadena Heritage

Response to Comment B3-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that a smaller removal, such as the Pasadena proposal, would be preferred. Master Response 1 provides a response to this comment.

Response to Comment B3-2:

The comment requests that public outreach meeting be conducted to solicit additional comments on the RFEIR and an extension of the public comment period. Additionally, the comment states that the 1:1 mitigation ratio proposed in the RFEIR is inadequate. Master Responses 2 and 4 provide responses to this comment. In addition, community outreach meetings will be conducted prior to when the RFEIR is brought before the County Board of Supervisors.

**Letter B4 - Friends of Hahamongna
Friends of Hahamongna**

**To: County of Los Angeles
Department of Public Works
Water Resources Division
Attn: Reservoir Cleanouts Program
P.O. Box 1460
Alhambra, CA 91802-1460
reservoircleanouts@dpw.lacounty.gov**

**From: Friends of Hahamongna
Contact: Elizabeth Bour, <bourel@sbcglobal.net>**

**RE: Comments: Recirculated Portions of the Final Environmental Impact Report
And Mitigation Monitoring and Reporting Program for
Devil's Gate Reservoir Sediment Removal and Management Project**

DATE: September 6, 2017

I. Introduction

Friends of Hahamongna hereby submits its comments on the Los Angeles County Department of Public Works (LACDPW) Devil's Gate Reservoir Sediment Removal (sediment removal) Project. We have reviewed the Recirculated Portions of the Final Environmental Impact Report (RFEIR) and believe the revisions do not adequately mitigate the serious environmental impacts to the park and surrounding communities of Pasadena, La Canada Flintridge, and Altadena. We would like to address these inadequacies and inaccuracies with the RFEIR.

- The RFEIR failed to provide substantial evidence that the 1:1 mitigation ratio in Mitigation Measures BIO-6, 7, and -8 will reduce biological resource impacts to less than significant levels. B4-1
- Changes to Mitigation Measures BIO-6, 7, and -8 significantly reduce the amount of riparian habitat that will be mitigated and Mitigation Measure BIO-7 no longer commits to onsite mitigation. B4-2
- Mitigation Measures for BIO-1 through BIO-8, as currently stated, do not adequately address all the cumulatively considered impacts to the biological resources that the Devil's Gate Water Conservation Project will add. B4-3

II. Issues with the justification for a 1:1 mitigation ratio in MM BIO-6, -7, and -8:

According to the Court ruling, the Final Environmental Impact Report (FEIR) failed to support that the 1:1 mitigation ratio in MM Bio-6, -7, and -8. As a result, the County was ordered to provide substantial evidence to support the 1:1 mitigation ratios in Mitigation Measures BIO-6, 7, and -8, and, therefore, the conclusion in the (FEIR) that the biological resource impacts will be reduced to less than significant levels. It is our opinion that the revisions in the RFEIR still fail to provide that substantial evidence for the following reasons: B4-4

Friends of Hahamongna

The RFEIR cited several projects in southern California that applied a 1:1 mitigation ratio for impacts to biological resources. None of these examples are truly comparable to this project.

- A. Vulcan Materials Company proposed an aggregate mining operation in Cajon Creek near the 210 Freeway. As identified in the EIR, this project constituted a primary threat to the San Bernardino Kangaroo Rat (SBKR). Because there are no approved mitigation banks for the SBKR or alluvial fan sage scrub habitat anywhere onsite, Vulcan utilized their Cajon Creek Conservation Bank to offset their impacts to the SBKR, and critical habitat.

The Cajon Creek Conservation Bank is a 567-acre habitat corridor established by CDFW and owned and managed by Vulcan. There is an existing Habitat Enhancement Management Plan in place. Management for the long term is funded from the sale of mitigation credits which are used by public agencies and private developers to mitigate various project impacts to habitat. It is in no way like the Devil's Gate Sediment Removal project. (<https://www.vulcanmaterials.com/social-responsibility/safety-health-environment/wildlife-habitat-enhancement>)

LACDPW has not yet developed the habitat restoration plan or identified a conservation area within the greater Los Angeles Watershed. There are no assurances that offsite areas will have conservation easements put in place to preserve habitat permanently. Much of this project's mitigation will be offsite and unknown offsite mitigation locations cannot be evaluated for suitability or determination of whether the 1:1 ratio will be adequate.

- B. A Mitigated Negative Declaration (MND) was prepared for the Quail Run Apartment project in the City of Riverside that committed to a 1:1 mitigation ratio for impacts to Riversidean Alluvial Fan Sage Scrub and to riparian habitats, including willow-mule fat woodland, and mule fat scrub. The mitigation included replacing/restoring riparian habitats with the same vegetation onsite.

This apartment complex project is in no way comparable to the Devil's Gate sediment removal project. It is surrounded by urban development and is a much smaller project site (30 acres) with only 6.18 acres of critical habitat to be mitigated. The project's grading plan was revised to accommodate full onsite mitigation for the impacts to the riparian habitat. The restored habitat will be placed in a conservation easement that will be managed by the Riverside Land Conservancy. (https://www.riversideca.gov/ceqa/planning/P14-0683_0685_P15-1080-1082%20Initial%20Study.pdf)

According to the Quail Run Apartments MND, the determination that a 1:1 mitigation ratio would reduce impacts to riparian vegetation to a less than significant level is due, in part, to the requirement that there will be recordation of a conservation easement (MND page 32). No such easement is mentioned in the RFEIR for onsite or offsite mitigation areas. Concluding that a 1:1 mitigation ratio for this small dissimilar project implies that a 1:1 ratio is adequate for Devil's Gate Reservoir is not reasonable.

- C. Construction for the Rabla Pacifico Street Reconstruction project in Malibu impacted 1.9 acres of environmentally sensitive habitat, primarily Coastal Sage Scrub, that would be mitigated at a 1:1 ratio. In the EIR, the applicant committed to following their

B4-4
cont.

Friends of Hahamongna

City ordinance (4.8.1) that strictly regulates project mitigation and requires supervision by the City biologist.

According to the Rambla Pacifico Street Reconstruction/Realignment EIR (Section 4.1 Biological Resources, Page 4.1-21) "Restoration may occur at a City-approved off-site location if it is determined that it is not feasible to fully mitigate impacts onsite or where off-site mitigation is more protective in the context of the Natural Community Conservation Plan for the area. The City shall determine that the proposed restoration site(s) is of equivalent type and acreage to the affected habitat (i.e., a 1:1 restoration ratio). Areas onsite that shall be hydroseeded in accordance with a City approved revegetation plan may count towards the total mitigation acreage but must be included in the restoration plan. All plant and seed material used shall be of locally native, drought-tolerant stock and shall be approved by the City biologist. The habitat restoration shall be carried out prior to or concurrently with construction of the proposed realignment. Prior to issuance of grading permits, the applicant shall submit to the City for review and approval a habitat restoration plan, prepared by a qualified biologist, designed to restore the area in question for habitat function, species diversity, and vegetation cover. A copy of the plan shall be submitted to the City Biologist for review... The area of habitat to be restored shall be permanently preserved through the recordation of an open space deed restriction that applies to the entire restored area".

This project is not analogous in that it is a very small area adjacent to 20 private residential properties with only one biological resource to mitigate. This project did not negatively impact wildlife corridor with endangered species. And, mitigation would be, for the most part, onsite.

Use of a 1:1 mitigation ratio was considered acceptable because the ordinance strictly enforces mitigation, there will be a City biologist to oversee quality of mitigation, most, if not all, mitigation would be onsite and criteria is already established to determine suitability. There will also be an open space deed restriction put in place to protect the offsite mitigation areas.

- D. Tonner Hills Planned Community project in the City of Brea is a planned community on 790 acres that were used for oil and gas production for 100 years. The EIR addressed impacts to the Coastal Sage Scrub that was occupied or potentially occupied by the coastal California gnatcatcher, a federal threatened species. The project mitigation committed to a 473-acre onsite habitat conservation area with 116 acres being set aside to restore and enhance Coastal Sage Scrub. Coastal Sage Scrub restoration would be a phased effort prior to or during project development.

This project is not comparable in that the property is highly degraded due to gas and oil production, there is no mention of wildlife corridors or protected species at the project site, and there will be large habitat conservation area established onsite.

The justification for a 1:1 mitigation ration for Coastal Sage Scrub is that the onsite mitigation location areas are required to represent occupiable conditions for the gnatcatcher. There is no similar commitment in the RFEIR to ensure that the onsite and offsite mitigation locations will be occupiable conditions for the least Bell's vireo or any other species.

B 4-4
cont.

Friends of Hahamongna

None of these projects presented as argument for a 1:1 mitigation ratio is comparable to Devil's Gate Sediment Removal project, in either size, existing conditions, habitat composition, presence of endangered species or mitigation opportunities. Contrary to the listed examples, Devil's Gate Reservoir provides rare habitat for an expansive wildlife corridor and several endangered species. Onsite mitigation and conservation easements are common commitments with the listed project examples where a 1:1 mitigation ratio was allowed.

In the RFEIR, the LACDPW emphasizes more offsite mitigation, and added the option of offsite mitigation outside Pasadena city limits. The LACDPW did not state potential offsite mitigation locations or the percentage of habitat that will be candidates for offsite mitigation. Nor did they define the criteria they would use to determine what would be mitigated onsite and what would be mitigated offsite. Adequacy cannot be assessed. In the worst-case scenario, it is now possible, that 100% of the biological mitigation could be offsite and outside Pasadena city limits.

The LACDPW has not demonstrated how a 1:1 mitigation ratio proposed for the projects in Malibu, Brea, and Riverside would support a conclusion that MM BIO-6, -7 and -8 at a 1:1 ratio would adequately mitigate the negative impacts to biological resources to less than significant levels.

B4-4
cont.

III. Issues with offsite mitigation for MM BIO-6, -7, and -8:

In the FEIR (page 130), MM BIO-7 did not state that the mitigation could be offsite. In the RFEIR, language was added that states "*Priority for tree replacement locations shall be onsite, offsite within Arroyo Seco subwatershed, and offsite within the greater Los Angeles River watershed.*". There is no statement of what the criteria would be to determine the percentage that will be offsite or the offsite locations. There is no method to assess whether the offsite locations can support the same wildlife or contribute to the existing wildlife corridors.

For example, according to the FEIR (page 108), the endangered least Bell's vireo is dependent on corridors of habitat along rivers and streams and that habitat within Devil's Gate Reservoir is the willow woodland and dense mule fat. According to statements made by the USGS Western Ecological Research Center 2002 survey about the least Bell's vireo:

- Site fidelity is high among adults, with many birds not only returning to the same territory, but placing nests in the same shrub used the previous year.
- Least Bell's Vireos place their nests in a variety of plants that provide concealment in the form of dense foliage. Vegetation characteristics of riparian stands between five to ten years of age are most suitable for nesting Least Bell's Vireo.
- Least Bell's Vireo nests are normally found in areas with dense understory and the canopy of riparian habitat is mainly dominated by willows.

Preservation of the least Bell's vireo in Devil's Gate Reservoir is dependent on the 62.5 acres of suitable habitat currently in the project site, including the willows. Based on the language provided, much of the mitigation could be offsite which would result in habitat in Devil's Gate Reservoir that would not be suitable for the least Bell's vireo or any other wildlife that relies on similar adequate habitat.

B4-5

Friends of Hahamongna

The proposed removal and maintenance configurations would leave very little suitable acreage available for onsite mitigation. Mitigation for habitat for the least Bell's vireo will likely be offsite. It is unknown if there are any offsite locations within Greater Los Angeles River watershed that would support alluvial fan sage scrub and riparian woodland habitat necessary for the endangered least Bell's vireo, especially at the substandard ratio of 1:1.

B4-5
cont.

IV. Issues with reduction of mitigation acreage for MM BIO-7, and -8:

The FEIR states "*The Proposed Project would impact approximately 51.4 acres of Riparian Woodland and 11.1 acres of Mule Fat Thickets within the Proposed Project site. Riparian Woodland and Mule Fat Thickets are rare plant communities and provide nesting habitat for riparian species; impacts to these habitats would result in a significant impact. To minimize impacts due to the loss of Riparian Woodland and Mule Fat Thickets, Mitigation Measures MM BIO-7 and MM BIO-8 have been provided*" (FEIR page 130). In addition, it states that the Riparian Woodland is primarily Black Willow Series and that Black Willow (*Salix gooddingii*) is the dominant tree in the canopy. And, MM BIO-7 commits to, in part, "*Within 90 days prior to ground-disturbing activities, a qualified biologist shall conduct a tree survey within the project footprint, to identify trees that will be removed or potentially affected by the Proposed Project and trees that can be avoided. LACFCD will replace trees that cannot be avoided.*" (FEIR page 131). However, the RFEIR changed the mitigation obligation to "*Implementation of Mitigation Measure MM BIO-7 would identify **native city-protected trees** that would be potentially affected, and need root zone protection or **native city-protected trees** that would be removed* (page 133). Per Pasadena's tree ordinance, Black Willows are city-protected trees but they are not one of the 13 species listed on the City's native tree list (http://www.ci.pasadena.ca.us/PublicWorks/Tree_Protection_Ordinance_Summary). Therefore, because of the changes to MM BIO-7, the acreage covered by Black Willow, the dominant tree in the Riparian Woodland that supports endangered species, will not be mitigated.

B4-6

V. Issues with restatement of existing conditions of biological resources:

In the RFEIR there was a large amount of new information provided under Riparian Habitats (Biology-2 and 3) that was apparently not evident or stated in the 2013 survey or in the 2014 FEIR. Example statements include: "*This loss of secondary structure of native plant species in Riparian Woodland eliminates potential nesting, roosting, and cover sites for common and sensitive species of birds and other wildlife that primarily use the vegetation in the shrub and herbaceous plant layers*" (page 130H) and "*Much of the vegetation located within the wetlands boundaries was either removed by the high storm flows or was buried by the influx of sediment into the reservoir immediately after large storms in 2010*" (page 132B). The facts about these existing conditions and impacts have been rewritten, without the benefit of a new survey. The origination of this information is suspect. Vegetation communities have significantly improved since the 2013 survey and the potential nesting of birds has not been eliminated, as evidenced by the abundance of mallard ducks, occasional presence of Egret and Blue Heron, and the several sightings of least Bell's vireo. Consistently throughout the RFEIR and contrary to the statements made in the FEIR, post fire impacts are exaggerated, the quantity and quality of habitat are understated, and degradation to habitat is overstated. This appears to be additional attempt to reduce mitigation obligations and acreage for riparian habitat by restating the

B4-7

Friends of Hahamongna

findings in the FEIR, without another survey. The riparian woodland is reestablishing and thriving (*exhibit photos below*).

B4-7
cont.

Rather than increasing mitigation measures to adequately mitigate stated impacts to the existing condition, LACDPW degraded existing conditions and reduced the projects impacts to meet the desired mitigation ratio.

VI. Issues with post-removal reservoir management mitigation:

A. Under Reservoir Management Option 1, the mitigation plan stated in the RFEIR will rely on self-germination for regrowth of Mule Fat and Alluvial Fan Scrub and the regrowth would be removed on an annual basis. It states "*Under Option 1, reservoir management would occur in the entire Proposed Project site; therefore, plant species characteristic of the Riparian Woodland and Mule Fat Thicket vegetation communities would be removed on an annual basis but may regrow each year between maintenance activities*". This will eliminate the ability for wildlife to rely on this region for consistent suitable habitat. Some species may not return if Option 1 is implemented.

B. For reservoir management Option 2, the RFEIR states "*Under Option 2, the impacts to a portion of the riparian habitats located upstream of the boundary of the reservoir management area would be considered temporary because the area located between the reservoir management area boundary and the upstream boundary of the sediment removal area would not be disturbed at all during the reservoir management activities. Consequently, under Option 2, the LACFCD would replant this 29-acre temporary impact area with Riparian Woodland and Mule Fat Thicket vegetation communities where appropriate in addition to planting Riversidean Alluvial Fan Sage Scrub...*". This implies that onsite restoration of Riparian Woodland, Mule Fat and Alluvial Fan Scrub would be relocated, separated from the current wildlife corridor, and would be reduced from 62.5 to the 29 acres of area that is not cleared annually. Any onsite mitigation is dependent on the reservoir maintenance option that is implemented and, at best, would be limited to 29 acres.

B4-8

VII. Issues with the adequacy of biology mitigation measures for cumulatively considered impacts with the Water Conservation Project:

A. Although the Water Conservation Project has not been defined enough to assess impacts and adequate mitigation for cumulative impacts, the assertion has been made that MM BIO-1 through MM BIO-8 would reduce these cumulatively considered biological impacts to less than significant (page 133B). However, the diversion of water from existing downstream habitats will not only have an impact at the water conservation project level, but it will significantly limit opportunities for offsite mitigation downstream within the Arroyo Seco watershed for the sediment removal project. And, downstream vegetation, including any added as part of this project's mitigation effort, will not receive the necessary water to flourish.

B4-9

Friends of Hahamongna

The affected downstream areas are abundant in native plants and wildlife and include grant-funded natural stream restoration projects in between channelized stream areas. A few of the recent restorations projects include:

- Stream Diversion in the Lower Arroyo
- Central Arroyo Stream Restoration
- Archery Range Planting Restoration
- Memorial Grove Planting Restoration

Although the devastation to existing downstream habitat resulting from water diversion would be a project-level EIR concern for the Water Conservation Project, it eliminates the downstream Arroyo Seco watershed as a possible offsite mitigation location for the sediment removal project MM BIO-6 through MM BIO-8. This constitutes a cumulatively considered concern and emphasizes the need to understand, now, what offsite mitigation locations will be used for sediment removal project.

**B4-9
cont.**

- B. Much of the route for the Water Conservation Project alternatives 1 and 3 are outside Pasadena city limits in an unincorporated County area (Altadena). MM BIO-7 states that root zone protection and mitigation for trees along the chosen route will only apply to Pasadena "native city-protected trees". New York Drive (Altadena) is a narrow tree-lined street and there will be inevitable tree root disruption but LACFCD only commits to protecting and replacing trees that have been defined as native and City-protected under Pasadena's tree protection ordinance. It is inappropriate to apply Pasadena's standards and ordinances to trees in Altadena which may choose to have all trees protected and, if necessary, replaced.

VIII. Necessary Clarifications

- A. The RFEIR must define the criteria for selecting suitable offsite mitigation locations and prove that suitable locations exist in the Arroyo Seco watershed or the greater Los Angeles River watershed.
- B. Assurances for mitigation monitoring are unclear and insufficient to provide enforceability. The onsite and offsite locations are not identified and a proposed habitat restoration plan has not been presented.

B4-10

IX. Conclusion:

The recirculated portions of the FEIR do not meet the orders mandated in Judge Chalfant's ruling and, therefore, the FEIR still has critical defects in the areas of biological resource impacts and cumulatively considered impacts. The following inadequacies and inaccuracies still exist:

- Judge Chalfant ordered the County to provide documentation that their 1:1 mitigation ratio would adequately protect sensitive habitat and species. Instead of providing expert testimony from biologists and restoration experts, the county listed several projects that could proceed with 1:1 mitigation programs. They were

B4-11

Friends of Hahamongna

not comparable. The revisions in the RFEIR are not substantial evidence that a 1:1 mitigation ratio is adequate for rare riparian habitat. They are, instead, a strong argument for reducing the amount of biological resources that they will choose to mitigate and for moving the reduced mitigation to unknown locations offsite, possibly outside Pasadena city limits.

- Offsite mitigation was not a consideration in the FEIR for MM BIO-7. The feasibility and the availability of offsite mitigation locations has not been assessed.
- To reinforce a reduced effort for restoration and preservation of habitat and wildlife, LACDPW recreated the existing conditions from what was identified in the Chambers Group 2013 survey and stated in the FEIR.
- There is a significant reduction in what will be mitigated from what was committed to in the FEIR, particularly with the riparian woodland. Limiting tree mitigation to native city-protected trees eliminates mitigation for the Black Willow that is critical habitat for species such as the least Bell's vireo.
- The RFEIR does not consider the downstream impacts to biological resources from the related Devil's Gate Water Conservation Project when determining if MM BIO-1 through MM BIO-8 can be applied and will adequately mitigate cumulatively considered impacts.

**B4-11
cont.**

Friends of Hahamongna

X. Exhibit Photos:

Hahamongna Riparian Habitat as of 9/4/17



Friends of Hahamongna



Responses to Letter B4 – Friends of Hahamongna

Response to Comment B4-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the RFEIR does not provide substantial evidence that the 1:1 mitigation ratio required in Mitigation Measures BIO-6, -7, and -8 will be sufficient to reduce biological impacts to less than significant levels. Master Response 4 provides a response to this comment.

Response to Comment B4-2:

The comment states that changes to Mitigation Measures BIO-6, -7, and -8 significantly reduce the amount of riparian habitat that will be mitigated and Mitigation Measure BIO-7 no longer commits to onsite mitigation. Impacts to the vegetation communities described under the Riparian Habitats heading in Biology-2, on page 130H of the RFEIR, state that “implementation of the sediment removal phase of the Proposed Project would result in the removal of riparian habitats, including approximately 51.4 acres of Riparian Woodland and 11.1 acres of Mule Fat Thickets.” These impact acreages are consistent with the acreages identified in the 2014 FEIR. Approval of Alternative 3, Configuration D, Option 2 actually reduces the impacts to riparian habitats and allows for onsite mitigation opportunities in the avoided areas. Additional language provided in Mitigation Measures BIO-6, -7, and -8 was added for clarification and does not reduce the mitigation for riparian habitat. Master Response 6 provides an additional response to this comment.

Response to Comment B4-3:

The comment states that Mitigation Measures BIO-1 through BIO-8 do not adequately address cumulative impacts to biological resources from the Devil’s Gate Water Conservation Project. Master Response 1 provides a response to this comment.

Response to Comment B4-4:

The comment states that the RFEIR does not provide sufficient evidence that the 1:1 mitigation ratio required in Mitigation Measures BIO-6, -7, and -8 will be sufficient to reduce biological impacts to less than significant levels. The comment also states the projects cited in the RFEIR to justify the 1:1 mitigation ratio are not comparable to the Project because of smaller size, impacts to limited habitat types, presence of endangered species, wildlife corridors, City ordinances that govern oversight of mitigation by the City Biologist, onsite versus offsite mitigation, and long-term protection mechanisms for the mitigation sites. Master Responses 4, 5, and 6 provide responses to this comment.

Response to Comment B4-5:

The comment states that the RFEIR does not state how the percentage or location of offsite mitigation will be determined and does not include a method to determine if offsite mitigation locations can support the same wildlife or contribute to the existing wildlife corridors. The comment also provides a description of the habitat requirements of the least Bell's vireo and questions the location of mitigation sites and the mitigation ratio. Master Response 4 provides a response to the comment regarding the mitigation ratio, Master Response 5 provides information on the Habitat Restoration Plan, and Master Response 6 provides a response regarding the location of the mitigation sites.

Response to Comment B4-6:

The comment references the City of Pasadena's Tree Ordinance, stating that black willow (*Salix gooddingii*) is not included as one of the 13 species on the City's list of native protected trees. The comment states that, based on the changes to MM BIO-7, which changed the language to "native city-protected trees, the impacts to acreage covered by black willows would not be mitigated. Section 3.6.6 of the RFEIR discusses impacts to sensitive vegetation communities, which includes riparian habitats (Riparian Woodland and Mule Fat Thickets). Table 3.6-4 of this section further defines Riparian Woodland as Black Willow Series, which, as pointed out by the commenter, is dominated by black willow. Mitigation Measure MM BIO-8 of the RFEIR provides mitigation for impacts to Riparian Woodland and Mule Fat Thickets and therefore, will provide mitigation for impacts to black willow trees. Master Response 5 also provides details on the contents of the Habitat Restoration Plan.

Response to Comment B4-7:

The comment states that information provided under Riparian Habitats (Biology-2 and 3) in the RFEIR was not included in the 2013 survey or in the 2014 FEIR and that the information regarding the existing conditions and impacts have been rewritten without conducting a new survey as an attempt to reduce the amount of mitigation required for the project. The commenter also states that the existing riparian habitat conditions have improved based on sighting of avian species, including least Bell's vireo, in the area and photos dated September 2017 were included for reference.

The information provided in the Biology-2 and Biology-3 sections of the RFEIR was provided to support the Court's ruling that required the FEIR to provide substantial evidence to support the mitigation ratios in Mitigation Measures BIO-6, -7, and -8 (See Master Response 1). This information does not change the conclusions in the FEIR regarding the impacts of the Project on biological resources. The specific examples of additional information provided by the commenter are addressed in Section 3.6.2 of the FEIR. In Section 3.6.2, the text states that large sediment loads (in excess of 1 million cubic yards) were deposited within the reservoir area during storms subsequent to the Station Fire. In Section 3.6.2, it also states that "this deposition has raised the ground elevations and buried vegetation in excess of 18 feet in some locations." In addition, Section 3.6.2 of the FEIR also states that portions of the riparian woodland/black willow series vegetation community are lacking secondary structure due to unstable sediment accumulation and

subsequent scouring during storm events and that the secondary structure is typically made up of understory shrubs or herbaceous plants which can provide refuge for wildlife. It also states that the lack of secondary structure reduces the quality of the habitat considerably. The information provided in the RFEIR related to the loss of the secondary structure of the vegetation and the removal of vegetation as a result of the scouring and deposition of sediment is not new information and doesn't change the conclusions in the FEIR.

The RFEIR was prepared to provide substantial evidence to support the mitigation ratios in Mitigation Measures BIO-6, -7, and -8 of the EIR. No provision of the Superior Court's ruling in *Arroyo Seco Foundation v. County of Los Angeles*, LACSC Case No. BS 152771, a lawsuit that had challenged the Final EIR prepared for this Project, required the decertification of any other portion of the EIR's analysis of potential biological resource impacts, including the EIR's assessment of habitat that could be impacted during the Sediment Removal Phase of the Project, nor were the Project's approvals voided or set aside. In preparing the RFEIR, rather than a new or supplemental EIR, the LACFCD was not required to issue a new Notice of Preparation pursuant to State CEQA Guidelines Section 15182. Given this, and pursuant to State CEQA Guideline 15125(a), which provides that EIRs "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced," no later study of the condition of vegetation communities was required.

Further, comments regarding the EIR's assessment of the condition of the habitat were previously raised in comments on the EIR. (See e.g. the Arroyo Seco Foundation's comment letter on the Draft EIR [Comment Letter 216] describing the Project site as having "well-established habitat" to support increased mitigation). These comments post-dated the 2013 assessment of habitat prepared in support of the EIR. Claims regarding the condition of the habitat were also raised in the lawsuit challenging the Final EIR, which argued that the EIR failed to adequately describe the Project's biological environmental setting and thus would have significant, undisclosed, impacts on resources and habitat. The Superior Court expressly rejected claims that the environmental setting description of biological resources was incomplete, instead finding that it was in full compliance with CEQA. Accordingly, in preparing the RFEIR for the Superior Court's review in order to confirm that the directions in its judgment have been satisfied, LACFCD was not required to provide analysis concerning newly asserted challenges as to the environmental setting description of biological resources that arise from the same material facts that were in existence at the time of the Court's judgment.

Response to Comment B4-8:

The comment states that the implementation of Reservoir Management Option 1 may cause some species to not return to the site due to the annual vegetation clearing. The comment also incorrectly states that under Option 2, the amount of habitat not cleared annually would be 29 acres. The alternative approved by the Board of Supervisors was Alternative 3, Configuration D, Option 2. Master Response 6 provides information regarding the acreage of areas avoided and the onsite mitigation for this alternative.

Response to Comment B4-9:

This comment states that the Devil's Gate Water Conservation Project would reduce the amount of water available to vegetation in areas downstream of the dam and would limit opportunities for offsite mitigation downstream within the Arroyo Seco Watershed. The comment also states that applying the City of Pasadena's Tree Ordinance regarding native city-protected trees to the portion of the Water Conservation Project pipeline route in the City of Altadena is inappropriate. Master Response 1 provides a response to the portion of the comment regarding cumulative impacts related to the Water Conservation Project. Master Response 6 provides information related to the comment regarding offsite mitigation locations. As stated in Master Response 1, the Court's ruling required that Mitigation Measures BIO-1 through BIO-8 be applied to the Water Conservation Project, should that project ever go forward. If the Water Conservation Project does move forward, a separate CEQA document will be prepared and specific impacts to vegetation, including trees, that may be affected by that project will be fully analyzed and specific mitigation measures will be developed to address significant impacts.

Response to Comment B4-10:

The comment states that the RFEIR must define the criteria for selecting suitable offsite mitigation locations and the existence of the locations. The comment also states that the mitigation measures are not enforceable since locations for onsite and offsite mitigation have not been identified and a habitat restoration plan has not been presented. Master Responses 5 and 6 provide responses to this comment.

Response to Comment B4-11:

The comment provides a summary of comments B4-1 through B4-10. This summary has been noted and a response to this comment is provided in the responses to comments B4-1 through B4-10.

Letter B5 - Arroyo Seco Foundation and Pasadena Audubon Society



P: (626) 381-9248
F: (626) 389-5414
E: info@mitchtsailaw.com

Mitchell M. Tsai
Attorney At Law

350 West Colorado Boulevard
Suite 225
Pasadena, California 91106

VIA ELECTRONIC & OVERNIGHT MAIL

September 7, 2017

County of Los Angeles
Department of Public Works
Water Resources Division
Attn: Reservoir Cleanouts Program
P.O. Box 1460
Alhambra, CA 91802-1460
Em: reservoircleanouts@dpw.lacounty.gov

Dear Director Pestrella,

On behalf of Arroyo Seco Foundation and Pasadena Audubon Society (“Commenters”) we submit these preliminary comments on the Recirculated Portions of the Final Environmental Impact Report And Mitigation Monitoring And Reporting Program (“RFEIR”) for the Devil’s Gate Reservoir Sediment Removal And Management Project (“**Project**”). These comments address issues identified in the RFEIR. Commenters expressly reserve the right to supplement these comments at or prior to the Board of Supervisors hearing on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Based on our review, and as discussed herein, it is clear that the RFEIR fails to correct the errors and omissions identified in the Los Angeles Superior Court’s 2017 judgment and writ issued in the case of *Arroyo Seco Foundation et al. v. County of Los Angeles et al.*, Case No. BS152771 (“**Judgment**”). The RFEIR fails to adequately mitigate the Project’s significant nitrogen oxide (“**NOx**”) and other criteria air pollutant emissions from the massive 5-year sediment removal phase of the Project, and fails to substantiate its reliance on the use of Model Year 2010 (“**MY2010**”) haul trucks with accurate evidence of their emissions control capabilities. The Project also poses a significant cancer risk to local sensitive receptors which the RFEIR fails to disclose and mitigate. Finally, the RFEIR fails to support its ongoing reliance on 1:1 mitigation ratios for impacts to sensitive biological resources with substantial evidence, and fails to adequately mitigate the Project’s cumulative impacts.

For the reasons discussed herein, Commenters urge the Los Angeles County Flood Control District (“**Flood Control District**” or “**District**”) to remand the RFEIR to staff to prepare a legally adequate revised EIR which fully discloses and mitigates the Project’s significant impacts.

B5-1

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 2 of 18

I. PROJECT DESCRIPTION & HISTORY.

The Project is a two-phase sediment removal and maintenance project located in the City of Pasadena in Los Angeles County. The Project site is located within Hahamongna Watershed Park, owned and operated by the City of Pasadena lying west of the City of La Canada Flintridge and east of unincorporated Altadena. The Project calls for removing approximately 2.425 million cubic yards (“mcy”) of excess sediment as well as any additional sediment received during the sediment removal phase in the Devil's Gate Reservoir (“Reservoir”) to restore the Reservoir to its original capacity of 7.42 mcy. Afterwards, the Project calls for ongoing sediment removal at the Reservoir to maintain its capacity.

II. EXPERTS.

This letter attaches comments from a number of scientific and technical experts concerning the RFEIR including Scott Cashen, Matt Hagemann, Paul Rosenfeld, and Hadley Nolan, Jessie Jaeger, T'Shaka Touré, Michael Long, Darren Dowell, PhD and Lance Benner, PhD. Their comments, attachments, and CVs are attached hereto and are incorporated by reference

B5-2

Scott Cashen (“**Mr. Cashen**”) has over 23 years of professional experience in natural resources management. During that time he has worked as a field biologist, forester, environmental consultant, and instructor of Wildlife Management. Mr. Cashen focuses on CEQA/NEPA compliance issues, endangered species, scientific field studies, and other topics that require a high level of scientific expertise.

Mr. Cashen has knowledge and experience with numerous taxa, ecoregions, biological resource issues, and environmental regulations. As a biological resources expert, Mr. Cashen is knowledgeable of the various agency-promulgated guidelines for field surveys, impact assessments, and mitigation. Mr. Cashen has led field investigations on several special-status species, including ones focusing on the yellow-legged frog, red-legged frog, desert tortoise, steelhead, burrowing owl, California spotted owl, northern goshawk, willow flycatcher, Peninsular bighorn sheep, red panda, and various forest carnivores.

Mr. Cashen is a recognized expert on the environmental impacts of renewable energy development. He has been involved in the environmental review process of over 80 solar, wind, biomass, and geothermal energy projects. Mr. Cashen's role in this capacity has encompassed all stages of the environmental review process, from initial document review through litigation support. Mr. Cashen has provided expert witness testimony on several of the Department of the Interior's “fast-tracked” renewable energy projects. His testimony on those projects helped lead agencies develop project alternatives and mitigation measures to reduce environmental impacts associated with the projects.

Mr. Cashen was a member of the independent scientific review panel for the Quincy Library Group project, the largest community forestry project in the United States. As a member of the panel, Mr. Cashen was responsible for advising the U.S. Forest Service on its scientific monitoring program, and for preparing a final report to Congress describing the effectiveness of the Herger-Feinstein Forest Recovery Act of 1998.

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 3 of 18

Matt Hagemann (“**Mr. Hagemann**”) is a Co-Founder of SWAPE and a professional geologist with over 25 years of consulting experience in environmental policy, site assessment and remediation. His practice focuses on providing assistance to communities and as a consulting expert and expert witness for environmental litigation.

Mr. Hagemann has extensive experience in the interpretation of environmental data and the application of environmental regulations and regulatory guidance. He has provided technical consulting support and expert witness testimony for a variety of cases concerning the environmental occurrence of perchlorate, MTBE, and petroleum hydrocarbons. Mr. Hagemann has also led research on several projects to compile comprehensive histories on the chemical synthesis, production, and industry knowledge related to MTBE and perchlorate use. In addition to being licensed in California as a Professional Geologist and Certified Hydrogeologist, Mr. Hagemann is a Qualified Stormwater Pollution Plan Developer (QSD) and a Qualified Stormwater Pollution Plan Practitioner (QSP). Mr. Hagemann has conducted numerous inspections of industrial facilities and has recommended best management practices to improve stormwater quality.

Mr. Hagemann has an extensive history in environmental consulting and regulatory oversight. He previously served as the Senior Science Policy Advisor with U.S. EPA Region 9 in San Francisco, where he advised senior management on emerging water quality and hazardous waste issues. Mr. Hagemann also served as a hydrogeologist in the Superfund and RCRA divisions in overseeing the investigation and cleanup of toxic waste facilities, including seven closing military bases. At EPA, Mr. Hagemann led technical aspects of enforcement against polluters resulting in significant settlements. Mr. Hagemann joined U.S. EPA in 1989 as a charter member of the RCRA Corrective Action Section. In this role, he applied newly written guidance in the investigation and cleanup of sites and assisted in the delegation of EPA's authority to states. Mr. Hagemann also worked as a hydrogeologist in EPA's Water Division and implemented Safe Drinking Water Act programs and provided division-wide assistance on issues involving the Clean Water Act. In addition, Mr. Hagemann worked as a hydrologist for the National Park Service to ensure protection of water quality of National Parks throughout the U.S. under provisions of the Clean Water Act.

Paul Rosenfeld (“**Dr. Rosenfeld**”) is a Co-Founder and Principal Environmental Chemist at SWAPE. He has over twenty years' experience conducting remedial investigations, risk assessments, and developing cleanup programs for sites containing petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, PCBs, PAHs, dioxins/furans, volatile and semi-volatile organics, perchlorate, heavy metals, asbestos, PFOA, unusual polymers, fuel oxygenates (MTBE), and odors. Dr. Rosenfeld conducts contaminant fate and transport modeling in all environmental media and is a specialist regarding the analysis and modeling of airborne contaminants. Dr. Rosenfeld has evaluated and modeled emissions from oil and gas facilities, natural gas and fracking sites, industrial boilers, incinerators, confined animal feeding operations, rendering facilities, and various other industrial and agricultural sources. Dr. Rosenfeld has served as a Lecturer with UCLA's School of Public Health, where he taught courses to medical doctors regarding human health risks of exposure to environmental contaminants. He publishes and presents frequently at nationally-recognized conferences on the environmental occurrence and human health consequences associated with

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 4 of 18

emerging contaminants, such as chlorinated solvents, atrazine, 1,2,3-trichloropropane, PBDE, and PFOA. He is also a recognized and well-published expert in areas of odorant speciation, odor abatement, and consulting services for the biosolids and composting industries. Over the last decade, Dr. Rosenfeld has provided consulting expert support for numerous environmental litigation projects and has served as an expert witness in more than thirty environmental cases across the nation.

Hadley Nolan (“**Ms. Nolan**”) graduated from the University of California Los Angeles in 2016 with a B.S. in Environmental Science and a minor in Environmental Systems and Society. Since joining SWAPE in 2016, Hadley has conducted research and prepared technical analyses on a wide variety of projects involving the evaluation of environmental conditions and regulatory compliance issues. Hadley specializes in evaluating the adequacy of compliance determinations made with regulations set forth by the California Environmental Quality Act (CEQA). Specifically, Hadley quantifies and models criteria air pollutant and greenhouse gas emissions that are released during construction and operation of proposed new developments within California, and determines whether or not these emissions will result in a significant impact on regional air quality and climate change. Hadley also reviews air quality assessments conducted by applicants of these proposed new development projects and determines whether or not the completeness and adequacy of those proposals are sufficient in demonstrating compliance with CEQA regulations and guidelines. Hadley has conducted these evaluations on more than sixty CEQA projects.

T'Shaka Touré (“**Mr. Touré**”) has over 25 years of diverse experience in natural resources management with an emphasis in regulatory permitting, environmental reexamination, wildlife studies, open space management planning, wetland ecology, and hydrology. Mr. Touré has conducted technical studies, prepared regulatory permits, jurisdictional delineations, and provided USFWS Section 7 consultation and expert testimony for endangered species to include mitigation and monitoring plans for impacts to special-status species. Mr. Touré has prepared and implemented natural resources management plans for artificially created wetland design planning, open space planning, and water quality control planning. He has expansive experience in habitat assessments and regulatory permitting concerns for California special-status species (i.e., Least Bell's vireo, Willow Flycatcher, Tricolored Blackbird, Burrowing Owl, Swainson's Hawk, Blunt-nosed Leopard Lizard, California Red-legged Frog, Arroyo Toad, Desert Tortoise, Kangaroo Rats, San Joaquin Kit Fox, and Valley Elderberry Longhorn Beetle). He is knowledgeable regarding special-status species mitigation banks and conservancy lands. Additionally, he's experienced in working with local and regional regulatory agencies staff personnel and has a working relationship with CDFW, RWQCB, USACE, and various municipality public works staff. Mr. Touré is an experienced senior level regulatory specialist that has navigated through the regulatory permitting process in order to identifying appropriate site locations to establish conservation to meet mitigation requirements, when appropriate. He has provided document reviews, environmental reexamination, and implementation of required technical studies. He has prepared regulatory permitting packages for DFW Sections 2081, 1602, Regional Board Section 401 Certification, and USACE 404 Permit of the CWA, to include regulatory services for projects throughout California. Mr. Touré's biological experience and

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 5 of 18

regulatory permitting knowledge extends from agricultural lands to wetlands. He has provided environmental compliance services and document reviews for BNSF railway, large scale solar energy and linear transportation projects for Caltrans, California Energy Commission, and PG&E projects in the counties of Fresno, Madera, Merced, Kern, Kings, Tulare, San Joaquin, Stanislaus, Sacramento, Santa Clara, Alameda, Monterey, Los Angeles, Orange, San Bernardino, and Riverside.

Michael Long (“**Mr. Long**”) retired in 2010 as Natural Areas Administrator over 19 Natural Areas and Wildflower Sanctuaries for the Los Angeles County Department of Parks and Recreation, based at Eaton Canyon Nature Center and worked in the Nature Centers system 39 years. He obtained a BS in Zoology in 1972 from California State University Los Angeles and taught college environmental biology and human ecology courses and currently teaches natural history classes for the Nature Centers. Mr. Long's research interests are in ornithology, herpetology and botany, he has prepared or reviewed over 200 CEQA and NEPA environmental documents, and he continues to perform field biological assessments for environmental documents. He served 12 years on the County Regional Planning Dept. Significant Ecological Areas Tech. Advisory Committee. He also is Vice Pres. and Conservation Chair for the Calif. Native Plant Soc., San Gabriel Mountains Chapter, an Advisor for the Arroyos and Foothills Conservancy, and Vice Pres. of the Pasadena Audubon Society.

Darren Dowell, PhD. (“**Mr. Dowell**”) is a research scientist at Jet Propulsion Library, and currently serves as Visiting Associate and Lecturer at the California Institute of Technology. Mr. Dowell is an experienced ornithologist and has conducted bird surveys since 2009.

Lance Benner, PhD. (“**Mr. Benner**”) is a research scientist at Jet Propulsion Library. Mr. Benner is an experienced ornithologist who has conducted bird surveys since 2003.

III. STATEMENT OF INTEREST.

The Arroyo Seco Foundation is a community-based 501(c)(3) nonprofit organization that advocates for an integrated, harmonious approach to watershed and flood management, water conservation, habitat enhancement, and the expansion of recreational opportunities through action projects, recreation, and environmental awareness activities. ASF has conducted a watershed coordination and education program in the Arroyo Seco Watershed for more than ten years. ASF members live, work, and recreate in the area surrounding the Devil's Gate Reservoir.

Pasadena Audubon Society is a California nonprofit corporation that aims to bring the excitement of birds to their community through birding, education, and the conservation of bird habitats serving the communities of Alhambra, Altadena, Arcadia, Azusa, Duarte, El Monte, La Cañada, Monterey Park, Monrovia, Montrose, Pasadena, Rosemead, San Gabriel, San Marino, Sierra Madre, South Pasadena, and Temple City. Audubon members live and work near the Project site and frequently live, work, and recreate in the areas immediately surrounding the Devil's Gate Reservoir.

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 6 of 18

IV. LEGAL STANDARD.

CEQA has two basic purposes, neither of which the RFEIR satisfies. First, CEQA is designed to inform decisionmakers and the public about the potentially significant environmental impacts of a project before harm is done to the environment.¹ The environmental impact report (“EIR”) is the “heart” of this requirement.² The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.”³

To fulfill this function, the discussion of impacts in an EIR must be detailed, complete, and “reflect a good faith effort at full disclosure.”⁴ An adequate EIR must contain facts and analysis, not just an agency’s conclusions.⁵ CEQA requires an EIR to disclose all potential direct and indirect, potentially significant environmental impacts of a project.⁶

Second, if a EIR identifies potentially significant impacts, it must then propose and evaluate mitigation measures to minimize these impacts.⁷ CEQA imposes an affirmative obligation on agencies to avoid or reduce environmental harm by adopting feasible project alternatives or mitigation measures.⁸ Without an adequate analysis and description of feasible mitigation measures, it would be impossible for agencies relying upon the RFEIR to meet this obligation.

Simply because the RFEIR is a revision and recirculation of the October 20, 2014 Final Environmental Impact Report does not release the Flood Control District from its obligation to comply with CEQA as a whole. While the RFEIR was revised to respond to specific deficiencies identified by the Court in *Arroyo Seco Foundation, et al v. County of Los Angeles, et al*, Los Angeles Superior Court Case No. BS152771, the environmental documentation in its entirety must adequately evaluate the environmental impacts of the Project under CEQA.

V. THE RFEIR DOES NOT COMPLY WITH CEQA AND THE JUDGMENT.

The RFEIR takes an overly narrow approach to compliance with the Judgment. In addition to requiring the District to revise the RFEIR to address the three narrow revisions discussed in the RFEIR’s introduction (See RFEIR, p. iii), the Judgment commands the District to “[e]nsure that the entire EIR has been completed in compliance with CEQA and the CEQA Guidelines prior to its recertification.” See Judgment, Par. 3(f).

B5-3

¹ 14 Cal. Code Regs. (“CEQA Guidelines”) § 15002(a)(1); *Berkeley Keep Jets Over the Bay v. Bd. of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1354; *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

² *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84.

³ *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

⁴ CEQA Guidelines, § 15151; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 721-722.

⁵ See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568.

⁶ Pub. Resources Code § 21100(b)(1); CEQA Guidelines, § 15126.2(a).

⁷ Pub. Resources Code §§ 21002.1(a), 21100(b)(3); CEQA Guidelines, § 15002(a)(2) and (3); *Berkeley Keep Jets Over the Bay v. Bd. of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1354; *Laurel Heights Improvement Assn. v. Regents of the University of Cal.* (1998) 47 Cal.3d 376, 400.

⁸ Pub. Resources Code §§ 21002-21002.1.

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 7 of 18

The District has done less than the bare minimum necessary to bring the Project's RFEIR into compliance with CEQA. As discussed herein, the revisions made to the Project's mitigation measures are inadequate to ensure that significant air quality and biological resources impacts will be mitigated to less than significant levels. Additionally, the slim revisions in the RFEIR demonstrate that the District failed to review the entire EIR to determine whether there were additional errors or omissions that required amendment, failed to disclose previously undisclosed significant impacts (like the Project's significant cancer risk from exposure to construction emissions), and failed add necessary mitigation measures to reduce significant impacts to less than significant levels. This violates the District's most basic duties to fully disclose, analyze, and mitigate all potentially significant impacts in its EIR.

**B5-3
cont.**

Commenters urge the District to take a hard look at the entire FEIR, and to revise and recirculate it for public comment as necessary to bring the FEIR into full compliance with CEQA prior to presenting it to the Board of Supervisors for any proposed recertification.

VI. THE RFEIR DOES NOT ADEQUATELY ANALYZE THE PROJECT'S IMPACTS TO BIOLOGICAL RESOURCES.

A. The RFEIR Does Not Adequately Analyze Impacts To Riparian Habitats And Sensitive Natural Communities

1. The RFEIR Fails To Provide Evidence that Mitigation Ratios of 1:1 Were successful In Achieving No Net Loss Of Wetlands.

The RFEIR claim that mitigation ratios of 1:1 or less were successful in achieving or exceeding mitigation acreage required is inaccurate, misleading and unsupported by the documentation provided in the RFEIR. In particular, the RFEIR claims that 1:1 mitigation is sufficient based upon seriously misrepresents the conclusion of does not demonstrate that projects that adopted mitigation ratios of 1:1 successfully mitigated their impacts. The RFEIR relies upon a comparative study conducted by researchers at the University of California Los Angeles and University of California San Francisco as evidence that 1:1 mitigation would be successful when the study actually came to the exact opposite conclusion. Ambrose, R. F., J. L. Callaway, and S. F. Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002 ("**Ambrose Study**").

The Ambrose Study in fact demonstrates that mitigation ratios much higher than 1:1 are required to achieve sufficient mitigation to mitigate impacts to riparian habitat and sensitive natural communities to less than significant levels. As Biological expert Scott Cashen notes:

B5-4

. . . . Contrary to the conclusions in the RFEIR, not only did the Ambrose study demonstrate that most projects were required to provide a mitigation ratio greater than 1:1, but it also demonstrated that many projects were required to provide a ratio substantially greater than 1:1. Specifically, data in the study demonstrate that it was not uncommon for permits to require a mitigation ratio ranging from 5:1 to 7:1, and that a few even required mitigation in excess of 10:1. Data provided in the Ambrose study further demonstrate that projects with higher mitigation ratios were more likely

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 8 of 18

to achieve the “no net loss” standard than projects with lower mitigation ratios, even if they did not achieve the acreage required by the permits. (footnote omitted)

Cashen at 2 – 3.

In addition, the examples of projects cited to by the RFEIR are both irrelevant as to whether 1:1 mitigation in actuality could and actually provide shining examples of why 1:1 mitigation is insufficient. As Mr. Cashen notes:

Furthermore, careful examination of the projects cited in the RFEIR reveal they were markedly dissimilar from the proposed Project. The LACFCD has no basis for comparing the proposed Project to projects that had no potential for permanent impacts to wetlands, and thus, no potential for net loss of wetlands. In addition, the LACFCD has no basis for comparing the proposed Project to projects that simply required the planting of vegetation to achieve “success,” or to projects that achieved success by purchasing credits at a wetlands mitigation bank. As a result, the RFEIR fails to provide evidence supporting the conclusion that a 1:1 mitigation ratio would ensure Project impacts to wetlands and other jurisdictional habitats are mitigated to insignificant levels.

Cashen at 5.

Even Federal and State permitting agencies have refused to permit mitigation for the Project at a 1:1 mitigation ratio in the three years since the original FEIR for the Project was released. Recently on March 1, 2017 the California Department and Fish & Wildlife issued a Streambed Alteration Agreement that required greater than 1:1 mitigation for the Project, directly contradicting the terms of the RFEIR which allows mitigation to occur even outside the local watershed.

2. The RFEIR Inaccurately Claims That State And Federal Policies Requiring A Minimum Of 1:1 Mitigation Ratios Have Resulted In “No Net Loss Of Wetlands.”

The RFEIR incorrectly claims that the State of California has achieved its “No Net Loss Of Wetlands” goals by imposing merely a 1:1 mitigation ratio for riparian habitat removal projects. As Mr. Cashen notes:

The RFEIR is correct that the Ambrose study showed no overall net loss of wetland acreage. However, **the authors clearly stated that this was due to the large mitigation ratios required by the regulatory agencies.** (footnote omitted) Indeed, if one examines the data associated with the projects that were permitted with a 1:1 ratio (or less), the data reveal that **those projects resulted in an overall net loss of at least 17.84 acres.** (footnote omitted) As a result, data provided in the Ambrose study directly contradict the RFEIR’s claim that a 1:1 mitigation ratio would be sufficient to prevent “no net loss” of wetlands.

Cashen at 6 (emphasis added).

**B5-4
cont.**

B5-5

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 9 of 18

3. The RFEIR Inaccurately Claims That There Is A “Precedent” For 1:1 Habitat Mitigation.

The RFEIR incorrectly claims that there is a “precedent” for 1:1 mitigation for the replace of riparian and sensitive natural communities. As Mr. Cashen notes:

. . . the RFEIR’s claim that the City of Riverside and regulatory agencies have established a precedent for 1:1 mitigation is nonsense. If that were the case, the regulatory agencies would have formal guidelines identifying 1:1 as the accepted standard and there would be no controversy over the Project’s mitigation ratio. **One of the primary reasons why there is no standard mitigation ratio requirement is that the appropriate ratio is dependent on numerous site-specific and project-specific factors. The fact that the City of Riverside required 1:1 mitigation for one project** that affected Riversidean Alluvial Fan Sage Scrub **does not mean that is the precedent for all other projects, all other habitat types, and in all other regions.** The RFEIR’s claim that regulatory agencies have established a precedent for 1:1 mitigation is particularly absurd because the RFEIR acknowledges that 84% of the permits issued by the California State Water Resources Control Board between 1991 and 2002 required a mitigation ratio greater than 1:1.

Cashen at 7 (emphasis added) (footnotes omitted).

4. The RFEIR Does Not Account For The Difference In Functional Value Between On-Site And Off-Site Mitigation Sites In Allowing 1:1 Mitigation.

The RFEIR does not account for the difference in functional value between on-site and off-site mitigation. As Mr. Cashen notes:

. . . According to the RFEIR, offsite mitigation will be conducted within the Arroyo Seco subwatershed or within the greater Los Angeles River Watershed. However, the RFEIR does not identify specific locations for offsite mitigation, nor does it identify specific projects that could be accomplished to mitigate the Project’s significant impacts. This is important because there are limited opportunities for compensatory mitigation in the Los Angeles River Watershed, and thus, the mitigation proposed in the RFEIR may not be feasible. Consequently, there is uncertainty as to what the LACFCD will actually do to compensate for the Project’s significant impacts to sensitive biological resources, and where it will do it.

The ambiguity associated with offsite mitigation options is exacerbated by the RFEIR’s failure to establish a mechanism (e.g., vetting by the resource agencies) that ensures offsite mitigation projects proposed by the LACFCD would adequately compensate the Project’s significant impacts to sensitive biological resources. Consequently, the RFEIR fails to provide the evidence needed to substantiate the LACFCD’s conclusion

B5-6

B5-7

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 10 of 18

that impacts to wetlands, riparian habitats, and other sensitive natural communities would be reduced to a level below significance.

Cashen at 11. The RFEIR should disclose and analyze the functional value of potential mitigation sites within the Los Angeles Watershed.

The RFEIR's failure to disclose potential mitigation sites is particularly galling since the Flood Control District has already proposed specific locations and configurations of on-site and off-site mitigation projects that have met resistance and criticism from federal and state agencies. T

5. The RFEIR Does Not Account For The Presence Of Endangered Species On-Site.

The RFEIR does not account for the presence of federally endangered and state species of concern on the Project Site in concluded that a 1:1 mitigation ratio, much if not all of which is allowed to be placed off-site, at the Project Site. As Mr. Cashen notes:

The RFEIR indicates compensatory mitigation may be accomplished through habitat enhancement, either onsite or offsite. By definition, habitat is an area that is occupied by individuals of a given species. Thus, by definition, "habitat enhancement" means habitat for the given species already exists within the enhancement area. As a result, **LACFCD's proposal for habitat enhancement as compensatory mitigation would result in a net loss of habitat.** Consequently, any habitat enhancement activities that are conducted as compensatory mitigation **warrant a mitigation ratio much greater than 1:1.**

Cashen at 11 (emphasis added). Leather

The presence of the Federally endangered Least Bell's Vireo as well as State Species of Special Concern Yellow Warbler, Yellow-breasted Chat and Loggerhead Shrike on the Project Site is well document. Letter from Brian Leatherman, Principal Biologist, Leatherman BioConsulting, Inc. to Ms. Mari Quilmann, ECORP CONSULTING RE: Results of Focused Surveys for the Southwestern Willow Flycatcher, Western Yellow-billed Cuckoo and Least Bell's Vireo for the Devil's Gate Reservoir Sediment Removal and Management Project (Sept. 6, 2016); C. Darren Dowell, Ph. D., Lance A. M. Benner, Ph. D., and Michael C. Long (2015) Endangered Bird Species and California Bird Species of Special Concern within Hahamongna Watershed Park.

Habitat mitigation in amounts greater than 1:1 are required because of the incredibly adverse impact that the Project will have on habitat for federally endangered species and state species of special concern. As Mr. Touré notes:

The Project would substantially reduce and fragment the foraging habitat available to LBV that occurs at the Hahamongna Watershed Park. Adverse effects to LBV from habitat loss, habitat fragmentation, and the reduction of habitat patch size have been well documented. These adverse effects include nest abandonment, increased depredation (both intra- and inter-specific), and foraging interference.

**B5-7
cont.**

B5-8

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 11 of 18

Touré at 4.

Finally, the Flood Control District has admitted that the Project activities will result in “take” of the federally endangered Least Bell’s Vireo. As the Flood Control District’s application for an Incidental Take notes:

Indirect take may result from noise associated with the operation of construction equipment during the sediment removal phase of the project if these activities are conducted during the breeding season. The initial sediment removal phase of the project will take approximately 3 to 5 years to complete and the activities will be conducted between April 15 and November 30 pending dry working conditions. Therefore, during each year when the initial sediment removal occurs, indirect take of nesting least Bell’s vireos as a result of noise may occur from April 15 through July 31, the season when most vireos complete their nesting cycles. Early in the breeding season, the noise associated with the construction activities may result in indirect take of nesting least Bell’s vireos if nests are established near the construction activities and the birds subsequently abandon their nests. Avoidance and minimization measures will be implemented to determine where vireos are nesting and buffers will be established to reduce the likelihood of indirect take of nesting vireos. Vireos may continue stay on the breeding grounds into September before departing for their wintering grounds. After July 31, noise is not expected to result in indirect take of non-nesting or migrating Least Bell’s vireos and nonnesting southwestern willow flycatchers because these species are highly mobile, they can move throughout the habitats adjacent to where sediment removal is taking place, and they are not restricted to occupying nesting territories.

**B5-8
cont.**

Mari Quillman, ECORP Consulting, Inc. (2016) Devil’s Gate Sediment Removal and Management Project Application for Incidental Take of Endangered Species 23. The project requires additional habitat mitigation due to the presence and impact the Project will have on sensitive species.

6. The RFEIR Requires Atleast 4:1 Mitigation Due To Numerous Factors

Due to numerous factors, the Project requires a mitigation ratio of at least 4:1 to have a less than significant impact on biological resources. As Mr. Cashen notes:

Based on my review of the scientific literature, RFEIR, and associated documents, I believe **a 4:1 ratio** would be “fair” to the LACFCD and **would provide a reasonably high probability that Project impacts would be mitigated to insignificant levels.**

B5-9

Cashen at 10. Mr. Cashen points to several factors including lag time between project implementation and successful establishment of mitigation sites, uncertainty of success of mitigation sites, need for buffers, scarcity of biological resources, distance between mitigation sites, and the indirect impacts of the Projects. *Id.* at 9 – 11.

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 12 of 18

7. The RFEIR Fails To Provide Adequate Performance Standards For Compensatory Mitigation

The RFEIR fails to provide adequate performance standards for the compensatory mitigation that would be implemented as part of the Project. As Mr. Cashen notes:

The RFEIR suggests performance standards for the compensatory mitigation would be based on a comparison of variables at the mitigation sites, with those at reference sites. Specifically, the RFEIR indicates LACFCD will measure: (a) percent cover of native and nonnative plant species, and (b) native plant species richness. However, the RFEIR fails to identify the specific performance standards that would be applied to these variables (i.e., the specific values that would constitute success). For example, would mitigation sites that had half the species richness of reference sites be considered a success, or do mitigation sites need to achieve the same species richness as the reference sites to be considered a success?

Cashen at 12. The RFEIR fails to provide adequate performance standards for the Project's compensatory mitigation.

B5-10

8. The RFEIR Improperly Defers Performance Standards for Compensatory Mitigation.

The FEIR improperly defers critical details of mitigation measures. Feasible mitigation measures for significant environmental effects must be set forth in an EIR for consideration by the lead agency's decision makers and the public before certification of the EIR and approval of a project. The formulation of mitigation measures generally cannot be deferred until after certification of the EIR and approval of a project. 14 Cal. Code Regs. § 15126.4(a)(1)(B) ("...[f]ormulation of mitigation measures should not be deferred until some future time.").

Deferring critical details of mitigation measures undermines CEQA's purpose as a public information and decision-making statute. "[R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." *Communities for a Better Environment v. City of Richmond* (2010) ("Communities") 184 Cal.App.4th 70, 92. As the Court noted in *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307 "[a] study conducted after approval of a project will inevitably have a diminished influence on decision-making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA."

A lead agency's adoption of an EIR's proposed mitigation measure for a significant environmental effect that merely states a "generalized goal" to mitigate a significant effect without committing to any specific criteria or standard of performance violates CEQA by improperly deferring the formulation and adoption of enforceable mitigation measures. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670; *Communities*, 184 Cal.App.4th at 93 ("EIR merely proposes a generalized goal of no net increase in greenhouse gas emissions and then sets out a

B5-11

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 13 of 18

handful of cursorily described mitigation measures for future consideration that might serve to mitigate the [project's significant environmental effects.]); cf. Sacramento Old City Assn. v. City Council (1991) 229 Cal.App.3d 1011, 1028-1029 (upheld EIR that set forth a range of mitigation measures to offset significant traffic impacts where performance criteria would have to be met, even though further study was needed and EIR did not specify which measures had to be adopted by city).].

In particular MM-Bio-6 and MM Bio-8 unlawfully defers the development of performance standards as well as any adaptive measures if a mitigation site were to not meet the unknown performance standards to be developed after Project implementation. MM-Bio-6 and 8 defers the development of performance standards, habitat restoration plan (and failing to disclose a draft habitat mitigation and monitoring plan that was roundly criticized by the United States Fish & Wildlife Service).

**B5-11
cont.**

9. The RFEIR Does Not Provide For Adequate Monitoring Of Mitigation Sites.

The RFEIR does not provide for adequate monitoring as the RFEIR does not provide specific performance standards that the mitigation sites would be monitored for and does not provide an adequate monitoring period to ensure the long-term success of the mitigation habitat. As Mr. Cashen notes:

First, the RFEIR fails to establish the performance standards. As a result, it is impossible to evaluate whether five years of monitoring is appropriate for those standards. Similarly, the RFEIR fails to identify the variables that will be monitored besides vegetation. The primary reason for the failure of wetland mitigation sites has been the lack of proper hydrology. Consequently, the RFEIR needs to incorporate performance standards for hydrology, coupled with a hydrologic monitoring program.

Second, the statement that monitoring would be conducted “for five years or until the established performance standards are met” is vague. Specifically, it implies that monitoring might terminate after the first year or two if the performance standards are met during that timeframe. This is unacceptable because it would enable LACFCD to remove weeds, plant natives, and immediately claim success. However, weeds would undoubtedly return and some of the native plants probably would die. The scientific literature is clear that successful weed eradication requires a sustained effort over multiple years.

Third, five years of monitoring is too short a timeframe to infer the long-term success of riparian habitats. Riparian habitats in general, and least Bell's vireo habitats in particular, are dependent on periodic disturbance events (e.g., storm events that scour the channel, deposit sediment, and create open space for the development of early successional riparian vegetation). Thus, riparian habitats are dependent on hydrologic processes that are inherently variable and that may occur at intervals in excess of every five years. As a result, longer monitoring timeframes are needed for compensatory mitigation projects involving riparian vegetation. Based on my review of the literature,

B5-12

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 14 of 18

I recommend monitoring for at least five years and until success criteria have been met for three consecutive years. Thereafter, monitoring could be reduced to every three or five years (depending on the habitat) with an annual screening assessment (visual inspection) to identify any major problems (e.g., unauthorized trespass or weed infestation).

**B5-12
cont.**

Cashen at 15.

B. The RFEIR Does Not Adequately Mitigate The Project's Impact On Wildlife Movement.

The RFEIR does not adequately mitigate the Project's impacts on wildlife movement. As Mr. Cashen notes:

A major problem with this claim is the RFEIR's lumping of all animals into the generic category "wildlife." The scientific literature is clear that all movements must be considered on a species-specific basis. Notwithstanding that problem, there are considerable flaws with the LACFCD's logic. Most notably, the LACFCD has no basis for concluding habitat enhancement would offset impacts on wildlife movement because it has not demonstrated existing habitat conditions preclude or impair wildlife movement. Furthermore, the LACFCD has no basis for concluding offsite mitigation would mitigate impacts to movement at the Project site because it provides no evidence that movement is an issue at offsite locations, nor does the RFEIR require consideration of movement in the selection of mitigation sites. Indeed, the RFEIR summarily concludes BIO-1 through BIO-8 would mitigate the impacts without providing any actual analysis to support that conclusion. Wildlife movement is site and species-specific and requires an understanding of the population structure. Because the LACFCD has not identified potential offsite mitigation sites, it has no knowledge of the population structure at those sites, and similarly, no knowledge of whether there are any constraints on wildlife movement. As a result, the RFEIR fails to provide evidence supporting the LACFCD's conclusion.

B5-13

Cashen at 21.

VII. THE RFEIR DOES NOT ADEQUATELY ANALYZE CUMULATIVE IMPACTS.

The RFEIR fails to adequately analyze the cumulative impacts of the Project with the proposed Eaton Canyon Pipeline project. As Mr. Cashen notes:

The RFEIR identifies two projects that could contribute to cumulative impacts: (1) the Hahamongna Watershed Park MBMU Project, and (2) the Arroyo Seco Canyon Project. The RFEIR indicates the potential impacts of these two projects "are not known at this time." As discussed in the Court's ruling, this is woefully inadequate. The Arroyo Seco Canyon Project is one of the LACFCD's projects. Thus, as pointed out by the Court, the LACFCD "must have a good idea what the environmental

B5-14

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 15 of 18

impacts will be and should be able to assess the Project's contribution to those impacts, as well as feasible mitigations."

The RFEIR ultimately concludes that significant cumulative impacts to biological resources would not occur because: (a) the proposed Project would have a less-than-significant impact to biological resources, and (b) impacts to biological resources from the Hahamongna Watershed Park MBMU Project and the Arroyo Seco Canyon Project would be evaluated through project-specific CEQA documents, and if found significant, those projects would be required to implement all feasible mitigation measures. These are specious arguments. If the impacts associated with the other two projects are not known and have not been evaluated yet, how does the LACFCD know those impacts can be mitigated to less-than-significant levels? A conclusion of this nature relies on the flawed premise that all impacts, no matter the type and severity, can be mitigated to a less than significant level. This is clearly not the case, as lead agencies sometimes conclude impacts are "significant and unavoidable." Furthermore, just because individual projects mitigate their impacts to less than significant levels, does not mean there cannot be a significant cumulative impact, or that an individual project's contribution is not cumulatively considerable. A proposed project's incremental effects may be cumulatively considerable even when its individual effects are limited. In other words, CEQA does not excuse an EIR from evaluating cumulative impacts simply because the project-specific analysis determined its impacts would be "less than significant."

**B5-14
cont.**

Casben at 23 – 24.

VIII. THE RFEIR DOES NOT ADEQUATELY ANALYZE THE PROJECT'S IMPACTS TO AIR QUALITY.

A. The RFEIR Fails to Ensure that MM AQ-1 Will Effectively Reduce NOx Emissions to Less than Significant Levels.

An EIR must contain mitigation measures sufficient to minimize the significant adverse environmental impacts identified in the document. PRC §§ 21002.1(a), 21100(b)(3). CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid a project's potentially significant environmental impacts (CEQA §§ 21002, 21081(a)) and describe those mitigation measures in the EIR. (CEQA § 21100(b)(3); CEQA Guidelines section 15126.4.) A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727. Mitigation measures must be enforceable through conditions of approval, contracts or other means that are legally binding. PRC § 21081.6(b); 14 CCR § 15126.4(a)(2); *Lotus v. Dep't of Transp.* (2014) 223 Cal. App. 4th 645, 651-52. This requirement is intended to ensure that mitigation measures will be implemented, not merely adopted and then ignored. *Fed'n of Hillside & Canyon Ass'n v. City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1261; *Anderson First Coal. v. City of Anderson* (2005) 130 Cal.4th 1173, 1186. MM-AQ-1 fails

B5-15

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 16 of 18

to meet these requirements because it fails to ensure that the use of EPA-compliant haul trucks will reduce the Project's admittedly significant NOx emissions to less than significant levels.

**B5-15
cont.**

1. The RFEIR's Conclusion that the Revised MM AQ-1 Will Reduce NOx Emissions to Less than Significant Levels is Unsupported.

The FEIR concluded that the Project's 425 haul trucks per day would generate significant NOx emissions of 328 lbs/day, which vastly exceeds the SCAQMD's significance threshold of 100 lbs/day. The FEIR relied on the use of EPA 2007-compliant trucks to reduce NOx emissions to less than significant levels. The RFEIR revised MM AQ-1 to require the use of "Model Year 2010" trucks to ensure that all trucks meet EPA 2007 standards. However, the RFEIR failed to analyze critical new emissions studies which demonstrates that the use of MY2010 trucks will result in lower NOx reductions – and consequently higher NOx emissions – than previously assumed by the FEIR.

As explained by SWAPE, the CE-CERT studies, prepared between 2013 and 2017, conducted real-time in-use studies of truck emissions using heavy-duty chassis dynamometers to measure actual NOx and other air pollutant emissions. The studies concluded that Model Year 2010 (and later) trucks emit NOx at levels that are 5 to 18 times higher than the levels assumed in the original 2007 EPA certification standard. See SWAPE Comments, pp. 3-5. Because MM AQ-1 relies exclusively on the use of MY2010 trucks, MM AQ-1 will similarly result in higher, unmitigated NOx emissions that are 5 to 18 times higher than the levels assumed in the RFEIR. The District must prepare an updated air quality analysis is prepared that adequately evaluates the effectiveness of the Project's proposed mitigation in reducing the significant NOx and other criteria air pollutant emissions generated during Project sediment removal activities. The RFEIR may not be certified until the District implements all feasible mitigation measures to reduce these significant impacts to less than significant levels.

B5-16

2. Substantial Evidence Demonstrates that the Project's Mitigated NOx Emissions (With MY2010 Trucks) Will Exceed Thresholds at Congested Intersections.

Substantial evidence contained in the CE-CERT studies demonstrates that the Project trucks' NOx emissions will remain significant and inadequately mitigated during periods in which the trucks are idling or creeping during heavy traffic conditions.

The Project will require 425 round trip hauling truck trips per day to export sediment from the Project site. The traffic analysis in the FEIR demonstrates that those trucks will be reduced to minimal speeds and or stuck in stop-and-go traffic at specific intersections near the Project site. The FEIR relies upon the Highway Capacity Manual (HCM) method to estimate the Project's impact to the level of service (LOS) at various intersections along the Project's proposed haul truck routes (FEIR, p. 245). According to the FEIR, Project trucks will pass through the intersection of Berkshire Place and the I-210 eastbound ramp. This intersection is estimated to operate at LOS F without mitigation. The FEIR concedes that its proposed mitigation for that intersection is speculative, because it requires subsequent approval of new traffic control measures by the City of Pasadena that the District has not obtained. See SWAPE, p. 7, FEIR, p. 50.

B5-17

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 17 of 18

According to one of the CE-CERT studies, the *Heavy-Duty Chassis Dynamometer Test Program* report, in-use NOx emissions were found to be the highest during the creep cycle (i.e., short, low-speed accelerations between periods of idle), where the highest emissions were found to be 3.613 g/bh-hr.⁹ This emissions estimate is approximately 18 times higher than the 0.2 g/bh-hr NOx certification level. Therefore, the RFEIR's exclusive reliance on the use of MY2010 trucks to reduce the Project's NOx emissions is inadequate, as the potential in-use emissions resulting from use of MY2010 diesel trucks that are queuing and idling at the Berkshire Place and I-210 eastbound ramp intersection could be up to 18 times higher than what is anticipated by the RFEIR. Thus, slow traffic conditions anticipated in the FEIR are likely to cause the MY2010 trucks to emit up to 18 times more NOx than the RFEIR assumes, potentially resulting in severe and unmitigated NOx emissions. The RFEIR fails to address this potentially significant impact, and fails to ensure additional protections beyond the use of MY2010 trucks to ensure that such impacts are adequately mitigated.

**B5-17
cont.**

B. The Project's Sediment Removal Phase Poses a Significant Cancer Risk to Sensitive Receptors that the RFEIR and FEIR Failed to Disclose and Mitigate.

The RFEIR failed to correct significant errors in the FEIR, which failed to adequately evaluate the health risk posed to nearby sensitive receptors from exposure to diesel particulate matter ("DPM") emissions, released during the Project's sediment removal phase.

The Project will emit DPM from diesel equipment and trucks during the Project's 5-year long sediment removal phase. Exhaust from heavy-duty construction equipment releases DPM. DPM is a toxic air contaminant ("TAC") that is recognized by state and federal agencies, and atmospheric scientists, as causing severe respiratory disease, lung damage, cancer, and premature death. Air districts have recently recognized that "TACs present an even greater health risk than previously thought." *California Bldg. Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 379. By contrast, "particulate matter," including both PM10 and PM2.5, are defined under both federal and state laws as "criteria pollutants." PM alone does not contain toxic chemicals. PM is simply defined as "very small solid or liquid particles that can be suspended in the atmosphere." *CURE v. Mojave Desert Air Qual. Mgm't Dist.* (2009) 178 Cal. App. 4th 1225, 1231-32; see 40 C.F.R. § 50.6(c). TACs, by contrast, are defined as "air pollutant[s] which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. A substance that is listed as a hazardous air pollutant pursuant to subsection (b) of Section 112 of the federal act (42 U.S.C. Sec. 7412 (b)) is a toxic air contaminant." *CURE v. Mojave Desert Air Qual. Mgm't Dist.* (2009) 178 Cal. App. 4th 1225, 1231-32; see 40 C.F.R. § 50.6(c). Unlike particulate matter, DPM contains toxic chemicals, making it a TAC.

B5-18

⁹ Durbin, Thomas D, et al. (February 2017). Final Report: Heavy-Duty Chassis Dynamometer Test Program, p. 60

Department of Public Works RFEIR For Devil's Gate Dam Sediment Removal Project
September 7, 2017
Page 18 of 18

IX. CONCLUSION.

For the above-mentioned reasons, we urge the Flood Control District to revise and recirculate the RFEIR.

B5-19

Sincerely,



Mitchell M. Tsai



Christina Caro

Attorneys for Arroyo Seco Foundation
& Pasadena Audubon

Responses to Letter B5 – Arroyo Seco Foundation and Pasadena Audubon Society

Response to Comment B5-1:

This comment suggests that the project does not adequately mitigate air pollution and the resultant cancer risk, does not support the 1:1 mitigation ratio, and fails to adequately mitigate the project's cumulative impacts. Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. Master Response 1 provides a response to the cumulative impacts and cancer risk portions of this comment. The portion of the comment addressing air quality is addressed in Master Response 3. The portion of the comment addressing the 1:1 mitigation ratio is addressed in Master Response 4.

Response to Comment B5-2:

The commenter has attached 25 Exhibits to Comment Letter B5, letters Exhibits A through X.

- Exhibits A, B, and C are letters whose comments are responded to in this document (see Responses to Comments to Letters B5A, B5B and B5C). Letters B5A, B5B and B5C also themselves include attachments. However, while these attachments are noted and will be made available to the Board of Supervisors for their review, they do not contain comments on the environmental analysis contained in the RFEIR and, as such, no response to the attachments to Letters B5A, B5B and B5C is required.
- Exhibit D is entitled "Endangered Bird Species and California Bird Species of Special Concern within Hahamongna Watershed Park, April 24, 2015 and itself contains attachments. However, while Exhibit D and its attachments are noted and will be made available to the Board of Supervisors for their review, they do not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit E is a June 24, 2015 Letter from Mitchell M. Tsai to the U.S. Army Corps of Engineers regarding a Federal permit application by the LACFCD for the Approved Project, and itself contains attachments. However, while Exhibit E and its attachments are noted and will be made available to the Board of Supervisors for their review, they do not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit F is a June 19, 2015 Letter from the United States Fish and Wildlife Service to the U.S. Army Corps of Engineers regarding a Federal permit application by the LACFCD for the Approved Project. However, while Exhibit F is noted and will be made available to the Board of Supervisors for their review, it does not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.

- Exhibit G is an September 11, 2015 Letter from Mitchell M. Tsai to the Los Angeles Regional Water Quality Control Board regarding the Approved Project, and itself contains attachments. However, while Exhibit G and its attachments are noted and will be made available to the Board of Supervisors for their review, they do not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit H is an April 8, 2016 Letter from Mitchell M. Tsai to the Los Angeles Regional Water Quality Board regarding a Federal permit application by the LACFCD for the Approved Project, and itself contains attachments. However, while Exhibit H and its attachments are noted and will be made available to the Board of Supervisors for their review, they do not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit I is a June 2, 2016 Letter from Mitchell M. Tsai to the California Department of Fish and Wildlife regarding the LACFCD's Streambed Alteration Agreement for the Approved Project, and itself contains attachments. However, while Exhibit I and its attachments are noted and will be made available to the Board of Supervisors for their review, they do not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit J is a June 2, 2016 Letter from Mitchell M. Tsai to the United States Fish and Wildlife Service regarding the LACFCD's Streambed Alteration Agreement for the Approved Project, and itself contains attachments. However, while Exhibit J and its attachments are noted and will be made available to the Board of Supervisors for their review, they do not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit K is an October 4, 2016 Letter from Mitchell M. Tsai to the California Department of Fish and Wildlife regarding the LACFCD's Streambed Alteration Agreement for the Approved Project, and itself contains attachments. However, while Exhibit K and its attachments are noted and will be made available to the Board of Supervisors for their review, they do not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit L is a September 14, 2016 electronic-mail message from Christine Medak of the United States Fish and Wildlife Service to Grace Yu of the County's Department of Public Works regarding the Approved Project and itself contains attachments. While Exhibit L and its attachments is noted and will be made available to the Board of Supervisors for their review, it does not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit M is a series of emails (some containing attachments) from July through November of 2016 between staff of the United States Fish and Wildlife Service, staff of the United States Army Corps of Engineers, staff of the California Department of Fish and Wildlife, Mitchell Tsai, and staff of the LACFCD regarding the Approved Project. While Exhibit M and its attachments is noted and will be

made available to the Board of Supervisors for their review, it does not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.

- Exhibit N is a March 2017 copy of the Streambed Alteration Agreement Notification No 1600-2015-0263-R5 for the Approved Project that has been executed by the County. While Exhibit N is noted and will be made available to the Board of Supervisors for their review, it does not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit O is a May 2016 Application for Incidental Take of Endangered Species for the Approved Project that was prepared for the California Department of Fish and Wildlife. While Exhibit O is noted and will be made available to the Board of Supervisors for their review, it does not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit P is a series of emails (without attachments) from March of 2017 between staff of the United States Fish and Wildlife Service, staff of the United States Army Corps of Engineers and biologists from ECORPS Consulting Inc., the LAFCFD's expert consultant concerning the Habitat Mitigation and Monitoring Plan for the Approved Project. While Exhibit P is noted and will be made available to the Board of Supervisors for their review, it does not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit Q is a January 24, 2017 draft of the United States Army Corps of Engineers Habitat Mitigation and Monitoring Plan for the Approved Project. While Exhibit Q is noted and will be made available to the Board of Supervisors for their review, it does not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit R is a series of emails (without attachments) from March of 2017 between staff of the United States Fish and Wildlife Service, staff of the United States Army Corps of Engineers and staff of the Orange County Water District concerning the Prado Basin. While Exhibit R is noted and will be made available to the Board of Supervisors for their review, it does not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit S is a January 2016 report prepared by the Orange County Water District and entitled Effects of Reduced Outflow from Prado Dam Water Conservation 2015/2016. While Exhibit S is noted and will be made available to the Board of Supervisors for their review, it does not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit T is a September 20, 2016 letter to the County's Flood Maintenance Division from the Chamber's Group entitled "Least Bell's Vireo Observation at the 2016 Devils Gate Interim Measures Project." While Exhibit T is noted and will be made available to the Board of Supervisors for their

review, it does not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.

- Exhibit U is an October 5, 2016 report prepared for the County's Department of Public Works entitled "Least Bell's Vireo Survey Report 2016 for the [Approved Project]." While Exhibit U is noted and will be made available to the Board of Supervisors for their review, it does not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit V is an October 5, 2016 report prepared for the County's Department of Public Works entitled "Coastal California Gnatcatcher Survey Report 2016 for the [Approved Project]." While Exhibit V is noted and will be made available to the Board of Supervisors for their review, it does not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit W is September 6, 2016 letter from Leatherman BioConsulting Inc. to Mari Quillman at ECORP Consulting concerning "Focused Surveys for the Southwestern Willow Flycatcher, Western Yellow-billed Cuckoo and Least Bell's Vireo for the [Approved Project]." While Exhibit W is noted and will be made available to the Board of Supervisors for their review, it does not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.
- Exhibit X is what appears to be a copy of the January 2017 Administrative Record of Proceedings in Arroyo Seco Foundation and Pasadena Audubon Society v. LACFCF. This document totals approximately 80,000 pages and is available for review both at the County's Department of Public Works and, as part of the docket in the litigation, at Los Angeles County Superior Court. While Exhibit X is noted and is available to the Board of Supervisors for their review, it does not contain comments on the environmental analysis contained in the RFEIR and, as such, no response is required.

Response to Comment B5-3:

This comment claims that LACFCF has not brought the Project's RFEIR into compliance with CEQA. The commenter also claims that the revisions to the mitigation measures are inadequate to ensure that significant air quality and biological resources impacts will be mitigated to less than significant levels. In addition, the commenter claims that the District fails to fully disclose, analyze, and mitigate potentially significant impacts in the EIR. Master Responses 1, 3, and 4 provide responses to this comment.

Response to Comment B5-4:

The comment suggests that the RFEIR fails to provide evidence that mitigation ratios of 1:1 were successful in achieving a no net loss of wetlands. Master Response 4 provides a response to this comment.

Response to Comment B5-5:

The comment suggests that requiring a minimum of 1:1 mitigation ratios have resulted in a “No Net Loss of Wetlands.” Master Response 4 provides a response to this comment.

Response to Comment B5-6:

The comment suggests that the RFEIR inaccurately claims that there is a “precedent” for 1:1 habitat mitigation. Master Response 4 provides a response to this comment.

Response to Comment B5-7:

The comment suggests that the RFEIR does not account for the difference in functional value between on-site and off-site mitigation sites in allowing 1:1 mitigation. Master Responses 4 and 6 provide responses to this comment. The comment also states that the RFEIR fails to disclose potential mitigation sites. Contrary to the commenter’s statement, the CDFW, via its execution of the LSA, has approved the on-site mitigation locations proposed by LAFCFD.

Response to Comment B5-8:

The comment claims that the RFEIR does not account for the presence of federally endangered species and state species of concern on the Project site and that onsite or offsite habitat enhancement activities that are conducted as compensatory mitigation warrant a mitigation ratio higher much greater than 1:1. Master Response 1 addresses the scope of the RFEIR, which does not discuss federally endangered species and state species of special concern as this issue was not included in the three narrow issues required to be covered in the Court’s ruling. Master Response 4 provides a response to the 1:1 ratio comment and Master Response 6 addresses the comment related to the location of the compensatory mitigation.

Response to Comment B5-9:

The comment claims that the RFEIR requires at least a 4:1 mitigation ratio for a “less than significant” determination due to numerous factors. Master Response 4 provides a response to this comment.

Response to Comment B5-10:

The comment claims that the RFEIR fails to provide adequate performance standards for compensatory mitigation and questions the specific performance standards applied to percent cover of native and nonnative plant species and native plant species richness and the specific values that would constitute success. Master Response 4 addresses the comments related to performance standards. Also, as stated in Master Response 5, the performance standards, which will include the values assigned to determine

success, will be based on quantitative comparisons to undisturbed habitats at reference sites and the performance standards established for the purposes of the Habitat Restoration Plan will be approved by CDFW prior to Project implementation.

Response to Comment B5-11:

The comment claims that the RFEIR improperly defers critical details, including performance standards, for compensatory mitigation. Master Responses 4, 5, and 6 provide responses to this comment. The commenter's references to statutes, regulations, and case law concerning the deferral of mitigation are its own summaries of those statutes, regulations, and cases, do not provide any specific evidence to support the assertion that the RFEIR improperly defers mitigation, and do not require a response.

Response to Comment B5-12:

The comment claims that the RFEIR does not provide for adequate monitoring of mitigation sites. As described in Section 3.6.6 of the RFEIR, mitigation monitoring for the Proposed Project would be conducted for five years or until the performance standards are met. Master Response 4 states that the LACFCD will conduct quantitative monitoring at the mitigation sites for at least five years and longer if the mitigation sites have not achieved the performance standards. Master Response 5 provides information on the Habitat Restoration Plan, which will include the specifics of the monitoring program that has to be approved by CDFW prior to Project implementation. In addition, it also states that the performance standards must be achieved by LACFCD for the mitigation to be deemed successful, even if it takes longer than the required monitoring period of five years. Master Response 4 also states that "The LACFCD will conduct quantitative monitoring at the mitigation sites for at least five years and longer if the mitigation sites have not achieved the performance standards." Master Response 6 addresses the onsite and offsite compensatory mitigation sites and the Habitat Management Plan that must be submitted and approved by CDFW prior to Project implementation. The Habitat Management Plan will include the specifications for monitoring and management of the compensatory mitigation sites after they have achieved the established performance standards.

Response to Comment B5-13:

The comment claims that the RFEIR does not adequately mitigate the Project's impact on wildlife movement. The commenter is directed to Master Response 1 concerning the scope of the limited review conducted in the RFEIR and Master Response 6 concerning the location of mitigation. Additionally, the LACFCD notes that the commenter's stated concern, impacts to wildlife movement and the efficacy of MM BIO 1 through MM BIO-8, were included in the RFEIR only to the extent necessary to reflect the updates to information concerning MM BIO-6, -7 and -8. No challenge was brought, nor did the Court's ruling find any inadequacies, with the EIR's discussion of threshold of significance Biology-4 concerning wildlife movement – a topic which is part of the certified EIR and beyond challenge. Accordingly, the comment raises issues outside the scope of the RFEIR's review.

Response to Comment B5-14:

This comment states that the RFEIR does not adequately address the cumulative impacts to biological resources. Master Response 1 provides a response to this comment.

Response to Comment B5-15:

This comment requests additional air quality analysis to ensure that the use of EPA-compliant haul trucks will reduce the Project's significant NOx emissions to less than significant levels. Master Responses 1 and 3 address this comment.

Response to Comment B5-16:

This comment states that the RFEIR's conclusion that the revised MM AQ-1 will reduce NOx emissions to less than significant levels is unsupported. Master Responses 1 and 3 address this comment.

Response to Comment B5-17:

This comment states that substantial evidence demonstrates that the project's mitigated NOx emissions (with Model Year 2010 trucks) will exceed thresholds at congested intersections. Master Responses 1 and 3 address this comment.

Response to Comment B5-18:

The comment states that the FEIR does not adequately evaluate the health risk posed from exposure to diesel particulate matter emissions, released during the Project's sediment removal phase, and that the issue is not addressed in the RFEIR. Master Response 1 provides a response to this comment.

Response to Comment B5-19:

This comment requests that the LACFCD revise and recirculate the RFEIR. Master Response 1 addresses this comment.

Letter B5 Attachment A - SWAPE



Technical Consultation, Data Analysis and
Litigation Support for the Environment

2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G., C.Hg.
(949) 887-9013
mhagemann@swape.com

September 7, 2017

Mitchell Tsai
Mitchell M. Tsai, Esq.
1055 E. Colorado Boulevard, 5th Fl.
Pasadena, CA 91106

Subject: Comments on the Devil's Gate Reservoir Sediment Removal and Management Project

Dear Mr. Tsai:

We have reviewed the Recirculated Final Environmental Impact Report (RFEIR) for the Devil's Gate Reservoir Sediment Removal and Management Project ("Project") prepared by the Los Angeles County Flood Control District (LACFCD), as the lead agency under the California Environmental Quality Act (CEQA). The Project is located in the City of Pasadena, in Los Angeles County approximately 14 miles north of downtown Los Angeles. The sediment removal phase of the Project will haul approximately 7,650 CY of sediment per day using double dump trucks which have an estimated capacity of 16 to 20 CY. Removal of the sediment, vegetation, trees, and organic debris is expected to require an average of 50 round truck trips per hour, with an estimated maximum of 425 round trips per day during excavation activities. The trucks will drive through local neighborhoods, and the 134 and 210 Freeways. The diesel trucks will operate for an estimated 9 months per year, 6 days per week, for 5 years.

Our analysis of the RFEIR demonstrates that the RFEIR's finding that the Project's significant NO_x-related air quality impacts from on-road truck emissions would be mitigated to less than significant levels with implementation of Mitigation Measure (MM) AQ-1 is inaccurate and unsupported. As revised, MM AQ-1 would require all sediment removal dump trucks used for the Project to be exclusively Environmental Protection Agency's (EPA) Model Year 2010 (MY2010) trucks.¹ However, the table in the RFEIR which estimates the Project's mitigated NO_x emissions assuming the use of MY2010 trucks relies on outdated emissions estimates that have been replaced by recent in-use emissions studies which demonstrate that MY2010 and later engines, which contain selective catalytic reduction emission control systems (SCR) to reduce NO_x emissions pursuant to the EPA 2007 rules, emit between 5 to 18 times higher NO_x emissions

B5A-1

¹ RFEIR, p. 431.

than the EPA certification assumed.² The RFEIR fails to disclose this critical evidence, and fails to quantify mitigated emissions using current on-road emissions estimates.

The in-use emissions studies include a series of studies conducted by the University of California Riverside's Center for Environmental Research and Technology (CE-CERT) and prepared for SCAQMD.³ These studies provide substantial evidence demonstrating that the use of MY2010 trucks will result in lower NOx reductions – and consequently higher NOx emissions – than previously assumed by the District. An analysis of the CE-CERT studies is therefore critical to the District's evaluation of the efficacy of MM AQ-1.⁴

By failing to disclose and quantify the reduced in-use emissions reductions offered by MY2010 trucks, the RFEIR fails to accurately estimate the Project's mitigated emissions. Thus, the RFEIR's conclusion that the Project's NOx emissions will be reduced below SCAQMD levels of significance using MM AQ-1 alone is unsupported. The District must prepare an updated air quality analysis is prepared that adequately evaluates the effectiveness of the Project's proposed mitigation in reducing the significant NOx and other criteria air pollutant emissions generated during Project sediment removal activities. The RFEIR may not be certified until the District implements all feasible mitigation measures to reduce these significant impacts to less than significant levels.

**B5A-1
cont.**

Air Quality

As part of the proposed Project's goal to restore and maintain the flood capacity at the Devil's Gate Reservoir, the EIR developed an extensive sediment removal plan to provide flood protection for communities located downstream (FEIR, p. ES-1). According to information disclosed in the EIR, the Project proposes to remove approximately 2.4 million cubic yards (mcy) of excess sediment in the Reservoir (RFEIR, p. ii). Using hauling trucks with a 16 to 20 cy capacity, the Project proposes to haul approximately 7,650 cy of sediment per day from the Project site to several predetermined facilities (p. ES-5). The facilities that will be used for the majority of the proposed Project's sediment placement will include the Waste Management Facility in Azusa, the Vulcan Materials Reliance Facility in Irwindale, and the Manning Pit Sediment Placement Site (SPS) in Irwindale, while the Scholl Canyon Landfill will be used to dispose of vegetation and organic debris. Sediment may also be placed at the following disposal facilities in the Sunland area of Los Angeles: Sheldon Pit, Sun Valley Fill Site, Bradley Landfill, and Boulevard Pit (FEIR, p. 7). Furthermore, the EIR concludes that the Project's sediment removal and maintenance activities are "expected to require an average of approximately 50 truck trips per hour,

² Durbin, Thomas D, et al. (February 2017). Final Report: Heavy-Duty Chassis Dynamometer Test Program, p. 60; Miller, Wayne, et. al. (September 2013). In-Use Emissions Testing and Demonstration of Retrofit Technology for Control of On-Road Heavy-Duty Engines, available at http://www.cert.ucr.edu/research/efr/2013_AQMD_in-use_retrofit_Miller.pdf.

³ Durbin, Thomas D, et al. (February 2017). Final Report: Heavy-Duty Chassis Dynamometer Test Program, p. 60; Miller, Wayne, et. al. (September 2013). In-Use Emissions Testing and Demonstration of Retrofit Technology for Control of On-Road Heavy-Duty Engines, available at http://www.cert.ucr.edu/research/efr/2013_AQMD_in-use_retrofit_Miller.pdf.

⁴ Id.; see also http://www.cert.ucr.edu/research/efr/2016%20CW1%20LowNOx%20NG_Finalv06.pdf;

with an estimated 425 round hauling truck trips per day during excavation activities” for an estimated 9 months per year, 6 days per week, over a 5-year duration (FEIR, p. 22, p. 85).

As a result of the substantial number of hauling truck trips expected to occur during Project construction, the October 2014 FEIR determined that that the proposed Project would emit approximately 378 pounds per day (lbs/day) of NOx emissions, which significantly exceeds the South Coast Air Quality Management District’s (SCAQMD) daily threshold of 100 lbs/day (FEIR, p. 86). The FEIR concluded that with implementation of mitigation, the Project’s NOx emissions would be reduced to a less than significant level (p. 88). Specifically, the FEIR stated,

“As shown below in the impact discussions in AIR QUALITY-2 and AIR QUALITY-4, sediment removal activities have the potential to violate an air quality standard or contribute substantially to an existing or projected air quality violation. This is due to emissions of NOX exceeding the Daily Regional Thresholds during sediment removal, resulting in a potentially significant impact. Use of sediment removal dump trucks that meet EPA’s emission standards for Model Year 2007 and use of off-road equipment that meets, at a minimum, EPA’s emission standards for Tier 3 equipment, would result in a reduction of NOX emissions to less than the SCAQMD Regional Threshold for NOX. Implementation of Mitigation Measures MM AQ-1 and MM AQ-2 will result in a reduction of NOX emissions to less than the SCAQMD Regional Threshold for NOX” (p. 83).

**B5A-1
cont.**

The original FEIR incorrectly assumed that trucks required to meet the EPA’s 2007 or later emissions standards under MM AQ-1 would result in compliance with EPA Model Year 2010 levels (FEIR p. 84, p. 88). However, EPA regulations clearly states that EPA’s 2007 standards were phased in over a 3-year period for diesel truck engines in Model Years 2007-2010.⁵ Furthermore, EPA regulations state that only 50 percent of Model Year 2007 trucks are required to comply with EPA 2007 emissions standards, whereas 100 percent of Model Year 2010 trucks are required to comply with the standards.⁶ In response, a judgment from the Superior Court of the County of Los Angeles invalidating MM AQ-1 and requiring that portions of the FEIR be revised and recirculated. In response to the judgment, the RFEIR revised MM AQ-1 to state the following:

“LACFCD shall require all construction contractors during the sediment removal phase of the Proposed Project to use only sediment removal dump trucks that meet the EPA’s emission standards for Model Year 2010 or later” (RFEIR, ES-12).

Although the revisions made to MM AQ-1 in the recirculated portions of the FEIR now require that 100 percent of the Project’s hauling trucks must meet the EPA’s 2007 emissions standards, new evidence demonstrates that the use of Model Year 2010 hauling trucks will actually result in less effective NOx

⁵ “U.S. EPA 2007/2010 Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements”, available at: <http://www.meca.org/regulation/us-epa-20072010-heavy-duty-engine-and-vehicle-standards-and-highway-diesel-fuel-sulfur-control-requirements>

⁶ *Ibid.*

reductions than previously assumed. The District appears to have overlooked this critical information in preparing the RFEIR.

The CE-CERT studies, prepared between 2013 and 2017, conducted real-time in-use studies of truck emissions using heavy-duty chassis dynamometers to measure actual NOx and other air pollutant emissions. The studies concluded that Model Year 2010 (and later) trucks emit NOx at levels that are 5 to 18 times higher than the levels assumed in the original 2007 EPA certification standard. Because MM AQ-1 requires the use of MY2010 trucks, MM AQ-1 will similarly result in higher, unmitigated NOx emissions that are 5 to 18 times higher than the levels assumed in the RFEIR. An updated air quality analysis must be prepared which quantifies the Project's NOx emissions using the actual MY2010 performance emissions quantified in the CE-CERT studies. If the results of that study demonstrate that mitigated NOx emissions remain above applicable levels of significance (i.e. over 100 lbs/day), the District must implement additional mitigation measures to reduce NOx emissions from on-road trucks to less than significant levels.

**B5A-1
cont.**

New Evidence Provided in University of California Riverside's Center for Environmental Research and Technology Studies

CE-CERT conducted three recent studies on the in-use emissions generated by EPA Model Year 2007 and Model Year 2010 heavy-duty engines.⁷ The studies were prepared in response to concerns over the lack of data on the in-use emissions generated by diesel engines traveling under typical driving conditions. Prior to the CE-CERT studies, the only substantial test cycle research available on the ability of diesel engines equipped with DPFs and SCR systems to meet emissions certification levels had been done in a laboratory setting.⁸ Specifically, one study explains that, "although measurements in laboratories were showing NOx and PM emissions meeting the stringent certification standards, some values from in-use conditions were showing increased emissions of ammonia from LNG trucks and of NOx from diesel trucks".⁹ The CE-CERT studies were prepared for SCAQMD¹⁰ to provide a better understanding of actual emissions inventories on MY 2007 and MY 2010 trucks, and to provide further information for use in the development of regulations for in-use vehicles.

B5A-2

One of the CE-CERT's studies, *In-Use Emissions Testing and Demonstration of Retrofit Technology for Control of On-Road Heavy-Duty Engines*, evaluated sixteen heavy-duty vehicles used in transportation,

⁷ As the study explains, the most technologically advanced diesel engines available today are equipped with diesel particulate filters (DPFs) to meet PM standards for 2007 and newer engines and SCR systems to meet NOx standards for 2010 and newer engines *ibid*, pp. 15

⁸ Durbin, Thomas D, et al. (February 2017). Final Report: Heavy-Duty Chassis Dynamometer Test Program; Maldonado, Hector, et. al. (April 2007). Final Report: Evaluation of On-road Results from a Test of Heavy-Duty Trucks, p. ii; Miller, Wayne, et. al. (September 2013). In-Use Emissions Testing and Demonstration of Retrofit Technology for Control of On-Road Heavy-Duty Engines, p. xvi

⁹ *Ibid*, p. 1

¹⁰ See e.g. Miller, In-Use Emissions Testing and Demonstration of Retrofit Technology for Control of On-Road Heavy-Duty Engines, September 2013, prepared for Mr. Adewale Oshinuga, South Coast Air Quality Management District.

refuse, and goods movement applications to test the efficiency of emissions reductions resulting from retrofit technology.¹¹ The study concluded that, while NOx emissions were dependent upon multiple variables, shorter trip lengths and/or frequent stops during use resulted in significantly higher NOx emissions that exceeded the emissions certification level.¹² The study states,

“In summary, the data from this study suggests that 2010 compliant SCR-equipped HDD vehicles are exhibiting high in-use NOx emissions that can be as high as 2 g/hp-h under low load conditions represented by short trips or frequent stops... looking ahead, the overall results suggest NOx emissions are still a concern for selected activities, and SCR performance needs to be investigated during wide in-use, on-road operation to characterize its impact on local inventories.”¹³

**B5A-2
cont.**

The CE-CERT study concludes that heavy-duty diesel engine trucks emit in-use emissions that are up to an entire order of magnitude higher than their certification levels.¹⁴ Similarly, CE-CERT’s *Heavy-Duty Chassis Dynamometer Test Program* report tested five vehicles in four phases of the California Air Resource Board’s (CARB) Heavy Heavy-Duty Diesel Truck test cycles (i.e., idle, creep, transient, and cruise). The study concluded that creep cycle had the “highest NOx emissions on a g/mile or g/bhp basis since it is comprised of short, low-speed accelerations between periods of idle that yield lower loads and exhaust temperatures, and that cover a very short distance (0.124 miles)”.¹⁵ The studies note that emission levels vary depending on the type of vehicle, driving conditions, and the specific mode of engine operation. However, the studies provide clear and substantial evidence demonstrating that, under typical driving conditions, EPA-certified MY2007 and MY2010 heavy-duty trucks emit NOx emissions that exceed their emission certification levels, which therefore results in NOx emissions that may exceed applicable air quality thresholds.

Failure to Adequately Mitigate Significant Criteria Air Pollutant Emissions at Congested Intersections

As discussed above, the excess in-use NOx emissions documented in the CE-CERT studies undermines the RFEIR’s conclusion that the use of MY2010 trucks alone will be adequate mitigation to reduce the Project’s NOx emissions to less than significant levels. The RFEIR’s conclusion that NOx emissions will be “less than significant after mitigation” is therefore unsupported. Additionally, substantial evidence contained in the CE-CERT studies demonstrates that the Project trucks’ NOx emissions will remain significant and inadequately mitigated during periods in which the trucks are idling or creeping during heavy traffic conditions.

B5A-3

¹¹ Miller, Wayne, et. al. (September 2013). In-Use Emissions Testing and Demonstration of Retrofit Technology for Control of On-Road Heavy-Duty Engines, p. xvi

¹² *Ibid*, p. 117

¹³ Miller, Wayne, et. al. (September 2013). In-Use Emissions Testing and Demonstration of Retrofit Technology for Control of On-Road Heavy-Duty Engines.

¹⁴ For reference: emissions certification levels are 0.2 grams per break horsepower-hour (g/bhp-h).

¹⁵ *Ibid*, p. 9

The Project will require 425 round trip hauling truck trips per day to export sediment from the Project site. The traffic analysis in the FEIR demonstrates that those trucks will be reduced to minimal speeds or will be stuck in stop-and-go traffic at specific intersections near the Project site. The FEIR relies upon the Highway Capacity Manual (HCM) method to estimate the Project's impact to the level of service (LOS) at various intersections along the Project's proposed haul truck routes (FEIR, p. 245). According to the FEIR, HCM methodology determines LOS at a particular intersection based on the delay of vehicles at the intersection (FEIR, p. 245). The FEIR explains that, "the HCM bases its delay on an adjusted flow using a mean control delay for the highest 15 minute period within the hour. The LOS for signalized intersections ranges from LOS A, which indicates excellent operating conditions, to LOS F, which represents congested conditions with excessive vehicle delay" (see excerpt below) (TIA, p. 32).

**B5A-3
cont.**

TABLE 2-6
Caltrans Freeway Ramp HCM LOS Criteria

LOS	Freeway Ramp Density (pc/mi/ln)
A	≤ 10.0
B	> 10.0 and ≤ 20.0
C	> 20.0 and ≤ 28.0
D	> 28.0 and ≤ 35.0
E	> 35.0
F	Exceeds Capacity

Source: HCM 2000, Exhibit 25-4

According to the FEIR's analysis, "the Berkshire Place and I-210 eastbound ramps intersection is anticipated to operate at an unacceptable LOS during the AM peak hour, resulting in a temporary significant impact" (see excerpt below) (FEIR, p. 249).

**Table 3.16-3: LOS for Devil's Gate Reservoir to/from I-210 (eastern disposal sites),
Year 2014 with Project Traffic**

Intersection # / Name	AM					MID-DAY (12-2 PM)					MID-DAY (2-4 PM)					PM						
	LOS	HDM	HDM Delay	V/C	LOS	LOS	HDM	HDM Delay	V/C	LOS	LOS	HDM	HDM Delay	V/C	LOS	LOS	HDM	HDM Delay	V/C	LOS	LOS	
1 Berkshire Place and I-210 eastbound ramps	F		51.4	-	-	B	10.8	-	-	C	23.7	-	-	D	31.6	-	-					
2 Berkshire Place and I-210 westbound ramps	A		9.5	-	-	A	4.9	-	-	A	7.2	-	-	A	3.8	-	-					
3 Oak Grove Drive and Berkshire Place	B		19.2	0.93	B	A	5.6	0.29	A	A	8.4	0.57	B	A	8	0.57	B					B
4 Oak Grove Drive and Foothill Freeway Overpass	C		19.2	-	-	A	9.6	-	-	A	9.5	-	-	B	11.3	-	-					
5 Windsor Avenue and Oak Grove Drive/Woodbury Road	C		34.7	0.94	D	B	14.3	0.54	A	B	17.1	0.58	A	C	24.9	0.76	C					C
6 Windsor Avenue/Arroyo Boulevard and I-210 westbound ramps	B		10.4	0.66	B	A	6	0.31	A	A	7.3	0.41	A	A	8.2	0.45	B					B

The FEIR asserts that the impact to the Berkshire Place and I-210 eastbound ramps would be reduced by use of an alternative truck route (FEIR, p. 249). However, the FEIR admits that, while conditions under the alternative route are expected to result in a LOS C or better at the intersection, the use of the proposed alternative route relies upon the uncertain subsequent approval of new traffic control measures by the City of Pasadena that the District has not obtained:

**B5A-3
cont.**

“Proposed Project haul trucks would avoid using the Berkshire Place and I-210 eastbound ramps intersection during the AM peak period by instead using the Windsor/Arroyo and I-210 ramps. This would require the median on Oak Grove Drive to be restriped to a Two Way Left Turn Lane (TWLTL). Trucks exiting the Devil's Gate Reservoir driveway will cross the two lanes of oncoming westbound traffic on Oak Grove Drive and utilize the TWLTL if necessary to merge into the eastbound traffic. The changes to Oak Grove Drive would require the approval of the City of Pasadena” (FEIR, p. 250) (emphasis added).

The FEIR subsequently notes that the alternative route’s requirements “cannot be legally imposed by the LACFCD since the location is under the jurisdiction of the City of Pasadena” and that although “every reasonable effort will be made to coordinate with and receive approval to implement this impact reduction measure” the Lead Agency cannot guarantee that this measure will actually be implemented (FEIR, p. 250). The FEIR ultimately concedes that “these temporary impacts could remain potentially significant” (FEIR, p. 271). Therefore, the Project’s haul truck route is likely to include substantial traffic delays at one or more intersections with LOS F conditions.

As stated above, according to the FEIR, a LOS F intersection is characterized as having “congested conditions” and “excessive vehicle delay” (FEIR, p. 246), which describes the conditions under which in-use NOx emissions were found to be the highest in the studies conducted by CE-CERT (see section titled New Evidence Provided in University of California Riverside’s Center for Environmental Research and Technology Studies). Therefore, there is substantial evidence showing that the FEIR’s previous conclusion that the Project’s NOx-related air quality impact would be mitigated by implementation of MM AQ-1 is incorrect and unsupported, as this traffic impact is likely to generate substantially higher NOx emissions due to potential queuing and stop-and-go traffic resulting from the Berkshire Place and I-210 eastbound intersection. For example, according to the *Heavy-Duty Chassis Dynamometer Test Program* report, in-use NOx emissions were found to be the highest during the creep cycle (i.e., short, low-speed accelerations between periods of idle), where the highest emissions were found to be 3.613 g/bh-hr.¹⁶ This emissions estimate is approximately 18 times higher than the 0.2 g/bh-hr NOx certification level. Therefore, the RFEIR’s exclusive reliance on the use of MY2010 trucks to reduce the Project’s NOx emissions is inadequate, as the potential in-use emissions resulting from use of MY2010 diesel trucks that are queuing and idling at the Berkshire Place and I-210 eastbound ramp intersection could be up to 18 times higher than what is anticipated by the RFEIR. The fact that the Berkshire Place and I-210 eastbound intersection will operate at an LOS level F demonstrates that trucks passing through this intersection will be forced into the slow moving and short, low-speed acceleration conditions that have been shown by the CE-CERT studies to emit significantly higher levels of NOx emissions. Thus, slow traffic conditions may cause the MY2010 trucks to emit up to 18 times more NOx than the RFEIR assumes, potentially resulting in severe and unmitigated NOx emissions.

**B5A-3
cont.**

Based on our review of the CE-CERT studies, the data contained in them, and the Project’s air quality and traffic analyses, we conclude that this traffic-related impact, in combination with the Project’s existing significant NOx and other criteria air pollutant emissions, has the potential to cause the Project’s NOx emissions to exceed SCAQMD thresholds using MY2010 trucks, thus resulting in significant and unmitigated air quality impacts.

Moreover, the RFEIR’s assertion that the Project’s construction-related NOx emissions would be reduced from approximately 378 lbs/day to just 82 lbs/day emissions through the use of Model Year 2010 hauling trucks is unsupported. Therefore, we find that the RFEIR lacks substantial evidence to support the conclusion that the Project would not result in a significant air quality impact, and specifically that the RFEIR lacks evidence on which to conclude that MM AQ-1 will mitigate NOx emissions to less than significant levels. In contrast, there is substantial evidence suggesting that the air quality impacts from the Project’s 425 daily hauling truck trips will not be adequately mitigated. The RFEIR cannot be certified until an updated air quality analysis is prepared that adequately evaluates the effectiveness of mitigating the Project’s NOx emissions generated during sediment removal activities, and mitigates those emissions to less than significant levels.

¹⁶ Durbin, Thomas D, et al. (February 2017). Final Report: Heavy-Duty Chassis Dynamometer Test Program, p. 60

Health Risks from Diesel Particulate Matter Underestimated

In an effort to determine the potential excess cancer risk posed to nearby sensitive receptors from diesel particulate matter (DPM) emitted by sediment transportation activities and operational maintenance, the October 2014 FEIR prepared a health risk assessment (HRA). However, our review of the HRA demonstrates that there are multiple incorrect assumptions made within the health risk assessment calculation itself. As a result, the excess cancer risk is underestimated, and should not be relied upon to determine Project significance. Our review of estimated Project emissions of DPM from sediment removal activities and operational maintenance determined that significant air quality impacts may be generated through the use of diesel-fueled heavy-duty trucks. Given that the CE-CERT studies NOx emissions in MY2010 trucks remain higher than originally estimated, and the RFEIR has increased the mitigated emissions estimates for off-road construction vehicles,¹⁷ it is apparent that the RFEIR has underestimated mitigated DPM emissions. The use of MY2010 trucks alone, as required under MM AQ-1, is therefore not guaranteed to reduce DPM emissions to less than significant levels. The RFEIR should be revised and recirculated and include an updated health risk assessment that more accurately estimates the potential cancer risk from.

B5A-4

Failure to Account for Tire Wear and Brake Wear Emissions in Air Dispersion Model

Appendix C of the FEIR discusses the assumptions and values utilized to determine the health risk posed to nearby sensitive receptors. According to Appendix C, the emission rates used to determine the concentration of PM10 emitted during sediment transportation activities were derived from emission factors utilized in the FEIR's Air Quality Analysis (Appendix B) (Appendix C, p. 12). The report states, that "the Air Quality Analysis found that the haul trucks on surface streets would have PM10 emissions rates of 0.1461 grams per mile during the sediment removal activities (year 2015) and 0.0493 grams per mile during the operational maintenance activities (year 2020)...this results in emission rates of 4.340E-06 grams per second for the sediment removal phase and 1.465E-06 grams per second for the operational maintenance phase, which was used in AERMOD for all road volume line sources" (Appendix C, p. 12). These emission rates, inputted into the air dispersion model AERMOD, however, only include the PM10 running exhaust emissions emitted by the heavy-duty sediment transport trucks. The emission rate inputted into AERMOD fails to incorporate PM10 emissions from tire wear and from brake wear. As a result, the PM10 concentration at each sensitive receptor location is greatly underestimated.

B5A-5

EMFAC2011 estimates the directly emitted emissions of total PM10 by calculating the emissions from exhaust, tire wear, and brake wear.¹⁸ Particulate matter from brakes and tires is defined as the airborne portion of the "wear" that can be created by abrasion, corrosion, and turbulence.¹⁹ These wear processes result in particles being suspended in the atmosphere. The size, chemical composition, and emission rate of particles arising from such sources contributes to atmospheric particle concentrations. The emissions from tire and brake wear are greater in heavy-duty haul trucks when compared to

¹⁷ RFEIR, p. 692.

¹⁸ <http://www.arb.ca.gov/msei/emfac2011-documentation-final.pdf>, p. 105

¹⁹ "Brake and Tire Wear Emissions from On-road Vehicles in MOVES2014." U.S. EPA, December 2014, available at: <file:///C:/Users/Rob1/Downloads/420R14013.PDF>, p. 2

passenger cars because the mass of the vehicle that requires slowing down or stopping is far greater.²⁰ This also results in the use of larger brake pads and an increase in the quantity of brake pads installed due to the number of wheels typically seen on a heavy-duty haul truck; all of these factors contribute to the rate at which particulate matter is being emitted. By not including the PM10 emissions that would occur from braking and general tire abrasion during sediment transportation, the total directly emitted PM10 emissions are vastly underestimated. An updated FEIR should be prepared to correct for this issue, and should conduct a revised health risk assessment to accurately represent the health risks posed to nearby sensitive receptors.

B5A-5
cont.

Failure to Incorporate Age Sensitivity Factors

The FEIR fails to take into account age specific factors for children and infants within the health risk calculation. The health risk assessment conducted in the FEIR does not (1) adjust the daily breathing rate to account for children and infants; and (2) does not apply an Age Sensitivity Factor to the risk posed to children and infants. As a result, the potential excess cancer risk posed to children and infants is not accurately represented, and the health risk assessment in the FEIR should not be relied upon to determine Project significance.

Age Sensitivity Factors

The District's failure to apply an Age Sensitivity Factor to its health risk assessment calculations violates basic health risk assessment parameters defined by California's Office of Environmental Health Hazard Assessment (OEHHA).²¹ According to OEHHA's 2015 *Guidance Manual for Preparation of Health Risk Assessments*, "cancer risk is calculated by multiplying the daily inhalation or oral dose, by a cancer potency factor, the age sensitivity factor, the frequency of time spent at home, and the exposure duration divided by averaging time, to yield the excess cancer risk."²² OEHHA explicitly states that the excess cancer risk should be calculated separately for each age grouping. According to OEHHA, "studies have shown that young animals are more sensitive than adult animals to exposure to many carcinogens...therefore, OEHHA developed age sensitivity factors (ASFs) to take into account the increased sensitivity to carcinogens during early-in-life exposure." The guidance document continues on to explain that "in the absence of chemical-specific data, OEHHA recommends a default ASF of 10 for the third trimester to age 2 years, and an ASF of 3 for ages 2 through 15 years to account for potential increased sensitivity to carcinogens during childhood."²³

B5A-6

OEHHA is tasked by the State with developing guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code Section 43360(b)(2)). OEHHA initially

²⁰ <http://www.epa.gov/otag/models/moves/documents/420r14013.pdf>, p. 2

²¹ The Project's original health risk assessment was prepared prior to the approval of OEHHA's final guidance, which was formally adopted in March of 2015. However, there were many technical support documents (TSDs) available that were published and formally adopted by OEHHA prior to the time the analysis was conducted (October 2014) which recommend the use of ASFs. Moreover, the District had the opportunity to correct this error in the RFEIR, but failed to do so.

²² http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf

²³ http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-4

developed Technical Support Documents (TSDs) in 1999-2000 in response to this statutory requirement. Since 2000, they have revised and adopted TSDs in an effort to present updated methodologies that reflect scientific knowledge and techniques developed since the previous guidelines were prepared; in particular, to explicitly include consideration of possible differential effects on the health of infants, children and other sensitive subpopulations, in accordance with the mandate of the Children's Environmental Health Protection Act (Senate Bill 25, Escutia, Chapter 731, Statutes of 1999, Health and Safety Code Sections 39669.5 et seq.).²⁴

In May 2009, OEHHA formally adopted the *Technical Support Document for Cancer Potency Factors*.²⁵ This TSD provides the Age Sensitivity Factors (ASF) recommended by OEHHA and the USEPA, stating that "OEHHA is applying the ASF of 10 for exposures during the third trimester of pregnancy to age 2..." and an ASF of 3 for ages 2 to 16.²⁶ The document continues on to state that "this timetable was also selected by U.S. EPA (2005) in their supplemental guidance for assessing early-life susceptibility to carcinogens."²⁷

The FEIR failed to incorporate ASFs into the Project's health risk assessment calculations, and the RFEIR makes the same error by not revising the original HRA. Not only is this inconsistent with OEHHA's 2015 guidance manual, but it is also inconsistent with the numerous TSDs published and formally approved prior to the preparation of the FEIR by OEHHA, which all explicitly state that ASFs should be utilized when conducting health risk assessments. Omission of these factors result in an underestimation of the potential health risk posed to infants and children.

**B5A-6
cont.**

Age Specific Inhalation Rates

The District's failure to apply an age specific inhalation rate to the risk calculation is also contrary to guidelines specified by OEHHA. Exposure through inhalation is a function of the breathing rate, the exposure frequency, and the concentration of a substance in the air. According to OEHHA, "for residential exposure, the breathing rates are determined for specific age groups, so inhalation dose is calculated for each of these age groups..." The document explicitly states that "these age specific groupings are needed in order to properly use the age sensitivity factors for cancer risk assessments."²⁸ Therefore, the health risk assessment should not only apply age sensitivity factors to the appropriate age group, but it should also apply the appropriate inhalation rate to each age group. The Project's health risk analysis fails to include this information and, therefore, does not provide an accurate assessment of health risks from DPM emissions.

²⁴ http://www.oehha.ca.gov/air/hot_spots/tsd052909.html

²⁵ "Technical Support Documentation for Cancer Potency Factors." OEHHA, May 2009, available at: <https://oehha.ca.gov/media/downloads/crn/tdcancerpotency.pdf>

²⁶ http://www.oehha.ca.gov/air/hot_spots/2009/TSDCancerPotency.pdf, p. 61

²⁷ http://www.oehha.ca.gov/air/hot_spots/2009/TSDCancerPotency.pdf, p. 60

²⁸ http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 5-23

Breathing rates for children and infants were also adopted by OEHHA prior to the time the analysis was conducted (October 2014). In August of 2012, OEHHA formally adopted the *Technical Support Document for Exposure Assessment and Stochastic Analysis*.²⁹ Chapter three of this document discusses “age-specific breathing rates for use in health risk assessments for short-term exposure...and for long-term daily average exposures resulting from continuous or repeated 8-hour exposure.”³⁰ OEHHA recommends the long-term daily breathing rates in Table 3.1 of this document (see excerpt below).

Table 3.1. Recommended Point Estimates for Long-Term Daily Breathing Rates

	3 rd Trimester	0<2 years	2<9 years	2<16 years	16<30 years	16<70 years
L/kg-day						
Mean	225	658	535	452	210	185
95th Percentile	361	1090	861	745	335	290
m³/day						
Mean	15.3	6.2	10.7	13.3	15.0	13.9
95th Percentile	23.4	11.2	16.4	22.6	23.5	22.9

**B5A-6
cont.**

Therefore, these breathing rates should have been applied at the time the analysis was conducted, and should be applied now in an updated health risk assessment in an effort to determine the potential cancer risk posed to children and infants living near the Project site.

Updated Health Risk Assessment Indicates Cancer Risk above Thresholds

In an effort to determine a more accurate health risk, we conducted our own analysis to correct for these issues.³¹ Prior to the approval of the Project, the FEIR originally proposed to remove approximately 2.9 million cubic yards of sediment from an approximately 120-acre site; this option, however, was not implemented. Instead, Alternative 3, Configuration D, Option 2, otherwise known as the “Environmentally Superior Alternative,” was approved and implemented. Consistent with the sediment removal activities discussed in the Permit Application, the Environmentally Superior Alternative proposed to remove approximately 2.4 million cubic yards of sediment from an approximately 71-acre site (FEIR Table ES-2, p. ES-21). Even though the quantity of sediment removed is slightly less than the originally proposed Project and less acreage would be affected, the LACDPW indicated that the daily activity level would not be less (FEIR Appendix B, p. 40). The LACDPW still estimates a rate of removal of 7,650 cubic yards per day over a five year period and an average of 425 trucks per day travelling to the same disposal sites. Furthermore, the LACDPW expects the staffing needs and schedules to remain the same under the Environmentally Superior Alternative (FEIR Appendix B, p. 40). Due to the fact that the removal activities between the originally proposed Project and the approved Alternative will remain the same, we estimated the health risk posed to nearby sensitive

B5A-7

²⁹ http://www.oehha.ca.gov/air/hot_spots/tsd082712.html

³⁰ “Final Technical Support Document for Exposure Assessment and Stochastic Analysis.” OEHHA, August 2012, available at: <https://oehha.ca.gov/media/downloads/crn/chapter32012.pdf>, pp. 1

³¹ Note that we calculated cancer risk using the factors identified in the FEIR / RFEIR. We did not update the FEIR’s emission factors to include the tire wear and brake wear emissions, and as a result, did not update the PM10 concentrations modeled in AERMOD. Therefore, the Project’s potential cancer risk is likely to be higher than the calculations included in our analysis.

receptors using the various parameters and assumptions specified in the FEIR for the originally proposed Project.

The Project is anticipated to occur in two phases: (1) Sediment Removal Phase, also referred to as the “construction” phase; and (2) Reservoir Management Phase, also referred to as Operational Maintenance (FEIR, p. ES-7). The Sediment Removal Phase “is expected to occur over the course of approximately 5 years” starting in summer of 2015 (FEIR, p. ES-7). The Reservoir Management Phase “is expected to start after the completion of the main Sediment Removal Phase” (FEIR, p. ES-7). According to the FEIR Air Quality Analysis (Appendix B), the Sediment Removal activities will occur 235 days per year for five years, and the Reservoir Management activities will occur 65 days per year (Appendix B, p. 7 of 30). Therefore, in order to accurately calculate the exposure frequency that nearby sensitive receptors will be subject to, we substituted the default exposure frequency of 350 days per year with these values.

OEHHA recommends that an exposure duration (residency time) of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (MEIR), with the exposure duration starting in the third trimester to accommodate for the increased susceptibility of exposures in early life.³² Utilizing the information specified in the FEIR and the values recommended by OEHHA, we assumed that the proposed Project would occur over 30 years, with the Sediment Removal Phase beginning during the third trimester of a woman’s pregnancy and occurring for five years, and we assumed that the Reservoir Management Phase would begin after the completion of the first phase, and would continue for an additional 25 years.

We conducted an exposure assessment utilizing a residential duration of 30 years, starting at the third trimester of a woman’s pregnancy. OEHHA recommends using an exposure duration of 0.25 years for the third trimester, and an age sensitivity factor of 10.³³ From age zero to two, we applied an age sensitivity factor of ten, and from age two to sixteen, we applied an age sensitivity factor of three, per OEHHA guidance.³⁴ OEHHA also recommends that the 95th percentile breathing rates for each age group be used to determine risk.³⁵ Appendix C of the FEIR specifies that the maximally exposed individual resident (MEIR) for Haul Routes 1A/1E and for Haul Routes 1B/1F is sensitive receptor eight, with an annual concentration of 0.08 µg/m³ during the Sediment Removal Phase, and 3.4 x 10⁻⁴ µg/m³ during the Reservoir Management Phase (Appendix C, p. 14-16). The results of our calculations are summarized in the table below.

**B5A-7
cont.**

Description	Parameter	Units	Excess Health Risk for Maximally Exposed Individual Resident				Total
			3rd Trimester	0 - < 2 years	2 - < 5 years	5 - < 16 years	
Age Group	-	-					-

³² http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-6

³³ http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 8-6

³⁴ http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, Table 8.3, p. 8-5

³⁵ http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf, p. 5-23, 5-24

Exposure Duration	ED	years	0.25	2	2.75	11	14	30
Age Sensitivity Factor	ASF	-	10	10	3	3	1	-
Daily Breathing Rate	DBR	L/kg-day	361	1090	745	745	335	-
Average Daily Dose	-	mg/kg-day	9.89E-08	2.39E-06	2.25E-06	3.82E-08	1.89E-08	-
Cancer Potency Factor for DPM	CPF	1/(mg/kg-day)	1.1	1.1	1.1	1.1	1.1	-
Exposure Frequency	EF	days/year	235	235	235	65	65	-
Averaging Time	AT	days	25550	25550	25550	25550	25550	-
Concentration	Cair	µg/m ³	0.08	0.08	0.08	0.00034	0.00034	-
Cancer Risk	-	-	7.30E-07	1.76E-05	4.97E-06	2.34E-08	4.46E-09	2.34E-05

The excess cancer risk at sensitive receptor location eight, during both phases of the proposed Project, would result in an estimated excess cancer risk of 23.4 in one million, which far exceeds SCAQMD's significance threshold of 10 in one million.³⁶ Using the same methods and input parameters as above, we calculated estimated excess cancer risks at the various residential sensitive receptors identified by the FEIR's Health Risk Assessment technical report (Appendix C). The results of these calculations are summarized in the table below.

Residential Sensitive Receptor	Haul Route	Annual Concentration (µg/m ³)		Excess Cancer Risk	Excess Cancer Risk in One Million	SCAQMD Threshold	Exceed?
		Sediment Removal	Operational Maintenance				
1	2A	0.0089	0.00043	2.63E-06	2.63	10	No
2	2A	0.0089	0.00040	2.63E-06	2.63	10	No
3	2A	0.0075	0.00019	2.20E-06	2.20	10	No
4	2A	0.0077	0.00016	2.26E-06	2.26	10	No
5	2A	0.0050	0.00028	1.48E-06	1.48	10	No
6	2A	0.0007	0.00005	2.08E-07	0.21	10	No
3	1A/1E	0.0481	0.00117	1.41E-05	14.14	10	Yes
6	1A/1E	0.0340	0.00016	9.94E-06	9.94	10	No
7	1A/1E	0.0561	0.00027	1.64E-05	16.40	10	Yes
8	1A/1E	0.0800	0.00034	2.34E-05	23.38	10	Yes
9	1A/1E	0.0583	0.00012	1.70E-05	17.03	10	Yes
10	1A/1E	0.0301	0.00003	8.79E-06	8.79	10	No
11	1A/1E	0.0116	0.00001	3.39E-06	3.39	10	No
3	1B/1F	0.0481	0.00117	1.41E-05	14.14	10	Yes
6	1B/1F	0.0340	0.00016	9.94E-06	9.94	10	No
7	1B/1F	0.0561	0.00027	1.64E-05	16.40	10	Yes
8	1B/1F	0.0800	0.00034	2.34E-05	23.38	10	Yes
9	1B/1F	0.0583	0.00012	1.70E-05	17.03	10	Yes

³⁶ <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>

**B5A-7
cont.**

10	1B/1F	0.0303	0.00003	8.85E-06	8.85	10	No
11	1B/1F	0.0119	0.00001	3.47E-06	3.47	10	No
1	4A/B	0.0039	0.00022	1.16E-06	1.16	10	No
2	4A/B	0.0020	0.00008	5.90E-07	0.59	10	No
3	4A/B	0.0089	0.00051	2.64E-06	2.64	10	No

As is indicated in the table above, eight of the roughly 23 residential receptors identified in Appendix C of the FEIR would have an estimated cancer risk value greater than SCAQMD's significance threshold. Our analysis demonstrates that when the health risk assessment is conducted using the recommended procedures and values set forth by OEHHA, the excess cancer risk posed to the maximally exposed individual resident (MEIR) far exceeds SCAQMD's significance threshold of 10 in one million. It should be noted that our analysis does not provide the most conservative estimate. As previously stated, the emissions from tire wear and brake wear in heavy-duty trucks were not accounted for in the Health Risk Assessment. As a result, the particulate matter concentration at any given point is most likely much greater than the values calculated in the FEIR's AERMOD. An EIS should be prepared to include a revised modeling effort that accounts for the tire wear and brake wear emissions, and subsequently, an updated health risk assessment should be also prepared to include these new values and recommended OEHHA age specific factors.

**B5A-7
cont.**

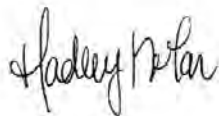
Sincerely,



Paul E. Rosenfeld, Ph.D.



Matt Hagemann, P.G., C.Hg.



Hadley Nolan

Responses to Letter B5 – Attachment A - SWAPE

Response to Comment B5A-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the RFEIR's conclusion that the revised MM AQ-1 will reduce NOx emissions to less than significant levels is inaccurate and unsupported.

The commenter is directed to Master Response 1 concerning the scope of the limited review conducted in the RFEIR and Master Response 3 concerning the less than significant air quality impacts of the Approved Project. Further, the commenter mentions studies that do not directly address the Approved Project and that were prepared in 2017, after the Court's ruling on the adequacy of the EIR's air quality analysis. Comments requesting additional analysis of air quality impacts are outside the scope of the RFEIR and, as such they are not required to be addressed in the RFEIR. (September 26, 2017 Reporters Transcript, p. 23:1-4 [COURT: "I don't think that any additional analysis required on the truck issue. That's just a change of wording that had support for it in the EIR to begin with".])

Response to Comment B5A-2:

This comment summarizes new technical studies regarding emissions generated by EPA Model Year 2007 and Model Year 2010 trucks. Please see Master Response 1, Master Response 3, and Response to Comment B5A-1.

Response to Comment B5A-3:

This comment requests additional air quality analysis, specifically to address air pollutant emissions at congested intersections. The commenter is directed to Master Response 1 concerning the scope of the limited review conducted in the RFEIR and Master Response 3 concerning the less than significant air quality impacts of the Approved Project. The comment includes contentions regarding the adequacy of the EIR's traffic analysis, a topic not raised in litigation concerning the adequacy of the EIR, which is not a subject of the Court's ruling, and is a part of the EIR that remains certified and beyond challenge. Please also see Response to Comment B5A-1.

Response to Comment B5A-4:

This comment requests additional air quality analysis, specifically to address health risks from diesel particulate matter. The commenter is directed to Master Response 1 concerning the scope of the limited review conducted in the RFEIR and Master Response 3 concerning the less than significant air quality impacts of the Approved Project. The comment includes contentions regarding the adequacy of the EIR's health risk assessment, a topic not raised in litigation concerning the adequacy of the EIR, which is not a

subject of the Court's ruling, and is a part of the EIR that remains certified and beyond challenge. Please also see Response to Comment B5A-1.

Response to Comment B5A-5:

This comment requests additional air quality analysis, specifically to account for tire wear and brake wear emissions. The commenter is directed to Master Response 1 concerning the scope of the limited review conducted in the RFEIR and Master Response 3 concerning the less than significant air quality impacts of the Approved Project. This comment requests additional air quality analysis, specifically to address tire wear and brake wear emission in the air dispersal model, a topic not raised in litigation concerning the adequacy of the EIR, which is not a subject of the Court's ruling, and is a part of the EIR that remains certified and beyond challenge. As such there is no requirement to address these comments in the RFEIR. (September 26, 2017 Reporters Transcript, p. 23:1-4 [COURT: "I don't think that any additional analysis required on the truck issue. That's just a change of wording that had support for it in the EIR to begin with"].)

Response to Comment B5A-6:

This comment requests the air quality analysis and health risk analysis presented in the Final EIR be updated to address age sensitivity factors and age specific inhalation rates. The commenter is directed to Master Response 1 concerning the scope of the limited review conducted in the RFEIR and Master Response 3 concerning the less than significant air quality impacts of the Approved Project. This comment requests the air quality analysis and health risk analysis presented in the Final EIR be redone to address age sensitivity factors and age specific inhalation rates, a topic not raised in litigation concerning the adequacy of the EIR, which is not a subject of the Court's ruling, and is a part of the EIR that remains certified and beyond challenge. As such there is no requirement to address these comments in the RFEIR. (September 26, 2017 Reporters Transcript, p. 23:1-4 [COURT: "I don't think that any additional analysis required on the truck issue. That's just a change of wording that had support for it in the EIR to begin with"].)

Response to Comment B5A-7:

This comment states the health risk assessment presented in the Final EIR is inaccurate. Please see response B5A-4.

Letter B5 Attachment B - Scott Cashen, M.S.

Scott Cashen, M.S.—Independent Biological Resources Consultant

September 5, 2017

Mr. Mitchell M. Tsai
350 West Colorado Boulevard, Suite 225
Pasadena, CA 91105

Subject: Comments on the Recirculated Final Environmental Impact Report and Mitigation and Monitoring Program for the Devil's Gate Sediment Removal and Management Project

Dear Mr. Tsai:

This letter contains my comments on the Recirculated Final Environmental Impact Report and Mitigation and Monitoring Program ("RFEIR") prepared by the Los Angeles County Flood Control District ("LACFCD") for the Devil's Gate Sediment Removal and Management Project ("Project"). My comments focus on the revisions that were made to the Final Environmental Impact Report in response to the ruling issued by the Superior Court of the County of Los Angeles on April 17, 2017.

I am an environmental biologist with 24 years of professional experience in wildlife ecology and natural resource management. I have served as a biological resources expert for over 100 projects in California. My experience and scope of work in this regard has included assisting various clients with evaluations of biological resource issues, reviewing environmental compliance documents prepared pursuant to the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA"), and submitting written comments in response to CEQA and NEPA documents. My work has included the preparation of written and oral testimony for the California Energy Commission, California Public Utilities Commission, and Federal courts. My educational background includes a B.S. in Resource Management from the University of California at Berkeley, and a M.S. in Wildlife and Fisheries Science from the Pennsylvania State University. A true and correct copy of my current curriculum vitae is attached hereto.

The comments herein are based on my review of the environmental documents prepared for the Project, a review of scientific literature pertaining to biological resources known to occur in the Project area, consultations with other biological resource experts, and the knowledge and experience I have acquired during more than 24 years of working in the field of natural resources management.

Basis for the 1:1 Compensatory Mitigation Ratio

The RFEIR makes the following claims to support its argument that a 1:1 compensatory mitigation ratio would be sufficient to mitigate the Project's impacts on wetlands, riparian vegetation, and sensitive natural communities:

1. Projects that had mitigation ratios of 1:1 or less were successful in achieving or exceeding the mitigation acreage required in the permits.
2. Consistent with state and federal policies, mitigation implemented for other projects has been successful in achieving "no net loss" of wetlands.
3. The City of Riverside and regulatory agencies have established the precedent by requiring compensatory mitigation at a 1:1 ratio for other projects that impacted wetlands, riparian vegetation, or other sensitive natural communities.¹

These claims are unsupported by the very documents that the RFEIR relies on for support, are inconsistent with what I have seen required for similar projects, and are inconsistent with the scientific literature I have reviewed during my 24-year career. I carefully examined the documents cited in the RFEIR, along with additional documents that I obtained through a literature search. The subsequent section contains my comments on each of the three claims made in the RFEIR.

The RFEIR's Claim (Claim 1) that projects that had mitigation ratios of 1:1 or less were successful in achieving or exceeding the mitigation acreage required in the permits is inaccurate, misleading, and unsupported.

B5B-1

The RFEIR cites the comparative study conducted by researchers at UCLA and UCSF (Ambrose et al. 2007) as evidence that other projects requiring 1:1 mitigation were successful in achieving or exceeding the required mitigation (hereafter referred to as the "Ambrose study").²

Ambrose et al. (2007) evaluated permit files associated with 143 projects that were required to provide compensatory mitigation under Section 401 of the Clean Water Act. According to the RFEIR: "[a]pproximately 16 percent of the 143 permits evaluated required mitigation ratios of 1:1 or less and approximately 70 percent of those projects were successful in achieving or exceeding the mitigation acreage required in the permits."³ Therefore, the RFEIR acknowledges: (1) 84% of the permits required a mitigation ratio *greater than* 1:1, and (2) 30% of the projects that required mitigation ratios of 1:1 (or less) *failed* to achieve the required acreage. Contrary to the conclusions in the RFEIR, not only did the Ambrose study demonstrate that most projects were required to provide a mitigation ratio greater than 1:1, but it also demonstrated that many projects were required to provide a ratio substantially greater than 1:1. Specifically, data in the study demonstrate that it was not uncommon for permits to require a mitigation

¹ RFEIR, pp. 130K and 130L.

² RFEIR, p. 130K.

³ RFEIR, p. 130K.

ratio ranging from 5:1 to 7:1, and that a few even required mitigation in excess of 10:1.⁴ Data provided in the Ambrose study further demonstrate that projects with higher mitigation ratios were more likely to achieve the “no net loss” standard than projects with lower mitigation ratios, even if they did not achieve the acreage required by the permits.⁵

As highlighted in the RFEIR, only 23 of the 143 projects (16%) were required to provide mitigation at a ratio of 1:1 or less, and of those projects, only 16 achieved the acreage requirement. Clearly, the fact that a few projects have had to provide mitigation at a ratio of 1:1 (or less), and that some of those project have been “successful,” is not sufficient rationale to conclude a 1:1 ratio “would ensure the mitigation would fully offset the impacts of the Proposed Project.”⁶ The flaws with this reasoning become even more apparent if one examines the 23 projects referenced in the RFEIR (i.e., the 23 projects that required a mitigation ratio of 1:1 or less).⁷

First, impacts associated with the proposed Project are not comparable to the projects in the Ambrose study that had a 1:1 mitigation requirement (or less). Specifically, most of the projects that had a 1:1 mitigation requirement were extremely small (i.e., median 0.38 acres of impacts to wetlands).⁸ In addition, most of the projects were limited to temporary impacts, did not have any significant effects on the site’s hydrology, or both. For example, the Arroyo de Laguna Project, which is one of the “1:1” projects listed in Appendix L of the RFEIR, entailed removing silt from a flood control channel.⁹ Although the project impacted wetland vegetation in the channel, it did not have any impacts on wetland acreage. Furthermore, the 401 permit requirements were limited to monitoring regrowth within the channel, and planting riparian vegetation atop the channel banks. Because the project did not eliminate any wetland acreage, and because the permit did not require the creation or restoration of wetland habitat, Ambrose et al. (2007) concluded this project met the 1:1 mitigation requirement. However, the authors noted that many of the plantings installed as mitigation had died, and those that survived did not comply with the permit’s requirement for trees that would provide shading of the channel (i.e., they were installed at least 200-300 feet upslope, along a graded road near the highway).¹⁰

**B5B-1
cont.**

⁴ Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. Tables 3-1 and 11-2.

⁵ Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. Tables 3-1 and 11-2.

⁶ RFEIR, p. 130L.

⁷ RFEIR, Appendix L.

⁸ Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. Table 11-2.

⁹ *Ibid*, pp. 196 and 354.

¹⁰ Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. Appendix 4: Detailed Discrepancy Analysis Results, and Appendix 12: Site Narratives.

Second, four of the projects referenced in the RFEIR satisfied their 1:1 mitigation requirement by purchasing credits at a wetlands mitigation bank.¹¹ Wetland mitigation banks are thoroughly vetted by the regulatory agencies. As a result, they provide a relatively reliable means of achieving no net loss of wetland acreage. Because the RFEIR does not contemplate purchase of credits at a mitigation bank, the LACFCD has no basis for comparing the proposed Project to projects that achieved success by purchasing credits at a wetlands mitigation bank.

Third, very few of the projects referenced in the RFEIR can be considered “successful.” While 70% of the projects achieved the wetland acreage requirement (often because they did not have any permanent impacts to wetlands), only 16% of the projects fully complied with all mitigation plan conditions, and most failed (sometimes miserably) to offset wetland functions impacted by the project.¹² For example, the RFEIR identifies the San Roque Creek Project (file #5217) as one of the projects that achieved its 1:1 mitigation requirement.¹³ This is consistent with the data presented by Ambrose et al. (2007). However, they reported that inconsistencies and deficiencies in the 401 and 404 permits required them to assume all impacts associated with the project were temporary.¹⁴ Consequently, they also had to assume the project met its 1:1 mitigation requirement. Ambrose et al. (2007) provided the following discussion of the project:

This project involves modifications to San Roque Creek with the intention of diverting potential 100-year flood flows away from a residential development. Specifically, this involved excavation of the channel bottom, installation of two concrete box culverts, installation of concrete inlet and outlet structures, installation of 4 gabion retaining walls, construction of a concrete retaining wall, placement of 2 storm drain outlet pipes, and the placement of rock (reno) mattresses on the south bank. These activities temporarily impacted 1.50 acres of jurisdictional streambed “waters.” To mitigate for these impacts, the permittee was required to enhance 1.50 acres of jurisdictional streambed “waters” through revegetation of the gabion surfaces.

The northern bank of the upstream side had reno mattresses installed, but these were *clearly not functional*, as heavy erosion had removed the bank behind these mattresses. At that point, mattress served to collect trash and wrack. We did not perform a CRAM evaluation on this area, as the *revegetation efforts had since been eroded*. During our site visit we found gabions on the northern bank downstream of Hitchcock Way, and on the southern bank of the upstream side. We performed CRAM assessments on these two areas separately. The downstream area was primarily English ivy, poison oak, and nasturtium, while

B5B-1
cont.

¹¹ Files 2456, 7497, 10274, and 11208. Project 7497 entailed enlargement of an existing mitigation bank, and although the impacts of that project were supposed to be deducted from the bank’s credits, they never were.

¹² Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. pp. i through xiv.

¹³ RFEIR, Appendix L.

¹⁴ Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. p. 192.

the upstream area was mostly eucalyptus, black walnut, and German ivy. These mitigation areas were surrounded by streets, driveways, and parking areas and very little natural buffer was available. The surrounding areas were commercial and residential. Because mitigation revegetation was performed on the gabion wall surfaces, *little connection to the creek hydrology was available*, unless deep roots could be established through the gabion walls.^{15,16}

In conclusion, the projects cited in the RFEIR actually demonstrate why a 1:1 mitigation ratio is insufficient for Project impacts to wetlands and other jurisdictional habitats. Only 16% of the projects that were permitted over 15 years ago had a 1:1 mitigation requirement (I suspect an even lower percentage of permits currently allow a 1:1 ratio). Many of those projects failed to achieve their acreage requirements, and almost all failed to compensate for the wetland functions that were impacted by the project. This is precisely why regulatory agencies generally require a higher mitigation ratio. Furthermore, careful examination of the projects cited in the RFEIR reveal they were markedly dissimilar from the proposed Project. The LACFCD has no basis for comparing the proposed Project to projects that had no potential for permanent impacts to wetlands, and thus, no potential for net loss of wetlands. In addition, the LACFCD has no basis for comparing the proposed Project to projects that simply required the planting of vegetation to achieve “success,” or to projects that achieved success by purchasing credits at a wetlands mitigation bank. As a result, the RFEIR fails to provide evidence supporting the conclusion that a 1:1 mitigation ratio would ensure Project impacts to wetlands and other jurisdictional habitats are mitigated to insignificant levels.

**B5B-1
cont.**

The RFEIR’s Claim (Claim 2) that mitigation implemented for other projects has been successful in achieving “no net loss” of wetlands is inaccurate, misleading, and unsupported.

The RFEIR again cites the Ambrose study in an attempt to support its claim that the 1:1 mitigation ratio proposed in the RFEIR would result in “no net loss” of wetlands. The RFEIR states:

California state and federal policies have established goals of no net loss of wetland area or function (USEPA 2002, State of California 1993). The authors’ results showed that “no net loss” of acreage was achieved (1) overall, (2) for jurisdictional “waters of the U.S.” acreage, and (3) for wetlands themselves when comparing permanent impacts (true losses) to the mitigation acreage gained through habitat creation and restoration (true gains) (Ambrose et al 2007).¹⁷

B5B-2

The RFEIR’s statement is misleading because it omits the context and other relevant data. The Ambrose study actually states:

¹⁵ Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. p. 326. [emphasis added].

¹⁶ English ivy, eucalyptus, and German ivy are non-native species. Some nasturtium species are native; others are non-native.

¹⁷ RFEIR, p. 130L.

A simple reporting of overall acreage losses and gains does not provide the full picture of “no net loss” of wetland acreage (much less wetland function, discussed below). A simple accounting assumes no existing wetland acreage was present at the mitigation site prior to any mitigation activity (not always the case) and it does not address whether the habitat types mitigated were appropriate given the corresponding impacts. Within most regions, the habitat types mitigated were appropriate given the impacts (Figure AB-5); however, approximately 50% of the mitigation acreage within Regions 4 and 5S consisted of drier riparian and upland habitats that were outside jurisdictional “waters of the U.S.”... While the mitigation acreage fell short of meeting the permit requirements, the regulatory process nonetheless yielded an apparent “gain” of 200 acres on 217 acres of impacts, which is an overall mitigation ratio of 1.92:1 (Table 15). However, this simple ratio is based on the assumption that mitigation sites included no existing wetland acreage before the mitigation project was undertaken. In fact, many mitigation actions consist of site preservation or simple vegetative enhancement to existing habitats without any changes in site hydrology; these types of mitigation actions cannot be considered acreage “gains” because there is no increase in wetland area. Since the simple mitigation ratio includes mitigation actions that do not actually increase wetland area, the ratio overestimates the contribution of compensatory mitigation towards achieving a goal of no net loss of wetland area.

B5B-2
cont.

In addition to the problem of including mitigation actions that did not increase wetland area as a wetland “gain,” losses in certain habitat types were often compensated for by “gains” in other habitat types, and it was not always clear that the difference was an intended regulatory outcome.¹⁸

The RFEIR is correct that the Ambrose study showed no overall net loss of wetland acreage. However, the authors clearly stated that this was due to the *large mitigation ratios* required by the regulatory agencies.¹⁹ Indeed, if one examines the data associated with the projects that were permitted with a 1:1 ratio (or less), the data reveal that those projects resulted in an overall net loss of at least 17.84 acres.²⁰ As a result, *data provided in the Ambrose study directly contradict the RFEIR’s claim that a 1:1 mitigation ratio would be sufficient to prevent “no net loss” of wetlands.*

The RFEIR’s Claim (Claim 3) that the City of Riverside and regulatory agencies have established the 1:1 mitigation ratio as the “precedent” for impacts to riparian (and other jurisdictional) habitats is inaccurate, misleading, and unsupported.

According to the RFEIR:

The success of projects that were required to create, restore, and/or enhance riparian habitats at a 1:1 mitigation ratio to compensate for impacts to riparian habitats and jurisdictional habitats has been documented in the comparative study

B5B-3

¹⁸ Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. pp. iii and 52.

¹⁹ *Ibid*, p. 55.

²⁰ *Ibid*, Table 11-2.

conducted by researchers at UCLA and UCSF (Ambrose et al 2007). The success of permitted projects and the precedent set by the City of Riverside (described above under the heading for Riversidean Alluvial Fan Sage Scrub) and regulatory agencies for requiring a 1:1 mitigation ratio to compensate for impacts to riparian habitat, provides support that the 1:1 mitigation ratio required by MM BIO-7 and MM BIO-8 for the Proposed Project would result in the successful replacement of the same acreage of riparian habitats that would be affected by the Proposed Project.²¹

As described below, these statements contradict information provided in the Ambrose study and are not supported by substantial evidence.

First, the projects that were required to create, restore, and/or enhance riparian habitats at a 1:1 mitigation ratio *have not* been a success. As the RFEIR acknowledges, 30% of those projects failed to achieve the wetland acreage requirement. As discussed above, they resulted in a net loss of at least 17.84 wetland acres.²² In addition, many failed to meet all of the requirements of the 401 permit, mitigation plan, or both.²³ Almost all of the projects exhibited significant issues, such as significant mortality of plantings or an abundance of invasive weeds.²⁴

Second, the RFEIR's claim that the City of Riverside and regulatory agencies have established a precedent for 1:1 mitigation is nonsense. The "precedent" the RFEIR refers to is the mitigation required in a single Mitigated Negative Declaration ("MND") for the Quail Run Apartments Project, a residential development in the City of Riverside which required 1:1 mitigation for impacts to Riversidean Alluvial Fan Sage Scrub and riparian vegetation.²⁵ While mitigation measures adopted for biological impacts caused by one project may be useful in considering appropriate mitigation for biological impacts caused by a different project in a different location, the Quail Run MND does not establish "precedent" for mitigation of biological impacts caused by this Project or any other. If that were the case, the regulatory agencies would have adopted formal guidelines identifying 1:1 as the accepted standard and there would be no controversy over the Project's mitigation ratio. One of the primary reasons why there is no standard mitigation ratio requirement is that the appropriate ratio is dependent on numerous site-specific and project-specific factors. In the case of the Quail Run Apartments Project, the project qualified for coverage under Western Riverside County's Multiple Species Habitat Conservation Plan ("HCP"), and per the conditions of the HCP, 1:1 mitigation

**B5B-3
cont.**

²¹ RFEIR, p. 130L.

²² Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. Table 11-2.

²³ Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. Appendix 12: Site Narratives.

²⁴ Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. Appendix 4: Detailed Discrepancy Analysis Results, and Appendix 12: Site Narratives.

²⁵ See https://www.riversideca.gov/ceqa/planning/P14-0683_0685_P15-1080-1082%20Initial%20Study.pdf. RFEIR, p. 130C to 130D.

was allowed because the project proponent demonstrated that the functions and values of the replacement habitat would be “Biologically Equivalent or Superior” to the functions and values of the impacted habitat. Thus, contrary to what the RFEIR suggests, the City of Riverside did not determine the 1:1 mitigation ratio. Rather, the 1:1 mitigation ratio had been pre-approved by the USFWS and CDFW in exchange for the assurances provided by the HCP. The fact that the Quail Run Apartments Project was covered under an HCP makes it fundamentally different from the proposed Project because HCPs: (a) incorporate a landscape-level approach to conservation; (b) have been thoroughly vetted and approved by the USFWS and CDFW; (c) have strict oversight; and (d) are subject to numerous, binding conditions that assure resource conservation (among other reasons).

The fact that an MND issued by the City of Riverside “required” 1:1 mitigation for an urban residential project in a part of Riverside County that is covered by an HCP does not make it precedent for a much larger sediment removal project in Los Angeles County, which is not covered by an HCP. Indeed, if RFEIR’s reasoning were followed, then the District would need to look to EIRs and MNDs for all other projects in Southern California to establish “precedent”, the majority of which have required substantially higher mitigation ratios for impacts to riparian habitat, and 3:1 mitigation ratios for impacts to Riversidean Alluvial Fan Sage Scrub.²⁶ Moreover, the RFEIR’s claim that regulatory agencies have established a precedent for 1:1 mitigation is even more absurd in light of the fact that the RFEIR openly acknowledges that 84% of the permits issued by the California State Water Resources Control Board between 1991 and 2002 required a mitigation ratio greater than 1:1.²⁷ With respect to the mitigation ratio required by the Corps, its compensatory mitigation guidelines state: “[c]ommonly, the Corps has required a ratio greater than 1:1, in part due to scientific observations (NRC, 2001) that compensatory mitigation sites often provide reduced functions compared to the impacted aquatic resources.”²⁸

**B5B-3
cont.**

Third, evidence provided in the Ambrose report contradicts the RFEIR’s assertion that a 1:1 mitigation ratio “would result in the successful replacement of the same acreage of riparian habitats that would be affected by the Proposed Project.” The authors concluded that 39% of the projects resulted in net acreage losses overall, 47% resulted in a net loss of jurisdictional “waters” acreage, and 28% had net wetland losses.²⁹ Indeed, the only reasons they observed an apparent gain in wetland acreage was because regulatory agencies generally required *large mitigation ratios*.³⁰ The authors further concluded that

²⁶ See e.g. City of Fontana -Sierra Lakes Commerce Center, Recirculated Draft EIR, p. 3.3 - 20 (Mitigation Measure MMBIO - 1d requiring mitigation fee as required by the North Fontana Conservation Program which require mitigation for the loss of mature RAFSS habitat at a 3:1 ratio); available at <https://www.fontana.org/DocumentCenter/View/10950>; **OTHER EXAMPLES??**

²⁷ RFEIR, p. 130K.

²⁸ US Army Corps of Engineers. 2015. Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for South Pacific Division USACE. p. 16.

²⁹ Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. p. iii.

³⁰ *Ibid*, p. 55.

most projects failed to compensate for the loss of wetland functions, and that: “[i]t appears that compliance with permit conditions yields *no guarantee* that a mitigation wetland will have high condition or function.”³¹ Indeed, Ambrose (2000) concluded: “it is clear that even the best implementation of mitigation policies, with appropriate permit conditions and monitoring, will not ensure successful mitigation.”³²

Factors Affecting Mitigation Ratios

Although there is no standard mitigation ratio requirement for projects that affect wetlands, riparian vegetation, and other sensitive natural communities, numerous entities have established policies and guidelines describing circumstances when a higher mitigation ratio is warranted.³³ Circumstances that apply to the Project are summarized below:

1. **Lag time:** Mitigation ratios >1:1 are often required when there is a lag time between functions lost and functions gained.³⁴ The RFEIR does not establish a required timeframe for the habitat compensation efforts, and thus, the availability of compensation (replacement) habitat in relation to habitat that is impacted by the Project.³⁵ However, even if the LACFCD initiates onsite habitat compensation efforts *immediately* after the sediment removal phase of the Project is complete, it would take several years for vegetation to grow and at least five years before habitat compensation efforts could be deemed a success.³⁶ As a result, there would unquestionably be a lag time between the functions lost from the original habitat and the functions gained from any replacement habitat.
2. **Uncertainty:** Mitigation ratios >1:1 are required when there is uncertainty regarding the ability to fully replace lost functions and values. Scientific literature demonstrates that restoration and creation projects do not consistently replace the impacted functions and values.³⁷ State and federal agencies have acknowledged the inherent uncertainty in restoration and creation projects, and as a result, recommend mitigation ratio commensurate with the risk that a project will not achieve its goals.³⁸ For example, according to the USFWS’s

**B5B-3
cont.**

³¹ *Ibid.*, p. iv. [emphasis added].

³² Ambrose RF. 2000. Wetland Mitigation in the United States: Assessing the Success of Mitigation Policies. *Wetlands (Australia)*, 19:1-27. p. 23.

³³ For example, see US Army Corps of Engineers. 2015. Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for South Pacific Division USACE. p. 16.

³⁴ Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. p. 9. See also Department of the Interior, U.S. Fish and Wildlife Service. 2016. Endangered and Threatened Wildlife and Plants; Endangered Species Act Compensatory Mitigation Policy. 81 FR 61031.

³⁵ RFEIR, pp. 131B through 133A.

³⁶ Based on the RFEIR’s proposal for a 5-year monitoring program.

³⁷ Society of Wetland Scientists (and references therein). 2000. Position Paper on Performance Standards for Wetland Restoration and Creation. 4 pp.

³⁸ 81 FR 61031. See also California State Water Resources Control Board. 2013 Jan 28. Preliminary Draft Water Quality Control Policy for Wetland Area Protection and Dredged or fill Permitting. 26 pp. See also U.S. Environmental Protection Agency. 1990. Memorandum of Agreement between the Department of the

Compensatory Mitigation Policy statement: “[a]n exact accounting of the functions and services lost at the impact sites and gained at the mitigation sites is rarely possible due to the variability and uncertainty inherent in biological systems and ecological processes. To buffer risk and reduce uncertainty, it is often helpful to design compensatory mitigation programs and projects to achieve measures beyond no net loss to attain sufficient conservation benefits for the species.”³⁹ Uncertainty associated with wetland mitigation projects generally increases when the project is conducted offsite, or when there is reduced understanding of watershed conditions.⁴⁰ There is considerable uncertainty associated with the mitigation proposed in the RFEIR because: (a) there is uncertainty regarding the site’s hydrology and ability to support riparian vegetation communities after sediment removal;⁴¹ (b) the LACFCD has not identified feasible sites for offsite mitigation; (c) the RFEIR fails to establish specific performance standards for the compensatory mitigation; and (d) there is inherent uncertainty with any wetland restoration or creation project.

3. **Buffers:** Mitigation ratios >1:1 may be needed to account for buffers that ensure the ecological sustainability of the compensatory mitigation site. The proposed Project would have a reduced buffer because the LACFCD intends to conduct sediment and vegetation removal activities immediately adjacent to proposed mitigation sites (i.e., in the reservoir management area).
4. **Scarcity:** Projects that impact rare species or resources are generally required to provide higher mitigation ratios.⁴² At a minimum, the proposed Project would impact one federally listed species (i.e., least Bell’s vireo) and four California Species of Special Concern (i.e., two-striped garter snake, coast patch-nosed snake, yellow warbler, yellow-breasted chat) that are known to occur in the Project area.⁴³
5. **Distance:** Compensatory mitigation ratios are generally dependent on the distance of the mitigation site from the impact site.⁴⁴ Compensatory mitigation projects that are performed offsite generally demand higher mitigation ratios.
6. **Other Impacts:** A mitigation ratio >1:1 may be needed to account for a project’s indirect impacts, and for its contribution to cumulative impacts. The compensatory mitigation proposed in the RFEIR fails to account for the Project’s potentially significant indirect impacts. It also fails to account for the Project’s contribution to potentially significant cumulative impacts.

**B5B-3
cont.**

Army and The Environmental Protection Agency: Determination of Mitigation Under the Clean Water Act Section 404(b)(1) Guidelines. Available at: <<https://www.epa.gov/cwa-404/memorandum-agreement>>.

³⁹ 81 FR 61031.

⁴⁰ California State Water Resources Control Board. 2013 Jan 28. Preliminary Draft Water Quality Control Policy for Wetland Area Protection and Dredged or fill Permitting. 26 pp.

⁴¹ Personal communication between the USFWS, Corps, and Ecorp Consulting.

⁴² 81 FR 61031.

⁴³ eBird. 2017. eBird: An online database of bird distribution and abundance [web application]. eBird, Ithaca, New York. Available at: <<http://www.ebird.org>>. (Accessed: 2017 Sep 3). See also FEIR, Table 3.6-3.

⁴⁴ 81 FR 61031.

Projects possessing any one of these circumstances have incurred a compensatory mitigation ratio of 2:1, 3:1, or even greater (especially when a threatened or endangered species was impacted). However, if one takes a lenient approach and increases the proposed 1:1 mitigation ratio by only 0.5 for each of the circumstances listed above, the Project demands a compensatory mitigation ratio of at least 4:1. Based on my review of the scientific literature, RFEIR, and associated documents, I believe a 4:1 ratio would be “fair” to the LACFCD and would provide a reasonably high probability that Project impacts would be mitigated to insignificant levels.

**B5B-3
cont.**

Proposed Mitigation

Offsite Mitigation

The Project may require offsite mitigation. According to the RFEIR, offsite mitigation will be conducted within the Arroyo Seco subwatershed or within the greater Los Angeles River Watershed. However, the RFEIR does not identify specific locations for offsite mitigation, nor does it identify specific projects that could be accomplished to mitigate the Project’s significant impacts. This is important because there are limited opportunities for compensatory mitigation in the Los Angeles River Watershed, and thus, the mitigation proposed in the RFEIR may not be feasible.⁴⁵ Consequently, there is substantial uncertainty as to what the LACFCD will actually do to compensate for the Project’s significant impacts to sensitive biological resources, and where it will do it.

B5B-4

The ambiguity associated with offsite mitigation options is exacerbated by the RFEIR’s failure to establish a mechanism (e.g., vetting by the resource agencies) that ensures offsite mitigation projects proposed by the LACFCD would adequately compensate the Project’s significant impacts to sensitive biological resources. Consequently, the RFEIR fails to provide the evidence needed to substantiate the LACFCD’s conclusion that impacts to wetlands, riparian habitats, and other sensitive natural communities would be reduced to a level below significance.⁴⁶

Habitat Enhancement

The RFEIR indicates compensatory mitigation may be accomplished through habitat enhancement, either onsite or offsite. By definition, habitat is an area that is occupied by individuals of a given species.⁴⁷ Thus, by definition, “habitat enhancement” means habitat for the given species already exists within the enhancement area. As a result, LACFCD’s proposal for habitat enhancement as compensatory mitigation would result in

⁴⁵ 2015 Jun 19 letter to Bonnie Rogers, US Army Corps of Engineers, from Karen Goebel, USFWS regarding Devil’s Gate Reservoir Sediment Removal and Management Project.

⁴⁶ RFEIR, p. 132A.

⁴⁷ Morrison ML. 2002. Wildlife Restoration: Techniques for Habitat Analysis and Animal Monitoring. Island Press: Washington (DC). *See also* Hall L, P Krausman, M Morrison. 1997. The Habitat Concept and a Plea for Standard Terminology. Wildlife Society Bulletin 25(1):173-182. *See also* Morrison ML, BG Marcot, and RW Mannan. 2006. Wildlife-Habitat Relationships: Concepts and Applications. 3rd ed. Washington (DC): Island Press. p. 10.

a net loss of habitat. Consequently, any habitat enhancement activities that are conducted as compensatory mitigation warrant a mitigation ratio much greater than 1:1.

The RFEIR identifies the removal of exotic plants, and the installation of supplemental seed or container plants, as potential habitat enhancement activities.⁴⁸ The RFEIR, however, fails to identify the specific goals and objectives of habitat enhancement activities that are conducted as compensatory mitigation. This is a critical flaw. Without knowledge of the goals and objectives, and the techniques that will be implemented to achieve those goals and objectives, it is impossible to evaluate the relative value of habitat enhancement as a compensatory mitigation measure. For example, exotic plant removal sounds good on paper, but for some wildlife species it has minimal value as a habitat enhancement measure because exotic plant species can substitute in part for natives in performing a range of ecosystem functions, including wildlife support.⁴⁹ Indeed, in some cases native wildlife species preferentially select exotic plants over native ones, and the factor limiting habitat quality is entirely independent of plant species composition.⁵⁰

For example, two features appear to be essential habitat requirements for the least Bell's vireo: (1) the presence of dense cover within 1-2 meters (3-6 feet) of the ground, where nests are typically placed, and (2) a dense, stratified canopy for foraging.⁵¹ Although least Bell's vireos typically nest in willow-dominated areas, plant species composition does not appear to be as important a determinant of nesting site selection as habitat structure.⁵² Thus, removing exotic vegetation may have minimal value as a habitat enhancement technique for the least Bell's vireo if the existing (exotic) vegetation provides the cover and structural diversity essential to the species. This highlights the need for the RFEIR to identify the specific goals and objectives of the habitat enhancement measures proposed as compensatory mitigation.

Performance Standards

The RFEIR suggests performance standards for the compensatory mitigation would be based on a comparison of variables at the mitigation sites, with those at reference sites. Specifically, the RFEIR indicates LACFCD will measure: (a) percent cover of native and nonnative plant species, and (b) native plant species richness.⁵³ However, the RFEIR fails to identify the specific performance standards that would be applied to these variables (i.e., the specific values that would constitute success). For example, would mitigation sites that had half the species richness of reference sites be considered a success, or do mitigation sites need to achieve the same species richness as the reference sites to be considered a success?

⁴⁸ RFEIR, p. 130B.

⁴⁹ Westman WE. 1990. Park Management of Exotic Plant Species: Problems and Issues. *Conservation Biology* 4(3):251-260.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ RFEIR, p. 130B.

**B5B-4
cont.**

Instead of establishing the performance standards, the RFEIR indicates they will be established in a forthcoming Habitat Restoration Plan.⁵⁴ CEQA prohibits a lead agency from deferring the specific performance standards that will be used to evaluate the success of mitigation incorporated into an EIR.

Monitoring

The RFEIR states: “monitoring at the reference sites, restoration sites, and enhancement sites would be conducted concurrently for five years or until the established performance standards are met.”⁵⁵ The proposed monitoring is insufficient to ensure success of the restoration and enhancement sites.

First, the RFEIR fails to establish the performance standards. As a result, it is impossible to evaluate whether five years of monitoring is appropriate for those standards. Similarly, the RFEIR fails to identify the variables that will be monitored besides vegetation. The primary reason for the failure of wetland mitigation sites has been the lack of proper hydrology.⁵⁶ Consequently, the RFEIR needs to incorporate performance standards for hydrology, coupled with a hydrologic monitoring program.

Second, the statement that monitoring would be conducted “for five years or until the established performance standards are met” is vague. Specifically, it implies that monitoring might terminate after the first year or two if the performance standards are met during that timeframe. This is unacceptable because it would enable LACFCD to remove weeds, plant natives, and immediately claim success. However, weeds would undoubtedly return and some of the native plants probably would die. The scientific literature is clear that successful weed eradication requires a sustained effort over multiple years.

Third, five years of monitoring is too short a timeframe to infer the long-term success of riparian habitats. Riparian habitats in general, and least Bell’s vireo habitats in particular, are dependent on periodic disturbance events (e.g., storm events that scour the channel, deposit sediment, and create open space for the development of early successional riparian vegetation).⁵⁷ Thus, riparian habitats are dependent on hydrologic processes that are inherently variable and that may occur at intervals in excess of every five years. As a result, longer monitoring timeframes are needed for compensatory mitigation projects involving riparian vegetation.⁵⁸ Based on my review of the literature, I recommend

**B5B-4
cont.**

⁵⁴ RFEIR, p. 130B.

⁵⁵ RFEIR, p. 130B.

⁵⁶ Ambrose RF. 2000. Wetland Mitigation in the United States: Assessing the Success of Mitigation Policies. *Wetlands (Australia)*, 19:1-27. p. 18.

⁵⁷ U.S. Fish and Wildlife Service. 1998. Draft Recovery Plan for the Least Bell’s Vireo. U.S. Fish and Wildlife Service, Portland, Oregon.

⁵⁸ 33 CFR 332.6(b). *See also* Environmental Law Institute. 2004. *Measuring Mitigation: A Review of the Science for Compensatory Mitigation Performance Standards*. Report prepared for the US Environmental Protection Agency. 271 pp.

monitoring for at least five years, and until success criteria have been met for three consecutive years. Thereafter, monitoring could be reduced to every three or five years (depending on the habitat) with an annual screening assessment (visual inspection) to identify any major problems (e.g., unauthorized trespass or weed infestation).

Weed Control

The RFEIR acknowledges: “[w]eeds and nonnative and invasive plant species germinate quickly in disturbed areas and will invade native plant communities where they can outcompete native plant species for resources (Hayes and Holzmüller 2012).”⁵⁹ The proposed Project includes mowing, removal of vegetation, and removal of sediment on an annual basis. These disturbance events are extremely conducive to the colonization and spread of weeds. Thus, if compensatory mitigation occurs onsite, an initial weed removal effort and five years of monitoring is not appropriate given the ongoing disturbance generated by the Project. As a result, maintaining “success” of the onsite mitigation areas requires a weed control program that extends for the life of the Project.

Conservation Mechanism

The RFEIR indicates the LACFCD would ensure the allocation and encumbrance of funds to cover long-term management, maintenance, and protection of the mitigation sites.⁶⁰ However, the RFEIR fails to establish a mechanism (e.g., conservation easement or deed restriction) that would ensure protection and proper management of the mitigation sites in perpetuity.

**B5B-4
cont.**

Impacts Associated with Compensatory Mitigation Efforts

The habitat creation, restoration, and enhancement activities proposed as compensatory mitigation may require grading, mechanical equipment, and use of herbicides.⁶¹ In addition, these activities would likely involve extensive removal of non-native trees, shrubs, and other vegetation with properties that prevent erosion. These activities may result in mortality of special-status plants and animals; loss of habitat; disruption of essential breeding, foraging, and sheltering activities; and other significant impacts to sensitive biological resources. As a result, the compensatory mitigation proposed in the RFEIR may have significant direct and indirect effects on biological resources at the mitigation sites. The RFEIR fails to disclose and analyze these potentially significant impacts (especially with respect to potentially significant impacts that could occur at offsite mitigation sites). In addition, the avoidance and minimization incorporated into the FEIR and RFEIR (e.g., nesting bird surveys) appear to apply only to the sediment removal activities, and not all Project activities that could have significant impacts on sensitive biological resources. As a result, the RFEIR does not ensure that all potentially significant impacts to sensitive biological resources would be mitigated to less than significant levels.

⁵⁹ RFEIR, p. 130I.

⁶⁰ RFEIR, p. 130B.

⁶¹ See reference to corrective re-grading. RFEIR, p. 130C.

Precedent for the 1:1 Mitigation Ratio

Riversidean Alluvial Fan Sage Scrub

The RFEIR provides a lengthy discussion of the MND prepared for the Quail Run Apartments Project. The lead agency (City of Riverside) approved the MND, which required a 1:1 mitigation ratio for impacts to Riversidean Alluvial Fan Sage Scrub. The RFEIR uses this as evidence that a 1:1 mitigation ratio is appropriate for the proposed Project.

Most of the RFEIR's discussion is entirely irrelevant because it is limited to a list of the adopted mitigation measures and the City of Riverside's conclusions pertaining to the ability of those measures to mitigate potentially significant impacts. The RFEIR provides no evidence that the adopted mitigation measures were implemented and were successful.

Even though the RFEIR provides no evidence that the 1:1 mitigation required by the City of Riverside was successful, it references that "precedent" as a defensible approach for establishing the mitigation ratio that should apply to the proposed Project.⁶² However, the approach taken in the RFEIR is clearly at odds with the USFWS's Compensatory Mitigation Policy, which states: "[m]itigation ratios must be based in science..." The RFEIR provides no evidence that the 1:1 ratio adopted by the City of Riverside was based on science, nor does it provide any scientific analysis supporting the 1:1 ratio proposed for the Project. The "precedent" set by the City of Riverside for another project at a distant site is not an acceptable substitute for scientific analysis. Furthermore, just because another lead agency approved a 1:1 mitigation ratio does not mean that ratio adequately mitigated impacts to biological resources to less than significant levels.

**B5B-4
cont.**

Coastal Sage Scrub

The RFEIR claims the Tonner Hills Planned Community Project in Orange County was successful in restoring Coastal Sage Scrub. It further claims the City's of Malibu's 1:1 mitigation ratio for the Rambla Pacifico Street Reconstruction Project establishes the precedent for mitigating impacts to Coastal Sage Scrub. The RFEIR claims these two projects combined provide evidence that the proposed Project: "would result in the successful replacement of the same acreage of Coastal Sage Scrub that would be affected by the Proposed Project."⁶³

The RFEIR identifies the multiple mitigation measures that were required for the Rambla Pacifico Project. These mitigation measures appear appropriate. However, similar to the Quail Run Apartments Project, the RFEIR provides no evidence that the adopted mitigation measures were implemented and were successful.

⁶² RFEIR, p. 130D.

⁶³ RFEIR, p. 130G.

One of the reasons a mitigation ratio greater than 1:1 is warranted is when there is a lag time between functions lost and functions gained. According to the RFEIR: “[t]he mitigation measures [for Rambla Pacifico] also indicated that habitat restoration would be carried out prior to or concurrently with construction activities...” In this case, the RFEIR fails to state when habitat restoration will be carried out for the Project, and it contains no binding requirement in MMs BIO-6 through BIO-8 that habitat restoration occur “prior to or concurrently with construction activities” as was required in the Rambla Pacifico Project. Thus, it is not appropriate for the LACFCD to suggest the proposed Project is similar to the Rambla Pacifico Project because the 1:1 compensation ratio for that project did not entail a lag time between habitat lost and habitat gained. As a result, the RFEIR’s reference to the Rambla Pacifico Project actually demonstrates why a 1:1 ratio is not appropriate for the proposed Project (i.e., because the Project would have a lag time).

I found it interesting that the RFEIR pointed to two projects (Vulcan Materials-Cajon Creek and Tonner Hills) to support its argument that sage scrub can be successfully restored, but to two entirely different projects (Quail Run Apartments and Rambla Pacifico) to support its argument that other agencies have established a precedent for the proposed 1:1 mitigation ratio. As a result, I searched for relevant environmental documents, which revealed the following regarding mitigation ratios:

1. The Vulcan Materials-Cajon Creek Habitat Conservation Management Area referenced in the RFEIR serves as a mitigation bank.⁶⁴ Thus, there are strong financial incentives for Vulcan Materials to successfully restore Riversidean Alluvial Fan Sage Scrub at that location. The mitigation bank is located in San Bernardino County. For impacts to sage scrub and other sensitive vegetation communities, the San Bernardino County General Plan (2005) requires mitigation at a minimum 2:1 ratio, or higher ratio if required by the USFWS and CDFW.⁶⁵
2. The Tonner Hills Planned Community FEIR did not identify the specific mitigation ratio for impacts to coastal sage scrub. However, it appears to have been approximately 2:1, and it was definitely greater than 1:1.⁶⁶ According to the FEIR: “[c]ompletion of the project will result in a net increase of 19.5 acres of coastal sage scrub over what currently exists on the site, and it will create large, contiguous blocks of suitable habitat for the California gnatcatcher.”⁶⁷
3. The City of Riverside did indeed require 1:1 mitigation for the Quail Run Apartments Project. However, as discussed above, that ratio was due to the City’s participation in Western Riverside County’s Multiple Species HCP.
4. The County of Riverside indicates: “a project’s loss or disturbance of wetlands must be offset by creation or protection of additional wetlands, often at a 3:1

**B5B-4
cont.**

⁶⁴ See <http://us.speciesbanking.com/pages/dynamic/banks.page.php?page_id=7189>.

⁶⁵ San Bernardino County. 2005. General Plan Update and Associated Specific Plans EIR. p. 5.3-48.

⁶⁶ Culbertson, Adams & Associates. 2002. Final Environmental Impact Report for Tonner Hills Planned Community. Table 4.10-8.

⁶⁷ Culbertson, Adams & Associates. 2002. Final Environmental Impact Report for Tonner Hills Planned Community. p. 4.10-57.

(replacement:loss) ratio or other formula deemed acceptable by the applicable resource agency.”⁶⁸

5. Projects impacting coastal sage scrub in San Diego County have been required to provide compensation at a 2:1 ratio.⁶⁹
6. The Malibu Parks Public Access Enhancement Plan required a compensation ratio of 3:1 for impacts to coastal sage scrub, riparian habitats, and other sensitive natural communities.⁷⁰
7. Southern California Edison has been required to provide compensation at ratios ranging from 1:1 (temporary impacts to non-jurisdictional habitats) to 5:1 (permanent impacts to jurisdictional habitats).⁷¹

In conclusion, the projects the RFEIR pointed to as successful required mitigation in excess of 1:1, whereas the projects the RFEIR pointed to as the precedent for 1:1 have no evidence of success. This is precisely why large mitigation ratios are needed: they are much more likely to result in “success” because they account for partial failure (which often occurs due to inherent uncertainties).

Wetlands and Riparian Habitats

The RFEIR claims: “[t]he success of projects that were required to create, restore, and/or enhance riparian habitats at a 1:1 mitigation ratio to compensate for impacts to riparian habitats and jurisdictional habitats has been documented in the comparative study conducted by researchers at UCLA and UCSF (Ambrose et al 2007).” The RFEIR then discusses three projects from the Ambrose study that purportedly support its claim: (1) San Diego Creek, (2) Ventura Airports, and (3) Piru Creek.

As discussed previously, the RFEIR vastly distorts the results of the Ambrose study. Ambrose et al. (2007) evaluated three variables to assess the success of wetland mitigation projects: (1) whether the project achieved the designated area (acreage) requirement; (2) whether the project complied with all permit conditions; and (3) whether the mitigation actions resulted in ecologically functional wetlands or riparian habitats.

With respect to the area requirement, Ambrose et al. (2007) concluded: “39% of individual files [projects] resulted in net acreage losses overall, 47% resulted in a net loss of jurisdictional “waters” acreage, and 28% had net wetland losses.”

⁶⁸ County of Riverside. 2015 Feb. County of Riverside Environmental Impact Report No. 521, Public Review Draft. p. 4.8-74.

⁶⁹ See <<http://www.sdhabitat.org/preserves/vallecitos.html>>. See also <http://physicalplanning.ucsd.edu/environmental/docs/vol_2/Appn%20C%20-%20Biology%20Tech%20Report.pdf>.

⁷⁰ See <[http://www.mrca.ca.gov/DEIR-Vol-I-MRCA%20\(D\)/Appx%20H-2%20Restoration%20Memo.pdf](http://www.mrca.ca.gov/DEIR-Vol-I-MRCA%20(D)/Appx%20H-2%20Restoration%20Memo.pdf)>.

⁷¹ See <https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/certifications/trtp_attc.pdf>.

With respect to the permit requirement, Ambrose et al. (2007) concluded: “[o]nly 16% of the files fully complied with all mitigation plan conditions; however, 42% had scores of 90% or greater. In general, most 401 permits contained relatively few compensatory mitigation-related permit conditions (often a single acreage-related requirement was specified); conditions regarding success and performance standards were notably infrequent.”

With respect to wetland functions, Ambrose et al. (2007) concluded: “most mitigation sites were not optimally functioning wetlands. As measured by CRAM scores, mitigation sites scored lower than reference wetlands, with an overall mean score of 59% compared to 79% for reference sites. It appears that compliance with permit conditions yields no guarantee that a mitigation wetland will have high condition or function.”

In addition to misrepresenting the overall results of the Ambrose study, the RFEIR makes inappropriate comparisons to, or misrepresents the success of, the three projects it discusses. In the subsequent section I provide information from the Ambrose study related to these three projects.

San Diego Creek (File #7497)

The San Diego Creek Project is located on relatively flat terrain. The Irvine Ranch Water District reconfigured 12 existing duck ponds into 5 larger habitat ponds for their use as a mitigation bank. Thus, the site had already demonstrated the ability to support wetlands (and riparian vegetation), and it had already been approved as a mitigation bank. In addition, the water district has rights to the water, which it uses to artificially maintain the site’s hydrology (to simulate seasonal fluctuations and to provide multiple depths of water for various habitat types).⁷² Thus, the San Diego Creek Project is not comparable to the proposed Project, because the proposed Project would drastically alter the existing topography and LACFCD’s restoration efforts will be dependent on natural processes (i.e., LACFCD does not have the ability to artificially maintain the hydrology).

Moreover, the “discrepancy analysis” in the Ambrose study suggests the water district did not accurately account for impacts, especially with regard to wetland functions and values. The study included the following discussion of the project:

Some of the [mitigation bank credits generated by the project] were to be applied to this project (for lost acreage/habitat), and the rest were to be used by the permittee for other projects. In addition to the jurisdictional impacts, the project involved impacts to large areas of open water that were not deemed jurisdictional. However, after the work was finished, much of this same open water acreage was to be "sold" as mitigation credits. Since this didn't seem appropriate with respect to "no net loss," we balanced the equation, by applying the existing open water acreage to the "impacts" side of the equation. Upon further consideration for this discrepancy analysis, and after reinterpreting the

⁷² Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. Appendix 4: Detailed Discrepancy Analysis Results *and* Appendix 12: Site Narratives.

**B5B-4
cont.**

language of the 401 permit ("acreage exceeding impacts to be used as mitigation bank for other projects"), we reversed this decision and assigned the expected regulatory acreage (1:1 ratio) as impacts and mitigation (14.6ac, which is the RB's 15ac value minus 0.4ac of open water that the permittee apparently considered non-regulatory). While the initial language of the mitigation planning indicated that all 96.3ac would be used for credits, only 36.8ac ended up being available for "sale." However, this still includes 22.2ac of open water. In the annual monitoring reports for this permit, the permittee discusses the mitigation success for two habitat credit types: willow/mulefat and river terrace. However, the credits applied to this permit's 14.6ac of impacts were to bulrush and mudflat habitat, which actually includes at least 11.1ac of open water...thus, the more valuable mitigation credits (habitat acreages) remained available for other projects.⁷³

Ventura Airports (File #8217)

All impacts associated with this project were *temporary*, and therefore are not comparable to the Project's permanent removal of 60 acres of parkland.⁷⁴ Ambrose et al. (2007) provided the following discussion:

This project involved removal of sediment and debris from the Camarillo Hills Drain to restore the design flow capacity. Temporary impacts to 9.3 acres of "waters of the U.S." were mitigated through the enhancement of 9.3 acres of "waters of the U.S." The sediment removal occurred on the floodplain along the left edge of the low flow channel. A seemingly permanent dirt road now exists on the floodplain for the ongoing maintenance of the channel. Enhancement was achieved through the removal of exotic plants within the low flow channel, and through the seeding of the left bank slope with native grass species. The low flow channel was mostly devoid of the targeted exotics. However, the seeded slopes were largely dominated by non-native invasives, such as black mustard. This was a compliance-only file.⁷⁵

**B5B-4
cont.**

⁷³ Ambrose RF, JL Callaway, SF Lee. 2007. An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002. Appendix 4: Detailed Discrepancy Analysis Results.

⁷⁴ Project-related activities will permanently destroy over 60 acres of sensitive riparian habitat within the Park. AR 6615; 6632; 6657; 6753; 6765.

⁷⁵ *Ibid*, Appendix 12: Site Narratives.

Piru Creek (File #4206)

This Caltrans project involved rehabilitation of a bridge abutment. All impacts associated with the project were *temporary*. Moreover, “the actual construction area contained only sparse vegetation due to heavy recreational use.” Thus, the impacts and required mitigation are not comparable to the proposed Project. As reported in the Ambrose study:

For Caltrans, most permitted impacts involved bridge installation and repair projects. Due to the prevalence of temporary impacts for such projects, the mitigation required was often a 1:1 ratio and involved mere vegetation plantings in the associated channel. The CRAM scores for such mitigation projects are often high because of the pre-existing conditions in the channel.⁷⁶

Riparian Habitats

According to the RFEIR: “[t]he design of the created, restored, or enhanced riparian habitats that LACFCD would implement as mitigation for the loss of degraded riparian habitats would include installing native plant species and creating the appropriate vegetation structure *to support the nesting activities of least Bell’s vireos and other riparian species.*”⁷⁷ It is unclear whether this means least Bell’s vireos *could* use the mitigation sites or *would* use the mitigation sites. This is a critical difference. Nevertheless, the RFEIR’s claim is not supported by evidence because the RFEIR does not incorporate any measures of, or performance standards for: (a) vegetation attributes associated with least Bell’s vireo habitat, or (b) occupancy of the mitigation sites by least Bell’s vireos.

**B5B-4
cont.**

Federal Wetlands

The RFEIR states: “[b]ased on past successful mitigation implemented by other agencies, wetlands can be successfully established, reestablished, rehabilitated, and enhanced.”⁷⁸ Substantial evidence refutes this claim. Ambrose et al. (2007) concluded very few wetland mitigation projects were successful, especially from the ecological perspective. Their results were consistent with the results obtained by the National Academy of Sciences when it conducted a comprehensive review of wetland compensatory mitigation in the U.S. Specifically, the National Academy of Sciences found that the national “no net loss” goal is not being met because: (1) there is little monitoring of permit compliance, and (2) the permit conditions commonly used to establish mitigation success do not assure the establishment of wetland functions.⁷⁹ Several other studies have shown that agencies are not ensuring the success of wetland mitigation projects.⁸⁰ Most notably,

⁷⁶ *Ibid*, p. 58.

⁷⁷ RFEIR, p. 130J. [emphasis added].

⁷⁸ RFEIR, p. 132C.

⁷⁹ National Research Council. 2001. Compensating for wetland losses under the Clean Water Act. National Research Committee on Mitigating Wetland Losses. National Academy Press, Washington DC, USA.

⁸⁰ Kihlsinger RL. 2008. Success of Wetland Mitigation Projects. 2008. National Wetlands Newsletter 30(2):14-16. *See also* Environmental Law Institute. 2004. Measuring Mitigation: A Review of the Science

a 2005 report issued by the United States Government Accountability Office concluded that: “the Corps of Engineers does not have an effective oversight approach to ensure that compensatory mitigation is occurring.”⁸¹ The RFEIR sets itself up for similar failure by failing to include language in MM BIO 1-8 that requires performance standards that ensure success.

Wildlife Movement

According to the RFEIR:

Impacts to movement of native resident and migratory wildlife species, wildlife corridors, and use of the habitat for wildlife nursery sites resulting from the Proposed Project and both management options would be reduced to a level below significance with implementation of Mitigation Measures MM BIO- 1 through MM BIO-8, because LACFCD would avoid working during nighttime hours, would provide protection of nesting sites during construction, would restore and enhance riparian habitat and Riversidean Alluvial Fan Sage Scrub, would monitor the mitigation sites until they are successful, and would provide long-term maintenance and management of the mitigation sites. The result would be a no net loss of riparian habitat and Riversidean Alluvial Fan Sage Scrub that can be used for wildlife movement and wildlife nursery sites.⁸²

A major problem with this claim is the RFEIR’s lumping of all animals into the generic category “wildlife.” The scientific literature is clear that all movements must be considered on a species-specific basis. Notwithstanding that problem, there are considerable flaws with the LACFCD’s logic. Most notably, the LACFCD has no basis for concluding habitat enhancement would offset impacts on wildlife movement because it has not demonstrated existing habitat conditions preclude or impair wildlife movement. Furthermore, the LACFCD has no basis for concluding offsite mitigation would mitigate impacts to movement at the Project site because it provides no evidence that movement is an issue at offsite locations, nor does the RFEIR require consideration of movement in the selection of mitigation sites. Indeed, the RFEIR summarily concludes BIO-1 through BIO-8 would mitigate the impacts without providing any actual analysis to support that conclusion. Wildlife movement is site and species-specific and requires an understanding of the population structure. Because the LACFCD has not identified potential offsite mitigation sites, it has no knowledge of the population structure at those sites, and similarly, no knowledge of whether there are any constraints on wildlife movement. As a result, the RFEIR fails to provide evidence supporting the LACFCD’s conclusion.

**B5B-4
cont.**

Cumulative Impacts

for Compensatory Mitigation Performance Standards. Report prepared for the US Environmental Protection Agency. 271 pp.

⁸¹ United States Government Accountability Office. 2005. Corps of Engineers Does Not Have an Effective Oversight Approach to Ensure That Compensatory Mitigation Is Occurring. Report to the Ranking Democratic Member, Committee on Transportation and Infrastructure, House of Representatives. GAO-05-898 Wetlands Protection.

⁸² RFEIR, p. 133.

The RFEIR concludes significant cumulative impacts to biological resources would not occur because: (a) the proposed Project would have a less-than-significant impact to biological resources, and (b) impacts to biological resources from the Hahamonga Watershed Park MBMU Project and the Arroyo Seco Canyon Project would be evaluated through project-specific CEQA documents, and if found significant, those projects would be required to implement all feasible mitigation measures. These are specious arguments. If the impacts associated with the other two projects are not known and have not been evaluated yet, how does the LACFCD know those impacts can be mitigated to less-than-significant levels? A conclusion of this nature relies on the flawed premise that all impacts, no matter the type and severity, can be mitigated to a less than significant level. This is clearly not the case, as lead agencies sometimes conclude impacts are “significant and unavoidable.” Furthermore, just because individual projects mitigate their impacts to less than significant levels, does not mean there cannot be a significant cumulative impact, or that an individual project’s contribution is not cumulatively considerable. A proposed project’s incremental effects may be cumulatively considerable even when its individual effects are limited. In other words, CEQA does not excuse an EIR from evaluating cumulative impacts simply because the project-specific analysis determined its impacts would be “less than significant.”

B5B-5

This concludes my comments on the RFEIR.

Sincerely,



Scott Cashen, M.S.
Senior Biologist

Responses to Letter B5 – Attachment B – Scott Cashen, M.S.

Response to Comment B5B-1:

The comment states that the RFEIR's claim that the projects that had mitigation ratios of 1:1 or less were successful in achieving or exceeding the mitigation acreage required in the permits is inaccurate. Master Response 4 provides a response to this comment.

Response to Comment B5B-2:

The comment states that the RFEIR's claim that mitigation implemented for other projects has been successful in achieving "no net loss" of wetlands is inaccurate. Master Response 4 provides a response to this comment.

Response to Comment B5B-3:

The comment suggests that the RFEIR claim that the City of Riverside and regulatory agencies have established the 1:1 mitigation ratio as the "precedent" for impacts to riparian (and other jurisdictional) habitats is inaccurate. The comment also suggests that mitigation ratios should be higher than 1:1 due to various factors including lag time, uncertainty, buffers, scarcity, distance, and other impacts. Master Response 4 provides a response to these comments and Master Response 6 provides a response to the distance comment.

Response to Comment B5B-4:

The comment critiques the RFEIR's discussion of offsite mitigation locations, goals and objectives of habitat enhancement activities conducted as compensatory mitigation, performance standards for vegetation or vegetation attributes associated with least Bell's vireo habitat, also suggests that the avoidance and minimization measures appear to only apply to the sediment removal activities and not all Project activities that could have significant impacts on sensitive biological resources. Further, the comment suggests that the RFEIR distorts the results of the Ambrose et al. (2007) study and that the projects referenced from the Ambrose et al. (2007) study were not comparable to the proposed Project. Finally, the comment also questions the conclusions in the RFEIR that mitigation measures MM BIO-1 through MM BIO-8 would mitigate impacts to wildlife movement onsite or at offsite compensatory mitigation sites. Master Responses 1, 4, 5, and 6 provide responses to these comments.

Response to Comment B5B-5:

This comment states that the cumulative impact analysis in the RFEIR is inadequate. Master Response 1 addresses this comment.

Letter B5 Attachment C - Toure Associates

EXHIBIT C



June 15, 2015

Mr. Mitchell M. Tsai
Attorney at Law
P. O. Box 61223
Pasadena, CA 91116

Subject: Comments on the Review of Environmental Documents (Final Environmental Impact Report, Jurisdictional Delineation Reports, Los Angeles Regional Water Quality Control Board 401 Permit Application, U.S. Army Corps of Engineers Public Notice and 404 Nationwide Permit 31 Application, California Department of Fish and Game [Wildlife] 1600 Lake and Streambed Alteration Agreement) Prepared for the Devil's Gate Reservoir Sediment Removal and Management Project

Dear Mr. Tsai:

This letter summarizes my review of the proposed Devil's Gate Reservoir Sediment Removal and Management Project as it relates to biological and regulatory permitting concerns. My comments are based on a review of the following environmental and regulatory documents: Final Environmental Impact Report (FEIR)¹; Biological Reports²; Jurisdictional Delineation Reports,³ Los Angeles Regional Water Quality Control Board, Section 401 Water Quality Certification, Application Form;⁴ Los Angeles Regional Water Quality Control Board, Section 401 Certification, Request for Information;⁵ California Department of Fish and Wildlife Section 1600⁶, U.S. Army Corps of Engineers⁷ prepared for the proposed Devil's Gate Reservoir Sediment Removal and Management Project (Project).

The Project site is owned by the Los Angeles County Department of Public Works within the City of Pasadena, Los Angeles County, California at 1065 La Canada Verdugo Road, Pasadena, Los Angeles County, California, 91103. The proposed Project boundary encompasses approximately 120 acres within an approximately 258-acre reservoir that has wetlands, braided channels, and drainage features surrounded by an urban matrix.

The Los Angeles County Flood Control District (LACFCD) proposes to excavate 2.4 million cubic yards of sediment (inclusive of vegetation) that has accumulated behind the dam within Devil's Gate Reservoir, to restore reservoir capacity for storm and sediment inflows to minimize the level of flood risk to downstream communities along the Arroyo Seco waterway. The

¹ Devil's Gate Reservoir Sediment Removal and Management Project, Final Environmental Impact Report (FEIR) prepared for the Los Angeles County Flood Control District by Chambers Group, Inc.

² Biological Reports prepared for the Los Angeles County Flood Control District by Chambers Group, Inc.

³ Jurisdictional Delineation Reports (2011 and 2013) prepared for the Los Angeles County Flood Control District by Chambers Group, Inc.

⁴ Los Angeles Regional Water Quality Regional Control Board, Section 401 Water Quality Certification, Application Form.

⁵ Los Angeles Regional Water Quality Regional Control Board, Request For Information.

⁶ CDFW 1600 Lake and Streambed Alteration Agreement.

⁷ U.S. Army Corps of Engineers, Nationwide Permit 31 Application.

activities would result in temporary discharges of fill within waters of the United States through periodic excavation of accumulated sediment and removal of riparian vegetation. Activities would be conducted within an approximately 71-acre footprint, of which approximately 38 acres would directly impact waters of the United States (10.8 acres of wetland, and 27 acres of non-wetland)⁸. The proposed maintenance baseline would be maintained by future sediment excavation activities.

I am a senior level regulatory specialist/biologist with experience in wetlands and regulatory permitting with an emphasis in resource management. I have 25 years of professional experience in research biology and wetland ecology. For the past twelve years, I have served as an environmental consultant focusing on biological and regulatory permitting (i.e., wildlife surveys, jurisdictional delineations, restoration and conservation biology, and Sections 1600, 404, and 401 permits). Prior to environmental consulting, I worked ten years for the U. S. Geological Survey (USGS), Biological Resource Division (Maryland and California) and six years for the Smithsonian Institution Museum of Natural History, Division of Vertebrate Zoology in Washington, D.C. In addition to my professional experience as a regulatory specialist and research biologist, I've served as an adjunct professor instructing courses in general biology, cellular biology, and human anatomy for the Rancho Santiago Community College District in southern California. My educational background includes M.S. in Biology/Ecology and B.S. in Zoology/Chemistry from Howard University, Washington, DC.

For the proposed Project, I have concerns regarding the jurisdictional delineation, hydrology, biological report, proposed mitigation measures, and regulatory permit applications prepared for the Project site. These concerns are based on my review of the following documents prepared for this Project; 1) Final Environmental Impact Report (FEIR), 2) Biological Reports, 3) Jurisdictional Delineation Reports, 4) Los Angeles Regional Water Control Board, 401 Certification Application, 5) Los Angeles Regional Water Control Board, Request for Information, 401 Certification, and 6) U.S. Army Corps of Engineers 404 Permit Application.

BACKGROUND

The Project proposes construction activities for the removal of sediment from the reservoir. In order to excavate sediment from the reservoir, trees and vegetation growing within the excavation area or where haul roads are located would be removed. In the areas where excavation would not take place, including the western side of the reservoir (Oak Grove area), vegetation would not be removed. To facilitate storm flows, a slightly steeper gradient would be used in the constricted area of the basin.

DISCUSSION

The County's environmental documents conclude that mitigation measures would reduce impacts to biological resources to a level of less-than-significant. However, based on my review of the documents listed above and referenced in this comment letter, the proposed mitigation measures are not adequate to reduce the Project impacts on biological resources to a less-than-significant level¹. The mitigation measures proposed for this Project lack substance, onsite mitigation is not attainable and specific language and implementation actions regarding mitigation and protective

⁸ U.S. Army Corps of Engineers Los Angeles District. Public Notice. Application For Permit. Devil's Gate Reservoir Sediment Removal and Management Project. Comment Period May 14, 2015 through June 12, 2015.

B5C-1

measures for LBV and wetland habitat is not adequate to reduce impacts to a less-than-significant level.

Based on my experience and knowledge of biological resources and regulatory requirements within the region of the Project site adequate mitigation measures, draft mitigation plan, and regulatory permitting packages have not been adequately proposed or submitted. The required regulatory permits (California Department of Fish and Wildlife (CDFW) 1600 Lake and Streambed Alteration Agreement; Regional Water Quality Control Board 401 Certification (RWQCB); and U.S. Army Corps of Engineers (USACE) 404 Permit) have not been completed pursuant to CEQA compliance. The proposed project has not met required CEQA guidelines for avoidance and mitigation measures for adverse impacts to plant, wildlife, and natural resources. Therefore until adequate and acceptable mitigation measures, draft mitigation plan and/or mitigation bank, and completed regulatory permitting packages have not approved and issued Project implementation of construction activities are not in compliance pursuant to CEQA and therefore unauthorized to proceed.

The onsite mitigation measures proposed by the County have been denied by both the RWQCB and USACE. During my review of the environmental documents for the project no alternative plan had been presented. Suitable least Bell's vireo (LBV) riparian habitat exist onsite but there is no indication the habitat will be mitigated at an adequate ratio for impacts to riparian habitat. Additionally, the FEIR fails to identify the hydrology flows and patterns resulting from the sediment removal. There has been no hydrology study submitted to identify post- and pre-hydrology patterns for the reservoir. An understanding of the resulting drainage patterns would provide an analysis on downstream impacts and how to address subsequent management planning. The ability to make practical decisions for public safety, reservoir capacity, and understand beneficial usages for local and regional wildlife species is required.

The appropriate agencies (i.e., County of Los Angeles, CDFW, RWQCB, and USACE) MUST require the Project applicant to provide: 1) improved and specific language regarding the implementation of MM-BIO 1 through MM-BIO 8, 2) revised jurisdictional delineation map depicting wetland boundaries within current sediment laden portions of the riparian habitat and/or increase the 1:1 ratio to 3:1 for impacts to wetland habitat, 3) a pre and post-hydrology study, and 4) complete regulatory permitting package that includes Sections 1600 (CDFW), 404 (USACE), and 401 (RWQCB) permit applications.

Due to a lack of information for the following: least Bell's vireo activity within the reservoir surroundings (i.e., Hahamongna Watershed Park⁹), mitigation measures, draft mitigation plan or mitigation bank, regulatory permit applications (i.e., Sections 1600, 404, and 401) the proposed Project has the potential to have a significant impact on the environment.

Based on a USGS report,¹⁰ sediment data has been collected at a number of drainages and sites within the Los Angeles River and Arroyo Seco but the focus of the data has been on evaluating total sediment discharge, especially during winter storms (Brownlie and Taylor 1981; Inman and Jenkins, 1999). However, there is a need to reevaluate these historical sediment data since the

⁹ Dowel C.D., L.A.M. Benner, and M.C. Long, 2015. Endangered Bird Species and California Bird Species of Special Concern with Hahamongna Watershed Park. Pasadena Audubon Society.

¹⁰ USGS. Geological, Hydrological, and Biological Issues Related to the Proposed Development of a Park at the Confluence of the Los Angeles River and the Arroyo Seco, Los Angeles County, California. (Scientific Investigation Report 2004-5296).

**B5C-1
cont.**

period of interest is the dry season of the year. Sedimentation accumulation and beneficial usages for wildlife and plant species beyond aquatic species requires further evaluation.

SUMMARY

Concerns:

Hydrology

Project activities will alter the drainage pattern of the Project site:

- a. Develop a sediment transport model that is based on, and calibrated to current data collected for sedimentation at cross sections above, in, and below the drainage and braided channels that occur in the reservoir.
- b. The Project requires a CDFW 1600 Lake and Streambed Alteration Agreement and a pre- and post-hydrology study must be provided in order to analyze how the hydrology patterns will affect the current topography of the proposed Project and impact plant and wildlife species at the conclusion of the construction activities.
- c. A surface water diversion plan is also required.
- d. A Stormwater Pollution Prevention Plan (SWPPP) is required.

Concerns:

Biological Reports

Additional information for the least Bell's vireo and western pond turtle may be required. The areas of concern regarding the biological species are provided below:

- a. The Biological Reports¹¹ states that regardless of the survey type, 100% coverage of the Project site was surveyed by the biologists. This statement fails to provide what types of approved protocol-level or focused surveys were conducted, besides LBV protocol-level surveys.
- b. Surveys were conducted at the Project site but without baseline monitoring data these surveys do not fully address impacts for the region. As such, the occurrence for LBV, western pond turtle and other special-status species may not have been completely analyzed.
- c. Biological Reports states all surveys were conducted during favorable weather conditions (p.7). However the Biological Report also stated there was 100% cloud cover and drizzle rain during the May 27 site visit survey. As such, all surveys were not conducted during favorable weather conditions to detect LBV. Additionally, the Biological Report stated early LBV surveys were not conducted due to constraints that took place early during the survey season. What were the constraints and is there a need to conduct surveys during the time period missed?
- d. Were soil pits taken at the inactive retention basins. Could these locations also exhibit wetland features and characteristic (see Biological Report, photo 3)?

**B5C-1
cont.**

Concerns:

Least Bell's Vireo (LBV)

- a. The Project would substantially reduce and fragment the foraging habitat available to LBV that occurs at the Hahamongna Watershed Park. Adverse effects to LBV from habitat loss, habitat fragmentation, and the reduction of habitat patch size have been well

¹¹ Biological Reports prepared for the Los Angeles County Flood Control District by Chambers Group, Inc.

documented. These adverse effects include nest abandonment, increased depredation (both intra- and inter-specific), and foraging interference.¹² The FEIR and Biological Reports do not disclose, analyze, or provide mitigation for the Project's potentially significant indirect impacts to LBV. Additionally, observations of LBV have been detected with signs of breeding activity within the Hahamongna Watershed Park over several summer seasons.¹³

- b. LBV is a federal and state listed endangered species. The Project site and surrounding buffer zone provide suitable nesting and foraging habitat for LBV. Vireo's can be difficult to detect due to their cryptic coloration, and tendency to flush (fly away) when approached. As a result, the USFWS has established the survey protocols that must be used to collect the data necessary to disclose and evaluate Project impacts to LBV. Per the Biological Reports, LBV protocol-level surveys were conducted in accordance with the USFWS survey protocol guidelines. However, not all surveys were performed during suitable weather conditions for detection of the species. Additionally, there were survey constraints that prevented early season surveys per the Biological Reports. Because USFWS protocol surveys were constrained the Biological Report does not provide fully detailed data on the abundance and distribution of LBV at the Project site. As a result, the County lacks the information needed to fully disclose and evaluate Project impacts to LBV, and perhaps more importantly, to devise effective mitigation. To ensure an adequate impact assessment, develop clear and effective avoidance and minimization measures, and formulate appropriate mitigation measures the County must also review LBV observations that have been recorded in Hahamongna Watershed Park.¹⁴ A review of LBV activity within Hahamongna Watershed Park and impacts to riparian habitat at the reservoir must be considered in order to determine appropriate mitigation measures for the species.
- c. LBV occurrence is depicted on map Attachment 4 of the Biological Report but there is no indication of the LBV observation on map Attachment 3, why is the species not listed on both maps?

**B5C-1
cont.**

Concerns:

Biological Resources

The Biological Reports fails to mitigate potentially significant impacts associated with the Project. The proposed onsite mitigation has been denied by the both RWQCB and USACE and an approved alternative(s) has not been presented to the reviewer of these environmental documents.

Concerns:

Mitigation Measures

- a. The proposed mitigation measures MM-BIO 1 through MM-BIO 8 are too vague and provide inadequate protective measures for special-status species. Without appropriate mitigation measures to reduce unavoidable impacts to special-status species and natural resources the Project's impacts are not at a less-than-significant level.

¹² Kus, B. 2002. Least Bell's Vireo (*Vireo bellii psittillus*). In The Riparian Bird Conservation Plan: a strategy for reversing the decline of riparian associated birds in California. California Partners in Flight. http://www.prbo.org/calpi/htmldocs/riparian_v2.html.

¹³ Dowel C.D., L.A.M. Benner, and M.C. Long, 2015. Endangered Bird Species and California Bird Species of Special Concern with Hahamongna Watershed Park. Pasadena Audubon Society.

¹⁴ Dowel C.D., L.A.M. Benner, and M.C. Long, 2015. Endangered Bird Species and California Bird Species of Special Concern with Hahamongna Watershed Park. Pasadena Audubon Society.

- b. Specifically, MM-BIO 4 does not provide specific actions to take and/or implement if a sensitive species is encountered. How and where will bat eviction take place and during what season? What is the buffer distance for bat avoidance? The 30 feet buffer recommendation must be increased to a minimum distance of 50 feet. Additionally, where do suitable bat relocation sites occur on or near the Project site? No map has been provided to indicate a relocation area for bat species or even to indicate their current location within the Project site. Based on the current mitigation measures bats must not be relocated because there has not been a suitable relocation area(s) identified in the environmental reports reviewed for this project. As such, this mitigation measure must be revised.
- c. Specifically, MM-BIO 8 does not provide specific locations for off-site mitigation. The proposed onsite mitigation has been denied by both the RWQCB and USACE.
- d. Where is a map of the proposed off-site mitigation area? Has a location actually been identified?
- e. An off-site mitigation bank must be established and map of the conservation easement location provided.
- f. The mitigation ratio must be increased from 1:1 to 3:1 for impacts to jurisdictional features. An increased mitigation ratio is required for three primary reasons, 1) removal of riparian habitat at the reservoir will indirectly impact LBV activity at the Hahamongna Watershed Park, 2) removal of riparian habitat at the reservoir will directly impact the wildlife movement corridor that exists, and 3) based on the jurisdictional delineation reports conducted for the Project site approximately 34.10 acres of wetland habitat has been eliminated when you compare the JD report¹⁵ (dated 2011) to the final Public Notice¹⁶ (dated 2015) issued for the Project. There is no clear explanation as to why or how the wetland jurisdictional acreage has been reduced to such an extent other than JD data sheet notations and report information stating "problematic soils." It's clear that problematic soil is a condition caused by sedimentation accumulation over wetland habitat. As such, the wetland habitat that has been covered by sedimentation must also be compensated and an increased ratio of 3:1 for impacts to jurisdictional features would serve as an appropriate compensation ratio. Currently the Public Notice¹⁷ states approximately 10.8 acres are wetlands however a previous JD report¹⁸ stated approximately 44.9 acres of wetland habitat. The difference between these wetland acreages must be accounted for to ensure appropriate and adequate mitigation measures have been implemented for the Project. By increasing the mitigation ratio to 3:1 the approximately 34.10 acres of omitted wetland jurisdiction can be accounted for and responsibly mitigated.

**B5C-1
cont.**

Several bird species likely nest in the Project area. Nesting birds are protected by the Migratory Bird Treaty Act ("MBTA"), and in some cases the state and federal government. The proposed mitigation does not adequately avoid and minimize potentially significant impacts to nesting birds protected by the MBTA.

- g. Some birds can build a nest and initiate egg-laying in as few as 14 days. As a result, a

¹⁵ Formal JD report Devil's Gate Reservoir Sediment Removal Project in the City of Pasadena, Los Angeles County, California. Prepared by Chambers Group, Inc. (February 2011).

¹⁶ U.S. Army Corps of Engineers, Los Angeles District. Public Notice. Devil's Gate Reservoir Sediment Removal and Management Project (2015).

¹⁷ Ibid.

¹⁸ Formal JD report Devil's Gate Reservoir Sediment Removal Project in the City of Pasadena, Los Angeles County, California. Prepared by Chambers Group, Inc. (February 2011).

pre-construction survey without any specific timeframe does not ensure avoidance and minimization of Project impacts to nesting birds.

- h. The FEIR must establish minimum standards for locating nests and minimizing human-induced disturbance. Research indicates nest finding is labor intensive and extremely difficult due to the tendency of many species to construct well-concealed or camouflaged nests. In general, bird nests are located when a variety of search techniques are used and considerable time (e.g., multiple surveys) is devoted to the effort.
- i. The mitigation measures lack monitoring, reporting, and compliance mechanisms that ensure the mitigation is effective and impacts to nesting birds are effectively avoided. These issues need to be resolved before the FEIR has the basis to conclude impacts to nesting birds would be less than significant. As it stands, the Project would result in significant unmitigated impacts to nesting birds.
- j. The mitigation measures are subject to interpretation and thus too vague to ensure mitigation will be implemented when needed. Before the County can conclude all potential impacts are mitigated to a level of less than significant, additional measures must be included in the FEIR. First, the measures do not specify the qualification of the "qualified biologist" who shall oversee the mitigation measures to ensure permitting compliance. An environmental awareness program must be implemented. This measure must state that an environmental awareness program shall be prepared and presented by a "qualified biologist." A qualified biologist is required because they are experienced and capable of educating construction personnel on the following: 1) natural history of migratory birds and their nesting behavior, 2) life history of the LVB, western pond turtle and other special-status species, 3) the importance of the habitat to these special-status species, 4) provide photographs of the VLB, western pond turtle and other special-status species that have potential to occur on the project site, 5) provide terms and conditions of the mitigation measures being implemented for the Project site, and 6) provide information on notifying the qualified biologist if nesting birds, VLB, western pond turtle and other sensitive species are detected by construction workers.
- k. A qualified biologist must prepare a natural resources protection plan and a habitat restoration plan (for off-site mitigation) prior to construction. The main elements of the plans must include: removal and control of invasive vegetation, planting of native vegetation, and monitoring of success criteria. Non-native vegetation in the Project area and adjacent areas must be eradicated and controlled using chemical and hand-removal methods.

Based on the vague language of the proposed mitigation measures a Natural Resources Protection Plan (NRPP) must be considered as follows:

The proposed mitigation measures must include a more comprehensive NRPP. The NRPP provides guidance and instruction for all construction personnel working on the project regarding sensitive species and natural resources. The NRPP is based on the contract permits and the special provisions and serves to inform contractor and Project personnel of the conditions contained within those documents. The regulative authority comes from the permits and the contract document. The NRPP is implemented by a qualified biologist consisting of the following elements:

- List of sensitive species and habitats addressed in the NRPP which include the species listed in the FEIR,

**B5C-1
cont.**

- Detailed description of the proposed monitoring methods for all special-status with the potential to occur onsite during construction activities,
- Protocols for species protection and monitoring,
- Protection and/or minimization measures, which include those required by the Permits, Agreements, Certifications, Stormwater Pollution Prevention Plan (SWPPP), Contracts, and Special Provisions for regulated or sensitive species which may occur on the project site,
- Implementation plan for monitoring and maintaining the integrity of all Environmentally Sensitive Areas (ESA) fencing as delineated on design plans,
- Protective radii for sensitive species encounters,
- Implementation plan for protection measures including monitoring schedule,
- Monitoring duties,
- Schedule for inspecting protective measures,
- Schedule for maintaining protective measures,
- Schedule for submittal of monitoring reports,
- Response plan for instances where sensitive species are encountered.

Feasible mitigation includes:

1. In addition a compensatory mitigation plan must be submitted and approved prior to Project implementation, a description, location, and map of the compensatory lands must be included in a revised environmental review document.
2. Inclusion of the compensatory mitigation plan to the regulatory permits (Sections 1600, 404, and 401).

Concerns:

Regulatory Permit Issues

The County must address concerns mentioned above before permit applications are submitted for approval. The project requires Sections 1600 (CDFW), 404 (USACE) and 401(RWQCB) to include a Compensatory Mitigation Plan. To date none of these regulatory requirements have been completed. An acceptable mitigation bank must be identified and incorporated into the mitigation plan for the Project. Onsite mitigation for impacts to jurisdictional features has been denied by the RWQCB and USACE.

Jurisdictional Delineation Report (JD report)

- a. Based on a review of the JD reports prepared for the Project site there is no consistency in the total waters of the United States jurisdictional acreage and impacts to wetland habitat. The JD report acreage calculations are based on the 2011, 2013, and 2015 environmental review documents. These same inconsistencies exist for waters of the State (i.e., Regional Water Quality Control Board and California Department of Fish and Wildlife).
- b. In the 2011 JD report¹⁹, the direct impacts to waters of the United States was cited as approximately 46.63 acres of total jurisdiction, of which 44.9 acres consist of wetlands.
- c. In the 2013 JD report²⁰, the direct impacts to waters of the United States was cited as approximately 75.77 acres of total jurisdiction, of which 42.4 acres consist of wetlands.

¹⁹ Formal JD report Devil's Gate Reservoir Sediment Removal Project in the City of Pasadena, Los Angeles County, California. Prepared by Chambers Group, Inc. (February 2011).

**B5C-1
cont.**

- d. In the 2015, Public Notice Application for Permit²¹, the direct impacts to waters of the United States was cited as approximately 38 acres of total jurisdiction, of which 10.8 acres consist of wetlands.
- e. The total acreage for wetland habitat ranged from approximately 44.9 acres to 10.8 acres of jurisdictional wetlands. Each JD report had different results for jurisdictional waters of the U.S and wetland habitat. A total of approximately 34.10 acres of wetland habitat has been eliminated based on the Public Notice²² issued by the USACE Los Angeles District.
- f. If calculations for wetland boundary and determination of the wetland acreage is not revised to account for wetland habitat buried beneath the sediment then mitigation ratio for impacts to wetlands must be increased from 1:1 to 3:1 for impacts to the existing wetland jurisdictional features.
- g. Based on the jurisdictional delineation reports conducted for the Project site approximately 34.10 acres of wetland habitat has been eliminated when you compare the JD report²³ (dated 2011) to the final Public Notice²⁴ (dated 2015) issued for the Project. There is no clear explanation as to why or how the wetland jurisdictional acreage has been reduced to such an extent other then JD data sheet notations and report information stating "problematic soils." It's clear that problematic soil is a condition caused by sedimentation accumulation over wetland habitat. As such, the wetland habitat that has been covered by sedimentation must also be compensated and an increased ratio of 3:1 for impacts to jurisdictional features would serve as an appropriate compensation ratio. Currently the Public Notice²⁵ states approximately 10.8 acres are wetlands however a previous JD report²⁶ stated approximately 44.9 acres of wetland habitat. The difference between these wetland acreages must be accounted for to ensure appropriate and adequate mitigation measures have been implemented for the Project. By increasing the mitigation ratio to 3:1 the approximately 34.10 acres of omitted wetland jurisdiction can be accounted for and responsibly mitigated.
- h. There is no indication the downstream portion of the project site was surveyed for wetland features by using the three-parameter criteria (hydrology, vegetation, soil) due to the identification of problematic soils. The Biological Report and Jurisdictional Delineation reports provided information on plant species and the absence or presence of water but the soils types were classified as problematic.
- i. There is no indication of the type of soil existing at the project site prior to the sediment accumulation and post 2009 Station Fire. The soil data is critical for determining the Project's actual wetland boundaries. Only locations onsite where standing water was present have been considered wetlands. Due to the sediment accumulation the actual wetland boundaries are smaller then what truly occurs within the Project site.
- j. Due to the sediment accumulation adjacent to the soil pits, wetland boundaries of were undeterminable during the delineation process based on these problematic soils. Wetland

**B5C-1
cont.**

²⁰ Jurisdictional Delineation Report Devil's Gate Reservoir Sediment Removal and Management Project in the City of Pasadena, Los Angeles County, California. Prepared by Chambers Group, Inc. (June 2013).

²¹ U.S. Army Corps of Engineers, Los Angeles District. Public Notice. Devil's Gate Reservoir Sediment Removal and Management Project (2015).

²² *ibid*

²³ Formal JD report Devil's Gate Reservoir Sediment Removal Project in the City of Pasadena, Los Angeles County, California. Prepared by Chambers Group, Inc. (February 2011).

²⁴ U.S. Army Corps of Engineers, Los Angeles District. Public Notice. Devil's Gate Reservoir Sediment Removal and Management Project (2015).

²⁵ *Ibid*.

²⁶ Formal JD report Devil's Gate Reservoir Sediment Removal Project in the City of Pasadena, Los Angeles County, California. Prepared by Chambers Group, Inc. (February 2011).

boundaries were therefore identified by the OHWM (Section 4.4.3). The wetland boundaries likely extend beyond the OHWM and have been buried by the excessive sediment accumulation within the reservoir. The jurisdictional delineation report could not provide the full extent of the wetland boundary that occur onsite. Based on the sediment accumulation within the reservoir the wetlands soils may be covered by 20-25 feet of sediment thus making an accurate determination of the wetland boundaries difficult to precisely determine. According to the 2013 JD report²⁷, "a soil pit was dug to a depth of 18 inches ... " A soil pit with a depth of 18 inches would not be adequate enough to determine what true soils exist below the accumulated sediment. This fact alone warrants the need to extend the existing and obviously limited wetland boundaries of the Project site. Wetland boundaries have only been determined where current standing water exists. Wetlands have wet and dry periods where although no standing water is present the hydrology and soil provide clear indication of wetland characteristics (hydrology, vegetation, soil). The wetland boundary calculation and boundary determination must be revised.

Section 401 Application

a. Area Type/Description

This section of the 401 application does not include "wildlife corridor, jurisdictional wetland, streambed (unvegetated and/or vegetated)" resources for the project site. Additionally, the project site functions as a wildlife corridor per Biological Report (p. 11). As such, the dredging and excavation activities will affect the wildlife movement corridor and regional species. However this information is not indicated in the 401 application.

b. Impacted Water Bodies: 401 Certification Application

This section of the 401 application has the Jurisdictional Wetland feature marked as "N/A". This does not appear to be correctly stated in the application because wetland habitat will be impacted by the Project activity. Additionally, Streambed (vegetated) and Streambed (unvegetated) is also considered as "N/A" on the 401 Certification application. Wetlands and streambeds exist on the Project site and must be indicated on the 401 Certification application.

Section 404 Application

- a. The 404 application²⁸ must be resubmitted based on inaccurate and lack of information provided. The specific points are mentioned below:
- b. Aquatic Life Movements (p. 8): Application states, "Project activities will only take place during dry months, when water is not present behind the dam. Therefore, no aquatic life should be affected." The Applicant statement is incorrect. Standing water exists immediately behind the dam. According to the Jurisdictional Delineation report and photographs of the project site the wetland habitat occurs immediately behind the dam and standing water was present in the area totaling approximately 10.8 acres. Although not detected based on limited surveys and no use of capture and release trapping

**B5C-1
cont.**

²⁷ Jurisdictional Delineation Report Devil's Gate Reservoir Sediment Removal and Management Project in the City of Pasadena, Los Angeles County, California. Prepared by Chambers Group, Inc. (June 2013).

²⁸ Request for Section 404 Nationwide Permit 31 Devil's Gate Reservoir Sediment Removal and Management Project. Prepared by County of Los Angeles, Department of Public Works (September 2014).

- techniques the likelihood of wildlife species (i.e., pond turtles, riparian birds, raccoons, small mammals, etc.) presence with the exception of fish species is probable.
- c. Migratory Bird Breeding Areas (p. 8): Applicant states, *"With the implementation of Mitigation Measures, the impact to migratory birds will be reduced to a level below significance. See DEIR Section 3.6 – Biological Resources."* The Mitigation Measures proposed for the project are inadequate. The mitigation measure proposed must provide specific language regarding the role of the qualified biologist and protective actions to take if a special-status species is encountered. The current mitigation measures do not provide a suitable relocation area and/or map of location where species would be protected from construction activities in the case the need to remove a species from harms way occurs. The mitigation measures fail to 1) identify and map where Environmentally Sensitive Area (ESA) fencing will be located and 2) relocation area(s) for special-status species that may be encountered within the active construction.
 - d. Adverse Effects from Impoundments (p. 8): Applicant states, *"Project activities will only take place during dry months when water is not present behind the dam."* The Applicant statement is incorrect. Standing water exists immediately behind the dam. According to the Jurisdictional Delineation report and photographs of the project site the wetland habitat occurs immediately behind the dam and standing water was present in the area totaling approximately 10.8 acres.
 - e. Migratory Bird and Bald and Golden Eagle Permits (p. 8): The Applicant states, *"With the implementation of Mitigation Measures, the impact to migratory birds will be reduced to a level below significance. Bald and Golden Eagle are not present with the Project site. See DEIR Section 3.6 – Biological Resources."* The Mitigation Measures proposed for the project are inadequate. The mitigation measure proposed must provide specific language regarding the role of the qualified biologist and protective actions to take if a special-status species is encountered. The current mitigation measures do not provide a suitable relocation area and/or map of location(s) where wildlife species would be relocated by the qualified biologist if encountered on the Project site. Additionally, the mitigation measures fail to identify and map where is the Environmentally Sensitive Area (ESA) fencing will be located.
 - f. Designated Critical Resource Waters (p. 8): The Applicant states, *"The Project will not directly affect critical resource waters or wetlands adjacent to such waters."* The Project activities will directly affect wetland habitat onsite. Additionally, downstream resources are likely to be affected by the proposed dredging activities.

**B5C-1
cont.**

CDFW 1600 LSAA

The CDFW 1600 LSAA permit that has not been executed due to lack of mitigation measure requirements (i.e., approved mitigation plan and/or in-lieu fee payment to mitigation bank, mitigation credits, etc.). Additionally, the CDFW 1600 LSAA permit was prepared during 2013 and is not consistent with the current material reviewed in the FEIR. A revised CDFW 1600 LSAA permit application is required for the Project.

Although, the off-site acquisition and enhancement of off-site state waters would mitigate Project impacts no potential off-site locations for required mitigation have been provided. A mitigation plan that identifies locations of potential off-site conservation easement and restoration areas must be included with the permit application prior to project approval and implementation. The Project does not provide adequate mitigation for impacts to waters of the state and to wildlife species that benefit from the drainages onsite and in the vicinity of the Project. As an enforceable measure, a detailed revegetation (to include plant palette) and mitigation plan for impacts to the drainage features must be required prior to Project approval

and implementation. At the least, a Draft Mitigation Plan must be provided for review prior to Project approval and implementation.

Best Management Practices (BMP)

The FEIR fails to provide specific BMP's that will be applied to aid wildlife species, biological resources, and water pollution control plan.

Based on a USGS report,²⁹ sediment data has been collected at a number of drainages and sites within the Los Angeles River and Arroyo Seco but the focus of the data has been on evaluating total sediment discharge, especially during winter storms (Brownlie and Taylor 1981; Inman and Jenkins, 1999). However, there is a need to reevaluate these historical sediment data since the period of interest is the dry season of the year. What must also be evaluated is how species adapt to new drainage features, aquatic waterbodies, and recolonize suitable habitat.

Many reservoirs are maintained; however, some contain significant habitat types or species diversity. Within reservoirs there is also aquatic habitat. Habitat or vegetation that exists within the reservoir will be impacted by excavation activities. Additionally, draining of a reservoir could impact the habitat in the stream below the dam. Therefore measures must be taken to remove excessive amounts of sediment by reviewing sediment models and hydrology studies to determine the appropriate time period(s) to conduct excavation activities in order to prevent unnecessary impacts to wildlife and plant species while at the same time limit excessive amounts of sediment from entering the reservoir and down streams tributaries.

The Devil's Gate Reservoir is in early succession based on the 2009 fires. As such, large amounts of vegetative removal will be detrimental for regional species and wildlife corridor movement. Albeit some removal of vegetation is required for the sedimentation dredging however exactly how much vegetative removal is truly required? This question must be considered when coupled with the fact that LBV has known breeding activity in Hahamongna Watershed Park.³⁰

The omissions outlined above preclude the ability to fully evaluate the impacts of the Project on jurisdictional features, potential LBV suitable habitat, and the proposed off-site mitigation location has not been identified. As such, the Project is not in full compliance with state and federal regulations. Further CEQA and possibly NEPA compliance must be considered. Although, this project is currently being reviewed pursuant to CEQA, NEPA compliance may be considered as a means to ensure adequate mitigation measures are addressed. For this Project NEPA would apply due to USACE having discretion in deciding whether and how to exercise its authority over required compliance and mitigation measures with the issuance of the Federal 404 NWP.

**B5C-1
cont.**

²⁹ USGS. Geological, Hydrological, and Biological Issues Related to the Proposed Development of a Park at the Confluence of the Los Angeles River and the Arroyo Seco, Los Angeles County, California. (Scientific Investigation Report 2004-5296).

³⁰ Dowel C.D., L.A.M. Benner, and M.C. Long. 2015. Endangered Bird Species and California Bird Species of Special Concern with Hahamongna Watershed Park. Pasadena Audubon Society.

CONCLUSION

As a result of the issues discussed herein and lack of specific mitigation language, it is my professional opinion that there is not substantive information for the County to conclude the Project will have less-than-significant impacts on sensitive biological resources and that adequate mitigation measures are in place to compensate for impacts to the LBV, wetland and riparian habitat that will be permanently impacted by the proposed Project activities. In particular, it is my professional opinion the Project has the following flaws:

- 1.) Lack of an acceptable and adequate compensatory mitigation plan, a mitigation bank must be identified and/or established,
- 2.) vague language for MM-BIO 1 through MM-BIO 8, a natural resource protection plan must be provided with the mitigation measures for a qualified biologist,
- 3.) lack of adequate Least Bell's Vireo surveys and analysis, the species has known presence and breeding behavior at the Hahamongna Watershed Park, as such any riparian removal at the reservoir will affect the LBV,
- 4.) lack of a pre- / post-hydrology study, there is no indication of the drainage pattern that will occur once the dredging activities are completed,
- 5.) inconsistency in wetland acreage vs. non-wetland acreage,
- 6.) problematic soils for wetland determination require an increased mitigation ratio for impacts to the wetland impacts,
- 7.) mitigation ratio for wetland habitat too low, and
- 8.) Incomplete regulatory permit applications.

**B5C-1
cont.**

Minimizing the Project's impacts on sensitive biological resources will require acceptable mitigation measures beyond what has been proposed by the County and FEIR. Appropriate mitigation measures must be presented for wetland habitat that will be impacted, LBV suitable habitat, and riparian habitat that exists at the Project site. Additionally, a qualified biologist must outline specific protective measures to implement if special-status species (i.e., LBV, western pond turtle or other species of concern) are encountered during construction activities. The mitigation and protective measures must provide a relocation plan with a map of the proposed relocation areas. Construction activities must be conducted outside of bat roosting periods. The species protective measures must be clearly identified and approved and not left open ended for determination at a later stage during the construction phase of the project.

Sincerely,



T'Shaka Touré, M.S.
Senior Regulatory Specialist/Biologist

Responses to Letter B5 – Attachment C – Toure Associates

Response to Comment B5C-1:

The commenter's letter is dated June 15, 2015 and therefore does not address the RFEIR, which was published on July 24, 2017. Indeed, the letter expressly states that it is providing comments on the originally certified EIR. Any such comments are outside the scope of the RFEIR, as they predate the April 19, 2017, Los Angeles County Superior Court judgement in *Arroyo Seco Foundation v. County of Los Angeles*, which, as detailed in Master Response 1, primarily upheld the adequacy of the EIR and required only narrow revision and recirculation of limited portions of the EIR.

Letter B6 - Pasadena Audubon Society

From: funkshn@gmail.com on behalf of Mark Hunter <mark.hunter@pasadenaaudubon.org>
Sent: Monday, September 18, 2017 3:25 PM
To: DPW-reservoircleanouts
Subject: Comments on revised EIR for Devil's Gate Dam

September 18, 2017

To whom it may concern:

Pasadena Audubon Society has followed and studied Los Angeles County Flood Control's plan to remove sediment from Hahamongna Watershed Park for years. We find the recently revised EIR to be flawed in ways that prevent it from meaningfully adhering to CEQA. The EIR still does not adequately address habitat mitigation, air quality problems, or alternative plans.

B6-1

The County never adequately addressed the plan developed by the working group with the City of Pasadena. The Pasadena Plan provides for safety, creates much less pollution, and destroys far less habitat, therefore requiring less mitigation.

B6-2

Regarding air quality, the County says it will utilize Model Year 2010 trucks to minimize air quality impacts. The separate comment letter from air quality expert Paul Rosenfield notes that emissions from Model Year 2010 trucks will still have significant air pollution impacts, given the sheer number of trucks (up to 425 per day), steep grade, traffic congestion, long idling times, and proximity to residential neighborhoods and schools. Furthermore, this standard does not apply to other mining and excavation equipment, which is also diesel-powered and likely to be even older equipment. As a responsible public agency, the County should use only clean air vehicles.

B6-3

The County keeps warning us that we **might** suffer if the dam, which they rehabbed not long ago, fails. They warn us over and over that this is a real possibility. But they cannot tell us how likely, or unlikely, this event is. In 2014, when asked by then-Supervisor Yaroslowsky what the risk of flooding was, County staff hemmed and hawed and did not answer the Supervisor's question. The hard truth is that if they pursue this project as outlined now, the residents and schoolchildren who live, work, and attend school near Hahamongna will face increased rates of heart disease, lung disease, and miscarriage. This is not a remote possibility but a fact. Given that Model Year 2010 trucks still emit considerable pollutants, clean air vehicles are the only safe option.

B6-4

Regarding habitat mitigation, the County continues to devalue the quality of habitat in Hahamongna and offers inadequate mitigation. Rather than using evidence relevant to or actually from Hahamongna to show that a 1:1 mitigation ratio is sufficient, the County uses some other projects (a Vulcan mining operation and an apartment complex in Riverside County) to argue that their plan is enough. But these other projects have little or nothing to do with the precious riparian habitat in Hahamongna. A 1:1 ratio is insufficient for riparian habitat, as demonstrated in the separate comment letter by biological expert Scott Cashen, and the County's argument is irrelevant.

B6-5

Beginning with the false premise that a 1:1 ratio of mitigation is sufficient, the RFEIR then concludes that the Project will have "less than significant impacts" on biological resources, stating that "[b]ased on the evidence cited above and the steps outlined in Mitigation Measure BIO-8 to ensure a successful replacement at a 1:1 ratio, neither a higher mitigation ratio nor other Mitigation Measures would be necessary to reduce impacts to below level of significance." The problem here is that the "evidence above" is flawed and, if the mitigation is off-site, then the impacts to the habitat in Hahamongna are hardly "less than significant." They are devastating.

The RFEIR consistently underestimates the quality of habitat in the Hahamongna basin. The RFEIR utilizes a 2013 habitat assessment which designates some of the habitat as degraded, ignoring the County's own more recent surveys that show habitat doing well. Consequently, the County's habitat assessment systemically underestimates the amount of habitat currently in the basin, overemphasizing the presence of invasive species, and underestimating the presence of certain types of riparian habitat by claiming that habitat has been buried under sediment even though it has re-established itself since 2013. The County, by characterizing these habitats as more degraded than they are, minimizes the destructive impacts of their excavation and mining program as well as reduces their obligation to mitigate those impacts. And they show their lack of understanding of habitats when they say that habitat has been buried and is therefore degraded. Some types of habitat in Hahamongna, like alluvial sage scrub, are "adapted to severe floods and erosion" and are "unique and threatened." According to the California Natural Diversity Data Base (1987), alluvial sage scrub is "a unique habitat with a high priority for conservation" (Hanes, Freisen, and Keane, 1989). But rather than seeing that, the County calls it degraded in order to justify its destruction.

B6-6

Another problem with the RFEIR is the lack of a mitigation plan. We cannot assess or comment on something that does not exist. There aren't even assurances that it will be in the Arroyo Seco Watershed. Riparian habitat is precious and rare in our region, and we don't want to lose any of it.

The bulk of the to-be-destroyed habitat is home to several species of nesting birds, many of which were noted in previous letters from Pasadena Audubon members to the County: Yellow-breasted Chat, Yellow Warbler, and, one year, 'Least' Bell's Vireo, a bird listed by the federal government as endangered. How wonderful if Pasadena could be known for its population of vireos rather than a dirty mining and excavation project.

**B6-6
cont.**

The basin floor, where these sensitive species are found, is designated for a 51-acre "maintenance yard" which will be bulldozed to bare dirt during much of each year. The basin floor currently supports a rich mix of recreation, from horseback riding to hiking to kids at Tom Sawyer Camp, and that recreation will be severely curtailed by the maintenance yard. With such severe impacts to wildlife and to recreation, the heart of Hahamongna will lose its value as a public park. But the revised EIR does not adequately discuss these impacts.

The huge amount of sediment targeted for removal under the County's plan is greater than that required to protect against floods. The "cross-town pipeline" was on the drawing board at the time that the EIR was written, and excavation of a reservoir large enough to service the pipeline surely inflated the target removal amounts of the project. With the cross-town pipeline now dead but the huge removal target unchanged, Pasadena Audubon urges the County to shrink its plan and follow the recommendation of the City of Pasadena to use their plan instead. It balances safety concerns with quality of life for both animals and people.

B6-7

Sincerely,

Pasadena Audubon Society

Laura Garrett, President

Mark Hunter, Conservation Chair)

Responses to Letter B6 – Pasadena Audubon Society

Response to Comment B6-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the RFEIR is flawed and does not adequately address habitat mitigation, air quality problems, or alternative plans. Master Responses 1, 3, and 4 address this comment.

Response to Comment B6-2:

The comment states that the County never adequately addressed the plan developed by the Pasadena Sediment Working Group. Master Response 1 addresses this comment.

Response to Comment B6-3:

The comment states that emissions from Model Year 2010 trucks will still have significant air pollution impacts and that as a responsible public agency the County should use only clean air vehicles. Master Responses 1 and 3 address this comment.

Response to Comment B6-4:

This comment is concerned with the risk of dam failure and flooding. The comment also states that clean air vehicles are the only safe option. Master Responses 1 and 3 address this comment.

Response to Comment B6-5:

The comment states that the RFEIR does not provide sufficient evidence that the 1:1 mitigation ratio required in Mitigation Measures BIO-8 will be sufficient to reduce biological impacts to less than significant level. Master Response 4 provides a response to this comment.

Response to Comment B6-6:

The comment states that the quality of habitat in the Hahamongna Basin is underestimated due to the utilization of a habitat assessment from 2013. The RFEIR was prepared to provide substantial evidence to support the mitigation ratios in Mitigation Measures BIO-6, -7, and -8 of the EIR. The comment also states that a mitigation plan has not been provided, impacts to endangered and sensitive species and habitats has not been addressed, there are no assurances the mitigation will occur in the Arroyo Seco Watershed, and recreational uses will be severely curtailed. No provision of the Superior Court's ruling in *Arroyo Seco Foundation v. County of Los Angeles*, LACSC Case No. BS 152771, a lawsuit that had challenged the Final EIR prepared for this Project, required the decertification of any other portion of the EIR's analysis of potential biological resource impacts, including the EIR's assessment of habitat that could be impacted during the

Sediment Removal Phase of the Project, nor were the Project's approvals voided or set aside. In preparing a Recirculated Portion of the Final EIR, rather than a new or supplemental EIR, the LACFCD was not required to issue a new notice of preparation pursuant to State CEQA Guidelines Section 15182. Given this, and pursuant to State CEQA Guideline 15125(a), which provides that EIRs "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced," no later study of the condition of vegetation communities was required.

Further, comments regarding the EIR's assessment of the condition of the habitat were previously raised in comments on the EIR (e.g. the Arroyo Seco Foundation's comment letter on the Draft EIR [Comment #216] describing the Project site as having "well-established habitat" to support increased mitigation). These comments post-dated the 2013 assessment of habitat prepared in support of the EIR. Claims regarding the condition of the habitat were also raised in the lawsuit challenging the Final EIR, which argued that the EIR failed to adequately describe the Project's biological environmental setting and thus would have significant, undisclosed, impacts on resources and habitat. The Superior Court expressly rejected claims that the environmental setting description of biological resources was incomplete, instead finding that it was in full compliance with CEQA. Accordingly, in preparing the RFEIR for the Superior Court's review in order to confirm that the directions in its judgment have been satisfied, LACFCD was not required to provide analysis concerning newly asserted challenges as to the environmental setting description of biological resources that arise from the same material facts that were in existence at the time of the Court's judgment.

In regards to the comment about the lack of a mitigation plan, Master Response 5 provides a response to this comment. As discussed in Section 3.6.2 of the RFEIR, Mitigation Measures MM BIO-6 through MM BIO-8 provide mitigation to protect and avoid impacts and to restore and enhance riparian and sensitive habitats. Master Response 6 addresses the comment regarding the location of the mitigation. Master Response addresses the comments regarding the least Bell's vireo and recreational uses, which are both beyond the scope of the RFEIR.

Response to Comment B6-7:

This comment states that the amount of sediment targeted for removal is greater than that required to protect against floods and advocates for the Pasadena Sediment Working Group's recommended alternative. Master Response 1 addresses this comment.

Letter B7 - Arroyo Seco Foundation and Pasadena Audubon Society



P: (626) 381-9248
F: (626) 389-5414
E: info@mitsailsaw.com

Mitchell M. Tsai
Attorney At Law

350 W. Colorado Boulevard
Suite 225
Pasadena, California 91105

VIA FACSIMILE, ELECTRONIC MAIL & US MAIL

August 15, 2017

Mark Pestrella - Director
Los Angeles County Flood Control District
Department of Public Works
Water Resources Division
Attn: Reservoir Cleanouts Program
P.O. Box 1460
Alhambra, CA 91802-1460
Em: reservoircleanouts@dpw.lacounty.gov

**RE: Request for Public Outreach Meeting /Request for Extension of Comment
Period Regarding Final Environmental Impact Report for Devil's Gate Dam
Sediment Removal & Management Project.**

Dear Director Pestrella,

On behalf of the Arroyo Seco Foundation (“**ASF**”) and Pasadena Audubon Society (“**Audubon**”) (collectively “**Requestors**”) and its members, this Office requests that the Los Angeles County Flood Control District (“**LACFCD**” or “**Agency**”) conduct a public outreach meeting and extend the public comment period for the above-referenced project (“**Project**”) by forty-five (45) days beyond the currently scheduled public comment deadline of Thursday, September 7, 2017 pursuant to Title 14 of the California Code of Regulations §§ 15105, 15087; Cal. Pub. Res. Code § 21091.

B7-1

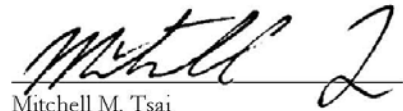
The Arroyo Seco Foundation is a community-based 501(c)(3) nonprofit organization that advocates for an integrated, harmonious approach to watershed and flood management, water conservation, habitat enhancement, and the expansion of recreational opportunities through action projects, recreation, and environmental awareness activities. ASF has conducted a watershed coordination and education program in the Arroyo Seco Watershed for more than ten years. ASF members live, work, and recreate in the area surrounding the Devil’s Gate Reservoir.

Pasadena Audubon Society is a California nonprofit corporation that aims to bring the excitement of birds to their community through birding, education, and the conservation of bird habitats serving the communities of Alhambra, Altadena, Arcadia, Azusa, Duarte, El Monte, La Cañada, Monterey Park, Monrovia, Montrose, Pasadena, Rosemead, San Gabriel, San Marino, Sierra Madre, South Pasadena, and Temple City. Audubon members live and work near the Project site and frequently live, work, and recreate in the areas immediately surrounding the Devil’s Gate Reservoir.

Your attention to this matter is appreciated. If you have any questions or concerns, please do not hesitate to contact our Office.

LACFCD – Request For Public Meeting & Extension of Public Review Period
Arroyo Seco Foundation & Pasadena Audobon Society
August 15, 2017

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell M. Tsai", written over a horizontal line.

Mitchell M. Tsai
Attorneys for Arroyo Seco Foundation &
Pasadena Audobon Society

Responses to Letter B7 – Arroyo Seco Foundation and Pasadena Audubon Society

Response to Comment B7-1:

This comment requests that a public outreach meeting be conducted and that the public comment period for the RFEIR be extended by at least 45 days. Master Response 2 addresses the extending the public comment period portion of this comment. In addition, community outreach meetings will be conducted prior to when the RFEIR is brought before the County Board of Supervisors.

Letter B8 - Arroyo Seco Foundation and Pasadena Audubon Society



P: (626) 381-9248
F: (626) 389-5414
E: info@mitschtsailaw.com

Mitchell M. Tsai
Attorney At Law

350 W. Colorado Boulevard
Suite 225
Pasadena, California 91105

VIA FACSIMILE, ELECTRONIC MAIL & US MAIL

August 29, 2017

Mark Pestrella – Director
Los Angeles County Flood Control District
Department of Public Works
Water Resources Division
Attn: Reservoir Cleanouts Program
P.O. Box 1460
Alhambra, CA 91802-1460
Em: reservoircleanouts@dpw.lacounty.gov

**RE: Request for Public Outreach Meeting / Request for Extension of Comment
Period Regarding Final Environmental Impact Report for Devil's Gate Dam
Sediment Removal & Management Project.**

Dear Director Pestrella,

On behalf of the Arroyo Seco Foundation (“**ASF**”) and Pasadena Audubon Society (“**Audubon**”) (collectively “**Requestors**”) and its members, this Office respectfully requests that the Los Angeles County Flood Control District (“**LACFCD**” or “**Agency**”) extend the public review and comment period for the above-referenced project’s (“**Project**”) Final Environmental Impact Report (“**FEIR**”) by fifteen (15) days beyond the currently scheduled public comment deadline of Thursday, September 7, 2017. On August 15, 2017, our office requested a public meeting and extension of the comment period to gain immediate access to any and all documents referenced or relied upon in the FEIR. To date, the Agency has denied our request, and in doing so, have failed to provide us with access to the requested records, as required by State law. Therefore, we request that the FEIR comment period be extended until at least fifteen (15) days from the date that the Agency makes available all documents referenced in the FEIR.

This request is made pursuant pursuant to Title 14 of the California Code of Regulations §§.15105, 15087; Cal. Pub. Res. Code § 21091 and the California Environmental Quality Act, Pub. Resources Code (“**PRC**”) §§ 21000 et seq. (“**CEQA**”) Section 21092(b)(1) which requires that “all documents referenced in the draft environmental impact report or negative declaration” be available for review and be “readily accessible” during the entire comment period.1 Section 21092(b)(1) also requires that the CEQA notice of availability for an EIR must include “the address where copies of the proposed EIR and all documents referenced therein are available for review and readily accessible during the agency’s normal working hours.”

B8-1

LACFCD – Request For Public Meeting & Extension of Public Review Period
Arroyo Seco Foundation & Pasadena Audobon Society
August 29, 2017

On August 15, 2017, we submitted a letter to the Agency requesting “immediate access to any and all documents referenced or relied upon” in the FEIR. On August 18, 2017, I received a telephone call from a staff person at the Agency’s Public Records Act department requesting clarification on the reasons for the extension requested on August 15th. On the call, I clarified that we requested an extension to allow for proper review of all documents referenced or relied upon in the FEIR for the Project, as required under PRC Section 21092, and that the list may include both documents identified in FEIR, References, as well as any other documents or studies referenced elsewhere in the FEIR that were relied upon by the EIR preparer. As of the date of this letter, the Agency still denies our request for an extension of the public commenting period for the Project.

CEQA’s procedural requirements are strictly applied to lead agencies like the Agency. The courts have held that the failure to provide access to even a few pages of a CEQA documents for a portion of the CEQA review period invalidates the entire CEQA process, and that such a failure must be remedied by permitting additional public comment. An EIR may not rely on hidden studies or documents that are not provided to the public. By failing to extend the public commenting period, Agency fails to provide adequate timing to access all documents referenced in the Project’s FEIR, the Agency has violated State law to the detriment of Requestors and other members of the public who wish to meaningfully review and comment on the FEIR.

**B8-1
cont.**

The Agency’s denial of our office’s request to extend the public comment period makes accessing newly-referenced documents for public review particularly burdensome in this case because of the FEIR’s reliance on missing documents for its significance determinations and mitigation measures. Without having access to these documents, commenters and other members of the public are unable to evaluate the accuracy of the Agency’s biological and air quality impacts analysis, or the efficacy of the Agency’s proposed mitigation measures, in the FEIR. Additionally, the size of the FEIR and the Project’s complexity make it difficult to effectively comment on the FEIR without the referenced documents by September 7, 2017.

Accordingly, we hereby request that the Agency extend the public review and comment period on the FEIR for a minimum of 15 days from the scheduled deadline.

Please feel free to contact our office via telephone or email should you have any questions, comments, or concerns. Thank you for your prompt attention and response to this matter.

Sincerely,



MITCHELL M. TSAI

Attorney for Arroyo Seco Foundation & the Pasadena Audobon Society

Responses to Letter B8 – Arroyo Seco Foundation and Pasadena Audubon Society

Response to Comment B8-1:

This comment requests that a public outreach meeting be conducted, all documents referenced in the RFEIR be provided to the commenter, and the public comment period for the RFEIR be extended by at least 15 days from the point all documents referenced in the RFEIR are provided. Master Response 2 addresses the extending the public comment period portion of this comment. All documents referenced in the RFEIR were provided to the commenter, and the public comment period was extended following the transmittal of the referenced documents. In addition, community outreach meetings will be conducted prior to when the RFEIR is brought before the County Board of Supervisors.

Letter B9 - Arroyo Seco Foundation and Pasadena Audubon Society



P: (626) 381-9248
F: (626) 389-5414
E: info@mitchtsailaw.com

Mitchell M. Tsai
Attorney At Law

350 W. Colorado Boulevard
Suite 225
Pasadena, California 91105

VIA FACSIMILE, ELECTRONIC MAIL & US MAIL

August 31, 2017

Mark Pestrella - Director
Los Angeles County Flood Control District
Department of Public Works
Water Resources Division
Attn: Reservoir Cleanouts Program
P.O. Box 1460
Alhambra, CA 91802-1460
Em: reservoircleanouts@dpw.lacounty.gov

**RE: Third Request For Extension of Comment Period for Devil's Gate Dam
Sediment Removal & Management Project / Public Records Act Request for
Documents Referenced in Recirculated Portions of Final Environmental
Impact Report**

Dear Director Pestrella,

On behalf of the Arroyo Seco Foundation (“ASF”), Pasadena Audubon Society (“Audubon”), and their members (collectively “Requestors”), this Office requests that the Los Angeles County Flood Control District (“LACFCD” or “Agency”) extend the public review and comment period on the recirculated Final Environmental Impact Report (“RFEIR”) for the Devil's Gate Dam Sediment Removal & Management Project (“Project”) by an additional 15-30 days following receipt by Requestors of all outstanding documents cited in the RFEIR. This request is based on the District’s failure to make all documents referenced in the RFEIR available during the public comment period and requested by Requestors, and the complexity of the Project.

I. EXTENSION REQUEST

On July 26, 2017, following receipt of the July 24, 2017, Notice of Availability of the RFEIR, this Office submitted a Public Records Act (“PRA”) request seeking all documents related to the Project from March 23, 2017, to the present (the date of our last request). On August 21, 2017, almost a month later, the District provided a partial set of documents responsive to the request. However, the District’s response omitted a number of critical documents, including the following documents cited in the RFEIR:

- City of San Bernadino, CA Riparian Habitats Restoration Plan;
- City of Riverside, CA Quail Run Apartments & Riversidean Alluvial Fan Sage Scrub projects located on the northwesterly corner of the intersection of Quail Run Road and Central Avenue in the City of Riverside, California;

B9-1

LACFCD – Public Records Act Request & Request For Extension of Public Review Period
Arroyo Seco Foundation & Pasadena Audobon Society
August 31, 2017

- City of Malibu Rambla Pacifico Street Reconstruction Project (State Clearinghouse No. 2010031128).

It is critical to Requestors' review of the RFEIR that they be given access to these and all documents that are directly cited and relied upon in the RFEIR.

Our office has submitted two prior letters asking the District to extend the public comment period on the RFEIR, on August 15, 2017, and again on August 28, 2017. Both requests have been denied.

The District's failure to provide access to these documents, along with any other missing documents that are referenced in the RFEIR but which have not been provided, has prejudiced our ability, and the ability of other members of the public, to fully and meaningfully review and comment on the RFEIR.

Failure to provide access to the 2015 Biological Report for the entire public comment period violates a fundamental informational requirement of California Environmental Quality Act ("CEQA") Section 21092(b)(1), which requires that all documents referenced in an environmental impact report be available for review and be "readily accessible" during the entire CEQA public comment period. See Pub. Res. Code ("PRC") PRC §§ 21092(b)(1); 14 Cal. Code Regs. ("CCR") § 15072(g)(4); see *Ultramar v. South Coast Air Quality Man. Dist.* (1993) 17 Cal.App.4th 689, 702-03. There is now insufficient time remaining in the comment period, which ends on September 7, 2017, to meaningfully review and comment on the RFEIR following receipt of the missing documents. Accordingly, the public comment period must be extended to allow Requestors and other members of the public adequate time to review and comment on the Project.

Accordingly, **this Office respectfully requests that the District and the Los Angeles County Department of Public Works extend the public comment period for the RFEIR by at least fifteen (15) to thirty (30) days after the District makes all outstanding documents cited in the RFEIR available to the public.**

II. **PUBLIC RECORDS ACT REQUEST FOR IMMEDIATE ACCESS.**

Requestors request that the District provide **immediate access** to review **any and all documents referenced or relied upon in the RFEIR for the Devil's Gate Project** pursuant to section 6253(a) of the PRA, which requires public records to be "open to inspection at all times during the office hours of the state or local agency" and provides that "every person has a right to inspect any public record." Gov. Code §6253(a) (emphasis added).

Please include in your response to this request the following examples of "records," as well as any similar physical or electronic forms of communication: any form of writing such as correspondence, electronic mail records ("email"), legal and factual memoranda, facsimiles, photographs, maps, videotapes, film, data, reports, notes, audiotapes, or drawings. Responsive correspondence should include, inter alia, emails and any and all other forms of internal agency correspondence. *Citizens for*

**B9-1
cont.**

B9-2

LACFCD – Public Records Act Request & Request For Extension of Public Review Period
Arroyo Seco Foundation & Pasadena Audobon Society
August 31, 2017

Ceres v. Super. Ct. (“Ceres”) (2013) 217 Cal. App. 4th 889, 909; *Citizens for Open Gov't v. City of Lodi* (“Lodi”) (2012) 205 Cal.App.4th 296, 307, 311.

This request seeks access to the above documents for inspection under Section 6253(a) only and does not request that the City provide copies of these documents. Therefore, the ten day response period applicable to a “request for a copy of records” under Section 6253(c) does not apply to this request. Furthermore, the City is directed not to take any action to organize or modify the requested documents. We request access to the documents in the existing form maintained by the City. See *Sierra Club v. Super. Ct.* (2013) 57 Cal. 4th 157, 161. The City may not seek recovery of costs for any staff time related to responding to this Public Records Act request. *North County Parents v. Dept. of Education* (1994) 23 Cal.App.4th 144; *County of Los Angeles v. Super. Ct.* (2000) 82 Cal.App.4th 819, 826.

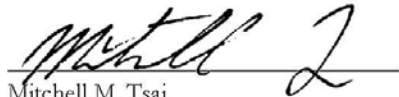
**B9-2
cont.**

If any of the above-requested documents are available online, please provide us with the URL web address at which the documents may be downloaded. If any of the requested documents are retained by the City in an electronic computer-readable format such as PDF (portable document format), please provide us with pdf copies of the documents via email, or inform us of the location at which we can copy these documents electronically.

We reserve the right to have a copy service make copies of any and all of the requested documents depending on the volume.

Your prompt response is appreciated.

Sincerely,



Mitchell M. Tsai
Attorneys for Arroyo Seco Foundation &
Pasadena Audobon Society

cc. Michael Simon

Responses to Letter B9 – Arroyo Seco Foundation and Pasadena Audubon Society

Response to Comment B9-1:

This comment requests that a public outreach meeting be conducted, all documents referenced in the RFEIR be provided to the commenter, and the public comment period for the RFEIR be extended by at least 15 to 30 days from the point all documents referenced in the RFEIR are provided. Master Response 2 addresses the extending the public comment period portion of this comment. In addition, community outreach meetings will be conducted prior to when the RFEIR is brought before the County Board of Supervisors.

Response to Comment B9-2:

This comment requests that the LACFCD provide the commenter access to review any and all documents referenced or relied upon in the RFEIR.

All documents referenced in the RFEIR were provided to the commenter and the public comment period was extended following the transmittal of the referenced documents (see Master Response 2).

3.4 Category C: General Public Comments

This section provides responses to the comment letters submitted by the public

Letter C1 - Anne Chomyn

From: Anne Chomyn <annechomyn@gmail.com>
Sent: Monday, July 24, 2017 3:11 PM
To: DPW-reservoircleanouts
Subject: Re: Devil's Gate Reservoir Sediment Removal and Management Project - Recirculated Portions of the Final EIR
Attachments: image002.png

Categories: Recirculated Portions of FEIR Comment, Devil's Gate Sed Rem

Thanks for the update!

| C1-1

On Mon, Jul 24, 2017 at 1:06 PM DPW-reservoircleanouts <reservoircleanouts@dpw.lacounty.gov> wrote:



***Recirculated Portions of the Final EIR
Available for Public Review***

The Los Angeles County Flood Control District (LACFCD) is recirculating limited portions of the Devil's Gate Sediment Removal and Management Project Final Environmental Impact Report (EIR) as the result of a judgment from the Superior Court of the County of Los Angeles. The judgment found that the Final EIR complied with CEQA on all but three narrow topics. Therefore, the LACFCD is recirculating only those sections of the Final EIR related to: 1) the 1:1 mitigation ratios in three specific Biological Mitigation Measures; 2) the imposition of the Biological Mitigation Measures from the Final EIR on the proposed Devil's Gate Water Conservation Project, should such a project go forward; and 3) the requirement that sediment removal haul

trucks meet Environmental Protection Agency's emission standards for Model Year 2010 or later. The project approval by the LACFCD remains unchanged.

The Recirculated Portions of the Final EIR are being made available for public review for a 45-day review period between **Monday, July 24, 2017** and **Thursday, September 7, 2017**.

The Notice of Availability/Notice of Completion of the Recirculated Portions of the Final Environmental Impact Report can be viewed online here: [NOA/NOC](#)

The Recirculated Portions of the Final EIR can be viewed online here: [Recirculated Portions of the Final EIR](#).



Responses to Letter C1 – Anne Chomyn

Response to Comment C1-1:

This comment was a thank you for the notice of availability of the RFEIR. No response is necessary.

Letter C2 - Joe Wilson

From: Joe Wilson <teqjazz@gmail.com>
Sent: Friday, August 04, 2017 9:50 AM
To: DPW-reservoircleanouts
Subject: Re: the devilsgate dam clean out

Categories: Recirculated Portions of FEIR Comment, Devil's Gate Sed Rem

Let the work begin. Where was the Board of supervisors and the environmental wackos since 2009 when the damage occurred or started to occur? Out to lunch. 8 yrs and nothing has happened. New animals have moved into the area and new vegetation has grown, so the eco nuts, now want all that area designated as some sort of nature preserve. The county every year cleans out catch basins and what have you in preparation for winter storms that may or may not come. It looks like both of these groups have dropped the ball big time. Something has to be done, and soon. While you all are marking time, and dropping dimes on each other in court, nothing is being accomplished. Typical for politicians and the eco nuts that would like to take us back to the horse and buggy era. That's not going to happen, just look at all the high rise buildings going up and more concrete being poured everyday. That is changing the environment too and not for the good. Joe and lola wilson,,1098 n. Sierra bonita ave. Pasadena, ca 91104. 626 791-8198

C2-1

Responses to Letter C2 – Joe Wilson

Response to Comment C2-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the process is taking too long. Comment noted.

Letter C3 - Kathy Sturdevant

From: Kathy Sturdevant <kathy.sturdevant@sbcglobal.net>
Sent: Friday, August 11, 2017 9:55 PM
Subject: Urging a No vote on the Big Dig
Categories: Recirculated Portions of FEIR Comment, Devil's Gate Sed Rem

Neighbors, environmental groups, and the City of Pasadena all agree that the proposed "big dig" in Hahamongna park is too much. The proposed amount to be removed is too big, and the time period quite short. The area is not only near homes and schools, but it is a recreational zone for people and a critical wildlife habitat. It doesn't make sense to me that the county has chosen this enormous, heavy-handed "solution" to a situation that has laid undisturbed for years.

C3-1

The smaller plan is less destructive and has a smaller impact on wildlife and humans, as well as causing less risk to neighboring school children. Easy does it. The smaller plan is the way to go. Let's keep Pasadena safe for all the residents— human, bird, and animal.

Kathy Sturdevant
2315 Loma Vista St.
Pasadena, CA 91104

Kathy Sturdevant
kathy.sturdevant@sbcglobal.net
<http://www.linkedin.com/in/kstur>

Responses to Letter C3 – Kathy Sturdevant

Response to Comment C3-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the amount of sediment removal proposed is too big and that the time frame for the project is too short. Master Response 1 provides a response to this comment.

Letter C4 - Papacs

From: DPW-reservoircleanouts
Sent: Monday, August 14, 2017 8:47 AM
To: papacs
Cc: DPW-reservoircleanouts
Subject: RE: Devils gate dam

Good morning,

Thank you for submitting comments on the Recirculated Portions of the Final Environmental Impact Report (EIR) for the Devil's Gate Reservoir Sediment Removal and Management Project during the 45-day Public Review Period. The construction contract is expected to be awarded in 2018, but the timing, and how much sediment can be removed next year is dependent on when the permits are issued.

After the review period closes on September 7, 2017, the Los Angeles County Flood Control District will respond to the comments and make appropriate revisions to the Recirculated Portions of the Final EIR.

All comments received during the Public Review Period and a Response to Comments Log will be included with the Recirculated Portions of the Final EIR when it is presented to the County of Los Angeles Board of Supervisors for re-certification. In addition, the Response to Comments Log will be posted on the Project website (www.LASedimentmanagement.com/DevilsGate) before the Recirculated Portions of the Final EIR is submitted to the Board. We will notify you when the Response to Comments Log is available.

Thank you,
Email: reservoircleanouts@dpw.lacounty.gov
Website: www.LAsedimentmanagement.com/DevilsGate

From: papacs [mailto:papacs@dslextreme.com]
Sent: Tuesday, August 01, 2017 10:54 AM
To: DPW-reservoircleanouts <reservoircleanouts@dpw.lacounty.gov>
Subject: Devils gate dam

Hello, our girls attend La Canada High School. When will the big dig commence?

C4-1

Sent from my Verizon 4G LTE smartphone

Responses to Letter C4 – Papacs

Response to Comment C4-1:

This comment requests information on when the Project will start. The construction contract for the initial sediment removal phase of the Project is expected to be awarded in 2018, but the timing and how much sediment can be removed within the 2018 calendar year is dependent on when all necessary permits for impacts to CDFW, USACE, and RWQCB jurisdictional areas are issued.

Letter C5 - Christle Balvin

Christle Balvin
695 So. Catalina Ave.
Pasadena, Calif. 91106

August 17, 2017

Keith Lilly, Project Manager
Devil's Gate Sediment Removal Project
Los Angeles County Department of Public Works/
Flood Control District
900 South Fremont Avenue
Alhambra, California 91803

Dear Keith:

It's so unfortunate that we are still at it -- this long and unnecessary dispute over how best to provide flood control in the Arroyo Seco channel and yet maintain the natural environment and last wilderness area in the Pasadena community. Having followed this project since the original Master Plan for Hahamongna in 1999, I believe much of the responsibility lies with the County's refusal to work for safe and workable compromises. Chris Stone is used to heading a "stand alone" agency with little supervision from the Supervisors. Working together with a community like Pasadena which has put sediment experts and other knowledgeable people in a study group to make thoughtful recommendations designed to reduce the excessively large scope of the County's sediment removal program simply does not interest him. We all suffer because of his intransience. Such a waste of time and energy!

Here are my comments on the County's Devil's Gate Sediment Removal Project:

1. THE THREAT TO SAFETY: After almost 25 years of inaction where the County has allowed the sediment to build up without water overflowing the dam, it now maintains urgent action is needed to avoid the possible threat of two 50-year storms. **Based on the historic record, what is the actual probably of even one 50-year storm? What about two? With the retrofitting and strengthening of Devil's Gate Dam over 10 years ago, what amount of rainfall and storm run-off constitutes an actual threat to downstream residents?**

Rather than continue to issue threats of flooding that are not necessarily supported by facts, Pasadena is asking for information that may support its thesis that a less aggressive sediment removal plan will protect the safety of those in the area while preserving the natural environment that is important to residents. **So unless there is clear and factual information to support the County's contention that such drastic sediment removal is necessary, I ask that the County adopt the recommendations of the Pasadena Devil's Gate Dam Sediment Working Group that would remove 1.1 million cubic yards over five years, enough to handle one fifty-year storm.**

C5-1

2

2. POLLUTING THE BASIN: Pasadena and its neighboring foothill communities are famous for their bad air created as the LA smog drifts north and is captured by the surrounding San Gabriel Mountains. In other words, these communities already have an air pollution problem. And who is most impacted. Our Youth! Yet the County project which calls for 400 trips-a-day by diesel-powered double dump trucks passes directly by La Canada High School and is adjacent to several other schools. And it does so several months-a-year over a four-to five-year period. **What studies has the County undertaken to look closely at the impact of diesel on the students studying at the schools adjacent to or in close proximity of the sediment removal trucks?** It is my understanding that the City of Los Angeles recently created new methods to study the impacts of air pollution upon residents living adjacent to freeways. **Could the County use these state of the art studies and methods in assessing the impact that its proposed diesel-powered vehicles will have upon La Canada students?**

C5-2

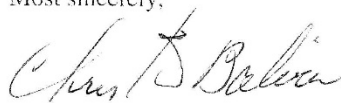
The Plan and recommendations of the Pasadena Devil's Gate Dam Sediment Working Group have two distinct advantages over the County Sediment Removal Program. First as pertains to air pollution, **under the Pasadena plan fewer trucks will be necessary because less sediment will be removed. Second, removing less sediment will cost less to already stressed taxpayers.**

3. PROTECTING OUR LAST OPEN SPACE (while providing needed flood control): In addition to a rare type of sage, the Hahamongna watershed basin recently was discovered to have a species of bird seldom seen in the southern United States. Facilitating one of the few flowing streams north of Los Angeles, the watershed is home to a very special natural environment that is open and accessible to anyone seeking to walk its trails, hike its hills, listen to its birds or explore its woodlands and streams. As stewards of our vanishing Southern California open space, we must take care of the limited undeveloped land that is still free and open to us. **That's why the recommendations proposed by Pasadena's Devil's Gate Dam Sediment Working Group better serve the needs of a rapidly developing Los Angeles County. The Pasadena plan eliminates far less of the natural habitat surrounding the sediment basin and better protects the stream, wildlife and trails that make this such a unique and special place. Protecting downstream residents is part of the Pasadena Plan but so is protecting a vanishing wilderness area that we call Hahamongna Watershed Park.**

C5-3

Thank you for responding to my questions and for giving serious consideration to my comments and observation based on years of active involvement with the Arroyo Seco and Hahamongna Watershed Park.

Most sincerely,



Christle Balvin



Responses to Letter C5 – Christle Balvin

Response to Comment C5-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the need for the proposed sediment removal is not supported and proposes that the smaller scale removal plan proposed by the City of Pasadena is preferred. Master Response 1 provides a response to this comment.

Response to Comment C5-2:

The comment proposes that new studies be conducted to assess the impacts of air pollution caused by trucks used for the project. The comment also states that the implementation of the Pasadena plan would decrease the amount of trucks needed. Master Responses 1 and 3 provides a response to this comment.

Response to Comment C5-3:

The comment states that because of the presence of native and rare habitat within the Hahamongna Watershed Park, the recommendations proposed by the Pasadena Devil's Gate Dam Sediment Working Group are preferable to the Proposed Project. Master Response 1 provides a response to this comment.

Letter C6 - Rody Stephenson

From: Rody Stephenson <rodys@earthlink.net>
Sent: Friday, August 25, 2017 8:35 AM
To: DPW-reservoircleanouts
Subject: Comments on Devil's Gate Revised EIR

Importance: High

Here are my comments:

- | | |
|---|-------------|
| 1. The revisions to the EIR are minimal. They are not fully responsive to the concerns of the court. | C6-1 |
| 2. Switching the trucks to 2010 EPA standards is an improvement. Requiring NG trucks would be far better in reducing NOX and PM 2.5. The trucking contractors for this project can easily afford to buy brand new NG trucks. They will be worn out by the time the project is completed. | C6-2 |
| 3. The Eaton Canyon pipeline project has been added. PDF pages 54-57. It is now disguised as the Devil's Gate Water Conservation Project.
a. This project is a stupid idea. There are plenty of settling ponds in the Arroyo for all the storm water that will be captured. Don't steal Pasadena's water and ship it to Eaton Canyon.
b. This project should be removed from this EIR, and
c. The Flood Control district should issue a public statement that this project is dead and will not be considered. Ever. | C6-3 |
| 4. The way to fix this project is to cut the sediment removal in half (to 1.3 mcy) and to double the implementation time to 10 years. | C6-4 |
| 5. The Board of supervisors should be required to vote again on the whole project. But not until all the permits have been issued. | C6-5 |
| 6. The 1:1 vegetation mitigation is not nearly enough. Try 2:1. | C6-6 |
| 7. Develop and include an on-going, annual, sediment removal plan for AFTER this project is completed. So that another massive dig is never required again in the future. | C6-7 |

Rody

R. Rhoads (Rody) Stephenson
4455 Rockland Place, Unit 10
La Canada, CA 91011
(818) 248-7472
(818) 279-4667 (Cell)

Responses to Letter C6 – Rody Stephenson

Response to Comment C6-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the information provided in the RFEIR is minimal and does not adequately respond to the concerns of the court. Master Response 1 provides a response to this comment.

Response to Comment C6-2:

This comment requests that the project require natural gas trucks. Master Response 3 addresses this comment.

Response to Comment C6-3:

This comment expresses disapproval of the Devil's Gate Water Conservation Project. Master Response 1 addresses this comment.

Response to Comment C6-4:

This comment suggests modifications decreasing the amount of sediment removed and increasing the duration of the Project. Master Response 1 addresses this comment.

Response to Comment C6-5:

This comment states that the County Board of Supervisors should be required to vote again on the whole project after all of the permits have been issued. Master Response 1 addresses this comment.

Response to Comment C6-6:

The comment states that the 1:1 mitigation ratio for vegetation is not sufficient. Master Response 4 provides a response to this comment.

Response to Comment C6-7:

This comment requests that an annual sediment removal plan be completed after the initial sediment removal. Ongoing sediment management is an integral part of the Project approved by the County of Los Angeles Board of Supervisors on November 12, 2014. Master Response 1 fully addresses this comment.

Letter C7 - Constance Brines

From: Constance Brines <yconnie.brines@gmail.com>
Sent: Friday, August 25, 2017 2:47 PM
To: DPW reservoircleanouts
Subject: Please -- No Big Dig in Hahamongna

Please follow the Pasadena Sediment Working Group's recommendation for a more sustainable and environmentally sound solution to the Devil's Gate Dam maintenance. Do not allow the LA County make-work, overly-expensive, habitat-destructive project to proceed. **C7-1**

Constance Bidwell Brines
950 Laguna Road
Pasadena CA 91105
Home: 626-403-0727
Mobil: 703-626-0492
yconnie.brines@gmail.com

Responses to Letter C7 –Constance Brines

Response to Comment C7-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states a preference for the implementation of the Pasadena Sediment Working Group's recommendations instead of the Project. Master Response 1 provides a response to this comment.

Letter C8 - Amy Mainzer

From: Amy Mainzer <amainzer123@yahoo.com>
Sent: Tuesday, August 29, 2017 12:05 AM
To: DPW-reservoircleanouts
Subject: Hahamonga project

To Whom It May Concern:

I am writing as a private citizen to oppose the "Big Dig" at Hahamonga. This destructive plan will needlessly trash beautiful habitat and park space that our city badly needs. Moreover, there are alternatives that would greatly reduce the impact of sediment removal, such as the plan endorsed by the City of Pasadena, which actually owns the park. I live and work near Hahamonga and visit the park regularly to enjoy its gorgeous views and the abundant wildlife in this healthy ecosystem.

I work at NASA's Jet Propulsion Laboratory as a scientist. I'm very privileged to work there. My work constantly reminds me that there is only one Earth, and we must take care of it. This includes figuring out ways to avoid trashing some of the few remaining wild places in one of the biggest megacities on the planet. There are alternatives that accomplish the goals without causing the damage, such a slow and steady removal of sediment. The beautiful and extremely rare riparian habitat in places like Hahamonga is fast disappearing thanks to poor management, such as the proposed project. Moreover, the 45 day comment period is woefully inadequate to fully inform the stakeholders - our neighbors - about this proposal. This should be extended so that there is time to carefully consider this plan.

C8-1

C8-2

Please, reconsider the "Big Dig" plan for Hahamonga. History will not judge us kindly for ruining this place.

Sincerely,
Dr. Amy Mainzer
Pasadena

Responses to Letter C8 –Amy Mainzer

Response to Comment C8-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the Project is too destructive, and states a preference for an alternative plan. Master Response 1 provides a response to this comment.

Response to Comment C8-2:

This comment states that the 45-day comment period is not adequate and should be extended. Master Response 2 provides a response to this comment.

Letter C9 - Michele Zack

From: Michele Zack <michelezack@mac.com>
Sent: Tuesday, August 29, 2017 12:21 PM
To: DPW-reservoircleanouts
Cc: Barger Leibrich, Kathryn; Sussy Nemer
Subject: Devil's Gate clean out

Dear County Public Works,

We all agree that sediment needs to be removed from behind Devil's Gate Dam for public safety. It is just the amount of sediment, and the process, that must be agreed on.

I sincerely hope that revising the EIR is taken by your public agency as a precious opportunity to revisit the best way to achieve safety goals, and to come up with a smart solution that takes into account this rare Southern California environment, the way natural systems function, animal habitat, recreational use, and the need to conserve water. And don't forget climate change whose main effect in our region has been long drought periods. There have been **no deaths due to flood in this channel for more than 100 years**, and yet the current proposal is to increase the depth behind the dam to lower than it has been since 1930! One has to ask why such a draconian solution, and why now?

C9-1

The judge correctly found the cumulative adverse effects of more than 400 environmentally substandard trucks a day over a period of 5 years to remove more than 2 million cubic yards of debris had not been properly mitigated for in LACDPW's plan. The most direct way to solve this problem is through a slower, smaller, smarter, ongoing program — in fact, this was suggested years ago by the County itself, and had it been implemented we'd be in much better shape today instead of bogged down in a lawsuit that serves no public purpose. The Pasadena Plan also recommended removal of about half that amount of sediment in a program over several years, and was reached by a qualified group of people taking everything important into account. Many individuals and groups, such as Altadena Heritage, endorsed this approach. Why not just do it, and refocus attention on conservation?

C9-2

Now that the Cross Town Pipeline has been declared dead by Supervisor Barger, the need to create such a deep basin and 50 acres of scorched earth to store water for transfer across town to Eaton Canyon where it will be absorbed into the Rio Hondo Watershed *no longer exists*. We all agree that releasing stormwater down the channel into the Pacific is a terrible waste — why not redouble efforts to protect public safety and come up with the smartest way to conserve water within the Arroyo Seco Watershed where it falls? This would help recharge the Raymond Basin, including the Monk Hill Section where most Altadena Water Companies pump water and boost our self-sufficiency. Putting more water here would also dilute the pollution caused by JPL's Superfund site, an approach that scientists working on this problem have endorsed.

C9-3

Instead of complaining that the geology of the Arroyo Seco Watershed makes recharge just too difficult, why not apply lessons learned here and around the world — and our own great Yankee ingenuity — to come up with a combination of creative solutions? One under discussion is a pump-back into the watershed that would enhance habitat to support birds and other wildlife, and make Hahamongna into a nicer park for people, too. Other possibilities include attending to existing, non-functional dams in the mountains, improving maintenance of existing spreading ponds, and building new infrastructure to help water percolate back underground. Why can't the golf courses in the Arroyo Seco in Pasadena and South Pasadena be designated as "special emergency run-off areas" where hundreds of acre feet could be safely diverted in the event of catastrophic rains? If these two water suckers could be perpetually greened by retained storm water instead of drinking quality water, that

C9-4

could also help our area's long-term water sufficiency plan. The Army Corps of Engineers long study (15+ years) of revitalizing the Arroyo Seco has also become bogged down and hasn't received sufficient County support — why not double down on that thoroughly studied plan to enhance water conservation and habitat along the LA River's largest and most historic tributary?

C9-4
cont.

What I am suggesting is that all public servants (in LACDPW, our Board of Supervisors, and in our courts) involved in water policy use this "revised EIR moment" as a chance to step back, think big and smart, and work together to come up with a truly integrated approach to managing our most precious resource. Instead of policies that encourage "grants chasing projects" please show real leadership in coming up longterm solutions for Southern California and all its inhabitants. Be worthy of the public trust we invest in you.

C9-5

Michele Zack
local historian and activist

Responses to Letter C9 – Michele Zack

Response to Comment C9-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that no deaths have occurred as a result of flooding in over 100 years making the need for the proposed amount of sediment targeted for removal unnecessary. Master Response 1 provides a response to this comment.

Response to Comment C9-2:

This comment states a preference for the implementation of the Pasadena Sediment Working Group's recommendations. Master Response 1 provides a response to this comment.

Response to Comment C9-3:

This comment requests that a new plan be developed, different than the Project approved by the County of Los Angeles Board of Supervisors that protects public safety and conserves water within the Arroyo Seco Watershed. Master Response 1 addresses this comment.

Response to Comment C9-4:

The comment expresses the need for a creative solution to address recharge of the Arroyo Seco Watershed and makes several recommendations. Master Response 1 addresses this comment.

Response to Comment C9-5:

This comment requests that the County select an integrated approach alternative. Master Response 1 provides a response to this comment.

Letter C10 - Christina Heath

From: Christina Heath <cheath93@earthlink.net>
Sent: Saturday, August 26, 2017 9:28 AM
To: DPW-reservoircleanouts
Subject: Hahamongna Watershed Park proposed decimation

I am writing you to urge you to heed the proposals put forth by the Pasadena City Council regarding the clean out behind Devil's Gate Dam. We need to protect downstream, but is removing all impediments to rapid water flow the answer? I think not. The Upper Arroyo behind Devil's Gate Dam is a perfect area for percolation of rainwater. Increasing the slope by digging a deep hole and removing vegetation will just cause more silt and sand to flow into the area immediately behind the dam. There are settling basins on the east side of the main river bed which are not used at all during the wet season. Why not? There should be more of these "mini-dams" in the area, not a channelized river that rushes everything in its path to the area behind the dam. I hope you are working with geologists, physicists and hydrologists who often know more than the "scoop and destroy" easy answer put forward by some.

This is a precious area, now home to seldom seen species of birds and mammals in this area. Please don't decimate it.

Thank you for listening.
Christina Heath
Altadena, California
cheath93@earthlink.net

C10-1

Responses to Letter C10 – Christina Heath

Response to Comment C10-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states a preference for the implementation of the Pasadena Sediment Working Group's recommendations. Master Response 1 provides a response to this comment.

Letter C11 - Marnie Gaede

Marnie Gaede
5218 Donna Maria Lane
La Canada, CA 91011
August 21 2017

COMMENTS TO DEVIL'S GATE RFEIR

To whom it May Concern,

As a concerned citizen of La Canada Flintridge, I am submitting my comments to the Los Angeles County Flood Control District's Final Environmental Impact Report.

This process has been long, and quite frankly aggravating. I attended most of the meetings and was frustrated over the lack of consideration that was expressed by the County towards the public input. | **C11-1**

It is also unfortunate that the public hasn't been given more time to respond and hasn't had public outreach meetings. With the end of summer encompassing the 45-day public comment period, it appears rushed and unfair. | **C11-2**

It is clear that the County didn't respect the overwhelming public support of a smaller, less invasive, less polluted, less destructive project. The greatest support was for the City of Pasadena's slower, reduced sediment removal and more environmentally sensitive plan. It is also a fact that the County should have been moving sediment within the parameters of their mandated allotment. Because there hasn't been a steady, annual effort for decades, it feels as though the County has created a fear-based emergency to push for a project that has no place in this century. | **C11-3**

I am an adjunct professor at Art Center College of Design. In our Design for Sustainability, we instruct our student to design for the challenges of the present and the future, while keeping in focus the environmental issues that will plague our world if we don't plan for a better future. This project looks like a 1950s plan, for a future that was uninformed of the impacts of pollution from diesel on health and climate change, nor aware the challenges of great human population expansion and the resultant impact on bio-diverse habitat and species. | **C11-4**

Now the court has requested the County defend certain aspects of the habitat restoration and the great concern over air quality and impact of traffic. After Judge Chalfant ordered the County to defend a 1:1 biological mitigation, I was hopeful that the response from the county would be informed by similar projects and advice from biologists and restoration experts. Most sensitive, bio-diverse riparian areas under consideration have a 2-3:1 ratio, not 1:1. The comparison sites used to defend 1:1 are not at all comparable to Hahamongna. The County clearly | **C11-5**

undervalues and underestimates the unique habitat and biological richness of Hahamongna.

**C11-5
cont.**

It is also difficult to understand how the County hopes to achieve a habitat restoration plan. We are given guidelines, but no plan. Such a plan would be valuable for the public to review in order to understand the effectiveness and deficiencies of the mitigation program.

C11-6

The County depicts the project impact as “less than significant” to the biological resources of Hahamongna. The idea that it is OK to destroy a rich, rare riparian habitat and move it to another location is not an informed, relevant solution. There are too few places remaining in LA County that are as rich or unique as Hahamongna. There are great efforts to restore the Los Angeles River. I celebrate this while at the same time can't understand why the headwaters can be effectively destroyed or compromised in the way that is planned by this project.

C11-7

The Governor of California, the Mayor of Los Angeles, and a majority of the people living in California think about the future in a way that values our open spaces and bio-diverse species; they worry about climate change and the impact of traffic, toxic diesel and black smoke pollution. We all want a cleaner, more healthful, less stressful Los Angeles that provides place to go where citizens can de-stress and enjoy nature. This project runs counter to those values in every sense and detail.

C11-8

The worst aspect of this project involves the amount of sediment to be removed, the number of diesel trucks used daily, and the increase of noise, pollution and traffic. As a parent and a teacher, I fully recognize how traffic impacts schools (there are 9 near this project), how diesel pollution impacts student health, development and well-being, and how dangerous the long-term impact of diesel pollutions can be for all ages adjacent to such a project. A 2010 standard does not solve the problems associated with 425 trucks a day, along with support vehicles, idling time, noise, toxic air, and distraction. This isn't a project designed for a better, more healthful residential and educational environment; it is a project that will have long-term debilitating consequences to those who must suffer through years of pollution, noise, and increased traffic. With so much at stake: the children of the future and the people who have worked hard to live in the adjacent community, it defies reason to approve something that has such great impacts. The only reasonable alternative to this is clean energy trucks, fewer trucks, less sediment, greater time and a more respectful impact on the surrounding community

C11-9

Thank you,

Sincerely,

Marnie Gaede

Responses to Letter C11 – Marnie Gaede

Response to Comment C11-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the process is taking too long and that the County has not considered public input when selecting an alternative. The County has provided opportunities to comment on the EIR and RFEIR above and beyond what is required by CEQA, including an extended public review period (90 days) for the original draft EIR and for the RFEIR (55 days), when only 45 days is required. Based partially on public input during the CEQA process, the County Board of Supervisors approved the Environmentally Superior Alternative (Alternative 3, Configuration D, Option 2) in conjunction with Alternative 5, the Haul Road Alternative, which further reduced traffic impacts. Under Alternative 3, Configuration D, sediment removal activities would remove approximately 2.4, rather than 2.9 mcy of excess sediment in the Reservoir, in addition to any additional sediment received during the implementation of the project. Additional alternatives were not required to be evaluated in the RFEIR. Please see Master Response 1 for additional information on the scope of the RFEIR and Master Response 2 for additional information on the RFEIR public review period.

Response to Comment C11-2:

This comment states that the 45-day comment period is not adequate and should be extended and that the LACFCD should hold additional public outreach meetings. Master Response 2 provides a response to this comment. In addition, community outreach meetings will be conducted prior to when the RFEIR is brought before the County Board of Supervisors.

Response to Comment C11-3:

This comment states a preference for the implementation of the Pasadena Sediment Working Group's recommendations. Master Response 1 provides a response to this comment.

Response to Comment C11-4:

This comment states that the project design is uninformed of the impacts of pollution from diesel on health and climate change as well as habitat and species. The County Board of Supervisors considered the impacts of the project and alternatives when making the decision to approve the Environmentally Superior Alternative. Master Response 1 provides a response to this comment.

Response to Comment C11-5:

The comment states that the projects cited as evidence to defend the 1:1 mitigation ratio required in Mitigation Measures BIO-6, -7, and -8 were not comparable to the Project. Master Response 4 provides a response to this comment.

Response to Comment C11-6:

The comment states that a habitat restoration plan has not been made available to the public for review. Master Response 5 provides a response to this comment.

Response to Comment C11-7:

The comment states a concern regarding a loss of native and rare riparian habitat and moving it to another location. As discussed in Section 3.6.6 of the RFEIR, Mitigation Measures MM BIO-6 through MM BIO-8 provide mitigation to protect and avoid impacts and to restore and enhance riparian and sensitive habitats. Master Response 6 provides information about the location of onsite and offsite compensatory mitigation.

Response to Comment C11-8:

This comment states that the project does not conform to the way of thinking of the Governor of California, Mayor of Los Angeles, and the majority of the people in California in regards to climate change, open space, species diversity, traffic, and toxic diesel and black smoke pollution. This comment has been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration.

Response to Comment C11-9:

This comment requests that the project require clean energy trucks and fewer trucks with less sediment removed over a greater time period. The comment also notes concerns over traffic and air quality resulting from project operations. Master Response 1 addresses the portion of this comment regarding less sediment removal over a greater time period and traffic concerns. The portion of the comment addressing clean energy trucks and air quality concerns is addressed in Master Response 3. With implementation of Mitigation Measures MM AQ-1 and MM AQ-2, impacts to air quality, including those associated with health effects will be reduced to less than significant.

Letter C12 - Genette Foster

From: gfoster102@sbcglobal.net
Sent: Wednesday, August 30, 2017 9:22 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate Reservoir Sediment Removal and Management Project

Comments on Devil's Gate Reservoir Sediment Removal and Management Project

I call on the County to deliver a project that is less aggressive, less harmful to habitat and wildlife, and more sustainable. The current project is too big, too fast, and too destructive. The Flood Control District has been less than honest in their planning for this project. Critics charge that such an unprecedented massive removal of sediment can only be explained if Arroyo water is to be diverted through a pipeline five miles east to Eaton Canyon, a project not mentioned in the County's Environmental Impact Report.. C12-1

The County failed to develop an ongoing sediment management program, and failed to remove any significant sediment from the dam for more than 20 years. Instead of paying for sediment removal from operating funds on an annual basis, the plan proposes to do all the work on an accelerated schedule which will be devastating to the immediate environment and surrounding communities. C12-2

The plan proposes permanent destruction of more than 50 acres of rare streamzone habitat in one of Southern California's most precious alluvial canyons. The Flood Control District failed to specify and analyze a mitigation program as part of their EIR for the project. In 2016 they proposed trying to restore riparian habitat only in upland areas. Now almost three years after program approval, they still have not presented a habitat mitigation plan, and they still don't have the permits necessary to begin their sediment removal program. C12-3

On July 24, 2017, the Flood Control District issued absolutely minimal revisions to their Final EIR. These revisions do not address three major issues:

1. Air Quality. In the FEIR the Flood Control District promised to use only diesel trucks that meet the 2006 EPA standard. In the revisions the District agreed to only use diesel trucks that meet the 2010 standard but **did not consider the use of low-emission trucks.** C12-4
2. Mitigation. Judge Chalfant ordered the Flood Control District to prove that a 1:1 mitigation ratio for replacing critical habitat in the Hahamongna basin would fully protect the habitat and the species that rely on it. The Flood Control District **revisions do not document proposed mitigation with scientific or technical analysis but simply state that the 1:1 standard has been used on other projects.** C12-5
3. Cumulative Impacts. The District again **fails to adequately evaluate the biological impacts of related projects, such as the Trans-Altadena Pipeline**, which would export water from Hahamongna and transfer it to the County's spreading basins five miles east in Eaton Canyon. C12-6

Hahamongna is a unique Southern California treasure, a rich legacy for future generations. Excavators, bulldozers and outdated engineering approaches must not be allowed to destroy it.

Genette Foster
1748 Monte Vista
Pasadena CA 91106-1312

Responses to Letter C12 – Genette Foster

Response to Comment C12-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the Proposed Project is too large and destructive. The comment also states that the proposed amount of sediment removal is only justified by the Devil's Gate Water Conservation Project and that the Water Conservation Project is not addressed in the Environmental Impact Report. Master Response 1 provides a response to this comment.

Response to Comment C12-2:

The comment states that the County did not develop an ongoing sediment management program and has not removed sediment from the dam for more than 20 years. The comment also states that the accelerated removal schedule will be devastating to the surrounding communities. Master Response 1 provides a response to this comment.

Response to Comment C12-3:

The comment states a habitat mitigation plan has not been prepared and the permits necessary to begin the project have not been acquired. Master Response 5 provides a response to the comment regarding the habitat restoration plan. The CDFW issued a fully executed Lake and Streambed Alteration Agreement to LACFCD on March 21, 2017. LACFCD is actively working with the U.S. Army Corps of Engineers and the Regional Water Quality Control Board to secure the 404 and 401 Permits for the Project.

Response to Comment C12-4:

This comment requests that the project consider the use of low-emission trucks. Master Response 3 addresses this comment.

Response to Comment C12-5:

The comment states the revisions to the RFEIR in regards to the 1:1 mitigation ratio did not use scientific or technical analysis but only showed that the 1:1 standard has been used on other projects. Master Response 1 provides a description of the scope of the RFEIR and the fact that the Court's ruling required the LACFCD to provide substantial evidence to support the mitigation ratios in Mitigation Measures BIO-6, -7, and -8. The RFEIR provided substantial evidence to support the mitigation ratio of 1:1. Master Response 4 provides an additional response related to the comment regarding the 1:1 mitigation ratio.

Response to Comment C12-6:

The comment states that the cumulative biological impacts from other projects, such as the Devil's Gate Water Conservation Project (referred to as the Trans-Altadena Pipeline), are not adequately evaluated. Master Response 1 provides a response to this comment.

Letter C13 - Nancy St

From: nancyst@earthlink.net
Sent: Thursday, August 31, 2017 1:12 PM
To: DPW-reservoircleanouts
Subject: Hahamongna

Please cancel the "Big Dig" at Hahamongna. There are alternatives to this process, total destruction is not necessary. I recently took a walk through the area. It is beautiful and it was wonderful to see the birds and creatures that call the area home. If you go through the area with bull dozers and dig everything up, you will destroy that. You can remove the sediment without destroying the area. Removing sediment on an ongoing basis will be a lot less destructive.

C13-1

We need to save places like this for the many people and animals that enjoy this beautiful spot.

Responses to Letter C13 – Nancy St

Response to Comment C13-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that a different project alternative should be selected, such as removing sediment on an ongoing basis. Master Response 1 provides a response to this comment.

Letter C14 - Susan Hoskins

From: Susan Hoskins <susanhoskins@earthlink.net>
Sent: Friday, September 01, 2017 8:22 AM
To: DPW reservoircleanouts
Subject: Comment - Devil's Gate RFEIR

To Whom It May Concern:

I am writing to advocate for a slower and less harmful approach for removing sediment from the Hahamongna watershed. The environmental harm the "big dig" will cause is unconscionable, and unnecessary. Please follow the City of Pasadena's endorsement for a more surgical approach to sediment removal that will allow for habitat protection and restoration. The LACFC plan is short-sighted and exceedingly destructive. **C14-1**

The environmental impact report provided by the county should provide a longer monitoring period and well-defined performance standards. The current short-sighted version for 5-year monitoring of habitat mitigation, or until undefined performance standards are met, is too short a period of time for what it would take for habitats destroyed to re-establish. **C14-2**

Thank you,

Susan Hoskins

Susan Hoskins
H: (626) 355-5495
C: (626) 616-3150
410 Churchill Road
Sierra Madre, CA 91024
susanhoskins@earthlink.net

Responses to Letter C14 – Susan Hoskins

Response to Comment C14-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that a different project alternative should be selected, such as the Pasadena Sediment Working Group's recommended alternative. Master Response 1 provides a response to this comment.

Response to Comment C14-2:

The comment states that mitigation monitoring for a 5-year period or until undefined performance standards are met is not long enough to re-establish impacted habitats. As described in Section 3.6.6 of the RFEIR, mitigation monitoring for the Proposed Project would be conducted for five years or until the performance standards are met. Master Response 5 describes the contents of the Habitat Restoration Plan, which clarifies that performance standards will be established based on comparisons to undisturbed habitats at reference sites. In addition, it also states that the performance standards must be achieved by LACFCD for the mitigation to be deemed successful, even if it takes longer than the required monitoring period of five years. Master Response 4 also states that "The LACFCD will conduct quantitative monitoring at the mitigation sites for at least five years and longer if the mitigation sites have not achieved the performance standards."

Letter C15 - Katie Riggs

From: Katie Riggs <katie.c.riggs@gmail.com>
Sent: Friday, September 01, 2017 9:04 AM
To: DPW-reservoircleanouts
Subject: Hahamongna Proposal comments

To Whom it May Concern:

I would like to comment on the revisions to the County Flood Control District's Final Environmental Impact Report for the Devil's Gate Dam/Hahamongna project.

I am deeply concerned that the plan is too aggressive and does not take sufficient care to protect the extremely valuable habitat currently thriving behind the dam, The project should be revised to go more slowly and take more care, for example by following the plan endorsed by the City of Pasadena.

C15-1

Judge Chalfant ordered the County to provide documentation that their proposed 1:1 mitigation ratio would adequately protect sensitive habitat and species. Instead of providing expert testimony from biologists and restoration experts, however, the County lists a few projects, such as a Vulcan mining operation and an apartment complex in Riverside County, that have been allowed to proceed with 1:1 mitigation programs. None of these examples have been legally challenged or properly monitored to provide evidence of the suitability of a 1:1 program in a rare riparian zone. Most mitigation programs in sensitive riparian areas have had a 2-3:1 ratio, and some have gone as high as 5:1. The examples that the County uses indicate that the 1:1 mitigation goal is achievable rather than proving that it as a justifiable goal in the first place. This 1:1 standard can only be justified by the County's underestimation of the habitat values in the Hahamongna basin and the Arroyo Seco.

C15-2

These habitat areas are doing far better than indicated in the old reports used as the basis for the 1:1 recommendation; wildlife flourishes in this area and the impacts to them should be minimized in the process of completing the necessary work. The RFEIR utilizes a 2013 habitat assessment, rather than reviewing more recent conditions in which healthy habitat has flourished in the Basin. The County has conducted habitat surveys since 2013 as part of preparing a habitat mitigation plan for the United States Army Corps of Engineers. That more recent information should be included as part of the RFEIR. The County's habitat assessment systemically underestimates the amount of habitat currently in the basin, overemphasizing the presence of invasive species, and underestimating the presence of certain types of riparian habitat by claiming that habitat has been buried under sediment even though it has re-established itself since 2013. The County, by characterizing these habitats as more degraded than they are, minimizes the destructive impacts of their excavation and mining program as well as reduces their obligation to mitigate those impacts.

C15-3

As a citizen of Pasadena, as well as a hiker, nature lover and bird enthusiast, I urge the county to please consider revising the plan for this work so that all may enjoy the habitat behind the dam.

Sincerely,
Katie Riggs
Pasadena, CA

Responses to Letter C15 – Katie Riggs

Response to Comment C15-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that a different project alternative should be selected, such as the Pasadena Sediment Working Group's recommended alternative. Master Response 1 provides a response to this comment.

Response to Comment C15-2:

The comment states the mitigation ratio of 1:1 is inadequate and irrelevant projects (Vulcan mining operation and apartment complex in Riverside County) are used to justify a 1:1 mitigation ratio. Master Response 4 provides a response to this comment.

Response to Comment C15-3:

The comment states that the RFEIR utilizes a 2013 habitat assessment as the basis for its analysis and neglects recent studies and current conditions. In addition, the comment states that wildlife and their habitat is more abundant now than in 2013. The comment states the County overemphasizes the presence of invasive species and underestimates certain types of riparian habitat in order to reduce their obligation to mitigate impacts.

The RFEIR was prepared to provide substantial evidence to support the mitigation ratios in Mitigation Measures BIO-6, -7, and -8 of the EIR. No provision of the Superior Court's ruling in *Arroyo Seco Foundation v. County of Los Angeles*, LACSC Case No. BS 152771, a lawsuit that had challenged the Final EIR prepared for this Project, required the decertification of any other portion of the EIR's analysis of potential biological resource impacts, including the EIR's assessment of habitat that could be impacted during the Sediment Removal Phase of the Project, nor were the Project's approvals voided or set aside. In preparing a Recirculated Portions of the Final EIR, rather than a new or supplemental EIR, the LACFCD was not required to issue a new notice of preparation pursuant to State CEQA Guidelines section 15182. Given this, and pursuant to State CEQA Guideline 15125(a), which provides that EIRs "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced," no later study of the condition of vegetation communities was required.

Further, comments regarding the EIR's assessment of the condition of the habitat were previously raised in comments on the EIR. (e.g. the Arroyo Seco Foundation's comment letter on the Draft EIR [Comment Letter #216] describing the Project site as having "well-established habitat" to support increased mitigation.) These comments post-dated the 2013 assessment of habitat prepared in support of the EIR. Claims regarding the condition of the habitat were also raised in the lawsuit challenging the Final EIR, which argued that the EIR failed to adequately describe the Project's biological environmental setting and thus

would have significant, undisclosed, impacts on resources and habitat. The Superior Court expressly rejected claims that the environmental setting description of biological resources was incomplete, instead finding that it was in full compliance with CEQA. Accordingly, in preparing the RFEIR for the Superior Court's review in order to confirm that the directions in its judgment have been satisfied, LACFCD was not required to provide analysis concerning newly asserted challenges as to the environmental setting description of biological resources that arise from the same material facts that were in existence at the time of the Court's judgment.

Letter C16 - Richard Benson

From: Richard Benson <rdben68@gmail.com>
Sent: Friday, September 01, 2017 10:46 AM
To: DPW-reservoircleanouts
Cc: Linda World; Rody Stephenson; Priscilla Benson
Subject: Devil's Gate Reservoir Sediment Removal and Management Project

Management of Devil's Gate Reservoir is a public responsibility that the Los Angeles County government should handle as a continuing public service. Sediment should be removed continuously, using the sand and gravel as a resource.

If four million cubic yard removal is the goal, then addressing it as a long term project could involve, for instance, one percent per year. 40,000 yards per year (about 200 work days) would be about 200 yards per day, on the order of ten transfer truck loads. The county could do this with a small crew, one or two trucks, and a loader.

C16-1

Advantages of Slow & Steady:

1. The diesel equipment could be as modern and clean as anyone wants.
2. The traffic would be low, but daily - a regular reminder that the county is working for the environment and its citizens in a dedicated, continuing way.
3. The county crew would be a regular presence to watch over things generally and could interact with citizens as neighborly partners.
4. The disruption of wildlife habitat within the reservoir pool would be less than a big dig.
5. The sand, gravel, and perhaps some silt could be integrated in the local building material resource base. (The big dig mostly addresses the sediment as trash - very wasteful.)

The Real Problem with a Big Dig:

The Big Dig is an admission that the county has mismanaged Devil's Gate for decades. Bringing in a remedial, high-cost project by industry contractors to correct a feared pending disaster has a very negative effect. That is, the Big Dig approach supports the false, but broadly held, belief that "Government can't do anything right." I dispute that and so should you. Public Service can and should be a high calling - just look north to JPL. Government by and for the people can and should work. The Devil's Gate work should be done by a county crew and not by for-profit contractors. The work should be done for the general welfare of the county and its citizens, with a long range perspective. In my view, the proposed approach of hiring for-profit private industry to correct the county government's inaction, is entirely the wrong approach.

C16-2

Richard Benson
Altadena, Calif
1 September 2017
626 798 5110

Responses to Letter C16 – Richard Benson

Response to Comment C16-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the Project should be completed over a longer period of time. Master Response 1 provides a response to this comment.

Response to Comment C16-2:

This comment states that the Project is being proposed because of lack of past maintenance by the Los Angeles County Flood Control District (LACFCD), and requests that sediment removal activities be performed by a LACFCD crew and not a hired contractor. Master Response 1 addresses this comment.

Letter C17 - Kendra Elliot

From: kendra elliott <kendralel@hotmail.com>
Sent: Friday, September 01, 2017 12:48 PM
To: DPW-reservoircleanouts
Subject: Save Hahamongna/ habitat restoration plan

The County promises to develop a Habitat Restoration Plan, but while they list numerous guidelines that they promise the plan will include, they do not put forth the actual plan nor define the performance standards they hope to achieve, even though the County has already prepared and submitted a Draft Habitat Restoration Plan to the United States Army Corps of Engineers. This plan should be made available to the public and reviewed as part of this RFEIR to allow the public to fully evaluate the potential effectiveness or deficiencies of the mitigation program. **C17-1**

Responses to Letter C17 – Kendra Elliott

Response to Comment C17-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states a habitat restoration plan should be prepared and made available for the public to review as a part of the RFEIR. Master Response 5 provides a response to this comment.

Letter C18 - Joan Depew

From: Joan Depew <jedepew@earthlink.net>
Sent: Friday, September 01, 2017 5:49 PM
To: DPW-reservoircleanouts
Subject: Hahamonga

To whom it may concern

I stand opposed to the current sediment removal plan for Hahamonga. In particular I object to the following county actions:

1. The County's failure to develop an ongoing sediment management program, failing to remove any significant sediment from the dam for more than 20 years; **C18-1**
2. The permanent destruction of more than 50 acres of rare stream zone habitat in one of Southern California's most precious alluvial canyons; **C18-2**
3. The noise, dust, air pollution, traffic congestion and negative health impacts the project would cause; **C18-3**
4. The County's refusal to consider a more sustainable sediment management program that takes into account community concerns about traffic, noise, habitat destruction, etc. **C18-4**

These issues must be addressed seriously before any plan goes into effect.

Responses to Letter C18 – Joan Depew

Response to Comment C18-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the County has failed to develop an ongoing sediment management program. Master Response 1 provides a response to this comment.

Response to Comment C18-2:

The comment states the commenter's opposition to the permanent destruction of 50 acres of rare stream zone habitat. As discussed in Section 3.6.6 of the RFEIR, Mitigation Measures MM BIO-6 through MM BIO-8 provide mitigation to protect and avoid impacts and to restore and enhance riparian and sensitive habitats. Master Responses 4, 5, and 6 provide a response to this comment.

Response to Comment C18-3:

The comment states the commenter's opposition to noise, dust, air pollution, traffic congestion and negative health impacts the Project would cause. Master Responses 1 and 3 provide responses to this comment.

Response to Comment C18-4:

The comment states opposition to the County's refusal to consider a more sustainable sediment management program that considers community concerns about traffic, noise, habitat destruction. Master Response 1 provides a response to this comment.

Letter C19 - Alton Cullen

From: Al Cullen <7al-yv@sbcglobal.net>
Sent: Saturday, September 02, 2017 7:33 PM
To: DPW-reservoircleanouts
Subject: Dirt Removal behind Devils Gate Dam

Ladies and Gentlemen,

Your revised plan for this dirt removal project leaves much to be desired to meet the standards you should be following.

Alternatives: Reduce sediment on an on going basis with smaller amounts over time, so that this massive proposed project can accomplish the same goals but, with far less harm to the environment, destruction of habitat and protected species as well as the terribly negative impact on the people in the area. **C19-1**

Justification for 1:1: Your examples of a 1:1 are not anything like this location– in fact the Vulcan project in Azusa is far behind the time line established and they have permanently scared the mountains and seem to not care as long as they get their gravel out. Lets have a 3:1 or more Ratio established and monitor it for a long period so that you actually restore the habitat AT this location. **C19-2**

Alton Cullen
385 South Greenwood Ave.
Pasadena, Ca 91107
626 796-9844

Responses to Letter C19 – Alton Cullen

Response to Comment C19-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the Project should be completed over a longer period of time. Master Response 1 provides a response to this comment.

Response to Comment C19-2:

The comment states the mitigation ratio of 1:1 is inadequate and the Vulcan mining operation project is not a good example in justifying the use of a 1:1 mitigation ratio. In addition, the comment states that mitigation should occur onsite as opposed to offsite. The commenter incorrectly refers to the Vulcan mining project in Azusa, whereas the example used in the RFEIR referred to the Vulcan Cajon Creek Habitat Conservation Management Area in San Bernardino. Master Responses 4 and 6 provide responses to this comment.

Letter C20 - Arin Rao

From: Arin Rao <arin_simonian@me.com>
Sent: Saturday, September 02, 2017 7:41 PM
To: DPW-reservoircleanouts
Subject: Reshape

To whom it may concern,

My child attends a preschool adjacent to the 210 and will be negatively affected by this project. I urge you to change the guidelines of the sediment removal program and make it more sustainable and environmentally sensitive. I'm deeply concerned about the increased air pollution along the 210 that will be generated by this project and concerned about the respiratory health of all the the young children that attend school everyday along the 210.

C20-1

Best,
Arin Rao
Resident of La Crescenta 91214

Responses to Letter C20 – Arin Rao

Response to Comment C20-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment urges the County to change the guidelines of the sediment removal program and make it more sustainable and environmentally sensitive. The commenter also expresses concerns about the increased air pollution that will be generated by this Project and the respiratory health effects to the children in the project area. Master Responses 1 and 3 address these comments.

Letter C21 - Richard McCarthy

From: Rfmccarthyjr <rmccarthy48@earthlink.net>
Sent: Sunday, September 03, 2017 9:00 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate Reservoir Sediment Removal and Management Project

To whom it may concern:

I would like to comment on the EIR for the Devil's Gate Sediment Removal Project. I find once again the County is offering minimum changes to the Final EIR when substantial changes are necessary. The County:

- | | |
|--|--------------|
| 1. Has not allowed for sufficient public review and has had no public meeting concerning the proposed mitigation changes. | C21-1 |
| 2. Continues to maintain a ratio of 1:1 of habitat when most mitigation programs in sensitive riparian areas have had 2-3:1 to ensure sustainability species. | C21-2 |
| 3. While the County has promised to restore habitat it has not submitted for public review an actual plan or define the performance standards for what they hope to achieve. | C21-3 |

One wonders the sincerity of the County to protect the natural habitat around the proposed project, stating mitigation could be "offsite within the greater Los Angeles watershed" an area encompassing 824 square miles.

In the end the County is proposing a project that is:

- | | |
|--|--------------|
| 1. Too Big
2. Too Fast
3. Too Destructive to Habitat, air quality. and neighborhoods | C21-4 |
|--|--------------|

Thank you

Richard McCarthy
4217 Latona Ave
Los Angeles, CA 90031
cell: 323-216-5671

Responses to Letter C21 – Richard McCarthy

Response to Comment C21-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the comment period on the RFEIR was not sufficient and no public meetings were held. Master Response 2 provides a response to this comment. In addition, community outreach meetings will be conducted prior to when the RFEIR is brought before the County Board of Supervisors.

Response to Comment C21-2:

The comment states that the 1:1 mitigation ratio for vegetation is not sufficient. Master Response 4 provides a response to this comment.

Response to Comment C21-3:

The comment states a draft habitat restoration plan has not been prepared and once prepared should be accessible to the public. Master Response 5 provides a response to this comment.

Response to Comment C21-4:

The comment questions the validity of offsite mitigation. In addition, the comment alludes that a different Project alternative should be selected. Master Responses 1 and 6 provide responses to this comment.

Letter C22 - Barbara Eisenstein

From: B Eisenstein <bde23@hotmail.com>
Sent: Tuesday, September 05, 2017 12:11 PM
To: DPW reservoircleanouts
Subject: Comments of Devil's Gate RFEIR

FROM: Barbara Eisenstein
1852 Monterey Road, South Pasadena, CA 91030
bde23@hotmail.com

DATE: September 5, 2017

SUBJ: RESPONSIBLE MAINTENANCE OF DEVIL'S GATE FLOOD CONTROL FACILITY

I oppose the Los Angeles County Flood Control District's proposal for sediment removal at the Devil's Gate Dam. Although public safety is crucial, the plan as it stands is *too big, too fast, and too destructive to habitat, our air quality, traffic and neighborhoods.* | C22-1

LACFCD should instead reduce the devastating impacts of their Big Dig project along the lines adopted by the Pasadena City Council in 2014 and advocated for by the Arroyo Seco Foundation and Pasadena Audubon in their NoBigDig lawsuit. | C22-2

The project as it exists, even after the revisions required by The Honorable James C. Chalfant, does not remedy or mitigate adequately for resulting air and noise pollution, and habitat destruction. Furthermore, the County's failure to develop *an ongoing sediment management program*, demonstrates their intention to continue the past negligence that led to the accumulation of sediment without any significant removal for more than 20 years. | C22-3

I would like to see a plan that:

1. Includes a **sustainable sediment management program** that takes into account community concerns about traffic, noise, habitat destruction, etc.; | C22-4
2. Uses **alternative fuel trucks** for mining, excavation, and transport of sediment to minimize smog and the emission of particulates; | C22-5
3. Relies on **scientific or technical analysis** to prove that a 1:1 mitigation ratio for replacing critical habitat in the Hahamongna basin would fully protect the habitat and the species that rely on it; | C22-6

4. Adequately **evaluates the biological impacts** of related projects, such as the Trans-Altadena Pipeline, which would export water from Hahamongna and transfer it to the County's spreading basins five miles east in Eaton Canyon. | C22-7

The project as proposed does not protect the public's health and the environment, and without a sustainable sediment management program it is unlikely to adequately protect the public from the risk of flooding. | C22-8

Thank you in advance for taking my comments seriously and including them in your future plans.

Responses to Letter C22 – Barbara Eisenstein

Response to Comment C22-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment alludes that a different Project alternative should be selected and that the Project is too impactful to habitat, air quality and traffic. Master Response 1 provides a response to this comment.

Response to Comment C22-2:

The comment states that a different Project alternative should be selected, such as the Pasadena Sediment Working Group's recommended alternative. Master Response 1 provides a response to this comment.

Response to Comment C22-3:

The comment states that the Project does not adequately mitigate for impacts to air quality, noise and habitat. In addition, the comment states that the County has failed to develop an ongoing sediment management program. Master Responses 1, 3, and 4 provide responses to this comment.

Response to Comment C22-4:

This comment requests that the LACFCD consider a different Project alternative. Master Response 1 addresses this comment.

Response to Comment C22-5:

This comment requests that the Project consider the use of alternative fuel trucks. Master Response 3 addresses this comment.

Response to Comment C22-6:

The comment states that the plan should rely on scientific or technical analysis to prove that a 1:1 mitigation ratio for replacing critical habitat would fully protect the habitat and the species that rely on it. Master Response 4 provides a response to this comment.

Response to Comment C22-7:

The comment states that biological resources on related projects are not adequately evaluated, such as those on the Devil's Gate Water Conservation Project (referred to as the Trans-Altadena Pipeline). Master Response 1 provides a response to this comment.

Response to Comment C22-8:

This comment states that the Project as proposed does not protect the public's health and the environment and, without a sustainable sediment management program, it is unlikely to adequately protect the public from the risk of flooding. The Court's ruling found that the EIR's analysis fully complied with CEQA except for three very narrow issues, which are the subject of the RFEIR. Please see Master Response 1 for further information on the scope of the RFEIR.

Ongoing sediment management is an integral part of the Project approved by the County of Los Angeles Board of Supervisors on November 12, 2014. Following completion of the initial sediment removal phase, a low impact sediment management program will be implemented. The Project is designed to be a long-term plan, with the reservoir management phase providing maintenance for future sediment inflows. The proposed yearly cleanout of sediment after the completion of the initial sediment removal will reduce the necessity for future large-scale cleanout.

Letter C23 - Gregg Oelker

From: gregg <n2caves@EarthLink.net>
Sent: Tuesday, September 05, 2017 3:39 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate sediment removal comment

I am a neighbor just above the proposed project Altadena. I am strongly opposed to the enormous project being proposed. I have been hiking through this area for 24 years since I bought the house I live in. The county has done little to nothing to remove sediment over the years, and now they want to destroy the natural area that has developed there. This is outrageous. Nature with animals and birds has returned to this formerly barren area. Please don't let them make it barren again. We live here because of nature.

C23-1

A much smaller project is in order. They are using the excuse that they are afraid that a year of high rainfall would cause damage. Well, we had the highest rainfall this last season since 2010-11, and there was no damage. Maybe no cleaning is needed at all.

C23-2

Thank you for your consideration,

-Gregg Oelker
3285 Crestford Dr.
Altadena, CA. 91001

Responses to Letter C23 – Gregg Oelker

Response to Comment C23-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states the commenter's objection to the project. Additionally, this comment states that the County has done too little to remove the sediment over the years and now this Project will destroy the natural area that has developed on the Project site. The discussion of the Project's impacts to the environment, including biological resources, was determined to be adequate by the Court on March 13, 2017 with the exception of three narrowly defined issues related to biology and one issue related to air quality. Additional information on the scope of the RFEIR is provided in Master Response 1. Additional information on mitigation for the loss of habitat is provided in Master Responses 4, 5, and 6.

Response to Comment C23-2:

This comment states that a smaller project should be selected. Master Response 1 addresses this comment.

Letter C24 - Dessi Sieburth

From: Beatrix Schwarz <schwarzbeatrix2009@hotmail.com>
Sent: Tuesday, September 05, 2017 8:51 PM
To: DPW-reservoircleanouts; Kathryn@bos.lacounty.gov
Subject: Devils gate project, comment
Attachments: Least Bells Vireo article.pdf; Save hahamonga watershed.jpg; LA county.docx

Dear LA County, I like to watch birds especially in the Hahamagna watershed, and I have seen over 60 species of birds in Hahamagna. I am here to speak against the sediment removal project of LA county. If we remove the sediment the bird's habitat will be destroyed. An endangered species, the Bells Vireo was seen and might be nesting in Hahamagna. I saw rare birds at Hahamanga such as Indigo Bunting, Lewis's Woodpecker, and Vesper Sparrow. If we destroy the habitat these birds will not come back. Please save the Habitat of Hahamagna!
Dessi Sieburth (15 years old), Pasadena Audubon Society Member

C24-1

Protecting the “Least” Bell’s Vireo in California

By Dessi Sieburth

You may not think that there is anything special about this little gray songbird that breeds here in Los Angeles County. However, the “Least” Bell’s Vireo has been endangered since 1986, when just 300 pairs were found. Its survival depends on native willows trees and other native plants which grow on riverbanks and lakes. Urban development is the biggest threat to this bird. Is there anything we can do to help that this bird does not vanish forever?



These active, gray birds only breed in coastal southern California. They then migrate south for the winter to Baja California. The “Least” Bell’s Vireo used to breed in the Sierra Nevada, Coast Ranges, Owens Valley, Death Valley, and the Mojave Desert. Now, their range is limited from northern San Diego County to the Santa Clara River (Ventura), and northeast to the Mojave River (San Bernardino). In Los Angeles, the “Least” Bell’s Vireo can be found during summer at a number of places such as Hansen Dam, Sylmar, Peck Pit, Arcadia and Hahamongna Watershed Park, La Cañada..



Urban development is not the only threat these birds face. The Brown-headed Cowbird, a brood parasite which lays their eggs in other birds’ nests, often targets the “Least” Bell’s Vireo as a host to their eggs and babies. There have been some efforts to help the “Least” Bell’s Vireo, and now the numbers are up to 2,500 pairs. Trapping cowbirds has been very successful, as well as creating new riparian habitat. However, this bird needs more protection. We can make a difference by being aware of the threats that this bird faces and getting involved in the protection of its habitat by

attending public meetings and by writing to our local representatives. For example, the public helped save habitat at Hahamongna Watershed Park by convincing the City Council members to change the location of a planned new athletic field from Hahamongna to a local high school instead. Unfortunately there is a new project that threatens Hahamongna. Los Angeles County decided to remove at least 2.4 million cubic yards of sediment over the next five years to provide flood protection. This project would destroy 71 acres of habitat. Local residents, environmentalists and birders disagree with this plan and have come together to support a plan that would have less impact on the habitat. We need to continue writing letters and speak to our city and county officials about protecting our watersheds. The "Least" Bells Vireo's survival depends on our actions!!



Birds in Los Angeles County- Protection Plan
By Dessi Sieburth

- clear ways to increase the habitat and food sources, and nesting areas

- Change tree-trimming regulations in LA County. Trees should be only trimmed in fall. When they are trimmed in spring and summer, bird nests can be destroyed because of the disturbance caused by trimming, or the nest can fall down if the tree is trimmed.
- Cavity-nester protection: many birds nest inside dead trees (called a cavity). However, many dead trees are cut down for safety reasons and for the beauty of peoples' yards. Cutting down dead trees make habitat scarce for cavity nesters. A dead tree of 15 feet in height and 12 inches in diameter can provide value for wildlife. A dead branch of 3 feet in length and 8 inches in diameter can also be of value. LA County needs to hire arborists who check is whether or not a dead tree is safe to leave for wildlife in parks and in other areas where LA county is responsible. Landscaping staff needs to be trained in Orange County, this is already a common practice.
- Protection of all willow and riparian habitat in LA County. Riparian areas are often cut down to remove or discourage homeless people. Riparian habitat must be protected. Over 90 percent of riparian habitat has vanished in LA County. Riparian habitat must also not be destroyed for housing development or business. Cutting down habitat to discourage homeless people to live outside is not the solution. We need more affordable housing in Los Angeles County.
- Create an emergency fund for threatened and endangered species in case they need sudden help. For example, the Tricolored Blackbird, a species with an endangered status, breeds in large numbers at Holiday Lake in Lancaster. Every year, funds are needed to fill the lake to provide habitat for the Tricolored Blackbird. The lake could only be filled up through private donations. The species would have been gone from LA County if it were not for private donors. We need to make sure the county will help if needed.
- Protect the California Gnatcatcher, an endangered species, by not allowing development where Gnatcatchers live. Their preferred habitat is coastal sage scrub, and they breed in San DÍmas, Montebello, and the Palos Verdes Peninsula.

- ways that birders and environmentalists can help

- Conduct surveys that monitor bird species' populations.
- Educate the public about the threats that these birds face. Holding outreach events.

- ways to limit or eliminate threats to their existence.

- Ban rat poison in LA County because rat poison kills much wildlife. Many hawks, owls, and other raptor die from eating poisoned rats. Other wildlife killed by rat poison includes coyotes and even mountain lions that eat rats. People need to consider putting traps out and sealing all holes in houses instead of harming wildlife by using rat poison.

- Ban all Styrofoam in LA County. Styrofoam appears to last forever, and it accumulates around coastal areas and rivers. The city of Pasadena already banned Styrofoam, and the ban should be implemented in all of LA County.
- Enforce that dogs must be on a leash in coastal areas where birds are nesting and feeding. Dogs can disturb birds, especially nesting birds. A threatened bird called the Snowy Plover resides at Malibu Lagoon, where dogs often cause them to flush and cause disturbance to these small, threatened shorebirds.
- Ban helium balloons from public events and market. The balloons usually end up near the ocean or mountains, and wildlife such as turtles, endangered seabirds, dolphins, whales, and bighorn sheep can eat them, and they are not able to digest balloons, causing their stomach to clog.
- Speak against the California High Speed Train going through sensitive wildlife habitat. The plan is that the train will run through the Big Tujunga Wash from Lake View Terrace to Shadow Hills, destroying coastal sage scrub habitat of the declining Cactus Wren and many other bird species.
- Finally, we need your continued support against the Hahamonga Watershed Park "Big Dig" plan, as the dig will harm the endangered Least Bell's Vireo as well as many other species of birds.

Responses to Letter C24 – Dessi Sieburth

Response to Comment C24-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The commenter raises concerns over the loss of habitat for least Bell's vireo and other birds and the potential that these birds will not come back to Hahamongna Watershed Park. As described in MM BIO-6 and MM BIO-8 in the RFEIR, the affected plant communities, including riparian and other native communities that provide habitat for birds, will be restored or enhanced at no less than a 1:1 ratio. Habitat restored will be similar in structure and composition as vegetation communities currently present onsite and as such will provide similar habitat value to bird species. Master Response 1 provides a response to this comment in regards to the scope of the RFEIR. Master Response 5 describes the Habitat Restoration Plan that will be implemented to create, restore, and enhance the habitats in Hahamongna Watershed Park.

Letter C25 - Yvonne Ortiz

From: Yvonne Ortiz <yvonneortiz@mac.com>
Sent: Tuesday, September 05, 2017 7:11 PM
To: DPW-reservoircleanouts
Subject: Hahamongna

I'm writing to request that we have a longer period of community outreach to comment on the RFEIR. I think we would be able to come up with a less invasive way to proceed, so that we can protect our precious lands and wildlife. Hahamongna has restored and preserved and improved the Arroyo Secco landscape and the surrounding community. It would be a big loss to rush into the destruction with out a more recent study of the Hahamongna basin, to more accurately assess the impact of the work. And then giving our community ample time to express concerns.

C25-1

Thanks for your time.

Yvonne Ortiz
213-446-6185

Y

Responses to Letter C25 – Yvonne Ortiz

Response to Comment C25-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment is requesting an extension of the comment period on the RFEIR. In addition, the comment states a more recent study should be used to assess impacts. Master Response 2 addresses requests to extend the public review period.

Additionally, comments regarding the EIR's assessment of the condition of the habitat were previously raised in comments on the EIR. (*See e.g.* the Arroyo Seco Foundation's comment letter on the Draft EIR [Comment Letter #216] describing the Project site as having "well-established habitat" to support calls for increased mitigation.) These comments post-dated the 2013 assessment of habitat prepared in support of the EIR. Claims regarding the condition of the habitat were also raised in the lawsuit challenging the Final EIR, which argued that the EIR failed to adequately describe the Project's biological environmental setting and thus would have significant, undisclosed, impacts on resources and habitat. The Superior Court expressly rejected claims that the environmental setting description of biological resources was incomplete, instead finding that it was in full compliance with CEQA. Accordingly, in preparing the RFEIR for the Superior Court's review in order to confirm that the directions in its judgment have been satisfied, LACFCD was not required to provide analysis concerning newly asserted challenges as to the environmental setting description of biological resources that arise from the same material facts that were in existence at the time of the Court's judgment.

C26- Beatrix Schwarz

From: Beatrix Schwarz <schwarzbeatrix@gmail.com>
Sent: Tuesday, September 05, 2017 8:57 PM
To: Kathryn@bos.lacounty.gov; DPW-reservoircleanouts
Subject: against the sediment removal at the Hahamongna watershed

Dear LA County supervisor. I am very much against your plan of the sediment removal. Please listen to Tim Bricks Plan and Laura Garrett. They have my full support.
GO SLOW , GO WITH THE FLOW. Let the Habitat Grow!
Beatrix Schwarz, Pasadena Audubon Society Member

C26-1

Responses to Letter C26 – Beatrix Schwarz

Response to Comment C26-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that a different Project alternative should be selected. Master Response 1 provides a response to this comment.

Letter C27 - Don Bremner

September 5, 2017

To: Los Angeles County Department of Public Works

Re: Comments on Devil's Gate RFEIR

By: Don Bremner

1680 Walworth Ave. Pasadena, CA 91104

donbremner@earhlink.net

- 1. RISK ANALYSIS** -- This project to remove 2.4 million cubic yards of sediment is too big and unnecessarily damaging to the environment. The rationale that the Hahamongna basin must have the capacity for the projected sediment washed down from the watershed in two 50-year storms (Design Debris Events) to avoid flooding below Devil's Gate Dam is not a reasonable assessment of probabilities.

What is the probability of one 50-year storm (besides the obvious that it's 2% in any given year)? What is the definition of a 50-year storm? When was the last one? What is the **probability** of two such storms in quick succession, or one DDE followed by several smaller but severe storms so quickly that sediment cannot be removed in time to avert flooding?

C27-1

The City of Pasadena, which owns Hahamongna, has adopted a less aggressive plan to remove less sediment, more slowly, to reach a basin capacity of 2.5 million cubic yards -- which is more than enough for one DDE -- and then keep the capacity at or near 2.5 million with periodic small projects over the years. This is a well-balanced, reasonable plan.

If this project were in an isolated area with little valuable habitat, wildlife or recreational activities, and no neighbors or schools

nearby to suffer excessive diesel emissions, then it would be reasonable to make downstream safety the overriding consideration. But that's not the case at Devil's Gate Dam and Hahamongna. This project demands a more reasonable balance.

C27-1
cont.

2. AIR QUALITY – The revised FEIR commits the County to use diesel trucks meeting the 2010 emission standards, rather than the original 2007. But with 400 or more truck trips a day, long idling times and steep grades with heavily loaded trucks, there will still be significant emission effects on nearby residences and schools. The County should use alternative fuel trucks as much as possible. The truck standard does not apply to emissions from the off-road excavation equipment, which will be required to meet the EPA's emission requirement for Tier 3 equipment rather than the more stringent Tier 4 standards.

C27-2

3. HABITAT – Many riparian projects similar to this one use a 2:1 or higher mitigation ratio for destroyed habitat, rather than 1:1 proposed for this project. In support of its 1:1 ratio, the County cites examples of agencies in other areas, rather than expert testimony about this project. Monitoring replacement trees for five years is a short time to ensure 1:1 replacement. And saying that some habitat restoration could be offsite within the Arroyo Seco watershed or within the greater Los Angeles River watershed weakens the assurance of "less than significant" impacts in the project area.

C27-3

4. CONCLUSION: Because two 50-year storms in quick succession are extremely unlikely, the proposed project to cope with that improbability would damage the environment much more than necessary. All of the environmental impacts would be reduced with the more reasonable approach supported by the City of Pasadena, while downstream areas would be safe.

C27-4

###

Responses to Letter C27 – Don Bremner

Response to Comment C27-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment requests that further risk analysis be provided regarding the capacity of the reservoir and that additional Project alternatives be analyzed. Master Response 1 addresses this comment.

Response to Comment C27-2:

The comment requests that the project consider the use of alternative fuel trucks as well as require Tier 4 standards for off-road excavation equipment. Master Response 3 addresses this comment. Additionally, with implementation of Mitigation Measure MM AQ-2 (a mitigation measure that is now final and is not part of the RFEIR which involves the use of EPA's emission standards for Tier 3 equipment), impacts to air quality will be reduced to less than significant. As detailed in EIR Table 3.5-1, and on page 88 of the RFEIR, the use of the sediment removal trucks and Tier 3 off-road equipment to meet the EPA's stringent emissions standards will ensure that the Project does not exceed the SCAQMD Regional Threshold for NO_x, as it will result in a "Project Daily Maximum" of 81.7 pounds per day of NO_x, below the Regional Threshold of 100.00 pounds per day.

Response to Comment C27-3:

The comment states that a 1:1 mitigation ratio and examples provided in the RFEIR are not sufficient for the Project and that offsite mitigation weakens the assurance of less than significant Project impacts. Master Responses 4 and 6 provide a response to this comment. In addition, the comment states that five years of monitoring for tree replacement is not sufficient to determine successful 1:1 replacement. The RFEIR ensures that performance standards for the habitats at the mitigation sites will be established based on comparisons to undisturbed habitats at reference sites. These performance standards must be achieved by LACFCD for the mitigation to be deemed successful, even if it takes longer than the required monitoring period of five years (RFEIR Pages 130B-C, 130F, 130J-K, 131 A-C, 132, 132A, 132C-D, 446, 446A-D, 450, 450A, 451, 561A-B, 562, 562A-B, 563, 563A, 676B, 676E, 707A, 750A-B, 7676A-B, 2057B, and 2058A).

Response to Comment C27-4:

This comment states that the Pasadena Sediment Working Group's recommended alternative should be selected. Please see the Response to Comment C27-1 and Master Response 1.

Letter C28 - Michael Long

From: Mickey Long <mlongbird@gmail.com>
Sent: Tuesday, September 05, 2017 10:01 PM
To: DPW-reservoircleanouts
Subject: Comments - Devil's Gate Reservoir Sediment Removal and Management Project

September 5, 2017

Dear Sirs:

I am writing to request that your Department reduce the size and scope of the Devil's Gate Sediment Removal Project as proposed in the Revised FEIR for the Devil's Gate basin (Hahamongna Watershed Park), Pasadena. The "Preferred Alternative" for the project is simply too much of an environmental and community impact and is overly aggressive. I provided a detailed letter of my concerns during the comment period for the EIR and suggested significant changes to the plan to protect existing willow woodlands and other habitat in the basin while removing a reasonable amount of sediment. The District did not respond adequately to my concerns.

C28-1

The proposed project for massive sediment removal is simply too much, too fast and unnecessary to provide adequate flood protection. The permanent loss of 51 acres of mature willows and temporary destruction of 70 acres, 5 years of trucks removing sediment out of the basin is unacceptable, and not sustainable in the long term. I had requested the project serve a dual purpose during this severe drought and on-going water shortages by creating a lake at the south end of the basin, as sediment is removed. This would allow for water percolation and wildlife habitat, both in short supply locally while reducing risk of flooding. The Flood Control District dismissed this suggestion as "not part of the project."

C28-2

The citizen comments and the environmental community fully support sediment removal but I am urging that you develop a less damaging program similar to that adopted by the Pasadena City Council.

C28-3

Thank you for the opportunity to comment,

Sincerely,

Michael Long

Natural Areas Administrator (retired)

Los Angeles County Department of Parks and Recreation

Temple City, CA

Responses to Letter C28 – Michael Long

Response to Comment C28-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment requests that the County reduce the size and scope of the Project as it is overly aggressive and will have too much community and environmental impact. Master Response 1 addresses this comment.

The LACFCD notes the commenter's objections to the Proposed Project. All comments on the Draft EIR were responded to and included in the Final EIR which was presented to the Board of Supervisors for certification on November 12, 2014.

Response to Comment C28-2:

This comment requests a lesser project in terms of size and scope as well as one that serves a dual purpose for water conservation while still protecting wildlife habitat. Master Response 1 addresses this comment

Response to Comment C28-3:

This comment states that an alternative similar to Pasadena Sediment Working Group's recommendations should be selected. Master Response 1 addresses this comment.


Letter C29 - Wendy Crowley

From: Wendy Crowley <bonapartemom@gmail.com>
Sent: Wednesday, September 06, 2017 4:46 AM
To: DPW-reservoircleanouts
Subject: Removal

You have made some horrible choices on how to clean up what you should have been doing on a regular basis for the last 20 years.
Trucking away the siltch at a rate of 1 truck a minute 8 hours a day 6 days a week is absurd! We already have enough traffic and congestion on the 210 Freeway, not to mention the ware and tear. Also there are schools in the area who will be impacted and what about the air , birds and all the many animals that consider the area home.
Removal on a slower more thought out way is the only solution .
Shame on you for even suggesting the proposed plan. YOU can do better than that.

C29-1

Wendy Crowley
860 Huntington Garden Dr
San Marino, 91108

 Virus-free. www.avg.com

Responses to Letter C29 – Wendy Crowley

Response to Comment C29-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states the Project will cause impacts to traffic, air quality and wildlife in the area, and suggests sediment removal over a longer period of time. Master Responses 1 and 3 provide a response to this comment.

Letter C30 - Kristopher Kreichbaum

From: Kristo Kriechbaum <klk@kajisti.org>
Sent: Wednesday, September 06, 2017 10:33 AM
To: DPW-reservoircleanouts
Subject: Devil's Gate Dam sediment plan

Hello,

I oppose the County's proposal for sediment removal at Devil's Gate Dam.

I realize that the proposed plan is for public safety, but the current plan is too large, too aggressive, too destructive, and too dirty.

C30-1

The current proposal and it's revisions DO NOT adequately mitigate the resulting air pollution, noise pollution, and habitat destruction.

C30-2

I am acutely concerned about these issues as I live less than one mile from the Dam and the Hahamongna basin area. I am very worried about the impact the diesel trucks will have on the air that my family and neighbors breathe on a daily basis.

The proposed use of 2010-standards for the trucks is an improvement but does not go far enough. Cleaner alternative-fuel vehicles should be used to minimize NOx and particulate emissions. The standard as written in the current proposal does not apply to other mining and excavation equipment, which means they will likely be the dirtiest of all the vehicles. The county should only use clean air vehicles for all equipment used in this project.

C30-3

Finally, at the completion of the sediment removal (whatever the final plan), an annual plan for controlling sediment in the basin should be developed so that another massive project like this is not needed.

C30-4

Thank you for your time,
Kristopher Kriechbaum
616 Ventura Street
Altadena, 91001

Responses to Letter C30 – Kristopher Kriechbaum

Response to Comment C30-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the project is for public safety but the current plan is too large, too aggressive, too destructive, and too dirty. Master Response 1 addresses this comment.

Response to Comment C30-2:

This comment suggests that the current project proposal does not adequately mitigate for air pollution, noise pollution, and habitat destruction. Master Response 1 provides a response to the noise portion of this comment. The portion of the comment addressing air quality is addressed in Master Response 3.

In addition, as discussed in Section 3.6.6 of the RFEIR, Mitigation Measures MM BIO-6 through MM BIO-8 provide mitigation to protect and avoid impacts and to restore and enhance riparian and sensitive habitats. Master Response 4 addresses the sufficiency of Mitigation Measures MM BIO-6 through MM BIO-8 to provide a “less than significant” determination.

Response to Comment C30-3:

This comment requests that the project consider the use of alternative-fuel vehicles as well as only use clean air vehicles for all equipment used in this project. Master Response 3 addresses this comment.

Response to Comment C30-4:

This comment requests that an annual sediment management plan be implemented following the completion of the initial sediment removal. Ongoing sediment management is an integral part of the Project approved by the County of Los Angeles Board of Supervisors on November 12, 2014. Master Response 1 provides a response to this comment.

Letter C31 - Shannon Griffin

From: Shannon Griffin <shannongriffinlcf@gmail.com>
Sent: Wednesday, September 06, 2017 11:49 AM
To: DPW-reservoircleanouts
Cc: Timothy Griffin; Mitchell Staron
Subject: Hahamongna Watershed Park Final Environmental Impact Report (FEIR) - Comments, Revision Requests, And Concerns

To whom it may concern at LADPW:

Below is a list of comments, revision requests, and concerns I have regarding Hahamongna Watershed Park FEIR:

- 1) Please consider an extension of the public comment period and outreach meetings so more people have time to find out about the FEIR and weigh in. **C31-1**

- 2) Though not directly related to the revision requests/public comments deadline, please consider the Pasadena alternative plan so many of us support as a more sophisticated, surgical, and sustainable approach to addressing the sediment removal process. **C31-2**

- 3) When a gardener installs plants, even with the best of care, they lose a certain percentage. Considering the harsh, dry riverbed, riparian zone that is Hahamongna, there will be significantly higher die off, and thus, this should be factored into a sustainable, responsible mitigation equation. **C31-3**

- 4) Where is the concrete, in writing, detailed habitat restoration plan that the County will adhere to? The U.S. Army Corps of Engineers has it; why does the public not? **C31-4**

- 5) How can the County so incorrectly conclude that the Project will have “less than significant impacts” on the biological resources of Hahamongna? The goal of the mitigation is to make the site whole. I refer you to Item 3); You can’t make it whole when the end result is a certain net loss. **C31-5**

- 6) The RFEIR is outdated as it refers to the quality of habitat from 2013; that’s almost 5 years ago. Please consider the habitat that exists today which is more developed in both range and robust maturity. Yes, there are invasive species and they need to be dealt with - surgically, and in a sophisticated manner. I bet we all could drum up some volunteer support to make this happen, given the passion Hahamongna inspires ;) **C31-6**

- 7) The County needs to engage in a longer monitoring period than 5 years for habitat mitigation. What does “monitoring” mean as it has, to date, been vaguely defined. Concrete standards should be described and adhered to with independent oversight of the process by a neutral party. **C31-7**

- 8) Mitigation areas need to be specifically defined, described, and mapped for clarity. **C31-8**

9) Riparian habitat and zones need to be clearly defined, described, and mapped for clarity.

C31-9

10) We've all heard in the press for the past couple of years about the woes and dire consequences of VW's fraudulent behavior regarding diesel emissions. Can the County afford the fear, anger, bad press, whispers of cancer clusters/other health issues, and additional backlash that will inevitably ensue if diesel trucks are allowed to sit idling/gun their engines in and around the Hahamongna for days, weeks, months, years? I refer you to the Ports of Los Angeles and Long Beach. Our community has already been seriously impacted by the connection of the 210 to the 15. The increased NOx levels, traffic, noise, and forever stalled installation of sound walls already adversely affect all of us who live, breathe, work, go to school and grow up in this corridor. Please look at alternative fuel trucks as a replacement to diesel.

C31-10

I thank you in advance for reading and considering these comments and hope you know that we who live in the area around Hahamongna are very afraid.

Respectfully,

Shannon Griffin
La Canada Resident/LCHS Parent/Avid Hahamongna Equestrian/Sustainability Advocate

Responses to Letter C31 – Shannon Griffin

Response to Comment C31-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment is requesting an extension of the comment period on the RFEIR. Master Response 2 provides a response to this comment.

Response to Comment C31-2:

The comment states that a different Project alternative, such as the Pasadena Sediment Working Group's recommended alternative, should be selected. Master Response 1 provides a response to this comment.

Response to Comment C31-3:

The comment states that a certain percentage of die-off of plants occurs when plants are installed and because of the dry environment in Hahamongna, a higher percentage of die-off is to be expected and this should be factored into the mitigation. The Habitat Restoration Plan (see Master Response 5) that will be prepared and must be approved by CDFW prior to implementation of the Project, will include plant container palettes. These palettes will include the numbers of each species of plants that need to be planted in the compensatory mitigation sites. In addition, the performance standards will include survival and percent cover standards that have to be met in order for the mitigation to be deemed successful. Qualitative and quantitative monitoring will be implemented in the restoration sites to ensure the plant communities meet the established performance standards.

Response to Comment C31-4:

The comment states a draft habitat restoration plan should be prepared and accessible to the public. Master Response 5 provides a response to this comment.

Response to Comment C31-5:

The comment states that a "less than significant impacts" determination on biological resources is incorrect and the Project will result in a net loss to biological resources. Master Response 4 provides a response to this comment.

Response to Comment C31-6:

The comment states that the RFEIR is outdated as it refers to habitat present in 2013 and the commenter requests that the habitat currently present in the Project area be considered. The commenter also acknowledges the presence of invasive species and the need to deal with them. The RFEIR was prepared to provide substantial evidence to support the mitigation ratios in Mitigation Measures BIO-6, -7, and -8 of the

EIR. No provision of the Superior Court's ruling in *Arroyo Seco Foundation v. County of Los Angeles*, LACSC Case No. BS 152771, a lawsuit that had challenged the Final EIR prepared for this Project, required the decertification of any other portion of the EIR's analysis of potential biological resource impacts, including the EIR's assessment of habitat that could be impacted during the Sediment Removal Phase of the Project, nor were the Project's approvals voided or set aside. In preparing a Recirculated Portion of the Final EIR, rather than a new or supplemental EIR, the LACFCD was not required to issue a new notice of preparation pursuant to State CEQA Guidelines section 15182. Given this, and pursuant to State CEQA Guideline 15125(a), which provides that EIRs "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced," no later study of the condition of vegetation communities was required.

Further, comments regarding the EIR's assessment of the condition of the habitat were previously raised in comments on the EIR. (*See e.g.* the Arroyo Seco Foundation's comment letter on the Draft EIR [describing the Project site as having "well-established habitat" to support calls for increased mitigation].) These comments post-dated the 2013 assessment of habitat prepared in support of the EIR. Claims regarding the condition of the habitat were also raised in the lawsuit challenging the Final EIR, which argued that the EIR failed to adequately describe the Project's biological environmental setting and thus would have significant, undisclosed, impacts on resources and habitat. The Superior Court expressly rejected claims that the environmental setting description of biological resources was incomplete, instead finding that it was in full compliance with CEQA. Accordingly, in preparing the RFEIR for the Superior Court's review in order to confirm that the directions in its judgment have been satisfied, LACFCD was not required to provide analysis concerning newly asserted challenges as to the environmental setting description of biological resources that arise from the same material facts that were in existence at the time of the Court's judgment.

Response to Comment C31-7:

The comment states a monitoring period of five years for habitat mitigation is not adequate and the term monitoring is undefined. As described in Section 3.6.6 of the RFEIR, mitigation monitoring for the Proposed Project would be conducted for five years or until the performance standards are met. Master Response 5 describes the contents of the Habitat Restoration Plan, which clarifies that performance standards will be established based on comparisons to undisturbed habitats at reference sites. In addition, it also states that the performance standards must be achieved by LACFCD for the mitigation to be deemed successful, even if it takes longer than the required monitoring period of five years. Master Response 4 also states that "The LACFCD will conduct quantitative monitoring at the mitigation sites for at least five years and longer if the mitigation sites have not achieved the performance standards."

Response to Comment C31-8:

The comment states mitigation areas need be defined, described and mapped. As stated in MM BIO-6 and MM BIO-8, mitigation areas will be identified and mapped within the Habitat Restoration Plan. Master Responses 5 and 6 provide responses to this comment.

Response to Comment C31-9:

The comment states riparian habitat and zones need be clearly defined, described, and mapped. As stated in MM BIO-8, vegetation surveys will be conducted within the impact area prior to vegetation removal to verify the impacts to existing riparian vegetation communities.

Response to Comment C31-10:

This comment requests that the project consider the use of alternative fuel trucks. Master Response 3 addresses this comment.

Letter C32 - Anne Chomyn

From: Anne Chomyn <annechomyn@gmail.com>
Sent: Wednesday, September 06, 2017 12:29 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate Reservoir Sediment Removal and Management Project

I am in favor of reducing the amount of sediment removal from Devil's Gate Reservoir. I have heard different speakers on the subject, and have formed the opinion that too much habitat would be destroyed if the full 2.4 mcy of sediment, the amount specified by the Flood Control District, were removed. Furthermore all the truck traffic, noise, and dust - not to mention Diesel fumes - would put a huge burden on the neighborhoods that the trucks will have to pass through. Imagine hundreds of trucks loaded with dusty sediment going down your street every day for a few years. I am in favor of removing a smaller amount of sediment, something like 1 to 1.2 mcy, over a longer period of time, and doing this in such away that the habitat of the endangered species is minimally disturbed.

I hope that after the big sediment removal has been completed that the flood control department stays on top of sediment removal and does not let another 20 year period pass before sediment is removed again.

Sincerely,
Anne Chomyn, Ph.D.
Altadena

C32-1

Responses to Letter C32 – Anne Chomyn

Response to Comment C32-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the Project will cause impacts to traffic, air quality and noise in the area. In addition, the comment requests that a smaller amount of sediment be removed over a longer period of time, and ongoing sediment management be implemented. Ongoing sediment management is an integral part of the Project approved by the County of Los Angeles Board of Supervisors on November 12, 2014. Master Responses 1 and 3 provides a more detailed response to this comment.

Letter C33 - Jess Donoho

From: jdonoho@gmail.com
Sent: Wednesday, September 06, 2017 12:37 PM
To: DPW-reservoircleanouts
Subject: Hahamonga

Mr Barger

One of the challenges of political office is balancing all of the various opinions, deep pockets, special interests and general nonsense. I would ask you to cut through all of this noise and do what is best for hahamonga and the local residents. The voters have such little confidence in our representatives because they make easy decisions complicated in the name of politics. Papa SCE a has the. Eat of several bad options. Please do not accept the counties political proposal.

C33-1

25 year La Canada resident
Jess Donoho

Sent from my iPhone

Responses to Letter C33 – Jess Donoho

Response to Comment C33-1:

Thank you for your input. This comment states the commenter's opposition to the project. This comment has been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration.

Letter C34 - Suzy Beal

From: Suzy Beal <advercite@yahoo.com>
Sent: Wednesday, September 06, 2017 2:20 PM
To: DPW reservoircleanouts
Cc: executiveoffice@bos.lacounty.gov; kathryn@bos.lacounty.gov; fourthdistrict@bos.lacounty.gov; thirddistrict@bos.lacounty.gov; MarkRidley-Thomas@bos.lacounty.gov; firstdistrict@bos.lacounty.gov
Subject: re: County Flood Control District's Big Dig and EIR coment period in Hahamongna

Dear County staff and concerned Supervisors,

1) We need the County to extend the public comment period to allow additional time to review and comment upon the RFEIR for the Hahamongna plan. 45 days during the heat and fires of August isn't enough time for the public and agencies to review.

C34-1

-Additionally, the public has already submitted many alternative plans (some already tentatively approved by the city of Pasadena) that involve less draconian, less habitat-destroying methods of mitigating flooding in the basin.

C34-2

-The County has promised to provide a draft restoration plan, but none has been forthcoming. I ask that this be produced so the public can read it.

C34-3

-Finally, "expert" testimony submitted by the County includes sites like the Vulcan mining complex and an apartment building in Riverside County, none of which have been challenged or monitored, and which are NOT appropriate examples for mitigation in sensitive riparian habitats.

C34-4

2) I urge the Board of Supervisors to direct the Los Angeles County Flood Control District reduce the devastating impacts of their Big Dig project along the lines adopted by the Pasadena City Council in 2014 and advocated for by the Arroyo Seco Foundation and Pasadena Audubon in their NoBigDig lawsuit.

C34-5

kind regards,

Suzy Beal
advercite@yahoo.com
(818) 353-3101

Responses to Letter C34 – Suzy Beal

Response to Comment C34-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment is requesting an extension of the comment period on the RFEIR. Master Response 2 provides a response to this comment.

Response to Comment C34-2:

This comment states that the public has submitted many different alternatives, including the Pasadena Sediment Working Group's recommended alternative. Master Response 1 addresses this comment.

Response to Comment C34-3:

The comment states a draft habitat restoration plan has not been prepared and once prepared it should be accessible to the public. Master Response 5 provides a response to this comment.

Response to Comment C34-4:

The comment states that examples of other projects' mitigation, including a Vulcan mining complex and an apartment building in Riverside County, are not appropriate. Master Response 4 provides a response to this comment.

Response to Comment C34-5:

This comment states the commenter's opposition to the Project, and suggests a different alternative similar to the Pasadena Sediment Working Group's recommendations be implemented instead. This comment has been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. Master Response 1 provides a response to this comment.

Letter C35 - Joan Probst

From: Joan Probst <joan.probst@gmail.com>
Sent: Wednesday, September 06, 2017 2:23 PM
To: DPW-reservoircleanouts; firstdistrict@bos.lacounty.gov; MarkRidley-Thomas@bos.lacounty.gov; thirddistrict@bos.lacounty.gov; don@bos.lacounty.gov; FifthDistrict@lacbos.org
Cc: executiveoffice@bos.lacounty.gov; savehahamongna@arroyoseco.org
Subject: HAHAMONGNA WATERSHED: Comments on the Revised Final EIR

To Whom It May Concern:

After reviewing the County Flood Control Districts Final Environmental Impact Report (FEIR) I have multiple concerns about deficiencies in the FEIR.

I do not think the County has fully addressed Judge Chalfont's order.

C35-1

Habitat restoration and mitigation is of great concern to me. I use the Hahamongna area at least 5 times a week, riding my horse that is also stabled in the area. I am on the Board of Directors of Rose Bowl Riders Charitable Organization (RBRCO) located in the Hahamongna Watershed Park . RBRCO brings Pasadena area elementary school children to the Hahamongna Watershed Park throughout the school year to enjoy and learn about horses; and participate in an equestrian themed art project. We also partner with Five Acres Residential Facility to provide residents with direct access to horses. They learn to care for and ride horses. **How are we to carry out our mission of bringing children to experience horses, while 400 + diesel trucks spew pollution in and out of the area daily?**

C35-2

There are options that the County seems unwilling to seriously consider. The City of Pasadena endorsed a plan that would remove sediment over a longer period of time, with fewer trucks, a smaller footprint and more consideration of habitat restoration. It is a plan that makes sense, AND HAS LESS IMPACT ON THE HABITAT AND AIR QUALITY.

C35-3

The County underestimates the value of the habitat. Although making promises to develop a restoration plan at some unspecified time, **it is difficult to believe any plan would be adequate when the County seems to have no understanding of the value of the habitat or the significance of the impact this project will have.**

C35-4

AT A MINIMUM, THE COUNTY SHOULD EXTEND THE COMMENT PERIOD, and SOLICIT MORE PUBLIC COMMENT ON THIS INADEQUATE FEIR. Preferably, the alternative slow plan endorsed by the City of Pasadena should be studied and considered seriously.

C35-5

Thank you

Joan Probst
P.O. Box 41504
Los Angeles CA 90041

Responses to Letter C35 – Joan Probst

Response to Comment C35-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the commenter doesn't feel the County has fully addressed Judge Chalfant's order.

On March 13, 2017, the Los Angeles County Superior Court issued its ruling in *Arroyo Seco Foundation v. County of Los Angeles*, LACSC Case No. BS 152771, a lawsuit that had challenged the Final EIR prepared for this Project. The Court's ruling held that the majority of the EIR fully complied with CEQA, and only required that a limited number of pages of the Final EIR be revised and recirculated for public review.

The Court's ruling required the District to revise and recirculate three narrow portions of the EIR – specifically (1) to provide substantial evidence to support the mitigation ratios in Mitigation Measures BIO-6, -7, and -8; (2) to require the application of Mitigation Measures BIO-1 through BIO-8 to the Water Conservation Project, should that project ever go forward; and (3) to revise Mitigation Measure AQ-1 to require that sediment removal dump trucks meet the EPA's emission standards for Model Year 2010. In total, this resulted in the revision and recirculation of only 55 pages of the Final EIR, in which the County maintains that Judge Chalfant's order was adequately addressed.

Response to Comment C35-2:

The comment states the Project will impact air quality and children's' horse riding and education programs in the area. Issues with recreation were not included in the scope of the RFEIR. Master Response 1 provides a response to the comment related to the scope of the RFEIR and Master Response 3 responds to the comment regarding air quality impacts.

Response to Comment C35-3:

This comment requests that the County seriously consider alternative project options such as the Pasadena Sediment Working Group's recommended alternative. Master Response 1 addresses this comment.

Response to Comment C35-4:

The comment states the County underestimates the value of habitat and significance of impacts to habitat. In addition, the comment states a restoration plan has not been developed for the Project. Master Response 1 and 5 provide a response to this comment.

The RFEIR was prepared to provide substantial evidence to support the mitigation ratios in Mitigation Measures BIO-6, -7, and -8 of the EIR. No provision of the Superior Court's ruling in *Arroyo Seco Foundation v. County of Los Angeles*, LACSC Case No. BS 152771, a lawsuit that had challenged the Final EIR prepared

for this Project, required the decertification of any other portion of the EIR's analysis of potential biological resource impacts, including the EIR's assessment of habitat that could be impacted during the Sediment Removal Phase of the Project, nor were the Project's approvals voided or set aside. In preparing a Recirculated Portion of the Final EIR, rather than a new or supplemental EIR, the LACFCD was not required to issue a new notice of preparation pursuant to State CEQA Guidelines section 15182. Given this, and pursuant to State CEQA Guideline 15125(a), which provides that EIRs "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced," no later study of the condition of vegetation communities was required.

Further, comments regarding the EIR's assessment of the condition of the habitat were previously raised in comments on the EIR. (*See e.g.* the Arroyo Seco Foundation's comment letter on the Draft EIR [Comment Letter #216] describing the Project site as having "well-established habitat" to support increased mitigation.) These comments post-dated the 2013 assessment of habitat prepared in support of the EIR. Claims regarding the condition of the habitat were also raised in the lawsuit challenging the Final EIR, which argued that the EIR failed to adequately describe the Project's biological environmental setting and thus would have significant, undisclosed, impacts on resources and habitat. The Superior Court expressly rejected claims that the environmental setting description of biological resources was incomplete, instead finding that it was in full compliance with CEQA. Accordingly, in preparing the RFEIR for the Superior Court's review in order to confirm that the directions in its judgment have been satisfied, LACFCD was not required to provide analysis concerning newly asserted challenges as to the environmental setting description of biological resources that arise from the same material facts that were in existence at the time of the Court's judgment.

Response to Comment C35-5:

The comment requests that the County extend the public comment period. Master Response 2 addresses this comment. The comment also expresses its support for the Pasadena Sediment Working Group's recommended alternative. Master Response 1 addresses this comment.

Letter C36 - Susanna Dadd

From: Susanna Dadd <susanna.dadd@gmail.com>
Sent: Wednesday, September 06, 2017 2:48 PM
To: DPW reservoircleanouts
Subject: Devil's Gate Cleanout

Dear Sirs/Madams,

My feeling is that the project is too massive and overbuilt. I believe that we should clear out wide horizontal channels across the area, with connections so that anything coming down the Arroyo Seco will be slowed and much of the water absorbed by the earth and remaining plants and trees. Stripping out the area will speed up the floodwaters, should they happen, and also leave us with a huge eyesore.

C36-1

As to moving the bats., and shaking the trees to get them out. This should be done at the end of the day. Bats don't do well in the daytime and will probably die with all the activity in their environment.

C36-2

I hope you will actually listen to we local residents who, with their taxes, pay for your work. We would like a more minimal project and 50% of the vegetation left in place, with a wide lazy snake shaped drainage channel going throughout the whole area. Who is going to pay for the road repair/freeway repair after all the trucks have damaged them??

C36-3

Thank you,

--

Susanna Dadd
626 398 9939

http://secure-web.cisco.com/1jN_sokUzb2dL6LEH0gTDWi8oz7YeoeUoBJRXwUnKraJj_mKingLnwOdqevqqSBfYFbkAHHStaT2bfOeQBUKGKwQ4x7aN149YhKr0jGAMsd15hmQa1WNr7l-UXjlMdu7eLq8-rtEfHZYdh_YTy1zAZE2frWjGussBJabJpGmJW9xEeCWfk5J741kFGneZjlGd_W0rTmZ517rkxY64qN67M6es41mt9Day0Bu-N6beumqD5h4DhEQ9pTyTiEp9TfLS1IqpS61LshKSzgpsdhHX_Xvoi2ng0uUJ40MVUvV5kvpGo0HZ2Yr1SCOvS_UMpavuZDbUjSYkLeHT0ERI06QcZ9gjXGP-ICUKvEdhPbrE-ZXchxRRkde_27PK5n6I0KYRAACMc4IdkQMfsXHo6zoxjg/http%3A%2F%2Fwww.realgardens.net

Responses to Letter C36 – Susanna Dadd

Response to Comment C36-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment suggests a different Project alternative should be implemented. Master Response 1 provides a response to this comment.

Response to Comment C36-2:

The comment states that moving bats by shaking the trees they inhabit should be conducted at the end of the day as bats are sensitive to daylight. Mitigation Measure BIO-5 addresses the methods of ensuring the protection of bats during implementation of the Project.

Response to Comment C36-3:

This comment expresses support for a more minimal project and 50 percent vegetation left in place with a wide lazy snake-shaped drainage channel. The comment also asks who will pay for the road repair following the truck traffic from the Project. Master Response 1 provides a response to this comment.

Letter C37 - Timothy Martinez

From: Tim Martinez <timmmartinez@yahoo.com>
Sent: Wednesday, September 06, 2017 3:17 PM
To: DPW-reservoircleanouts
Cc: kathryn@bos.lacounty.gov
Subject: Devil's Gate Flood Control Maintenance

I oppose the Los Angeles County Flood Control District's proposal for sediment removal at the Devil's Gate Dam. I recommend that the LACFCD follow the recommendations adopted by the Pasadena City Council in 2014 and advocated for by the Arroyo Seco Foundation and Pasadena Audubon in their NoBigDig lawsuit.

C37-1

This plan should remove smaller amounts of sediment over a longer period of time, eventually removing sediment as it enters the basin. The proposed habitat restoration should include the much of what is being set aside for the permanent maintenance area. This area is too large and unnecessary for public safety. Keeping such a large area cleared of all vegetation is extremely damaging to the unique habitat and natural environment of Hahamongna.

C37-2

Thank you in advance for taking my comments seriously and including them in your future plans.

Timothy Martinez
Pasadena, CA 91103

Responses to Letter C37 – Timothy Martinez

Response to Comment C37-1:

Thank you for your input. This comment states the commenter's opposition to the Project and that the County should select a different alternative, similar to the Pasadena Sediment Working Group's recommendations. This comment has been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The evaluation of new alternatives is not within the scope of the RFEIR. Please see Master Response 1 for further information on the scope of the RFEIR.

Response to Comment C37-2:

This comment states that a smaller amount of sediment should be removed over a longer period of time and the proposed permanent maintenance area is too large as currently defined. Master Response 1 addressed this comment.

Letter C38 - Kate Vincent and Donald Crockett

From: Firebird Ensemble <firebirdensemble@yahoo.com>
Sent: Wednesday, September 06, 2017 5:18 PM
To: DPW-reservoircleanouts
Subject: Registering concert re Hahamonga

To whom it may concern,

My husband and i would like to register our strong disapproval for the county flood control plan regarding Hahamonga. Instead we believe that the slower, scaled back solution proposed by Pasadena would be far better in terms of it's effectiveness, minimized disruption, destruction of the surrounds and native flora/fauna and negative impact on a large community who makes use of the area for a variety of different activities.

C38-1

We are extremely lucky to have access to such a spectacular area of natural land and highly value the treatment of it and it's care and preservation. In Los Angeles access and use of land like this is rare which makes it all the more important that greatest care be taken in resolving issues such as the sediment levels at the dam site.

Please register our strong disapproval for the County's plan.
With thanks,

Kate Vincent and Donald Crockett
3430 Chaney Trail, Altadena CA 91001

Responses to Letter C38 – Kate Vincent and Donald Crockett

Response to Comment C38-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states the commenter's opposition to the project and that the County should select a different alternative, such as the Pasadena Sediment Working Group's recommended alternative. Master Response 1 addresses this comment.

Letter C39 - Jonathan Frame

From: Jonathan Frame <jonframe@gmail.com>
Sent: Wednesday, September 06, 2017 8:12 PM
To: DPW-reservoircleanouts; Tim Brick
Subject: Recirculation of the Devil's Gate Sediment Removal and Management Project Final Environmental Impact Report (EIR)
Attachments: Devils Gate Sediment EIR recirculation - J Frame 06 September 2017.pdf

From: Jonathan Frame

Date: 06 September 2017

Subject: Recirculation of the Devil's Gate Sediment Removal and Management Project Final Environmental Impact Report (EIR)

If I understand the recirculated portions of the Final EIR correctly, Los Angeles County Department of Public Works (the County) is: 1) now committing to using diesel trucks that meet the EPA's 2010 standards for air pollution causing a "less than significant impact", 2) now ensuring that "not less than" 1:1 habitat will be mitigated for because "neither a higher mitigation ratio nor other Mitigation Measures would be necessary to reduce impacts to below level of significance" and 3) the County is now addressing cumulative impacts that will be created as a result of the other projects taking place in the basin.

This sediment removal project has been the subject of passionate debate among stakeholders of the Hahamongna Watershed Park and surrounding areas. There has been incredible effort from a great variety of groups, individuals and public officials to provide guidance and support to The County on managing this project in a manner that minimizes impacts the health and wellbeing of school children, wildlife, habitat, home owners, and many more. This recirculated portion of the Final EIR is an example of the County doing the absolute minimum required to pass the sediment removal project through the regulation process. **The three areas of revision made in this recirculation were requested hundreds of times by stakeholders from the beginning of the public's involvement in the program.** The fact that the County waited until the Court has ordered the inclusion of these aspects of the project is a testament to the County's complete disregard for the people and environment of which this project will affect.

C39-1

Assuming the assessment that the current capacity in the reservoir behind the Devil's Gate Dam is too low and has "significantly increased the risk of serious flooding from subsequent storms" is correct, then **in the County's mismanagement of the planning and environmental review for this**

C39-2

project, they are failing to provide flood protection downstream of the dam. As a result of the County's unwillingness to work with stakeholders to create a suitable ongoing sediment removal program for the reservoir, the project once described as an emergency has been delayed by several years. These past years were not only potentially dangerous from the increased flood risk, but also could have been used for sediment removal. Furthermore, I am sure that this planning failure has also resulted in the wasting of public funds that should otherwise be used to provide flood protection, water conservation, recreation and aesthetic enhancement, as per the mission of the Flood Control District. Public funds paid for by the very stakeholders fighting for their health and wellbeing through this environmental review process.

C39-2
cont.

Although this recirculation addresses key inadequacies of the Environmental Impact Report, it does not solve the most important problems: 1) the County has not convinced the stakeholders that the magnitude and timing of the sediment removal is necessary, and if it is then 2) the County is planning a project that will have significant environmental consequences and the level of mitigation is completely unsatisfactory to the stakeholders. I advise the County to work cooperatively, and in fair compensation, with the local stakeholders, public officials and technical experts (à la, the Pasadena Sediment Working Group) in the future of this and other sediment management projects.

C39-3

Thank you for the opportunity to comment on this recirculation.

Responses to Letter C39 – Jonathan Frame

Response to Comment C39-1:

Thank you for your input. This comment states that the County should have implemented the revisions made in the RFEIR to the public sooner. This comment has been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration.

Response to Comment C39-2:

This comment states that the County should have developed and implemented an ongoing sediment removal program sooner and that the delay has been a waste of public funds. This comment has been noted.

Response to Comment C39-3:

This comment states that the County has not convinced stakeholders that the magnitude and timing of the sediment removal is necessary and if it is necessary, then the commenter states the project will have significant environmental consequences and the level of mitigation is not satisfactory. The commenter suggests that the County work cooperatively with local stakeholders, public officials, and technical experts (the Pasadena Sediment Working Group) in the future regarding sediment management projects. The Court's ruling found that the EIR's analysis, including mitigation measures, fully complied with CEQA except for three very minor issues, which are the subject of the RFEIR. Additionally, the evaluation of new alternatives is not within the scope of the RFEIR. Master Responses 1 and 4 address this comment.

Letter C40 - Maria Delgadillo

From: Maria Salazar <msalazar131618@gmail.com>
Sent: Wednesday, September 06, 2017 10:57 PM
To: DPW-reservoircleanouts
Subject: RESPONSIBLE MAINTENANCE OF DEVIL'S GATE FLOOD CONTROL FACILITY

September 6, 2017

I, Maria Delgadillo, a registered voter, oppose the Los Angeles County Flood Control District's proposal for sediment removal at the Devil's Gate Dam. Although public safety is crucial, the plan as it stands is too big, too fast, and too destructive to habitat, our air quality, traffic and neighborhoods.

C40-1

LACFCD should instead reduce the devastating impacts of their Big Dig project along the lines adopted by the Pasadena City Council in 2014 and advocated for by the Arroyo Seco Foundation and Pasadena Audubon in their NoBigDig lawsuit.

The project as it exists, even after the revisions required by The Honorable James C. Chalfant, does not remedy or mitigate adequately for resulting air and noise pollution, and habitat destruction. Furthermore, the County's failure to develop an ongoing sediment management program, demonstrates their intention to continue the past negligence that led to the accumulation of sediment without any significant removal for more than 20 years.

C40-2

I would like to see a plan that:

- Includes a sustainable sediment management program that takes into account community concerns about traffic, noise, habitat destruction, etc.;
- Uses alternative fuel trucks for mining, excavation, and transport of sediment to minimize smog and the emission of particulates;
- Relies on scientific or technical analysis to prove that a 1:1 mitigation ratio for replacing critical habitat in the Hahamongna basin would fully protect the habitat and the species that rely on it;
- Adequately evaluates the biological impacts of related projects, such as the Trans-Altadena Pipeline, which would export water from Hahamongna and transfer it to the County's spreading basins five miles east in Eaton Canyon.

C40-3

C40-4

C40-5

C40-6

The project as proposed does not protect the public's health and the environment, and without a sustainable sediment management program it is unlikely to adequately protect the public from the risk of flooding.

C40-7

Thank you in advance for taking my comments seriously and including them in your future plans.

Responses to Letter C40 – Maria Delgadillo

Response to Comment C40-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the Project is too large and destructive, and proposes reducing impacts by following the Pasadena Sediment Working Group's recommended alternative. Master Response 1 provides a response to this comment.

Response to Comment C40-2:

This comment states that the RFEIR does not provide adequate mitigation for air and noise pollution and habitat destruction. The comment also states that the lack of an ongoing sediment management program demonstrates an intention for future negligence by the County. Master Responses 1 and 4 provide responses to this comment.

Response to Comment C40-3:

This comment requests that a sediment management program be developed that takes into account concerns about traffic, noise, and habitat destruction. Master Response 1 addresses this comment.

Response to Comment C40-4:

This comment requests that the project consider the use of alternative fuel trucks. Master Response 3 addresses this comment.

Response to Comment C40-5:

The comment states that the 1:1 mitigation ratio should rely on scientific or technical analysis. Master Response 4 provides a response to this comment.

Response to Comment C40-6:

This comment states that the cumulative biological impacts from other projects, such as the Trans-Altadena Pipeline, are not adequately evaluated. Master Response 1 provides a response to this comment.

Response to Comment C40-7:

This comment states that the project does not protect the public's health and environment and that the project should include a sediment management program. The Court's ruling found that the EIR's analysis fully complied with CEQA except for three very narrow issues, which are the subject of the RFEIR. Please see Master Response 1 for further information on the scope of the RFEIR.

Ongoing sediment management is an integral part of the Project approved by the County of Los Angeles Board of Supervisors on November 12, 2014. Following completion of the initial sediment removal phased, a low impact sediment management program will be implemented. The Project is designed to be a long-term plan, with the reservoir management phase providing maintenance for future sediment inflows. The proposed yearly cleanout of sediment after the completion of the initial sediment removal will reduce the necessity for future large-scale cleanout.

Letter C41 - Mark Hunter

From: Mark Hunter <funkshn@gmail.com>
Sent: Thursday, September 07, 2017 9:55 AM
To: DPW-reservoircleanouts; kathryn@bos.lacounty.gov
Subject: Comments on the Devil's Gate Dam recirculated final environmental impact report

This project promotes large-scale sediment mining and trucking in Hahamongna Watershed Natural Park, in the area behind Devil's Gate Dam. Comments on this project's original EIR focused on three themes:

The project is too big.
Its timeline is too fast.
Its permanent effects are too damaging to wildlife, habitat, and recreation.

After the release of the revised EIR, those three themes are still present, and there are now more specific facts to support those themes.

The project is too big because the purpose stated in the EIR, flood control, is misleading. This project claims to be about flood control, but its actual purpose is water banking. The EIR fails to disclose this, which is a fundamental flaw. The project is intended to excavate a large, deep reservoir which will serve the proposed "cross-town pipeline." This pipeline, explained in detail by the Los Angeles County Department of Public Works in a community meeting in Altadena on July 20, 2017, would allow pumping of storm runoff from a reservoir behind Devil's Gate Dam to spreading basins near Eaton Canyon Dam for percolation into groundwater aquifers. Here is a link to a video recording of County officials speaking at that public meeting: http://secure-web.cisco.com/1PmlJqxB4LBhNp7wxa8WIMNSwtmaepbGC_qDzjBFizLFH9nlwwCk7huCECEmMqxG6AyOsXy1q1n6saJu_wtVycFILk_j818D4ffqzXk-EFRsY3R-8h1QrtSLXpct7ederan2qY6UtzM8XpV_8u3FekiGDAD-5hxRx0StLoKogqJXD-2a_cqchHGwSS1_oilT0AFUzxDSzgo-xAszxVErWq-MbXrQdnaHulGmgvgJ6e_va85vi1NRuhU3tXEDO9Q3dvLuTw9ahzqVjkCC24Xuxwjeml4m_JNsim086dMPjJNZVQUQdUUKgP1R1R01_SnH6CZp9D4sSdMCriV7gCaX_UrcK_EdgeEeWNkbu6zqZuDAXXKu3ctFPS0r3h2Rg5bdeU2YEzeYKQc9SZaEvoyQ/http%3A%2F%2Faltadenaheritage.org/altadena-pipeline/

This pipeline was on the drawing board at the time that the EIR was written, and the pipeline surely influenced the target goals of the project. The rapid removal of millions of cubic yards of sediment is more than is needed to serve flood control purposes; so much removal would serve reservoir construction instead. Flood control requires that reservoirs have capacity to absorb pulses from storms, but the eventual purpose of this reservoir will be to fill up during the rainy season and hold water for pumping to Eaton Canyon. A full reservoir reduces any remaining emergency capacity. If this were simply a flood control project, in which storm runoff is sent to the ocean in a rapid and orderly manner, it could be accomplished with a smaller, slower project.

C41-1

since the July 20th community meeting, citizen complaints about disruption to the affected streets have caused the County to put the pipeline project on hold. But it is not dead; it's only on hold, and it is reasonable to assume that County engineers are simply waiting for a more opportune time to pursue it. Thus the revised EIR still contains sediment removal targets that are much higher than those needed to meet flood control goals. There does need to be sediment removal in Hahamongna, but not in these huge amounts. Recent history has shown that even the reduced capacity of the current basin has proven adequate for some major events, such as the Station Fire in 2009 and the storms during the following winter. The basin effectively handled the largest storm of our recent wet winter, on February 20, 2017.

The proposed huge removal amounts in the EIR don't make sense in light of the historical flood records. But they do make sense if the County is trying to get into the reservoir business.

This project's timeline is too quick. In order to remove the millions of cubic yards of sediment targeted by the County in the timeframe desired by the County, several hundred truck trips per day are required over a period of several years. Although the revised EIR specifies that these trucks must now meet 2010 emission standards (rather than 2007), those standards do not equal a clean engine, as documented by a separate comment letter from an expert in air quality. These hundreds of double-dump trucks will be working in an area adjacent to two schools and a childcare center, and near seven other schools. Unhealthy air quality is very likely, considering the conditions under which these trucks will operate.

C41-2

These hundreds of daily truck trips must exit the 210 freeway, move through the project area, and return to the 210 to travel to the sites where sediment will be dumped. It is easy to imagine the traffic snarls that will be caused by this parade of heavily laden trucks, and those snarls will continue for years.

This project is too destructive. It disrupts or destroys valuable riparian habitat on a 120-acre footprint. The basin floor is designated for a 51-acre "maintenance yard" which will be flooded at some times of the year and bulldozed to bare dirt during the rest of the year. The basin

C41-3

floor currently supports a rich mix of recreation, from horseback riding to hiking to kids at Tom Sawyer Camp, and that recreation will be severely curtailed by the maintenance yard. The basin floor also provides habitat for a wide range of wildlife, including threatened and endangered species of songbirds. That habitat will be turned into a moonscape by the yearly cycle of flood and bulldozers. Essentially, the heart of Hahamongna will no longer have value as a public park.

The proposed biological mitigation efforts described in the revised EIR are too vague and skimpy to ensure that this habitat destruction will be mitigated, as documented by a separate comment letter from a biological expert. The proposed mitigation ratio of only 1:1, rather than a more realistic ratio like 5:1, and the lack of specific information about where the County proposes to site their mitigation efforts, mean that it's impossible to trust that this mitigation will be effective and long-lasting.

We do need some sediment removal in Hahamongna, but Pasadena citizens and organizations have urged the County to model their project after a more reasonable, careful, and sustainable alternative that was unanimously approved by the Pasadena City Council in 2014. But this revised EIR makes no effort to acknowledge the Pasadena plan. For details on the Pasadena plan and a comparison with the project planned by the County, see http://secure-web.cisco.com/1o0ITPCAaKa6p_3K7K7WdOHn4K_Sgubw1au-wj2-zztpY1us3ddi-BT5YP7XMjv8C4lbTklmRTqdhCKVJu8_CPIs7eDhGAWdtUPu-Lg7ZnXzlgVNOPYOviL0OrkD5ODNGxoqz1Z-CfPITAODNOehC8cbt9Gfk3qkY5TvdEJkAoKivwGtg548_p2lM0OslkQEc9s6XORlbt-wCxKDPHln7eNR3Rtn4O7PdiHZEeYJevAXh69VIWaG52dZ-JZxz7mTo4KhedOwyGWcgpL45YZN9o2QDccVYXvs9ZV77uUNOKJCyQXRpqVqu5POExvi0tiNdhwgh0YoZe41pqDBAW5Y1RFjGs9rEeOjPglrppPhwdg2hloD5rUkMURJKMoXOLvWtDeKEQ77pN5KWUw1cWP4Rg/http%3A%2F%2Fwww.arroyoseco.org%2Fsavehahamongna/TheBigDig.pdf

Mark Hunter
2056 Rancho Canada Pl
La Canada, CA 91011
818-369-6627

**C41-3
cont.**

Responses to Letter C41 – Mark Hunter

Response to Comment C41-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the amount of sediment targeted for removal was increased to support the Devil's Gate Water Conservation Project (referred to as the "cross-town pipeline" project). The comment also states that the recent storm events are proof that a reduced sediment removal would be adequate for flood control. Master Response 1 provides a response to this comment.

Response to Comment C41-2:

This comment states that the project's timeline is too quick and will result in truck traffic that will cause air quality and traffic impacts. The Court's ruling found that the EIR's analysis, including the traffic impact analysis, fully complied with CEQA except for three very narrow issues, which are the subject of the RFEIR. Additional information has been provided in the RFEIR on the air quality analysis and mitigation measures. Please see Master Response 1 for further information on the scope of the RFEIR and Master Response 3 for further information on air quality.

Response to Comment C41-3:

The comment states the project is too destructive, will affect the current recreational use of the Park, and urges the County to model their project after the Pasadena Sediment Working Group's recommended alternative. In addition, the comment states that a mitigation ratio higher than 1:1 would be realistic and states that there is a lack of information on where the County proposes to site their mitigation and thus, the commenter states it is impossible to trust the mitigation will be successful and long-lasting. Master Responses 1, 4, 5, and 6 provide responses to this comment.

Letter C42 - Johnathan Perisho

From: Johnathan Perisho <jp.erisho@gmail.com>
Sent: Thursday, September 07, 2017 12:41 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate Sediment Removal and Management Project RFEIR

The findings of the Devil's Gate Sediment Removal and Management Project RFEIR are insufficient to recognize and address impacts. The RFEIR improperly concludes that the Project will have "less than significant impacts" on biological resources, stating that "[b]ased on the evidence cited above and the steps outlined in Mitigation Measure BIO-8 to ensure a successful replacement at a 1:1 ratio, neither a higher mitigation ratio nor other Mitigation Measures would be necessary to reduce impacts to below level of significance."

Based on U.S. Army Corps of Engineer standards for hydrophytic vegetation dominance and prevalence indicators a majority of the project area is host to wetland cover. The integrity of this native wetland cover and associated upland habitat is impressive, with greatest diversity of species in the vicinity supported by wetland areas. Less than 3% of wetland habitat is estimated to remain across the Los Angeles region, with the alluvial fan morphology of the Hahamongna vanishingly more rare. Nearly all areas conducive to supporting freshwater wetland habitats have been developed and continue to be developed and scoured with a fragmented lack of suitable conditions to be found in the region. The EIR states that mitigation may occur both on and off site in the greater Los Angeles watershed, but there is nowhere that can replace the local conditions, local ecological connectivity, and most significantly still-natural hydrology of the Hahamongna above Devil's Gate Dam. To those points, no instances have been provided where mitigation has been empirically found to sufficiently restore integrity to a level at or above the conditions before damage has been done, let alone at a low 1:1 ratio with reference but no clear plan provided for where and how this may be accomplished. Specific area, locations, and methods must be provided for this extraordinarily challenging proposition.

C42-1

The distribution of mature native plant communities including willow woodland, mulefat scrub, and alluvial fan scrub together with associated communities is host to over 500 different plant and animal species identified in historic and contemporary observations, including contemporary observations of species of concern such as the arroyo toad, threatened bank swallow, endangered willow flycatcher, and federally endangered least bell's vireo. This cover in a naturally-occurring, self-sustaining system is irreplaceable, and neither removal nor displacement over any period can be described as "less than significant." Given the gravity of certain significant impacts from proposed actions findings must be based on comprehensive and empirical study of existing biological conditions as well as the characteristics and distribution of rare underlying hydrological and geomorphological conditions that make them possible.

The mitigation as described calls for a five year period of monitoring. Given the significant burden of proof that mitigation can restore conditions to a level at or above the integrity before damage, not only is a comprehensive survey of existing conditions necessary, but also sustained consistent follow-up until the cover is mature and clearly demonstrates self-germination and resistance to invasion of non-native invasive species currently observed in the existing conditions. This period should be determined through a peer review of local experts in fields related to native plant community establishment and restoration.

Securing public safety may be expected to necessitate difficult decisions, however, as per the legal requirements of CEQA the clear sacrifices for any actions must be acknowledged and minimized as feasible. Alternatives as adopted by The Pasadena City Council in 2014 are superior to minimize and mitigate such sacrifices. These include long-term, consistent removal of smaller volumes of sediment and less complete razing of entire vegetated areas, alternatives which have been supported by the Arroyo Seco Foundation and Pasadena Audubon among others together with general public stakeholders. **C42-2**

Thank you for your careful review of comments and for your measured consideration of the proposed actions and alternatives. Your attention and work toward the best possible outcomes now and for future generations of humans and all life is an invaluable service.

Johnathan Perisho

Responses to Letter C42 – Johnathan Perisho

Response to Comment C42-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that no examples have been provided where mitigation was found to restore a similar watershed to a level at or above preconstruction conditions. In addition, the comment states a 1:1 mitigation ratio may be low for the Project, a restoration plan is required, and offsite mitigation cannot mitigate for the impact to onsite resources. Master Responses 4, 5 and 6 provide responses to these comments. In addition, as described in Section 3.6.6 of the RFEIR, mitigation monitoring for the Proposed Project would be conducted for five years or until the performance standards are met. Master Response 5 describes the contents of the Habitat Restoration Plan, which clarifies that performance standards will be established based on comparisons to undisturbed habitats at reference sites. In addition, it also states that the performance standards must be achieved by LACFCD for the mitigation to be deemed successful, even if it takes longer than the required monitoring period of five years. Master Response 4 also states that “ The LACFCD will conduct quantitative monitoring at the mitigation sites for at least five years and longer if the mitigation sites have not achieved the performance standards.”

Response to Comment C42-2:

This comment states that the Pasadena Sediment Working Group’s recommended alternative is preferred. Master Response 1 provides a response to this comment.

Letter C43 - Steve Messer

From: Steve Messer <swmesser@gmail.com>
Sent: Thursday, September 07, 2017 12:44 PM
To: DPW-reservoircleanouts
Subject: Hahamongna comments

I oppose the Los Angeles County Flood Control District's proposal for sediment removal at the Devil's Gate Dam. Although public safety is crucial, the plan as it stands is too big, too fast, and too destructive to habitat, our air quality, traffic and neighborhoods.

C43-1

LACFCD should instead reduce the devastating impacts of their Big Dig project along the lines adopted by the Pasadena City Council in 2014 and advocated for by the Arroyo Seco Foundation and Pasadena Audubon in their NoBigDig lawsuit.

The project as it exists, even after the revisions required by The Honorable James C. Chalfant, does not remedy or mitigate adequately for resulting air and noise pollution, and habitat destruction. Furthermore, the County's failure to develop an ongoing sediment management program, demonstrates their intention to continue the past negligence that led to the accumulation of sediment without any significant removal for more than 20 years.

C43-2

I would like to see a plan that:

- Includes a sustainable sediment management program that takes into account community concerns about traffic, noise, habitat destruction, etc.;
- Uses alternative fuel trucks for mining, excavation, and transport of sediment to minimize smog and the emission of particulates;
- Relies on scientific or technical analysis to prove that a 1:1 mitigation ratio for replacing critical habitat in the Hahamongna basin would fully protect the habitat and the species that rely on it;
- Adequately evaluates the biological impacts of related projects, such as the Trans-Altadena Pipeline, which would export water from Hahamongna and transfer it to the County's spreading basins five miles east in Eaton Canyon.

C43-3

C43-4

C43-5

C43-6

The project as proposed does not protect the public's health and the environment, and without a sustainable sediment management program it is unlikely to adequately protect the public from the risk of flooding.

C43-7

Thank you in advance for taking my comments seriously and including them in your future plans.

Steve Messer

Responses to Letter C43 – Steve Messer

Response to Comment C43-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the Proposed Project is too large and destructive and proposes reducing the impacts by following the Pasadena Sediment Working Group's recommendations. See the response to comment C40-1.

Response to Comment C43-2:

The comment states that the RFEIR does not provide adequate mitigation for air and noise pollution and habitat destruction. The comment also states that the lack of an ongoing sediment management program demonstrates an intention for future negligence by the County. See the response to comment C40-2.

Response to Comment C43-3:

The comment request that a sediment management program be developed that takes into account concerns about traffic, noise, and habitat destruction. Master Responses 1 and 3 address this comment.

Response to Comment C43-4:

The comment request that the project consider the use of alternative fuel trucks. See the response to comment C40-4.

Response to Comment C43-5:

The comment states that the 1:1 mitigation ratio should rely on scientific or technical analysis. See the response to comment C40-5.

Response to Comment C43-6:

The comment states that the cumulative biological impacts from other projects, such as the Trans Altadena Pipeline, are not adequately evaluated. See the response to comment C40-6.

Response to Comment C43-7:

This comment states that the project does not protect the public's health and environment and that the project should include a sediment management program. The Court's ruling found that the EIR's analysis fully complied with CEQA except for three very narrow issues, which are the subject of the RFEIR. Please see Master Response 1 for further information on the scope of the RFEIR.

Ongoing sediment management is an integral part of the Project approved by the County of Los Angeles Board of Supervisors on November 12, 2014. Following completion of the initial sediment removal phased, a low impact sediment management program will be implemented. The Project is designed to be a long-term plan, with the reservoir management phase providing maintenance for future sediment inflows. The proposed yearly cleanout of sediment after the completion of the initial sediment removal will reduce the necessity for future large-scale cleanout.

Letter C44 - Tim Brick

Tim Brick

Date: September 7, 2017

To: Officials of the Los Angeles County Flood Control District (FCD)

RE: Devil's Gate Reservoir Sediment Removal and Management Project - Comments on Revisions to the Final Environmental Impact Report

I fully endorse the formal comments of the Arroyo Seco Foundation, which have been submitted separately. **C44-1**

The revisions to the County Flood Control District's Final Environmental Impact Report (RFEIR) issued on July 24, 2017 are rather sketchy and narrow in the interpretation of Judge James Chalfant's order regarding the project. Important information and documentation has been neglected, such as a review of alternative low-emission vehicles, an actual mitigation plan and consideration of the cumulative impacts of related projects. **C44-2**

Here are some specific concerns that should be addressed before the project is allowed to start again.

Inadequate Public Comment Period and No Public Outreach Meetings

Given the complexity of the issues involved and the lack of documentation in the revisions, the 45-day comment is inadequate. This is particularly important because the LACFCD did not hold any public meetings to present or explain the extent and nature of the revisions. The Arroyo Seco Foundation and several individuals request that the County conduct public outreach meetings to solicit comments on the RFEIR and extend the public comment period to allow the public additional time to review and comment upon the RFEIR, but these requests were rejected. The comment period also occurred during the dog days of summer, giving the clear impression that FCD did not want to encourage or facilitate public understanding or acceptance of their revisions or their draconian mining and trucking operation. **C44-3**

539 E. Villa St. #2, Pasadena, CA 91101 tim@arroyoseco.org

Alternatives

While the revisions do not directly deal with alternatives to the FCD's massive sediment excavation program, it is important consider that there are viable and less-destructive alternatives that would dramatically improve each of the elements considered by the revisions, 1) air quality, 2) mitigation ratio, and 3) cumulative. Each of these elements would be easier to achieve and the negative aspects would be dramatically reduced by these alternatives.

C44-4

During the EIR process many people have spoken of viable alternatives to the FCD program, mostly centering around going slow, reducing the amount of sediment removed and the permanent destruction zone, and using a surgical approach to sediment removal and habitat protection and restoration. The City of Pasadena, which owns and operates Hahamongna, has endorsed such a plan. Reducing the sediment buildup on an ongoing basis rather than generational cataclysmic approaches like the FCD plan.

Justification for 1:1 Habitat Mitigation Ratio

Judge James Chalfant ordered the County to provide documentation that their proposed 1:1 mitigation ratio would adequately protect sensitive habitat and species. Instead of providing expert testimony from biologists and restoration experts, however, FCD lists a few projects, such as a Vulcan mining operation and an apartment complex in Riverside County, that have been allowed to proceed with 1:1 mitigation programs. None of these examples have been legally challenged or properly monitored to provide evidence of the suitability of a 1:1 program in a rare riparian zone. Most mitigation programs in sensitive riparian areas have had a 2-3:1 ratio, and some have gone as high as 5:1. The examples that the County uses indicate that the 1:1 mitigation goal may be achievable rather than proving that it as a justifiable goal in the first place. This 1:1 standard can only be justified by the County's underestimation of the habitat values in the Hahamongna basin and the Arroyo Seco.

C44-5

Habitat Restoration Plan

The County promises to develop a Habitat Restoration Plan, but while they list numerous guidelines that they promise the plan will include, they do not put forth

C44-6

Comments on Revisions Devil's Gate FEIR – Page 3

the actual plan nor define the performance standards they hope to achieve, even though the County has already prepared and submitted a Draft Habitat Restoration Plan to the United States Army Corps of Engineers. The County's mitigation plan should be made available to the public and reviewed as part of this RFEIR to allow the public to fully evaluate the potential effectiveness or deficiencies of the mitigation program.

C44-6
cont.

Significance of Impact

The RFEIR improperly concludes that the Project will have "less than significant impacts" on biological resources, stating that "[b]ased on the evidence cited above and the steps outlined in Mitigation Measure BIO-8 to ensure a successful replacement at a 1:1 ratio, neither a higher mitigation ratio nor other Mitigation Measures would be necessary to reduce impacts to below level of significance." However, the County's mitigation program of 1:1 fails to mitigate the Project's impacts to biological resources to a level of "less than significant" given that the habitat mitigation is proposed to be within both on-site and off-site areas, simply destroying riparian habitat and replacing it in another location that may not even be in the same watershed as Hahamongna.

C44-7

Quality of Habitat

The RFEIR consistently underestimates the quality of habitat in the Hahamongna basin. The RFEIR utilizes a 2013 habitat assessment, rather than reviewing more recent conditions in which healthy habitat has flourished in the Basin. The County has conducted habitat surveys since 2013 as part of preparing a habitat mitigation plan for the United States Army Corps of Engineers. That more recent information should be included as part of the RFEIR.

The County's habitat assessment systemically underestimates the amount of habitat currently in the basin, overemphasizing the presence of invasive species and underestimating the presence of certain types of riparian habitat by claiming that habitat has been buried under sediment even though it has re-established itself since 2013. The County, by characterizing these habitats as more degraded than they are, attempts to minimize the destructive impacts of their excavation and mining program as well as to reduce their obligation to mitigate those impacts.

C44-8

Period of Monitoring

The County must provide a longer and more comprehensive monitoring period for habitat mitigation. The FEIR and revisions provide that monitoring will occur for only 5 years or until the performance standards, which are not well-defined, are met. This is a very short period of time given the time and conditions it would

C44-9

Comments on Revisions Devil's Gate FEIR – Page 4

take for high-quality habitat equivalent to the ones they will destroy to re-establish.

C44-9
cont.

Location of Mitigation

If mitigation is to protect natural values, it should be as close to the site of destruction as possible. The County, however, only promises that mitigation will be "onsite, offsite with Arroyo Seco subwatershed and offsite within the greater Los Angeles River Watershed." This standard does not protect the rare habitat zones of Hahamongna or its importance as a key habitat corridor that links the San Gabriel Mountains to the Los Angeles River system. In addition to the vital corridor that the Arroyo Seco is, Hahamongna is the passage for wildlife, habitat and seeds to the Verdugo Hills and is part of an important corridor that links across the front range of the San Gabriel Mountains all the way to Tujunga Canyon ten miles west.

C44-10

Mitigation of Trees

The revisions inappropriately change the identification of trees for which the County will mitigate. The change from the FEIR is that now the County only promises to mitigate for trees that are found on the City of Pasadena list of protected trees as found in Municipal Code 8.52. That list, however, was designed primarily to protect street trees and trees in an urban setting. It only includes a small list of species of native trees that are likely to be found in a natural riparian stream zone and the other unique habitat zones in Hahamongna. It does not include many other trees and plants that are currently found in Hahamongna and that would be found in a healthy streamzone. This narrow definition is inappropriate and will have a very negative impact on the habitat mitigation program.

C44-11

Definition of Riparian Zone

The RFEIR underestimates the amount of riparian habitat that would be affected by the Project. The Revised FEIR states that the Proposed project would remove 51.4 acres of Riparian Woodland and 11.1 acres of Mule Fat Thickets. However, Mule Fat Thickets is a type of riparian habitat. The calculation of the project's permanent impact zone seems to vary in different sections of the revision document in a rather opportunistic way.

C44-12

Air Quality

The County should utilize alternative fuel trucks to minimize NOx and Diesel Particulate Matter emissions. The revisions stipulate that the County will utilize Model Year 2010 diesel trucks. However, emissions from Model Year 2010 Trucks

C44-13

Comments on Revisions Devil's Gate FEIR – Page 5

will still have significant air pollution impacts, given the sheer number of trucks (up to 425 per day), steep grade, traffic congestion, long idling times, and proximity to residential neighborhoods and schools. Furthermore, this standard does not apply to other mining and excavation equipment, which is also diesel-powered and likely to be even older equipment. As a responsible public agency, the County should use only clean air vehicles. This is important to protect the sensitive populations who live within the airshed of the Hahamongna and of the 210 freeway.

The County's air quality measures fail to take into consideration the seventeen schools that are located within a half mile of the Hahamongna/Devil's Gate basin. Here are the schools where children will be exposed to diesel pollution from LA County Flood's 425 trucks a day to scoop out Hahamongna.

- Crestview Preparatory,
- Franklin Elementary,
- Hillside School and Learning Center,
- Jackson Elementary,
- La Cañada High,
- Nanny's Nursery,
- Odyssey Charter,
- Pasadena Unified,
- The Sycamores School,
- Woodbury Preschool Village.
- Child Educational Center
- St. Francis High School
- Flintridge Prep
- St. Bede School
- Sacred Heart School
- Muir High School
- La Cañada Methodist Preschool

Many additional schools and thousands of vulnerable children and seniors are within the airshed of the 210 freeway. Diesel trucks, including those that might meet the 2010 standard, will have a very negative impact on the health and well-being of many thousands of local residents.

**C44-13
cont.**

Responses to Letter C44– Tim Brick

Response to Comment C44-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the author endorses the comments provided by the Arroyo Seco Foundation. Please see the Responses to Comments for Letter B5 - Arroyo Seco Foundation and Pasadena Audubon Society.

Response to Comment C44-2:

This comment suggests that the RFEIR is inadequate and omits information and documentation on the use of alternative low-emission vehicles, an actual mitigation plan, and consideration of the cumulative impacts of related projects. Master Response 1 provides a response regarding the scope of the RFEIR. Additionally, the Los Angeles County Flood Control District (LACFCD) recirculated only limited portions of the Devil's Gate Sediment Removal and Management Project Final EIR as the result of a judgment from the Superior Court of the County of Los Angeles. The judgment found that the Final EIR complied with CEQA on all but three narrow topics. Therefore, the LACFCD recirculated only those sections of the Final EIR related to: 1) the 1:1 mitigation ratios in three specific Biological Mitigation Measures; 2) the imposition of the Biological Mitigation Measures from the Final EIR on the proposed Devil's Gate Water Conservation Project, should such a project go forward; and 3) the requirement that sediment removal haul trucks meet Environmental Protection Agency's emission standards for Model Year 2010 or later. Master Response 3 provides a response regarding the alternative low-emission vehicles and Master Response 5 provides a response in regards to the availability of a habitat restoration plan.

Response to Comment C44-3:

This comment notes that the 45-day comment period was inadequate, particularly because no public outreach was conducted. Master Response 2 addresses this comment. In addition, community outreach meetings will be conducted prior to when the RFEIR is brought before the County Board of Supervisors.

Response to Comment C44-4:

This comment states that the Pasadena Sediment Working Group's recommended alternative is preferred. Master Response 1 provides a response to this comment.

Response to Comment C44-5:

The comment states the LACFCD was ordered by the Court to provide documentation that the proposed mitigation ratio of 1:1 would adequately protect sensitive habitat and species. In addition, the comment states that the examples used in the RFEIR to justify the 1:1 mitigation ratio haven't been legally challenged or properly monitored to provide evidence of the suitability of a 1:1 program in a rare riparian zone. The

commenter suggests a higher mitigation ratio is the norm in most mitigation programs in sensitive riparian areas. The commenter also claims that the LACFCD has underestimated the habitat values in Hahamongna basin and Arroyo Seco. Master Response 4 provides a response to this comment. In addition, please refer to the response to comment B4-7 regarding the habitat values.

Response to Comment C44-6:

The comment states a restoration plan has not been provided, the performance standards have not been defined, and states that the County's mitigation plan should be made available to the public and reviewed as part of the RFEIR. Master Response 5 provides a response to this comment.

Response to Comment C44-7:

The comment states that a 1:1 mitigation ratio does not mitigate the Project's proposed impacts to a level of "less than significant" due to the proposed mitigation occurring both on-site and offsite. Master Responses 4 and 6 provide responses to this comment.

Response to Comment C44-8:

The comment states that the RFEIR utilizes a 2013 habitat assessment as the basis for its analysis and neglects recent studies and current conditions. The comment also states the County overemphasizes the presence of invasive species and underestimates certain types of riparian habitat in order to reduce their obligation to mitigate impacts. Master Response 1 provides a response to this comment.

The RFEIR was prepared to provide substantial evidence to support the mitigation ratios in Mitigation Measures BIO-6, -7, and -8 of the EIR. No provision of the Superior Court's ruling in *Arroyo Seco Foundation v. County of Los Angeles*, LACSC Case No. BS 152771, a lawsuit that had challenged the Final EIR prepared for this Project, required the decertification of any other portion of the EIR's analysis of potential biological resource impacts, including the EIR's assessment of habitat that could be impacted during the Sediment Removal Phase of the Project, nor were the Project's approvals voided or set aside. In preparing a Recirculated Portion of the Final EIR, rather than a new or supplemental EIR, the LACFCD was not required to issue a new notice of preparation pursuant to State CEQA Guidelines section 15182. Given this, and pursuant to State CEQA Guideline 15125(a), which provides that EIRs "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced," no later study of the condition of vegetation communities was required.

Further, comments regarding the EIR's assessment of the condition of the habitat were previously raised in comments on the EIR. (e.g. the Arroyo Seco Foundation's comment letter on the Draft EIR [Comment Letter #216] describing the Project site as having "well-established habitat" to support calls for increased mitigation.) These comments post-dated the 2013 assessment of habitat prepared in support of the

EIR. Claims regarding the condition of the habitat were also raised in the lawsuit challenging the Final EIR, which argued that the EIR failed to adequately describe the Project's biological environmental setting and thus would have significant, undisclosed, impacts on resources and habitat. The Superior Court expressly rejected claims that the environmental setting description of biological resources was incomplete, instead finding that it was in full compliance with CEQA. Accordingly, in preparing the RFEIR for the Superior Court's review in order to confirm that the directions in its judgment have been satisfied, LACFCD was not required to provide analysis concerning newly asserted challenges as to the environmental setting description of biological resources that arise from the same material facts that were in existence at the time of the Court's judgment.

Response to Comment C44-9:

The comment states that mitigation performance standards are not well-defined and a 5-year monitoring period is not enough to produce habitat in equal or higher quality to that impacted. Master Response 5 provides a response to this comment and please refer to the response to comment C14-2 for details.

Response to Comment C44-10:

The comment states that the mitigation should be limited to onsite rather than offsite mitigation as the Project area plays a vital role to wildlife in the region. Master Response 6 provide a response to this comment.

Response to Comment C44-11:

The comment states that the tree mitigation limits the protection to trees on the City of Pasadena's list of protected trees and excludes other commonly occurring trees found in the streamzone. As stated in MM BIO- 8, vegetation surveys will be conducted within the impact area prior to vegetation removal to verify the amount and composition of existing vegetation communities to be impacted. The results of the vegetation survey will be used to develop the site-specific Habitat Restoration Plan (see Master Response 5). The mitigation plan will include planting various species of willows and other native trees in the riparian zone but will not include planting nonnative trees included on the City of Pasadena's list of protected trees. As stated in MM BIO-8, the mitigation will be geared towards restoring and enhancing riparian habitat, sensitive natural communities, and jurisdictional waters and will not be geared toward the introduction of nonnative trees into these sensitive native habitat areas.

Response to Comment C44-12:

The comment states that the calculation of the Project's permanent impacts to riparian habitat (Riparian Woodland and Mule Fat Thickets) is inconsistent in the revised RFEIR. In addition, the commenter incorrectly assumes that Mule Fat Thickets are not included in the category of riparian habitat in the RFEIR.

The RFEIR correctly reports the impacts of the originally Proposed Project on Riparian Woodland as 51.4 acres and Mule Fat Thickets as 11.1 acres (RFEIR pages 130 and 130H). Differences in the acres of impacts are reported in the RFEIR as they relate to impacts to jurisdictional areas and to impacts from the Approved Project (RFEIR pages 131, 132B, 445A, 446, and 749). In addition, Table 3.6-4 on page 130 of the RFEIR clearly shows that Mule Fat Thickets are listed under the category of Riparian.

Response to Comment C44-13:

This comment requests that the project consider the use of alternative-fuel vehicles as well as only use clean air vehicles for all equipment used in this project. Master Response 3 addresses this comment. Additionally, with implementation of Mitigation Measure MM AQ-2 (a mitigation measure that is now final and is not part of the RFEIR which involves the use of EPA's emission standards for Tier 3 equipment), impacts to air quality will be reduced to less than significant. As detailed in EIR Table 3.5-1, and on page 88 of the RFEIR, the use of the sediment removal trucks and Tier 3 off-road equipment to meet the EPA's stringent emissions standards will ensure that the Project does not exceed the SCAQMD Regional Threshold for NO_x, as it will result in a "Project Daily Maximum" of "81.7" pounds per day of NO_x, below the Regional Threshold of 100.00 pounds per day.

Letter C45 - Laura Garrett

From: Laura Garrett <purplecow@jps.net>
Sent: Thursday, September 07, 2017 2:57 PM
To: DPW-reservoircleanouts; Tomek, Terry; Wilson, Andy; kathryn@bos.lacounty.gov
Subject: Comments on Revised EIR for Hahamongna Watershed Park

September 7, 2017

RE: County Flood Control District's Final Environmental Impact Report (RFEIR) for Sediment Removal behind Devil's Gate Dam

To whom it may concern:

As the president of the Pasadena Audubon Society, the Chair of the Environmental Advisory Commission for the City of Pasadena, and someone who has followed and studied Los Angeles County Flood Control's plan to remove sediment from Hahamongna Watershed Park for years, I find the revised EIR to be flawed in ways that prevent it from meaningfully adhering to CEQA. It still does not adequately address habitat mitigation, air quality problems, or alternative plans.

The County never adequately addressed the plan developed by the working group with the City of Pasadena. The Pasadena Plan provides for safety, creates much less pollution, and destroys far less habitat, therefore requiring less mitigation. **C45-1**

Regarding air quality, the County says it will utilize Model Year 2010 trucks to minimize air quality impacts. Emissions from Model Year 2010 Trucks, however, will still have significant air pollution impacts, given the sheer number of trucks (up to 425 per day), steep grade, traffic congestion, long idling times, and proximity to residential neighborhoods and schools. Furthermore, this standard does not apply to other mining and excavation equipment, which is also diesel-powered and likely to be even older equipment. As a responsible public agency, the County should use only clean air vehicles. **C45-2**

The County keeps warning us that we **might** suffer if the dam, which they rehabbed not long ago, fails. They keep warning us over and over that this is a real possibility. But they cannot tell us how likely, or unlikely, this event is. In 2014, when asked by then-Supervisor Yaroslovsky what the risk of flooding was, County staff hemmed and hawed and did not answer the Supervisor's question. The hard truth is that if they pursue this project as outlined now, the residents and schoolchildren who live and attend school near Hahamongna **WILL** face increased rates of heart disease, lung disease, and miscarriage. This is not a remote possibility but a fact. Given that Model 2010 Trucks still emit considerable pollutants, clean air vehicles are the only safe option. **C45-3**

Regarding habitat mitigation, the County continues to devalue the quality of habitat in Hahamongna and offers inadequate mitigation. Rather than using evidence relevant to or actually from Hahamongna to show that a 1:1 mitigation ratio is sufficient, the County uses some other projects (a Vulcan mining operation and an apartment complex in Riverside County) to argue that their plan is enough. But these other projects have little or nothing to do with the precious riparian habitat in Hahamongna. A 1:1 ratio is insufficient for riparian habitat, and the County's argument is irrelevant. **C45-4**

Beginning with the false premise that a 1:1 ratio of mitigation is sufficient, the RFEIR then concludes that the Project will have "less than significant impacts" on biological resources, stating that "[b]ased on the evidence cited above and the steps outlined in Mitigation Measure BIO-8 to ensure a successful replacement at a 1:1

ratio, neither a higher mitigation ratio nor other Mitigation Measures would be necessary to reduce impacts to below level of significance.” The problem here is that the "evidence above" is flawed, and if the mitigation is off-site, then the impacts to the habitat in Hahamongna are hardly "less than significant." They are devastating.

C45-4
cont.

The RFEIR consistently underestimates the quality of habitat in the Hahamongna basin. The RFEIR utilizes a 2013 habitat assessment, ignoring the County's own more recent surveys that show habitat doing well. Consequently, the County's habitat assessment systemically underestimates the amount of habitat currently in the basin, overemphasizing the presence of invasive species, and underestimating the presence of certain types of riparian habitat by claiming that habitat has been buried under sediment even though it has re-established itself since 2013. The County, by characterizing these habitats as more degraded than they are, minimizes the destructive impacts of their excavation and mining program as well as reduces their obligation to mitigate those impacts. And they show their lack of understanding of habitats when they say that habitat has been buried and is therefore degraded. Some types of habitat in Hahamongna, like alluvial sage scrub are "adapted to severe floods and erosion" and are "unique and threatened." According to the California Natural Diversity Data Base (1987), alluvial sage scrub is "a unique habitat with a high priority for conservation" (Hanes, Freisen, and Keane, 1989). But rather than seeing that, the County calls it degraded in order to justify its destruction.

C45-5

Sometimes I wonder if the County Flood Control employees have any idea what they're looking at when they visit Hahamongna. A few years ago, I was part of a group that took several County employees birding at Hahamongna, and when we stood on Devil's Gate Dam facing north, one employee asked me where was this regionally-important willow forest I kept talking about. I gestured to the vast forest in front of us and said, "All of that." He couldn't believe me at first. He thought all of those "sticks" were dead. I had to explain to him that they were deciduous willow trees. That was very enlightening and disheartening to me. He had no concept of the makeup or value of the habitat. He is far from unique.

C45-6

Another problem with the RFEIR is the lack of a mitigation plan. We cannot assess or comment on something that does not exist. We don't even have any assurances that it will be in the Arroyo Seco Watershed. Riparian habitat is precious and rare in our region, and we don't want to lose any of it.

C45-7

The bulk of the to-be-destroyed habitat is home to several species of nesting birds, many of which I have listed in previous letters to the County: Yellow-breasted Chat, Yellow Warbler, and one year, 'Least' Bell's Vireo, a bird listed by the federal government as endangered. How wonderful if Pasadena could be known for its population of vireos rather than a dirty mining and excavation project.

C45-8

Again I urge the County to shrink its plan and follow the recommendation of the City of Pasadena to use their plan instead. It balances safety concerns with quality of life for both animals and people.

Thank you for your time.

Regards,

Laura Garrett

(626)564-1890



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Responses to Letter C45 – Laura Garrett

Response to Comment C45-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the LACFCD never adequately addressed the sediment removal plan recommended by the Pasadena Sediment Working Group. Master Response 1 provides a response to this comment.

Response to Comment C45-2:

The comment states that the Model Year 2010 Trucks have significant air pollution impacts and suggests that the LACFCD use clean air vehicles for all equipment used for this Project. Master Response 3 addresses this comment.

Response to Comment C45-3:

The comment raises the commenter's concerns over the health of community members and suggests that clean air vehicles are the only safe option for protecting the public. Master Response 3 addresses this comment. Note that with implementation of Mitigation Measures MM AQ-1 and MM AQ-2, impacts to air quality, including those associated with health effects, will be reduced to less than significant.

Response to Comment C45-4:

The comment states the LACFCD has devalued the quality of habitat in Hahamongna, offers inadequate mitigation, uses irrelevant projects to provide justification for the 1:1, and that the mitigation for the Project does not reduce the impacts to less than significant, particularly if the mitigation is offsite. Master Responses 4 and 6 provide responses to this comment. The response to comment B4-7 provides information regarding the claim of devaluing the habitat.

Response to Comment C45-5:

The comment states that the RFEIR utilizes a 2013 habitat assessment as the basis for its analysis and neglects recent studies and current conditions. In addition, the comment states that wildlife and their habitat is more abundant now than in 2013. The comment states the County overemphasizes the presence of invasive species and underestimates certain types of riparian habitat in order to reduce their obligation to mitigate impacts. The response to comment B4-7 provides a response to this comment.

Response to Comment C45-6:

This comment states that County employees do not have any concept of the makeup or value of the habitat, based on a birding event at Hahamonga several years ago. Comment noted.

Response to Comment C45-7:

The comment states a mitigation plan has not been prepared and the location of the mitigation sites may be outside of the Arroyo Seco Watershed. Master Responses 5 and 6 provides responses to this comment.

Response to Comment C45-8:

This comment states that the habitat on the site is home to several species of nesting birds and that Pasadena should be known for its population of vireos rather than for the mining and excavation project. The response to comment B4-7 provides a response to this comment.

Letter C46 - Thomas Seifert

From: TDSeifert@aol.com
Sent: Thursday, September 07, 2017 3:01 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate Flood Control Facility

SUBJ: RESPONSIBLE MAINTENANCE OF DEVIL'S GATE FLOOD CONTROL FACILITY

I oppose the Los Angeles County Flood Control District's proposal for sediment removal at the Devil's Gate Dam. Although public safety is crucial, the plan as it stands is too big, too fast, and too destructive to habitat, our air quality, traffic and neighborhoods.

C46-1

LACFCD should instead reduce the devastating impacts of their Big Dig project along the lines adopted by the Pasadena City Council in 2014 and advocated for by the Arroyo Seco Foundation and Pasadena Audubon in their NoBigDig lawsuit.

The project as it exists, even after the revisions required by The Honorable James C. Chalfant, does not remedy or mitigate adequately for resulting air and noise pollution, and habitat destruction. Furthermore, the County's failure to develop an ongoing sediment management program, demonstrates their intention to continue the past negligence that led to the accumulation of sediment without any significant removal for more than 20 years.

C46-2

I would like to see a plan that:

- Includes a sustainable sediment management program that takes into account community concerns about traffic, noise, habitat destruction, etc.;
- Uses alternative fuel trucks for mining, excavation, and transport of sediment to minimize smog and the emission of particulates;
- Relies on scientific or technical analysis to prove that a 1:1 mitigation ratio for replacing critical habitat in the Hahamongna basin would fully protect the habitat and the species that rely on it;
- Adequately evaluates the biological impacts of related projects, such as the Trans-Altadena Pipeline, which would export water from Hahamongna and transfer it to the County's spreading basins five miles east in Eaton Canyon.

C46-3

C46-4

C46-5

C46-6

The project as proposed does not protect the public's health and the environment, and without a sustainable sediment management program it is unlikely to adequately protect the public from the risk of flooding.

C46-7

Thank you in advance for taking my comments seriously and including them in your future plans.

Thomas D. Seifert
626-577-6000
626-818-4580 cell

Responses to Letter C46 – Thomas Seifert

Response to Comment C46-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the Proposed Project is too large and destructive, and proposes reducing impacts by following the Pasadena Sediment Working Group's recommendations. Master Response 1 provides a response to this comment.

Response to Comment C46-2:

This comment states that the RFEIR does not provide adequate mitigation for air and noise pollution, and habitat destruction. The comment also states that the lack of an ongoing sediment management program demonstrates an intention for future negligence by the County. See the response to comment C40-2.

Response to Comment C46-3:

This comment requests that a sediment management program be developed that takes into account concerns about traffic, noise and habitat destruction. Master Responses 1 and 3 address this comment.

Response to Comment C46-4:

This comment requests that the project consider the use of alternative fuel trucks. Master Response 3 addresses this comment.

Response to Comment C46-5:

This comment states that the 1:1 mitigation ratio should rely on scientific or technical analysis. Master Response 4 provides a response to this comment.

Response to Comment C46-6:

This comment states that the cumulative biological impacts from other projects, such as the Devil's Gate Water Conservation Project (referred to as the Trans-Altadena Pipeline), are not adequately evaluated. Master Response 1 provides a response to this comment.

Response to Comment C46-7:

This comment states that the project does not protect the public's health and environment and that the project should include a sediment management program. The Court's ruling found that the EIR's analysis fully complied with CEQA except for three very narrow issues, which are the subject of the RFEIR. Please see Master Response 1 for further information on the scope of the RFEIR.

Ongoing sediment management is an integral part of the Project approved by the County of Los Angeles Board of Supervisors on November 12, 2014. Following completion of the initial sediment removal phased, a low impact sediment management program will be implemented. The Project is designed to be a long-term plan, with the reservoir management phase providing maintenance for future sediment inflows. The proposed yearly cleanout of sediment after the completion of the initial sediment removal will reduce the necessity for future large-scale cleanout.

Letter C47 - Thomas Johnston

From: Tom Johnston <tfjohnston@sbcglobal.net>
Sent: Thursday, September 07, 2017 3:04 PM
To: DPW-reservoircleanouts
Subject: Clean out of Devils Gate

Please do the sediment removal as conservatively as possible .
The clean out is the least imaginative response to a beautiful natural green zone .
The only people benefiting are truckers .
Thank you ,
Thomas Johnston
999 Buckingham Place
Pasadena , Ca 91105
626 676 4630
999johnston@gmail.com

C47-1

Responses to Letter C47 – Thomas Johnston

Response to Comment C47-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the sediment removal should be as conservative as possible and that the only people benefiting from the current project are truckers. Master Response 1 addresses this comment.

Letter C48 - Morey Wolfson

From: Morey Wolfson <moreywolfson@aol.com>
Sent: Thursday, September 07, 2017 3:47 PM
To: DPW-reservoircleanouts
Subject: Comment: Devil's Gate Reservoir Sediment Removal and Management Project

Contact Person: Morey Wolfson

I send this email as my comments on the Los Angeles County's Flood Control District's ("the District") Recirculated Portions of the Final Environmental Impact Report.

I have closely followed the Devil's Gate Reservoir Sediment Removal and Management Project ("the project") topic over the past several years. My knowledge of the project has been expanded due to my membership on the Pasadena City Council-appointed Environmental Advisory Commission. The EAC subsequently appointed me to serve as one of their two representatives on the Hahamongna Watershed Park Advisory Committee. In addition to these opportunities for exposure to the issue, I have benefited from the research and recommendations that resulted from Pasadena's Sediment Working Group. Did the District make any modifications to the project's scope, scale, and timing as a result of the recommendations from the Sediment Working Group? C48-1

I support the position of the owner of the land - the City of Pasadena. I also support the position articulated by the Arroyo Seco Foundation - a trusted source of research and analysis on this matter. I urge the District to dial down the scope and the scale of the project, while expanding the time frame to accomplish a better result. I recommend that the District heed the advice of the overwhelming number of impacted citizens, respect endangered species, and carefully consider views articulated by the City of Pasadena. If the District aligns with community sentiment, the project will be conducted in a far more environmentally sensitive way, while protecting downstream properties from flooding. C48-2

Thank you for considering these comments.

Best regards,

Morey Wolfson
53 N. El Molino Ave. #243
Pasadena, CA 91101

Responses to Letter C48 –Morey Wolfson

Response to Comment C48-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment asks if modifications to the project's scope, scale, and timing were made based on the recommendations from the Sediment Working Group. Master Response 1 provides a response to this comment.

Response to Comment C48-2:

This comment states that the author supports the position of the City of Pasadena and the Arroyo Seco Foundation and encourages consideration of an alternative that reduces the scope and scale of the project, while expanding the time frame for the project. Comment noted. Master Response 1 provides a response regarding the scope of the RFEIR.

Letter C49 - Rachel Wing

From: Rachel Wing <rachelbuckthorn@gmail.com>
Sent: Thursday, September 07, 2017 4:20 PM
To: DPW-reservoircleanouts
Cc: kathryn@bos.lacounty.gov; Barbara Eisenstein
Subject: Comments to Devil's Gate RFEIR

From: Rachel Wing, 1000 San Pasqual St. #35, Pasadena, CA 91106
Date: September 7, 2017

Subject: Responsible Maintenance of Devil's Gate Flood Control Facility

I oppose the Los Angeles County Flood Control District's proposal for sediment removal at the Devil's Gate Dam because it wrongly rejects alternatives, such as that proposed in 2014 by the Pasadena City Council, that would do a better job of reducing the project's impacts on habitat while protecting public safety.

C49-1

Furthermore, I believe that the County Flood Control District's Revised Final Environmental Impact Report (RFEIR) underestimates the damage to habitat that the project will cause. The RFEIR utilizes a 2013 habitat assessment, rather than reviewing more recent conditions in which healthy habitat has flourished in the Basin. As someone who hikes regularly in the Basin, I have seen the positive changes in native-vs-invasive species composition over just the last few years. The RFEIR uses outdated information, and thereby underestimates the damage that the project will cause.

C49-2

In addition, the County has failed to provide solid evidence that the proposed 1:1 mitigation ratio would adequately protect sensitive habitat and species. Instead of providing expert testimony from biologists and restoration experts, the County's argument rests on examples of a few projects, such as a Vulcan mining operation and an apartment complex in Riverside County, that have been allowed to proceed with 1:1 mitigation programs. None of these examples have been legally challenged or properly monitored to provide evidence of the suitability of a 1:1 program in a rare riparian zone. Most mitigation programs in sensitive riparian areas have had a 2-3:1 ratio, and some have gone as high as 5:1. The examples that the County uses indicate that the 1:1 mitigation goal is achievable rather than proving that it as a justifiable goal in the first place.

C49-3

The failure of the County to provide for public review a detailed Habitat Restoration Plan makes it impossible to assess the County's claim of less than significant impact. As one who works in ecological restoration, I know that the devil is in the details. The public needs to review this plan to determine that it is feasible and adequate. Furthermore, the proposed monitoring period of five years is inadequate, as it does not account for the extended viability of the seed bank of the many invasive plants that may be introduced or stimulated by the project.

C49-4

Furthermore, the County's failure to develop an ongoing sediment management program demonstrates their intention to continue the past negligence that led to the accumulation of sediment without any significant removal for more than 20 years.

C49-5

I would like to see a plan that proposes a slower, more limited sediment removal, with a plan for upkeep that would avoid the need in the future for extreme measures. That plan should use sound science and up-to-date data, and should provide all the details enabling the public to evaluate the long-term significance of impacts to our precious watershed.

C49-6

Thank you in advance for taking my comments seriously and including them in your future plans.

Responses to Letter C49 –Rachel Wing

Response to Comment C49-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment expresses opposition to the proposed Project and approval of the alternative recommended by the Pasadena Sediment Working Group in 2014, were rejected. Comment noted. Master Response 1 also addresses this comment.

Response to Comment C49-2:

The comment states that the RFEIR utilizes a 2013 habitat assessment as the basis for its analysis and neglects recent studies and current conditions. The comment states the County underestimates the impact the Project will cause. Master Response 1 provides a response to this comment.

The RFEIR was prepared to provide substantial evidence to support the mitigation ratios in Mitigation Measures BIO-6, -7, and -8 of the EIR. No provision of the Superior Court's ruling in *Arroyo Seco Foundation v. County of Los Angeles*, LACSC Case No. BS 152771, a lawsuit that had challenged the Final EIR prepared for this Project, required the decertification of any other portion of the EIR's analysis of potential biological resource impacts, including the EIR's assessment of habitat that could be impacted during the Sediment Removal Phase of the Project, nor were the Project's approvals voided or set aside. In preparing a Recirculated Portion of the Final EIR, rather than a new or supplemental EIR, the LACFCD was not required to issue a new notice of preparation pursuant to State CEQA Guidelines section 15182. Given this, and pursuant to State CEQA Guideline 15125(a), which provides that EIRs "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced," no later study of the condition of vegetation communities was required.

Further, comments regarding the EIR's assessment of the condition of the habitat were previously raised in comments on the EIR. (e.g. the Arroyo Seco Foundation's comment letter on the Draft EIR [Comment Letter #216] describing the Project site as having "well-established habitat" to support calls for increased mitigation.) These comments post-dated the 2013 assessment of habitat prepared in support of the EIR. Claims regarding the condition of the habitat were also raised in the lawsuit challenging the Final EIR, which argued that the EIR failed to adequately describe the Project's biological environmental setting and thus would have significant, undisclosed, impacts on resources and habitat. The Superior Court expressly rejected claims that the environmental setting description of biological resources was incomplete, instead finding that it was in full compliance with CEQA. Accordingly, in preparing the RFEIR for the Superior Court's review in order to confirm that the directions in its judgment have been satisfied, LACFCD was not required to provide analysis concerning newly asserted challenges as to the environmental setting description of

biological resources that arise from the same material facts that were in existence at the time of the Court's judgment.

Response to Comment C49-3:

The comment states the LACFCD was ordered by the Court to provide documentation that the proposed mitigation ratio of 1:1 would adequately protect sensitive habitat and species. In addition, the comment states that the examples used in the RFEIR to justify the 1:1 mitigation ratio haven't been legally challenged or properly monitored to provide evidence of the suitability of a 1:1 program in a rare riparian zone. The commenter suggests a higher mitigation ratio is the norm in most mitigation programs in sensitive riparian areas. The commenter also claims that the LACFCD has underestimated the habitat values in Hahamongna basin and Arroyo Seco. See the response to comment C44-5.

Response to Comment C49-4:

The comment states a restoration plan has not been provided, the performance standards have not been defined, and states that the County's mitigation plan should be made available to the public and reviewed as part of the RFEIR. See the response to comment C44-6.

Response to Comment C49-5:

The comment states that the lack of an ongoing sediment management program demonstrates an intention for future negligence by the County. Master Response 1 provides a response to this comment.

Response to Comment C49-6:

The comment states that an alternative that is slower and more limited and includes a plan for maintenance should be selected and that the plan should use sound science and up-to-date data and provide all details to the public. Master Response 1 for further information on the scope of the RFEIR.

Letter C50 - William Christian

Comments on the
RECIRCULATED PORTIONS OF FINAL ENVIRONMENTAL IMPACT REPORT
AND MITIGATION MONITORING AND REPORTING PROGRAM
DEVIL'S GATE RESERVOIR SEDIMENT REMOVAL AND MANAGEMENT PROJECT,
PASADENA, CA

September 7, 2017

To: Los Angeles County Flood Control District (FCD):

In an abbreviated response to the recirculated portions of the Devil's Gate Final Environmental Impact Report, I enclose the following comments.

1. **Public Comment Period Too Short.** The public comment period provided for the extensive, recirculated portions of the EIR was too short, given the complex issues raised in the document, the grave consequences of FCD proceeding with the project as now structured, and the mid-summer season during which comment was required. I requested an extension of the comment period. The FCD replied, denying an extension:

We received your request to extend the 45-day public comment period for the recirculated portions of the final Environmental Impact Report (EIR) for the Devil's Gate Reservoir Sediment Removal and Management Project by an additional 30 days at a minimum beyond the currently scheduled public comment deadline of Thursday, September 7, 2017.

This facility is essential to our flood control system and an additional 30-day extension would likely delay the start of the project by a full year due to the seasonal timing of this project. This would prolong an unacceptable flood risk to downstream residents. As a result, we regretfully are unable to grant an extension to our public comment deadline of September 7, 2017.

The basis for the FCD claim that an extension of 30 days would delay the start of the project for a full year is not explained, nor is it logical. The claim of delay seems patently incorrect since the project is not expected to start until after the rain season ends next year in early 2018, and then apparently only after endangered bird species have left the riparian area in late spring or early summer. If that timing has changed, it is certainly incumbent on the FCD to announce the change in its plans, and to explain the rationale for sediment removal earlier in the year. Absent an unannounced alteration in the FCD plans, the refusal to grant additional time for public comment seems simply a sham--an attempt to avoid having to respond to the inadequate EIR changes by opponents of the scale of the sediment removal plan—inexcusable, given the more than adequate time FCD has to resolve issues prior to the probable planned start of activity at Devil's Gate.

C50-1

As indicated below, we believe that the EIR must be further revised and recirculated in any event.

**C50-1
cont.**

- 2. The EIR Must be Withdrawn and Further Revised and Recirculated.** The sediment removal project has been significantly changed as a result of two recent developments. First, the timing of sediment removal activities has apparently been significantly restricted in spring to avoid impacts on the least Bell's Vireo, a listed bird species that nests in the riparian area that the project will disturb. This will cause the project removal activity to either be extended over many more years, or the removal activity significantly accelerated to meet the existing scheduled time period. In either event, the changes would occasion major and different impacts that were not analyzed in the EIR, and alternatives would have to be restructured. Second, it appears, based on public statements by Los Angeles County officials, that the planned pipeline project to Eaton Canyon has been significantly altered. If that project has been changed in any substantial way, the EIR must be revised and recirculated to disclose and analyze differential impacts. If the pipeline project has been cancelled, for example, or substantially delayed, the size and depth of the pool in front of the dam and the area of riparian destruction should be greatly reduced, since these are major factors in the ecological harm that the project would cause.

C50-2

- 3. The Mitigation Plan Remains Seriously Deficient** FCD has repeated support for the deficient mitigation plan from the EIR in the recirculated provisions. The District insists that 1:1 mitigation for the total destruction of some of the most valuable remaining riparian habitat in the Los Angeles basin is warranted. It is not, and the carefully constructed tables showing other projects that have been approved using 1:1 mitigation ratios is deceptively and improperly presented to back its contentions.

A full inspection of the table from the reference that FCD has used to back its contentions tells a much different story. For most of the projects listed in those tables, mitigation requirements are higher—often far higher—than 1:1¹. Moreover, much of the content and recommendations in the Ambrose article upon which FCD relies so heavily—a summary and evaluation of multiple agency-required mitigation in

C50-3

¹ *An Evaluation of Compensatory Mitigation Projects Permitted Under Clean Water Act Section 401 by the California State Water Resources Control Board, 1991-2002.* Ambrose, et. al. 2007 (Ambrose). The relevant table from which FCD has cherry picked its examples appears at pages 184-188. The article notes: The 143 Section 401 permits that were evaluated authorized approximately 217 acres of impacts (including temporary impacts) and required that 445 acres of mitigation be provided." Page iii. And, "Most often, the amount of mitigation required is not a simple one-acre mitigated for one-acre lost ratio (NRC 2001). The additional acreage is intended to account for temporal losses and incomplete replacement of function. Therefore, mitigation ratios of 2:1, 3:1, or greater are sometimes required." Page 9 Thus, the average required mitigation in California is on the order of 2:1, sometimes much higher where, as here, the habitat values are important and/or difficult to replace.

California—directly contravenes FCD’s contentions and points toward the woeful inadequacy of FCD’s surficial revamp of its mitigation proposals.

The Ambrose, et. al., article evaluates the performance of project wetland mitigation, finding it seriously functionally defective². The careful file and site evaluation of mitigation project success in California, conducted by the authors of the study relied on by FCD, concludes:

Despite relatively high permit compliance, most mitigation sites were not optimally functioning wetlands based on the criteria we established from reference wetlands across the state. Mitigation sites had an overall mean score of only 59% (Figure AB-2). On average, sites scored better for biotic structure (e.g., plant community metrics) than for the hydrology attribute (Figure AB-3). Only 19% of the mitigation files were classified as optimal, with just over half sub-optimal and approximately one-quarter marginal to poor. Ambrose, at iii

California’s goal is no net loss of wetlands, and their important functions. The great difficulty in replacing functional wetlands and related habitats underlies regulatory policy to first avoid harm to wetlands—to avoid so far as possible destroying existing wetlands and the functions they perform. The FCD project fails to do this. A smaller project would destroy far fewer acres of the regionally irreplaceable wetland and riparian habitat. Moreover, the hydrologic consequence of digging a much deeper pool would be to drain far more groundwater, causing existing, adjoining wetlands to dry up, and preventing the establishment of replacement, on site wetland habitat.

The Ambrose article goes on recommend that permit conditions be very clear about what the mitigation will be and how it will be performed, how **functional** success and failure will be monitored and evaluated, and how the long term success, including the hydrology,

C50-3
cont.

² “A few studies have gone beyond compliance assessment to evaluate ecological condition or functions of mitigation sites. The NRC report summarizes 11 of these studies. The most relevant for our work was conducted by Mark Sudol in southern California (Sudol 1996, Sudol and Ambrose 2002). Sudol reviewed Section 404 and Section 10 permits for Orange County and conducted field assessments of each mitigation site to evaluate its compliance with permit conditions as well as how well the wetland performed certain functions (as indicated by the Hydrogeomorphic Assessment Methodology (Brinson 1993)). **Sudol found 18% of the mitigation sites complied fully with their permit conditions, but that none of the sites had appropriate levels of wetland function.** One of the strengths of Sudol’s work was the combination of an office review of permits with field assessments of permit compliance and wetland function/condition (Sudol and Ambrose 2002), and this approach was adopted for this study”. Ambrose at page 3. In a similar study commissioned by the Los Angeles Regional Water Quality Control Board, Ambrose and Lee (2004) investigated this issue within the Los Angeles/Ventura area by evaluating the mitigation projects associated with approximately 55 Section 401 permits issued by that Regional Water Board. For those projects, they found that the assessable 401 permit conditions were mostly being complied with, yet very few mitigation projects could be considered optimally functioning wetlands. About half of the total mitigation acreage consisted of drier riparian and upland habitats that were outside of jurisdictional “waters of the United States;” **about two-thirds of the projects did not fully replace the functions lost, and, thus, “no net loss” was not being achieved.**

of wetlands restoration and creation will be assured. FCD's proposed mitigation, relying heavily on future promises, including financial support, and unspecified adaptive management, is seriously inadequate³.

Lastly, state's policy is firmly against reliance on off-site mitigation, since it so often fails to replace the functions of the destroyed habitat—or fails to succeed in any way. FCD specifies, without ascribing priorities to where or how much compensatory mitigation will be done in each location, that mitigation will be in onsite or offsite locations.

The appropriate course is for FCD to first obtain all agency approvals of its mitigation, and then, and only then, to recirculate the defective portions of the EIR so that the public has the opportunity to comment on how the mitigation program will actually be structured and carried out.

**C50-3
cont.**

- 4. Flood Risks are Inconsequentialy Low.** The FCD premise for both refusing additional time to comment, and, more importantly, for suddenly moving forward with an overly massive and disruptive sediment removal program is FCD's significantly exaggerated probability of flood risk to downstream structures. FCD relies on the need for capacity to accommodate two "Design Debris Events" (DDEs). The DDE is a conveniently named quantity, but one quite poorly related to the actual downstream flood risks that would be caused by even extreme rainfall events. The sediment levels behind Devil's Gate Dam, even after very significant rainfall years following the Station Fire, are still not at levels that it has reached many years in the past.

Moreover, as many commenters have previously pointed out, FCD has essentially sat on its grand plan for many years, insisting on pursuing an overly aggressive sediment removal project, refusing to entertain a smaller, regular sediment removal program that could have been in place many years ago. This is underscored by FCD's total unwillingness to consider the more modest removal plan proposed, and twice approved by, the City of Pasadena. The Pasadena Plan would cause less neighborhood disturbance, destroy less habitat, require less mitigation, cost less, and remove sediment on a regular schedule, and avert all flood risk. It is incomprehensible why FCD has refused to even discuss the Pasadena Plan with the City or consider any

C50-4

³ The proper structure of any compliant mitigation plan is to provide third party rights (the state wildlife agency or a non-profit organization) in the mitigation projects, usually through a conservation easement, particularly on any off-site land, and a stewardship endowment to ensure that the mitigation plan will meet its goals and be adequately funded. We recommend that those features be included here.

modification of its grand design. If there were any significant flood risks caused by sediment buildup behind the dam, they are caused by FCD's intransigence. The fact that FCD has not given even passing consideration to a smaller, less destructive project that would have been strongly supported by the community is the surest sign that the vaunted flood risk is largely illusory.

**C50-4
cont.**

In a similar study commissioned by the Los Angeles Regional Water Quality Control Board, Ambrose and Lee (2004) investigated this issue within the Los Angeles/Ventura area by evaluating the mitigation projects associated with approximately 55 Section 401 permits issued by that Regional Water Board. For those projects, they found that the assessable 401 permit conditions were mostly being complied with, yet very few mitigation projects could be considered optimally functioning wetlands. About half of the total mitigation acreage consisted of drier riparian and upland habitats that were outside of jurisdictional "waters of the United States;" about two-thirds of the projects did not fully replace the functions lost, and, thus, "no net loss" was not being achieved.

Conclusion. FCD's court-ordered modifications of its defective EIR have not been corrected, and the EIR must be altered and recirculated to accommodate further changes in the scope and timing of the project and to revise and significantly improve the proposed mitigation program. I appreciate the truncated opportunity to comment, but believe strongly that the comment period should have been extended to provide a fuller analysis of the lengthy recirculated sections of the EIR. I had to omit or abbreviate comments on much of the EIR, which should have been subject to a more complete public examination.

C50-5

Sincerely,

William T. Christian
1450 Arroyo View Drive
Pasadena, CA 91103
billchristian43@gmail.com
626-437-2940

Responses to Letter C50 – William Christian

Response to Comment C50-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the public comment period was not adequate and should be extended. Master Response 2 provides a response to this comment.

Response to Comment C50-2:

The comment states that Project impacts have changed due to the timing of sediment removal and changes to the Devil's Gate Water Conservation Project (referred to as the Eaton Canyon pipeline project). In addition, the comment states that the EIR must be revised and recirculated to account for the change in impacts. Master Response 1 provides a response to this comment.

Response to Comment C50-3:

The comment states the mitigation ratio of 1:1 is inadequate and project examples are not effective at justifying a 1:1 mitigation ratio. In addition, the comment states a smaller project is preferable to minimize impacts to wetlands. The comment also states a mitigation program has not been prepared and once prepared it should be accessible to the public. Lastly, the comment states that the location and amounts of mitigation are unknown. Master Responses 1, 4, 5 and 6 provide responses to this comment.

Response to Comment C50-4:

This comment suggests that LACFCD's refusal to extend the public comment period and claims that LACFCD has significantly exaggerated the probability of flood risk to downstream structures is the reason LACFCD is suddenly moving forward with the Project. The commenter suggests that the LACFCD has been unwilling to consider the alternative plan proposed by the City of Pasadena. The commenter also includes a conclusion from the Ambrose et al. study (2007) that addresses the author's findings regarding functional loss and "no net loss" was not being achieved. Master Responses 1 and 4 address these comments.

Response to Comment C50-5:

The comment states that the Court-ordered modifications of the EIR have not been corrected and that the EIR must be altered and recirculated to accommodate further changes in the scope and timing of the project and to revise and significantly improve the proposed mitigation program. The comment also requests an extension of the public comment period of the RFEIR. Master Responses 1 and 2 address this comment.

Letter C51 - Patricia Pipkin

From: Patricia Pipkin <pipkin@me.com>
Sent: Thursday, September 07, 2017 4:54 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate Flood Control Facility: comment on current LACFCD proposal

As an Altadena resident, I am writing to oppose the Los Angeles County Flood Control District's proposal for sediment removal at the Devil's Gate Dam. The current proposal is unnecessarily destructive and polluting for our region. Having studied the issues, it appears to me that public safety can be protected without taking the drastic and destructive measures now in the proposal.

C51-1

LACFCD should instead reduce the devastating impacts of the project along the lines adopted by the Pasadena City Council in 2014 and advocated for by the Arroyo Seco Foundation and Pasadena Audubon in their NoBigDig lawsuit.

C51-2

I would like to see a plan that:

- Includes a sustainable sediment management program that takes into account community concerns about traffic, noise, and habitat destruction;

C51-3

- Minimizes dangerous NOx and particulate air pollution by using clean air trucks (not the model year 2010 trucks currently proposed) for excavation and transport of sediment;

C51-4

- Relies on scientific and technical analysis to prove that a 1:1 mitigation ratio for replacing critical habitat in the Hahamongna basin would fully protect the habitat and the species that rely on it; and

C51-5

- Adequately evaluates the biological impacts of related projects, such as the Trans-Altadena Pipeline, which would export water from Hahamongna and transfer it to the County's spreading basins five miles east in Eaton Canyon.

C51-6

The project as proposed does not protect public health and the environment, and without a sustainable sediment management program it is unlikely to adequately protect the public from the risk of flooding.

C51-7

Thank you in advance for taking my comments under consideration.

Sincerely,
Patricia Pipkin

Responses to Letter C51 – Patricia Pipkin

Response to Comment C51-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment requests that an alternate plan be developed that protects public safety without drastic or destructive measures. This comment also states that the current proposal is destructive and polluting. Master Response 1 addresses this comment.

Response to Comment C51-2:

This comment states that the sediment removal plan recommended by the Pasadena Sediment Working Group is preferred. Master Response 1 provides a response to this comment.

Response to Comment C51-3:

This comment requests that a sediment management program be developed that takes into account concerns about traffic, noise and habitat destruction. Master Response 1 addresses this comment.

Response to Comment C51-4:

This comment requests that the project consider the use of clean air trucks. Master Response 3 addresses this comment.

Response to Comment C51-5:

The comment states that the 1:1 mitigation ratio should rely on scientific or technical analysis. Master Response 4 provides a response to this comment.

Response to Comment C51-6:

This comment states that the cumulative biological impacts from other projects, such as the Devil's Gate Water Conservation Project (referred to as the Trans-Altadena Pipeline), are not adequately evaluated. Master Response 1 provides a response to this comment.

Response to Comment C51-7:

This comment states that the project does not protect the public's health and environment and that the project should include a sediment management program. The Court's ruling found that the EIR's analysis fully complied with CEQA except for three very narrow issues, which are the subject of the RFEIR. Please see Master Response 1 for further information on the scope of the RFEIR.

Ongoing sediment management is an integral part of the Project approved by the County of Los Angeles Board of Supervisors on November 12, 2014. Following completion of the initial sediment removal phased, a low impact sediment management program will be implemented. The Project is designed to be a long-term plan, with the reservoir management phase providing maintenance for future sediment inflows. The proposed yearly cleanout of sediment after the completion of the initial sediment removal will reduce the necessity for future large-scale cleanout.

Letter C52 - Dorothy Wong

From: Dorothy Wong <wongwongway@gmail.com>
Sent: Thursday, September 07, 2017 5:09 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate Reservoir Sediment Removal and Management Project - Comments
Dorothy Wong

Dear LAC DPW,

Here are my comments re-Devil's Gate Reservoir Sediment Removal and Management Project:

I am a resident and Town Council Member of Altadena and have been frequenting the Hahamongna Watershed for 15+ years. I have seen the rains come and the sediment flow. The water filled behind the Devil's Gate Dam. I have seen wildlife. I have enjoyed the recreation and seeing happy people, horses, dogs, families enjoying the sunset and weekend travels around the watershed. I have seen bobcats sitting atop a tree branch sleeping or checking out the views. The coyotes howling, running around playing. The birds singing, bats flapping around, Great Horned Owls breeding their young. Snakes, frogs, rabbits, and more! If you're lucky sightings of mountain lion or deer (who now hang out at JPL's lawn) find their way at the wildlife corridor at the mouth of the San Gabriel Mountains watershed the Arroyo Seco. This is a river first then a dam built before anyone knew the value of water conservation, more so flood control and urbanization the priority in its day changed its destiny forever.

The City of Pasadena owns the water rights and the County of LA the flood control, somewhere in between nature is being squeezed and now on the brink of excavation and loss of this eco-system. Which ironically also helps combat climate change! We must come up with a sustainable slower, safer approach to Watershed Management in the Hahamongna. For the quality of life for all!

C52-1

In regards to the Revised Environmental Impact Report, 45 days with the 7th of September mid-week after Labor Day and schools going back into session end of summer timeframe is not enough time to understand the revisions reading it simply on paper. We request that the County conduct public outreach meetings to solicit comments on the RFEIR and extend the public comment period to allow the public additional time to review and comment upon the RFEIR. Forty five days during the dog days of summer just isn't adequate time for agency and public review.

C52-2

The Hahamongna Watershed is a rare eco-system and Wildlife Corridor in Arroyo Seco. This space cannot be replaced so close to urban life. No mitigation can replace the mature riparian habitat and to remove 70+ acres is environmentally irresponsible.

C52-3

The RFEIR improperly concludes that the Project will have "less than significant impacts" on biological resources, stating that "Biased on the evidence cited above and the steps outlined in Mitigation Measure BIO-8 to ensure a successful replacement at a 1:1 ratio, neither a higher mitigation ratio nor other Mitigation Measures would be necessary to reduce impacts to below level of significance." However, the County's mitigation program of 1:1 fails to mitigate the Project's impacts to biological resources to a level of "less than significant" given that the habitat mitigation is allowed to be within both on-site and off-site areas, simply destroying riparian habitat and replacing it in another location that may not even be in the same watershed as Hahamongna.

C52-4

The Hahamongna is also a popular recreation area (equestrians, runners, walkers, bicyclists) for our community and wildlife corridor home to bobcats, hawks even the CA Great Horned Owl hoots from time to time. Birds and butterflies thrive here. This must be a consideration. This cannot be replaced without the lush habitat that currently exists. C52-5

The RFEIR consistently underestimates the quality of habitat in the Hahamongna basin. The RFEIR utilizes a 2013 habitat assessment, rather than reviewing more recent conditions in which healthy habitat has flourished in the Basin. The County has conducted habitat surveys since 2013 as part of preparing a habitat mitigation plan for the United States Army Corps of Engineers. That more recent information should be included as part of the RFEIR. The County's habitat assessment systemically underestimates the amount of habitat currently in the basin, overemphasizing the presence of invasive species, and underestimating the presence of certain types of riparian habitat by claiming that habitat has been buried under sediment even though it has re-established itself since 2013. The County, by characterizing these habitats as more degraded than they are, minimizes the destructive impacts of their excavation and mining program as well as reduces their obligation to mitigate those impacts. C52-6

The truck, tractor traffic will be impactful. The roads and trails surrounding the Watershed are transportation corridors. Woodbury has blind curves and bicyclists must use Woodbury to cross between communities. A bicyclist was killed along Berkshire with insufficient space in the bike lane and read ended on his way to work. Trails connect bicyclists to JPL and our communities. What is the plan for safe passage? What is the safety plan to ensure trucks who already have a limited line of sight for bicyclists and pedestrians with constant truck flow in and out? Trees in the median of Woodbury also block views. What is being done about the road configuration to mitigate traffic safety? C52-7

Air quality being so close to the 210 freeway already sees an increase in diesel truck trips and how with the Verdugo Wildfire loss of 7,000 acres of habitat and the Hahamongna's tree habitat we have increased air quality concerns. C52-8

The County should utilize alternative fuel trucks to minimize NOx and Diesel Particulate Matter emissions. These RFEIR mandates that the County utilize Model Year 2010 diesel trucks. However, emissions from Model Year 2010 Trucks will still have significant air pollution impacts, given the sheer number of trucks (up to 425 per day), steep grade, traffic congestion, long idling times, and proximity to residential neighborhoods and schools. Furthermore, this standard does not apply to other mining and excavation equipment, which is also diesel-powered and likely to be even older equipment. As a responsible public agency, the County should use only clean air vehicles. C52-9

With water conservation a priority in CA and in the County along with it a new paradigm of water use: reduce, reuse, recycle and cleaning storm water before it hits our ground water basins with solutions including greening streets, all of which is amazingly cheaper than importing water and desalinization. And now that the New York Drive Pipeline Project to Eaton Canyon is on the back burner, it seems to be the right time to reconsider the Big Dig for a smaller, slower, safer and sustainable sediment removal project while implementing new wave water conservation efforts. C52-10

Thank you for your consideration. Please don't destroy this ecosystem. It will change forever, time cannot replace this treasure in LA County and our community.

Sincerely,
Dorothy Wong
Altadena Town Council Member

Resident of Altadena
626.622.2595

Responses to Letter C52 – Dorothy Wong

Response to Comment C52-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the project does not protect the public's health and environment and that the project should include a sediment management program. The Court's ruling found that the EIR's analysis fully complied with CEQA except for three very narrow issues, which are the subject of the RFEIR. Please see Master Response 1 for further information on the scope of the RFEIR.

Ongoing sediment management is an integral part of the Project approved by the County of Los Angeles Board of Supervisors on November 12, 2014. Following completion of the initial sediment removal phased, a low impact sediment management program will be implemented. The Project is designed to be a long-term plan, with the reservoir management phase providing maintenance for future sediment inflows. The proposed yearly cleanout of sediment after the completion of the initial sediment removal will reduce the necessity for future large-scale cleanout.

Response to Comment C52-2:

The comment states that the 45-days of the public review period are not enough time to review the RFEIR and requests additional time for review in addition to public outreach meetings. Master Response 2 addresses this comment. *Community outreach on this document will be conducted before bringing the recirculated portions of the final EIR before the Board of Supervisors.*

Response to Comment C52-3:

This comment states that no mitigation can replace the mature riparian habitat. Comment noted. Master Response 4 provides information on the mitigation ratio for the riparian habitat.

Response to Comment C52-4:

The comment states that the RFEIR incorrectly concludes a determination of "less than significant impacts" and that a combination of on-site and offsite habitat restoration fails to mitigate the Project's impacts. Master Responses 4 and 6 provide responses to this comment.

Response to Comment C52-5:

This comment states that impacts to recreation and wildlife corridors should be considered. The Court's ruling found that the EIR's analysis, including evaluation of impacts to recreation and wildlife corridors, fully complied with CEQA except for three very narrow issues, which are the subject of the RFEIR. Please see Master Response 1 for further information on the scope of the RFEIR.

Response to Comment C52-6:

The comment states that the RFEIR utilizes a 2013 habitat assessment as the basis for its analysis and neglects recent studies and current conditions. Comment states the County overemphasizes the presence of invasive species and underestimates certain types of riparian habitat in order to reduce their obligation to mitigate impacts. Master Response 1 provides a response to this comment.

The RFEIR was prepared to provide substantial evidence to support the mitigation ratios in Mitigation Measures BIO-6, -7, and -8 of the EIR. No provision of the Superior Court's ruling in *Arroyo Seco Foundation v. County of Los Angeles*, LACSC Case No. BS 152771, a lawsuit that had challenged the Final EIR prepared for this Project, required the decertification of any other portion of the EIR's analysis of potential biological resource impacts, including the EIR's assessment of habitat that could be impacted during the Sediment Removal Phase of the Project, nor were the Project's approvals voided or set aside. In preparing a Recirculated Portion of the Final EIR, rather than a new or supplemental EIR, the LACFCD was not required to issue a new notice of preparation pursuant to State CEQA Guidelines section 15182. Given this, and pursuant to State CEQA Guideline 15125(a), which provides that EIRs "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced," no later study of the condition of vegetation communities was required.

Further, comments regarding the EIR's assessment of the condition of the habitat were previously raised in comments on the EIR. (e.g. the Arroyo Seco Foundation's comment letter on the Draft EIR [Comment Letter #216] describing the Project site as having "well-established habitat" to support calls for increased mitigation.) These comments post-dated the 2013 assessment of habitat prepared in support of the EIR. Claims regarding the condition of the habitat were also raised in the lawsuit challenging the Final EIR, which argued that the EIR failed to adequately describe the Project's biological environmental setting and thus would have significant, undisclosed, impacts on resources and habitat. The Superior Court expressly rejected claims that the environmental setting description of biological resources was incomplete, instead finding that it was in full compliance with CEQA. Accordingly, in preparing the RFEIR for the Superior Court's review in order to confirm that the directions in its judgment have been satisfied, LACFCD was not required to provide analysis concerning newly asserted challenges as to the environmental setting description of biological resources that arise from the same material facts that were in existence at the time of the Court's judgment.

Response to Comment C52-7:

This comment requests clarification on the impacts that the increased truck traffic will have on bicyclists. Master Response 1 addresses this comment.

Response to Comment C52-8:

This comment states that impacts to air quality should be considered. The Court's ruling found that the EIR's analysis, including evaluation of impacts to air quality, fully complied with CEQA except for three very narrow issues, which are the subject of the RFEIR. Please see Master Response 1 for further information on the scope of the RFEIR and Master Response 3 for additional information on air emissions from trucks.

Response to Comment C52-9:

This comment requests that the project consider the use of alternative fuel vehicles as well as only use clean air vehicles for all equipment used in this project. Master Response 3 addresses this comment.

Response to Comment C52-10:

This comment requests a smaller, slower, safer and sustainable sediment removal project and requests that water conservation efforts are implemented. Master Response 1 addresses this comment.

Letter C53 - Alan Hoffman

From: Alan Hoffman <xlazyt2010@gmail.com>
Sent: Thursday, September 07, 2017 5:23 PM
To: DPW-reservoircleanouts
Subject: "Devil's Gate Reservoir Sediment Removal and Management Project"

1. The revised EIR is acceptable with the following exception:
The amount of NO released per day by equipment during sediment removal which exceeds permissible requirement could be mitigated by reducing number of truckloads per day and stretching out the time of the project.
(p. 431, second paragraph.)
Alan R.Hoffman
email. xlazyt2010@gmail.com
Home phone 1 818-790-4860
Mobile phone: 1 818-640-5360

C53-1

Responses to Letter C53 – Alan Hoffman

Response to Comment C53-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment suggests that the amount of nitric oxide (NO) exceeds permissible daily limits and suggests that this could be mitigated by reducing the number of truckloads per day and increasing the project duration. Master Response 1 addresses the portion of this comment regarding selecting a different project alternative. The portion of the comment regarding exceeding the daily limits of NO is addressed in Master Response 3.

Letter C54 - Mark Scheel

From: Mark Scheel <scheel314@gmail.com>
Sent: Thursday, September 07, 2017 7:44 PM
To: DPW-reservoircleanouts
Cc: kathryn@bos.lacounty.gov; executiveoffice@bos.lacounty.gov; fourthdistrict@bos.lacounty.gov; thirddistrict@bos.lacounty.gov; MarkRidley-Thomas@bos.lacounty.gov; firstdistrict@bos.lacounty.gov
Subject: RESPONSIBLE MAINTENANCE OF DEVIL'S GATE FLOOD CONTROL FACILITY

To whom it may concern,

I oppose the current Los Angeles County Flood Control District proposal for removing sediment at the Devil's Gate Dam. The plan is needlessly destructive to habitat and air quality, and is much larger than necessary for its stated purpose. **C54-1**

I would like to see a plan with scientific evidence justifying the amount of sediment that needs to be removed. **C54-2**

I would like to see a plan that includes a 3:1 mitigation ratio in accordance with similar programs for riparian areas, with scientific evidence that the mitigation will be adequate to protect the habitat of sensitive species. The mitigation area should be as near as possible to Hahamongna Park, not in some far away area. **C54-3**

I would like to see a plan and an EIR that no longer underestimates the true amount of riparian habitat (which includes mulefat) in the Hahamongna Basin, or underestimates the true impact on biological resources. The EIR should be backed by recent scientific evidence, not outdated 2013 data. **C54-4**

I would like to see a plan that includes a detailed Habitat Restoration Plan that can be commented on by the public, and a long-term sediment removal plan that eliminates the need for large destructive projects in the future. Neither of these is present in the current plan according to my understanding. **C54-5**

I would like to see a plan that reduces the number of trucks and uses clean-air vehicles (including vehicles used for excavation as well as for transport), so as to not exacerbate our traffic and air pollution problems. **C54-6**

The Pasadena City Council introduced an alternative plan in 2014 that would be much less destructive and will accomplish the public safety goals; I encourage adoption of that or a similar plan. **C54-7**

Thank you,

Mark Scheel
Pasadena, CA

Responses to Letter C54 –Mark Scheel

Response to Comment C54-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states the writer's opposition to the project due to impacts to air quality and habitat. The opposition to the project has been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. Master Responses 1 and 3 provide responses to this comment.

Response to Comment C54-2:

The commenter requests a plan with scientific evidence justifying the amount of sediment that needs to be removed. The EIR provided a discussion of the purpose and need for the sediment removal project. The Court's ruling found that the EIR's analysis fully complied with CEQA, including the analysis of project alternatives, except for three very narrow issues, which are the subject of the RFEIR. The analysis of new project alternatives is not within the scope of the RFEIR. Please see Master Response 1 for further information on the scope of the RFEIR. Ongoing sediment management is an integral part of the Project approved by the County of Los Angeles Board of Supervisors on November 12, 2014. Following completion of the initial sediment removal phased, a low impact sediment management program will be implemented. The Project is designed to be a long-term plan, with the reservoir management phase providing maintenance for future sediment inflows. The proposed yearly cleanout of sediment after the completion of the initial sediment removal will reduce the necessity for future large-scale cleanout.

Response to Comment C54-3:

The comment states that a 3:1 mitigation ratio is more appropriate and the mitigation area should be as close as possible to the location of the Project impacts. Master Responses 4 and 6 provide responses to this comment.

Response to Comment C54-4:

The comment states that the RFEIR underestimates the amount of riparian habitat as well as the true impact to biological resources and should rely on recent scientific studies and not data from 2013. The response to comment B4-7 addresses this comment.

Response to Comment C54-5:

The comment states that neither a restoration plan nor a long-term sediment removal plan have been prepared. Master Responses 1 and 5 provide responses to this comment.

Response to Comment C54-6:

The comment requests that the project consider the use of clean air vehicles for all equipment used in this project. Master Response 3 addresses this comment.

Response to Comment C54-7:

This comment states that Pasadena City Council introduced an alternative plan for the Project and the commenter encourages the adoption of that plan or a similar plan. The evaluation of new alternatives is not within the scope of the RFEIR. Master Response 1 provides a response to this comment.

Letter C55 - Janet Scheel

From: Janet Scheel <scheelj42@gmail.com>
Sent: Thursday, September 07, 2017 7:44 PM
To: DPW-reservoircleanouts
Cc: kathryn@bos.lacounty.gov; executiveoffice@bos.lacounty.gov; thirddistrict@bos.lacounty.gov; firstdistrict@bos.lacounty.gov; fourthdistrict@bos.lacounty.gov; MarkRidley-Thomas@bos.lacounty.gov
Subject: Comment on sediment removal proposal for Devil's Gate Dam

I am against the Los Angeles County Flood Control District's proposal for sediment removal at the Devil's Gate Dam. The plan as it stands is too big, too fast, and too destructive to habitat. **C55-1**

The project as it exists does not remedy or mitigate adequately for resulting air and noise pollution, and habitat destruction. Furthermore, the County's failure to develop an ongoing sediment management program, demonstrates their intention to continue the past negligence that led to the accumulation of sediment without any significant removal for more than 20 years. **C55-2**

I would like to see a plan that:

1.) Includes a sustainable sediment management program that takes into account community concerns about traffic, noise, and habitat destruction; **C55-3**

2.) Uses alternative fuel trucks for excavation, and transport of sediment to minimize smog and the emission of particulates; **C55-4**

3.) Adequately evaluates the biological impacts of related projects, such as the Trans-Altadena Pipeline, which would export water from Hahamongna and transfer it to the County's spreading basins five miles east in Eaton Canyon. **C55-5**

The project as proposed does not protect the environment or the health of the public, and without a sustainable sediment management program it is unlikely to adequately protect the public from the risk of flooding. **C55-6**

Thank you,

Janet Scheel
Pasadena

Responses to Letter C55 – Janet Scheel

Response to Comment C55-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states the commenter's opposition to the project stating it is too big, too fast, and too destructive to habitat. The opposition to the project has been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration.

Response to Comment C55-2:

This comment expresses concern the Project does not adequately mitigate for air and noise pollution, and habitat destruction as well as notes the need for an ongoing sediment management program. Ongoing sediment management is an integral part of the Project approved by the County of Los Angeles Board of Supervisors on November 12, 2014. Master Responses 1 and 3 provide responses to these comments.

Response to Comment C55-3:

The comment requests that a sediment management program be developed that takes into account concerns about traffic, noise and habitat destruction. Master Response 1 addresses this comment.

Response to Comment C55-4:

The comment requests that the project consider the use of clean air trucks. Master Response 3 addresses this comment.

Response to Comment C55-5:

This comment states that the cumulative biological impacts from other projects, such as the Devil's Gate Water Conservation Project (referred to as the Trans-Altadena Pipeline), are not adequately evaluated. Master Response 1 provides a response to this comment.

Response to Comment C55-6:

This comment states that the project does not protect the environment or health of the public. The comment also states that without a sustainable sediment management program, the project will not adequately protect the public from the risk of flooding. Master Response 1 addresses this comment.

Letter C56 - Suzannah Ferron

From: Suzannah Ferron <suzannah@pobox.com>
Sent: Thursday, September 07, 2017 9:05 PM
To: DPW-reservoircleanouts
Subject: Public Comment re Devil's Gate RFEIR

To whom it may concern,

I am writing to express my strong opposition to Los Angeles County Flood Control District's current proposal for sediment removal—including revisions required by The Honorable James C. Chalfant—at the Devil's Gate Dam. While I do understand and appreciate the need for public safety in terms of flood control, this project is unnecessarily big, a tremendous source of air and noise pollution for schools and neighborhoods, and a disaster for what is now a thriving wash, providing essential habitat to numerous species of plants and animals. Further, its size and scope are unnecessary for the protection of local communities.

C56-1

I was at the community meetings, which were nothing more than highly orchestrated and controlled sales pitches that shut down community voices that contradicted their plan rather than take them into consideration. I heard the LACFCD deliberately misrepresent the health of the existing habitat in the area to spin their "big dig" as an ecological improvement. They even lied that getting a "take" for the Least Bell's Vireo was intended to "protect" the bird, rather than get them off the hook for killing it. One doesn't need a "take" to protect a bird.

C56-2

Instead of investing in a project that is far larger than necessary and would cause tremendous damage to habitat and the environment—including the death and displacement of wildlife—LACFCD should reduce the scope of the project to meet those already adopted by the Pasadena City Council in 2014. The size, scope and impact of this earlier version is also supported by the Arroyo Seco Foundation, the Pasadena Audubon Society, and diverse community members in and around Pasadena.

Instead, I would like to see a smaller, more periodic, and more sustainable sediment management that is keeping with the standards set and agreed upon in 2014. I would like to see air pollution further addressed by the use of alternative fuel equipment, especially given the proximity of this equipment to neighborhoods. I would like to further protections of critical and thriving habitat in the Hahamongna basin that would fully protect the habitat and the species that rely on it, including bobcats, coyotes, reptiles, and a wide range of birds, including the endangered Least Bell's Vireo. Further, I would like there to be a full and complete evaluation of the environmental impacts (from pollution and traffic to habitat and wildlife destruction) of related projects (which the LACFCD did not even mention in their community meetings), such as the Trans-Altadena Pipeline, which intends to take water from the Hahamongna water basin and transfer it to Eaton Canyon.

C56-3

As it is, this "big dig" does not meet the above mentioned concerns of the community, and it neither does enough for periodic flood control nor protection of vital habitat and wildlife. I urge you to reject this current plan and return to one in keeping with the agreed-upon standards of 2014.

C56-4

Sincerely,
Suzannah Ferron
9737 Shadow Island Drive

Sunland, CA91040

Responses to Letter C56 – Suzannah Ferron

Response to Comment C56-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states the commenter's opposition to the project due to impacts to air quality, noise, and habitat. The comment further states that the project's size and scope are unnecessarily large. The opposition to the project has been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The Court's ruling found that the EIR's analysis fully complied with CEQA except for three very narrow issues, which are the subject of the RFEIR. Master Response 1 provides a response to this comment.

Response to Comment C562:

The comment states that during community meetings, the health of the existing habitat was misrepresented and that a "take" permit for least Bell's vireo was inappropriately described. The comments were made on the information discussed at a community meetings and not the contents of the RFEIR. Master Response 1 provides a response to this comment. In addition, the response to comment B4-7 provides further information related to the habitat condition.

Response to Comment C56-3:

The comment states that the LACFCD should reduce the scope of the Project to meet those already adopted by the Pasadena City Council. The commenter also states they would like to see the use of alternative fuel equipment to further address air pollution and would like further protections of critical and thriving habitat and wildlife. The commenter also states they would like to see a full and complete evaluation of environmental impacts from related projects, such as the Trans-Altadena Pipeline. Master Responses 1, 3, 4, and 5 provide responses to this comment.

Response to Comment C56-4:

This comment states that the project doesn't meet the concerns of the community or do enough for periodic flood control or protection of wildlife and habitat. The comment further rejects the project and requests that alternate plans such as the Pasadena Sediment Working Group recommended alternative be considered. Master Response 1 addresses this comment.

Letter C57 - Holly Schiefelbein

From: Holly Schiefelbein <holly.schiefelbein@gmail.com>
Sent: Thursday, September 07, 2017 11:03 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate Sediment Removal Project FEIR Comments

As a biologist that has spent time surveying the habitat in Hahamongna Basin, I stand strongly against the Los Angeles County Flood Control District's proposal for sediment removal at the Devil's Gate Dam. While public safety should be taken into account, this plan is an environmentally devastating plan taking place in some of the rarest habitat type in Southern California. Hahamongna is in one of the most forward looking states, and counties, in the nation. As such, LACFCD should be at the forefront of sustainable water and environmental management. Sadly, this plan is nothing besides antiquated and unnecessarily destructive.

C57-1

Since LACFCD still asserts that their plan is the best way to move forward with the sediment at Hahamongna, and in the event that this project does receive final approval, there should be drastic changes made to the mitigation plan. The mitigation ratio of 1:1 that LACFCD determined as sufficient is relying on out of date data to assign habitat value to the basin. Since the habitat data was collected in 2013, much has changed in the basin, especially with the most recent wet winter of 2016/2017. As someone who has been out in Hahamongna to evaluate the habitat, I cannot stress enough how important it is that current relevant data be collected before determining the appropriate ratio for mitigation. **I ask that LACFCD collect up to date habitat surveys, and assign appropriate value to the rare riparian habitat that exists in Hahamongna by increasing the mitigation ratio to a minimum of 3:1.**

C57-2

Thank you in advance for considering my comments and incorporating them in your future plans.

Holly Schiefelbein, MS

Responses to Letter C57 – Holly Schiefelbein

Response to Comment C57-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment acknowledges that while public safety needs to be taken into account, the project would be environmentally devastating to what the commenter refers to without a reference as the “rarest habitat type in Southern California.” This comment suggests that the LAFCD come up with a more sustainable water and environmental management plan. Master Response 1 addresses the scope of the RFEIR.

Response to Comment C57-2:

The comment states that a 1:1 mitigation ratio is not adequate and up to date surveys should be conducted to mitigate for the current habitat conditions in Hahamongna. Master Response 4 provides a response to this comment. Mitigation Measure BIO-8 states that LACFCD will be required to conduct a vegetation survey within the impact area prior to commencement of vegetation removal activities to verify impact acreages of riparian habitat, sensitive natural communities, and jurisdictional waters. Please refer to the response to comment B4-7 for additional information regarding the current habitat conditions.

Letter C58 - Hans Rosenberger

From: hans w rosenberger <hwrosenberger@gmail.com>
Sent: Thursday, September 07, 2017 11:17 PM
To: DPW-reservoircleanouts
Cc: Kathryn@bos.lacounty.gov; Joy Lam
Subject: comments on clean out of devils gate dam - comment period ending Sept 7

Hello County Public Works,

I wanted to comment on the Plans for cleaning out the Devils Gate Dam that is currently being discussed. I am an Altadena resident since 18 years and hike and walk often at the dam with my family. I have read the county's plan, EIR, EIR revisions, and other commentary both other groups on the alternatives. In sum, I am against the clean out plan of the Devils Gate Dam as it is currently planned. I believe it is necessary at some level, but the plan should be modified to reduce the impact on the park. Modification to the plan will give you a better project, and many more supporters in the community. Here are some of my thoughts. C58-1

1) The scope of the project is rationalized by the time it takes to plan a cleanout - In the EIR, the need for a large clean out now is the time it takes to plan and implement a cleanout is long. In this case, the statement is self fulfilling. By crafting a plan that is both at odds with the local community's desire to retain a park, and is against the City of Pasadena's slow and measured approach. By alienating both groups, the process demonstrates and inadequate effort in finding common ground with both groups. Done properly, the community, nature groups, and local city can become allies, and not adversaries. C58-2

2) Focus excavation on areas of little biological value - The EIR rationalizes removing the sediment at the bottom because there are some invasive species and the area is 'worth less' because of that. The slower and less aggressive Pasadena plan would be biologist driven and would take less sediment over a longer period of time. If you want to garner community support, then focus the excavation on areas with low biological value, and work with environmental groups to upgrade those areas. You can gain the support of the groups who have opposed the project so far, and you've avoided litigation and accelerated your timeline. C58-3

3) Replacement of our parkland - Even if the plan was going to replace the areas that were disturbed on a 1:1 basis (which it is not), it ignores the fact that you're removing 20-30 year old trees and replacing them 5 years from now after your dig with small shrubbery. My wife and 1 year old daughter and I enjoy walking in the lower arroyo many times a month currently. It is our closest 'wild area'. Under the current plan, she will be in elementary school before the bulldozers are finished, and will likely be in junior high before any tree is taller than she is. Even if you replant everything, you are removing a mature habitat and replacing it with shrubs that will not serve our youth as a place to recreate for the next generation. I foresee that loss and do not want to see it happen. C58-4

I hope you are listening to the other stakeholders in this process who recognize the need for flood control, but also see other pathways to achieving those ends while not sacrificing the benefits that this area brings to our community. I hope that this reflection and renewed engagement with the community can bring about these important changes to the current plan. It is good planning and good engineering to do so. C58-5

If the EIR is approved and steps are not taken to scale back the dig, then I will continue to lobby our county supervisors to exercise their oversight in this matter to revise the plan in a way that will blend the flood control

needs with the other needs of the community for this park. Thank you for your work on the process. I hope that we can make some modifications to the plan for the best outcome.

C58-5
cont.

Sincerely,

Hans W Rosenberger
460 E Calaveras St.
Altadena, CA 91001
tel 626 316 2008

cc: Katheryn Barger

Responses to Letter C58 – Hans Rosenberger

Response to Comment C58-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states the writer's opposition to the project and that a modified project should be approved. The opposition to the project has been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The Court's ruling found that the EIR's analysis fully complied with CEQA, including the analysis of project alternatives, except for three very narrow issues, which are the subject of the RFEIR. The analysis of new project alternatives is not within the scope of the RFEIR. Master Response 1 provides a response to this comment.

Response to Comment C58-2:

The comment states that the proposed project is both at odds with the local community's desire to retain a park, and is against the City of Pasadena's slow and measured approach. Master Response 1 addresses this comment.

Response to Comment C58-3:

The comment states that the Project should focus on excavation of areas containing little biological value and the Pasadena Sediment Working Group's recommended alternative would be a superior alternative. Master Response 1 provides a response to this comment.

Response to Comment C58-4:

This comment expresses concern about the sufficiency of the 1:1 mitigation ratio and the time that it'll take for trees to grow back to a mature size. Master Response 4 addresses the mitigation ratio portion of the comment and Master Response 5 provides information on the habitat restoration plan. The LACFCD intends to conduct the habitat restoration activities concurrently with Project implementation so there will not be a five-year delay between the initiation of the Project and the planting of trees in the restoration areas.

Response to Comment C58-5:

This comment suggests that we listen to other stakeholders and the community to achieve the goals of this project without sacrificing the benefits this area brings to the community. Master Response 1 addresses this comment.

Letter C59 - Debra Francis

From: Debra Francis <debrastjohn317@aol.com>
Sent: Thursday, September 07, 2017 11:47 PM
To: DPW-reservoircleanouts
Subject: "Devils Gate Reservoir Sediments Removal and Management Project" Debra Ann Francis

To Whom it May Concern:

As a citizen and resident of Altadena I am extremely concerned with the findings of the "The Notice of Availability/Notice of completion of the Recirculated Portions of the Final a Environment Impact Report, a limited portions of the Devil's Gate Sediment and Management Project Final Impact Report (EIR) as a result of 4/17/17 Judgement from the Superior Court of the County of Los Angeles. My concerns and proposals/request stem from the extreme "Health Issues/Effects"(mentally, physically, emotionally and even death) from the air pollutants, odors/pungent smells, noise pollution, Chemicals/Particles caused by the sediments Removal of the Devil's Gate Reservoir to commence on July 2018-2023. Other concerns include the "Sensitive Receptors" (children from 6mos. to 19 years old in age), the elderly, disabled, veterans, retired individuals, pregnant woman and the residents of Altadena. Also including animals and horses (can contact, "heaves" a respiratory disease and ailments from the odor/pungent smells that will be in the vicinity of the sediment removal in city of La Canada. As stated in your report the proposed Project is located WITHIN ONE HALF MILE OF 10 SCHOOLS RANGING FROM a Nursery, Preschool, to an High School) ages 6mos to 19years old. The Project is Located in an Residential area. There are Public safety Issues due to the 6,000 trucks per month on public highway. I am requesting a second opinion from the Amercian Chemical Science (ACS). Since there are a possible life threatening issues. I am also requesting funds of excess of 1.0million for safety and excess of 1 billion dollars for Health Issues. Lastly, it is inevitable property value will plunge to a possible foreclosure city like in 2008. Looking forward i hearing from you soon. Thank in advance for your consideration. Respectfully, Debra Ann Francis, 1st Vice President, NAACP-Altadena Branch #1092, 626-252-5943

C59-1

Responses to Letter C59 – Debra Francis

Response to Comment C59-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment expresses concerns about the project including air quality and the increase of truck traffic in the area. Master Responses 1 and 3 address this comment. Please note, with implementation of Mitigation Measures MM AQ-1 and MM AQ-2, impacts to air quality, including those associated with health effects will be reduced to less than significant.

Letter C60 - Kate Vincent and Donald Crockett

From: Save Hahamongna <savehahamongna@arroyoseco.org >
Sent: Friday, September 08, 2017 12:19 PM
To: DPW reservoircleanouts
Subject: Devil's Gate Sediment Removal and Management Project RFEER

Registering our comments regarding Hahamongna

To whom it may concern,

My husband and i would like to register our strong disapproval for the county flood control plan regarding Hahamongna. Instead we believe that the slower, scaled back solution proposed by Pasadena would be far better in terms of it's effectiveness, minimized disruption, destruction of the surrounds and native flora/fauna and negative impact on a large community who makes use of the area for a variety of different activities.

We are extremely lucky to have access to such a spectacular area of natural land and highly value the treatment of it and it's care and preservation. In Los Angeles access and use of land like this is rare which makes it all the more important that greatest care be taken in resolving issues such as the sediment levels at the dam site.

Please register our strong disapproval for the County's plan.
With thanks,

Kate Vincent and Donald Crockett
3430 Chaney Trail, Altadena CA 91001

Please respond to: firebirdensemble@yahoo.com and dcrocket@usc.edu

C60-1

Responses to Letter C60 – Kate Vincent and Donald Crockett

Response to Comment C60-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment expresses disapproval for the proposed project and support for the Pasadena Sediment Working Group's recommended alternative. Master Response 1 addresses this comment.

Letter C61 - Deb Halberstadt

From: Deb Halberstadt <halfcity@earthlink.net>
Sent: Friday, September 08, 2017 1:10 PM
To: DPW-reservoircleanouts
Subject: Cleaning out Devils Gate is too much work and money for the reward.

For the past few years we have built it into a grove...why clean it out?

It will be much cheaper to plant new grass if Brookside floods.

C61-1

Deb Halberstadt



Responses to Letter C61 – Deb Halberstadt

Response to Comment C61-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment asks why the reservoir must be cleaned out and notes that it would be more affordable to replant grass at Brookside Golf Course if it floods. Master Response 1 addresses this comment.

Letter C62 - Linda Klibanow

From: Linda Klibanow <lklibanow@lindaklibanow.com>
Sent: Friday, September 08, 2017 2:03 PM
To: DPW-reservoircleanouts
Cc: m gaede; Tim Brick
Subject: STOP THE FRATRICIDE

Importance: High

Why compromise the health (perhaps fatally) of many by relying on outdated standards- 2010 EPA emission standard? First, I challenge we have science to predict "significance" of biblical plague of diesel emitting sediment removing trucks to the tune of 425 trucks per day over 5 years. When and where has this insane scenario been fabricated and replicated with real lung-breathing people (including all the children at all the schools)?

Published science of Argonne National Laboratory (U.S. DOE Clean Cities webinar July 25, 2017) demonstrates that diesel has significant nitrous oxide variability above the 2010 standard, while NGV is consistently low. If this imprudent program is to proceed, at the minimum the most modern technology technology (at or above the 2013 California Air Resources Board "optional" low oxides of nitrogen emission standards for on-road heavy-duty engines) should be utilized. Otherwise it's like sending soldiers to fight with defective body armor or immunizing with an inadequately potent vaccine.

C62-1

Along with the blight of environment and human community, the suffering and deaths, those responsible will be found liable for criminal negligence or some species of manslaughter. Despite funding, contracts, politics and such, ultimately each decisionmaker in this fateful fiasco will be held accountable.

Linda S. Klibanow, Esq.

Law Offices of Linda S. Klibanow
595 E. Colorado Blvd., Suite 302
Pasadena, CA 91101
Tel: (626) 204-4000 Fax: (626) 204-4001
Email: lklibanow@lindaklibanow.com
http://secure-web.cisco.com/1jKAqF_nbaBA--rB60JkRAIw5avit0AVI2oSiHzDR9YbqChkODqb6PhQeigotug7ck62mQ5mmN0LkzitMnUyKzDlcJ0vtTPK8LTcYMSssS89Tb0PBWFljgrRn80q1omXg3nkOfRkoVyR5p53fXc_g95uMKT12ID48LYWFIEIWDzPuXdleJsUXBjEPrgCIMCUEy4GN0nSWjx6M6sfr_Gwy4IKhs04k2i2Egngkh9J0ZmkJDNh5CRYcd9m7TOI4W2iWzFUabFkKil6VeQCdICaBqy9Ab7xYILKDP-qB9pN6hGM1zW7d5qejavW2PrPCvZY2t2kw81vINKpRwwJkR2xvqrcqC8BsDEc7gjaU5QwZIVuOmmNag9g-Pq2SQVFis_7z1eLDTxu80bBqOBxLkafYGw/http%3A%2F%2Fwww.lindaklibanow.com

NOTICE: *This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.*

Responses to Letter C62 – Linda Klibanow

Response to Comment C62-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment requests that the most modern technology be utilized to address air quality concerns. Master Response 3 addresses this comment.

Letter C63 - Marilyn Garcia

From: Marilyn Garcia <mlgbonds@aol.com>
Sent: Saturday, September 09, 2017 9:32 AM
To: DPW-reservoircleanouts
Subject: Devils Gate Res. Sediment Removal Mgmt Project

I am a 30-year resident of Pasadena, and a member of the Pasadena Audubon Society. I fully support the comments of the Arroyo Seco Foundation and the Audubon Society, which comments have been submitted separately. **C63-1**

Marilyn Garcia
1650 E. California Blvd.. Pasadena, CA 91106

Responses to Letter C63 – Marilyn Garcia

Response to Comment C63-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the author supports the comments provided by the Arroyo Seco Foundation. This comment has been noted. Please see the Responses to Comments for Letter B5 - Arroyo Seco Foundation and Pasadena Audubon Society.

Letter C64 - Levi Brewster

From: levi brewster <levining@gmail.com>
Sent: Sunday, September 10, 2017 11:59 AM
To: DPW-reservoircleanouts
Subject: Devil's Gate Reservoir Sediment Removal and Management Project

hello

following this project for years, it is my feeling that the needs of my family and my community in Altadena are not being met by this plan. the District needs to be more responsive to the concerns of an overwhelming number of impacted citizens. respect endangered species, human health, natural habitat and carefully consider the views articulated by the City of Pasadena and surrounding communities. the Sediment Removal and Management Project will be far more successful with community support verses the lengthy delays from court proceedings and local resistance to plans that don't address the needs of residents. there is a plan that will protect local species, environment, and human health while also protecting downstream properties from flooding. the District needs to work with local stakeholders to shape that plan and be genuinely responsive to these concerns for this project to move ahead. we need to work together to build forward thinking projects that benefit our communities into the future. continuing to ignore local input, destroying irreplaceable natural landscape and further polluting the air we breath with dust and toxic diesel particulate is short sighted and will be met with resistance.

C64-1

thank you,
Levi Brewster + Family
Altadena, CA

Responses to Letter C64 – Levi Brewster

Response to Comment C64-1:

Thank you for your input. The comment states that the commenter does not feel the needs of their family and the community of Altadena are being met by the plan for the Project and that the County should adopt another alternative that has community support. This comment has been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment further states that the County is ignoring impacts to the natural landscape and air quality. The Court's ruling found that the EIR's analysis fully complied with CEQA, including the analysis for air quality and biological resources, except for three very narrow issues, which are the subject of the RFEIR. Please see Master Response 1 for further information on the scope of the RFEIR, Master Response 3 for additional information on the approved project's less-than-significant air quality impacts, and Master Responses 4 through 6 on for more information on the project's mitigation for habitat loss.

Letter C65 - Sean Townley

From: Sean Townley <snavelyt@sbcglobal.net>
Sent: Sunday, September 10, 2017 2:52 PM
To: DPW-reservoircleanouts
Cc: Betsy Bour; kbarger@lacbos.org; snemer@lacbos.org
Subject: Comments from an Altadena Resident re; Hahamongna cleanout

Good morning, and thank you for extending the comment period to address the County's plan to remove sediment in our Hahamongna Watershed Preserve.

Allow me to bullet point my observations of the County's plan and subsequent restatement of its original EIR--the RFEIR--which glossed over many critical points that need to be kept in mind:

- There has for several years been a **more environmentally conscious, sustainable, and logical** plan to remove built up sediment in Devil's Gate Dam and the area behind it comprising much of the Hahamongna Watershed Preserve. It seemed to me that the public's input was given very little weight, whereas if it is incorporated now, a compromise solution can be reached that could be acceptable to most stakeholders. **C65-1**
- As stated in the Arroyo Seco Foundation's scientifically-based response, the present plan will cause not only long-term damage to plants, animals, and people in the surrounding area, but also the plan to bring in a caravan of up to 425 trucks per day, may present a **large financial liability** to the County in terms of pollution and damage to the health of park visitors, and students at surrounding public schools. **C65-2**
- The trucks, digging, and removal of sediment will cause a negative effect on traffic in the Hahamongna/JPL area for several years, and a slow and steady removal plan could be more more acceptable to people using these roads and the 210 FWY. **C65-3**
- If there were even 400 trucks lined up and chugging away each day, over a 7 hour day (one hour off for lunch) that would indicate 55 trucks per hour; that's virtually one per minute (how is that even possible?) **C65-4**
- As the presiding judge has wisely noted, the 1:1 mitigation ratio is not valid or realistic since its based on 2 very limited and dissimilar examples. **C65-5**
- The stakeholders and users of Hahamongna need a **credible Habitat Restoration Plan**, which was promised but not provided as of yet. I respectfully ask that the plan be made available to the public to be reviewed and revised as part of the RFEIR before any further action is taken. Many promises to get a deal done but the promises never materialize, why would this be different? **C65-6**
- It is critical that mitigation efforts should be as **close to the site of destruction** as possible. Without this, mitigation cannot be monitored. **C65-7**
- The use of **clean air trucks** would reduce pollution and air quality damage for plants, animals, and people, including County workers. **C65-8**
- finally, the RFEIR incorrectly concludes that the Big Dig will have "*less than significant impacts*" on the Hahamongna & Devil's Gate ecology. The evidence presented by many constituents and scientists simply does not support that statement. The evidence supports the opposite conclusion--the impact could be **very significant** and last for decades. **C65-9**
- Hahamongna is the home of birds, big cats, coyotes, small mammals, insects, reptiles, and is used by hikers, disc golfers, Tom Sawyer Camp boys and girls, and our pets every day. This is your opportunity to remove sediment correctly, to preserve the unique ecology, and maintain the park for many generations. I sincerely hope that you don't let it slip by. It is an integral part of our community that is being plowed under by a project that attempts to remove sediment that built up over 20+ years. **C65-10**

Sean F. Townley
Maura M. Townley
429 East Pine Street
Altadena, CA, 91001

Responses to Letter C65 – Sean Townley

Response to Comment C65-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment requests that a more environmentally conscious, sustainable, and logical alternative be considered for this project. Master Response 1 addresses this comment.

Response to Comment C65-2:

This comment notes that the proposed plan will cause harm to plants, animals, and people as well as cause pollution and damage to the health of the public. Master Response 1 addresses this comment. The portion of the comment addressing air pollution is addressed in Master Response 3.

Response to Comment C65-3:

This comment states that the Proposed Project will cause a negative impact on traffic in the Hahamongna/JPL area for several years and a slower sediment removal plan would be more acceptable to people using the roads and the 210 freeway. Master Response 1 provides a response to this comment.

Response to Comment C65-4:

This comment questions if it is even possible for the number of trucks proposed in the sediment removal project to operate. Master Response 1 addresses this comment.

Additionally, at the County of Los Angeles Board of Supervisors hearing, Supervisor Antonovich directed Public Works to:

1. Further reduce community impacts by including the following provisions in the Devil's Gate Reservoir Sediment Removal and Management Project design plans and specifications:
 - Limit hauling hours to Monday through Friday from 7 a.m. to 3:30 p.m.
 - Hauling to occur only between April 15 to October 15 with the ability to go until December, if we have a late wet season and a dry fall.
 - Exclude work on major holidays and major Rose Bowl events.
 - Prohibit trucks from staging on city streets.
 - Balance truck traffic between Cities of La Canada Flintridge and Pasadena.
 - Work with the permitting agencies and stakeholders to restore habitat in the project area that is consistent with the Hahamongna Master Plan.
2. Continue collaboration on project design and implementation with the Altadena Town Council and Cities of La Canada Flintridge and Pasadena.

3. Implement a regular maintenance routine, consistent with the Environmental Impact Report, by removing accumulated sediment annually to reduce the future frequency of major sediment removal projects.

Response to Comment C65-5:

The comment states the mitigation ratio of 1:1 is not valid or realistic since it's based on two limited and dissimilar examples. Master Responses 4 provides a response to this comment.

Response to Comment C65-6:

The comment states a restoration plan has not been prepared and once prepared it should be accessible to the public. Master Response 5 provides a response to this comment.

Response to Comment C65-7:

The comment states that mitigation should occur close to the location of impacts. Master Response 6 provides a response to this comment.

Response to Comment C65-8:

This comment requests that the project consider the use of clean air trucks. Master Response 3 addresses this comment.

Response to Comment C65-9:

The comment states that the RFEIR incorrectly concludes a determination of "less than significant impacts" and impacts could be very significant. Master Response 4 provides a response to this comment.

Response to Comment C65-10:

This comment requests that we remove the sediment in a way that preserves the unique ecology and maintains the park. Master Response 1 addresses this comment.

Additionally, following community input on the Draft Environmental Impact Report (EIR) regarding the Project footprint configuration, Los Angeles County Flood Control District (LACFCD) developed an additional configuration for the Final EIR, Alternative 3, Configuration D, Option 2. Alternative 3, Configuration D, Option 2 drastically reduced the project's footprint of 120 acres down to 71 acres and avoids excavation of the western branch, thereby providing a greater habitat buffer on the west side of the reservoir. In addition, the maintenance areas would be smaller than the original sediment removal footprint, allowing for habitat to reestablish and providing additional areas for wildlife movement. This is the alternative that

was selected and approved as the Project by the County of Los Angeles Board of Supervisors on November 12, 2014.

Letter C66 - Bob Aronoff

From: aronoff <aronoff@sbcglobal.net>
Sent: Sunday, September 10, 2017 3:10 PM
To: DPW-reservoircleanouts
Subject: Do what is right

Want to support doing what is right and best for the community, including the ecological benefits for all concerned.

Cleaning up the debris basin would seem to protect against a “once in a 100-year rainy season” and periodically making sure the basin is periodically cleaned up when too much debris backs up against the damn reducing needed water storage.

C66-1

Bob Aronoff Pasadena resident

Responses to Letter C66 – Bob Aronoff

Response to Comment C66-1:

Thank you for your input. This comment states that the author supports doing what is right and best for the community, including ecological benefits. This comment has been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration.

Letter C67 - Mark Stowe

From: Mark Stowe <trinitypl@aol.com>
Sent: Monday, September 11, 2017 5:53 AM
To: DPW-reservoircleanouts
Subject: Devils Dam

County of Los Angeles
Department of Public Works
Water Resources Division
Attn: Reservoir Cleanouts Program P.O. Box 1460
Alhambra, CA 91802-1460
Re: Devil's Gate Reservoir Sediment Removal Management Project

Hello,

My name is Mark Stowe, I am 4 generation Tujunga resident, by children and grandchildren make us 6 generation in these mountains. My great grandmother rented and finally purchased property in Tujunga in 1949. We have seen projects that were going to help the community and enrich our lives, time and again, only to see the greed hit hard take the spoils and leave the community in far worse shape then when they first got there.

Devils dam is a place I plaid in as a kid, rode horse in, back when there were local boarding houses for horses the working man could afford, and picnicked with my family and dogs. The wash was created by a flood a long time ago and left a very unique time capsule right next to JPL. There are still a lot of the old footings left from the houses that were located in a little piece of paradise.

There are maybe a handful of places like Devil Gate and the aurora left in all of Los Angeles County. To change this, to add a bunch of concrete, pull out the mature tree, take out the ponds that have been created by waters rushing out of the mountains, is nothing less than destroying a little piece of paradises, of nature. To think we can plan and execute a man made, man designed beautiful place is absurd.

This wash pays tribute to how nature reclaims what man messed up. Look at the record rains we are having, yet devils dam is doing its job, are you recreating the same situation that originally destroyed those old home and took so many lives. If anything this should not be touched, to pay tribute to those how lost their lives in that flood which happened before I was borne, but I remember what and was up there in the 1950 to see what was left and enjoy the was. It has become for rustic, more beautiful over the ages. If you want to beautify some, tear down JPL and plants some trees, or redo the park on the west side.

Mark Stowe

C67-1

Responses to Letter C67 – Mark Stowe

Response to Comment C67-1:

Thank you for your input. This comment states that the author is opposed to the project due to impacts to habitat, and that the restored habitat will not replace the existing habitat. The opposition has been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. Please see Master Responses 4 through 6 for additional information on the mitigation for loss of habitat.

Letter C68 - Andreas Aebi

From: Andreas Aebi <aebi@caltech.edu>
Sent: Monday, September 11, 2017 11:49 AM
Cc: DPW-reservoircleanouts
Subject: Devil's Gate Reservoir Sediment Removal and Management Project

It looks like the most recent version of the FEIR does not satisfy the orders mandated by Judge Chalfant and still has critical negative impact on this unique biological resource. This plan is environmentally devastating for this rare habitat. The loss of 51 acres of mature trees and temporary destruction of an additional 70 acres of ecologically critical surfaces is unacceptable. 5 (!) years of trucking and operating heavy equipment (Diesel?!) for the removal of sediments is clearly problematic for the impacted citizenry. We recommend that the District heed the advice of the overwhelming number of alarmed citizens, respect endangered species, and carefully consider the views stated by the City of Pasadena.

C68-1

Joan & Andreas Aebi

2027 Las Lunas Street

Pasadena, CA 91107

Responses to Letter C68 – Andreas Aebi

Response to Comment C68-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the RFEIR does not satisfy the Court requirements and that impacts caused from vegetation removal and use of trucks and equipment are too large. The commenter also states that the sediment removal plan recommended by the Pasadena Sediment Working Group is preferred. Master Response 1 provides a response to this comment.

Letter C69 - Jim Saake

From: willowcity@gmail.com
Sent: Monday, September 11, 2017 1:43 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate Reservoir Sediment Removal and Management - Final Environmental Impact Report (EIR)

Dear Reservoir Cleanouts Program Administrator:

I am a resident of La Canada Flintridge. I've lived here 27 years.

I've followed with interest the activities associated with the Hahamongna Watershed Park and the need to balance flood control with environmental needs.

I am in favor of a moderate approach for cleaning out debris and beginning to properly maintain the Devil's Gate reservoir area. It seems like a reasonable balance can easily be achieved to maintain public safety and continue to enjoy the park environment in that arroyo.

C69-1

I am against an aggressive effort to scrape the site clean and create the massive truck traffic that has been talked about.

Respectfully yours,
Jim Saake

Responses to Letter C69 – Jim Saake

Response to Comment C69-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the proposed project is too aggressive and will create massive truck traffic, so a more moderate approach for debris removal and proper maintenance is preferred. Master Response 1 provides a response to this comment.

Letter C70 - Lou Anne Insprucker

From: Lou Anne Insprucker <lainsprucker@gmail.com>
Sent: Monday, September 11, 2017 11:05 PM
To: DPW-reservoircleanouts
Subject: Re Devil's Gate Dam

Dear Reservoir Cleanouts Program Administrator:

I've lived in La Canada since 1953.

I am in favor of a moderate approach to cleaning out debris and beginning to properly maintain the Devil's Gate Dam area.

I am against an aggressive effort to scrape the site clean which would create massive truck traffic. It seems like a reasonable balance can easily be achieved to maintain public safety and continue to enjoy Oak Grove Park and the arroyo.

C70-1

Sincerely,

Lou Anne Insprucker

Responses to Letter C70 – Lou Anne Insprucker

Response to Comment C70-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the proposed project is too aggressive and will create massive truck traffic, so a more moderate approach for debris removal and proper maintenance is preferred. Master Response 1 provides a response to this comment.

Letter C71 - Natasha Stavros

From: Natasha Stavros <enstavros@gmail.com>
Sent: Monday, September 11, 2017 9:02 PM
To: DPW-reservoircleanouts
Subject: Oppose big dig

Dear DWP,

I oppose the big dig for Devil's Gate Reservoir Sediment Removal and Management Project. I prefer the slower, less invasive approach. This approach is good on all fronts: dirt is removed, the native ecosystem is not shocked, and traffic to/from one of Pasadena's major businesses is not massively disrupted. It's not like you can't do the dirt removal, just do it slowly; win-win.

C71-1

Thank you,
Natasha

E. Natasha Stavros, Ph.D.
Science Applications Software Engineer
Jet Propulsion Laboratory
p: 858-254-5939

"Your beliefs become your thoughts, your thoughts become your words, your words becomes your actions, your actions become your habits, your habits become your values, your values become your destiny." ~Mahatma Gandhi

Responses to Letter C71 – Natasha Stavros

Response to Comment C71-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The commenter states their opposition for the Project and their support for the less invasive approach. Master Response 1 addresses this comment.

Letter C72 - Geri Johnston

From: Geri Johnston <geri.johnston@gmail.com>
Sent: Tuesday, September 12, 2017 11:40 AM
To: DPW-reservoircleanouts
Subject: Devils Gate Dam

My family has lived in La Canada since the mid-1950's. Devil's Gate Dam was our playground. Please take a measured approach with the cleanout. Hundreds of trucks hauling dirt dust and debris will most certainly change the natural landscape. Take it carefully and slowly. Who knows, maybe one of the brainheads at nearby JPL will come up with a better solution.

Large projects are not necessarily better. If only La Canada had been as firm as South Pasadena about the 210 freeway. Just think of how much more quiet, clean and pleasant a place La Canada-Flintridge would be today without that scar.

Geri Johnston
Former resident of La Canada
Current resident of Altadena

C72-1

Responses to Letter C72 – Geri Johnson

Response to Comment C72-1:

Thank you for your input. The commenter states that they would like the LACFCD to take a measured approach to the cleanout and is concerned that hundreds of trucks hauling dirt, dust, and debris will change the natural landscape. The commenter also states that large projects are not necessarily better. These comments are noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. Master Response 1 addresses this comment.

Letter C73 - Hans Rosenberger

From: hans w rosenberger <hwrosenberger@gmail.com>
Sent: Friday, September 08, 2017 3:29 PM
To: DPW reservoircleanouts
Subject: Devil's Gate Reservoir Sediment Removal and Management Project - Contact - Hans W Rosenberger

Hello County Public Works,

I wanted to comment on the Plans for cleaning out the Devils Gate Dam that is currently being discussed. I am an Altadena resident since 18 years and hike and walk often at the dam with my family. I have read the county's plan, EIR, EIR revisions, and other commentary both other groups on the alternatives. In sum, I am against the clean out plan of the Devils Gate Dam as it is currently planned. I believe it is necessary at some level, but the plan should be modified to reduce the impact on the park. Modification to the plan will give you a better project, and many more supporters in the community. Here are some of my thoughts.

C73-1

1) The scope of the project is rationalized by the time it takes to plan a cleanout - In the EIR, the need for a large clean out now is the time it takes to plan and implement a cleanout is long. In this case, the statement is self fulfilling. By crafting a plan that is both at odds with the local community's desire to retain a park, and is against the City of Pasadena's slow and measured approach. By alienating both groups, the process demonstrates and inadequate effort in finding common ground with both groups. Done properly, the community, nature groups, and local city can become allies, and not adversaries.

C73-2

2) Focus excavation on areas of little biological value - The EIR rationalizes removing the sediment at the bottom because there are some invasive species and the area is 'worth less' because of that. The slower and less aggressive Pasadena plan would be biologist driven and would take less sediment over a longer period of time. If you want to garner community support, then focus the excavation on areas with low biological value, and work with environmental groups to upgrade those areas. You can gain the support of the groups who have opposed the project so far, and you've avoided litigation and accelerated your timeline.

C73-3

3) Replacement of our parkland - Even if the plan was going to replace the areas that were disturbed on a 1:1 basis (which it is not), it ignores the fact that you're removing 20-30 year old trees and replacing them 5 years from now after your dig with small shrubbery. My wife and 1 year old daughter and I enjoy walking in the lower arroyo many times a month currently. It is our closest 'wild area'. Under the current plan, she will be in elementary school before the bulldozers are finished, and will likely be in junior high before any tree is taller than she is. Even if you replant everything, you are removing a mature habitat and replacing it with shrubs that will not serve our youth as a place to recreate for the next generation. I foresee that loss and do not want to see it happen.

C73-4

I hope you are listening to the other stakeholders in this process who recognize the need for flood control, but also see other pathways to achieving those ends while not sacrificing the benefits that this area brings to our community. I hope that this reflection and renewed engagement with the community can bring about these important changes to the current plan. It is good planning and good engineering to do so.

C73-5

If the EIR is approved and steps are not taken to scale back the dig, then I will continue to lobby our county supervisors to exercise their oversight in this matter to revise the plan in a way that will blend the flood control needs with the other needs of the community for this park. Thank you for your work on the process. I hope that we can make some modifications to the plan for the best outcome.

Sincerely,

Hans W Rosenberger
460 E Calaveras St.
Altadena, CA 91001
tel [626 316 2008](tel:626-316-2008)

cc: Kathryn Barger

Responses to Letter C73 – Hans Rosenberger

Response to Comment C73:

This letter is identical to Letter C58. Please see the responses to Letter C58.

Letter C74 - John Harris

From: John Harris
To: [DPW-reservoircleanouts](#)
Subject: Devil's Gate Reservoir Sediment Removal and Management Project
Date: Tuesday, September 12, 2017 10:19:04 PM

The proposed Final Environmental Impact Report for sediment removal, mining, and trucking operation in Hahamongna Park may technically satisfy the CEQA requirements but will have a devastating effect on the Park and the local communities of La Cañada Flintridge and Altadena.

C74-1

I urge the Board of Supervisors to ensure that the sediment removal program is reshaped along more sustainable and environmentally-sensitive lines, such as those put forward by the Arroyo Seco Foundation.

John M. Harris, Ph.D.
Visiting Associate in Geology
Division of Geological and Planetary Sciences
California Institute of Technology
Mail Code 170-25
1200 E. California Blvd.
Pasadena, CA 91125
jmharris@caltech.edu

Responses to Letter C74– John Harris

Response to Comment C74-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states that the Project will have a devastating effect on the Park and the local communities of La Cañada Flintridge and Altadena. The comment also asks that the Board of Supervisors ensure that the sediment removal program is modified to be more similar to the proposal put forth by the Arroyo Seco Foundation. Master Response 1 addresses this comment.

Letter C75 - Dancingwater

From: Dancingwater <dancingwater.t@gmail.com>
Sent: Friday, September 15, 2017 12:44 PM
To: DPW-reservoircleanouts; kathryn@bos.lacounty.gov
Subject: Devil's Gate Sediment Removal Pipeline Project

Devil's Gate Sediment Removal Project

The project's path will go from Devil's Gate to Woodbury Rd, traveling up to New York Drive, then emptying into Eaton Canyon's Reservoir. This project will take the City of Pasadena a number of years (approximately 4 years) to complete for the Pasadena Dept. of Water. Please find a street with multiple traffic lanes. Here are our concerning issues;

- * Public safety per our inhaled exposure to dust, dirt and toxic fumes for four years.
- * New York Drive has two narrow traffic lanes, one eastbound, the other westbound with barely enough room to park a car.
- * When the narrow street goes under construction, for the number of years (approx. 4) being proposed, should there be cause for an emergency vehicle to get to a fire or injury/illness, the vehicle will probably be unable to traverse through the street during construction. This is unsafe, and will leave residents vulnerable to disaster(s).
- * The impact on our health will be costly
- * Property value will be negatively affected for years.

C75-1

Responses to Letter C75 – Dancingwater

Response to Comment C75-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states concerns about the Devil's Gate Reservoir Water Conservation Project. Master Response 1 addresses this comment.

Additionally, all work for the Devil's Gate Reservoir Sediment Removal and Management Project will take place within the reservoir itself and will have no impacts on New York Drive. The Devil's Gate Reservoir Water Conservation Project is an entirely different project if it ever does move forward, it will be subject to a completely separate environmental review process under CEQA.

Letter C76 - Sylvia Stachura

From: sstach236@charter.net
Sent: Friday, September 15, 2017 3:50 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate Reservoir Sediment Removal and Management Project

As a voter and member of the Community I feel your plan to dredge out Devil's Gate Reservoir is ill conceived and bad for all the natural life living in that area. I've been there with the Pasadena Bird Watchers and we have enjoyed the birds & other animals living in the area. Please take them into consideration when you make a plan. **C76-1**

Sylvia Stachura

Responses to Letter C76 – Sylvia Stachura

Response to Comment C76-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment requests that the County take the birds and other animals into consideration when developing a plan. Master Response 1 addresses this comment.

Letter C77 - Patricia Caldwell

From: Patricia Caldwell <redefiningtypea@mac.com>
Sent: Friday, September 15, 2017 6:30 PM
To: DPW-reservoircleanouts
Subject: Justification for 1:1 habitat migration ratio

Judge Chalfant ordered the County to provide documentation that their proposed 1:1 mitigation ratio would adequately protect sensitive habitat and species. Instead of providing expert testimony from biologists and restoration experts, however, the County lists a few projects, such as a Vulcan mining operation and an apartment complex in Riverside County, that have been allowed to proceed with 1:1 mitigation programs. None of these examples have been legally challenged or properly monitored to provide evidence of the suitability of a 1:1 program in a rare riparian zone. Most mitigation programs in sensitive riparian areas have had a 2-3:1 ratio, and some have gone as high as 5:1. The examples that the County uses indicate that the 1:1 mitigation goal is achievable rather than proving that it as a justifiable goal in the first place. This 1:1 standard can only be justified by the County's underestimation of the habitat values in the Hahamongna basin and the Arroyo Seco.

C77-1

Responses to Letter C77 – Patricia Caldwell

Response to Comment C77-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states the mitigation ratio of 1:1 is inadequate and irrelevant projects (Vulcan mining operation and apartment complex in Riverside County) are used to justify a 1:1 mitigation ratio. Master Response 4 provides a response to this comment.

Letter C78 - Stephanie Strout

From: Stephanie Strout <stephanie_strout@hotmail.com>
Sent: Sunday, September 17, 2017 3:29 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate Reservoir Sediment Removal and Management Project - Comments on Final EIR

All I can is that I fully support that debris behind Devil's Gate needs to be removed, and I fully support the plans spelled out by the Sediment Working Group to accomplish that, both in scope and methodology. If the L.A. County Flood Control was not able to effectively manage the debris over these past decades, leading up to its condition today, the solution should not come at a cost to either the habitat, the environment, the animal species, or to the humans who will all be severely impacted by the current EIR proposal, myself being one of them.

C78-1

Do the right thing and implement the recommendations of the Working Group.

Stephanie Strout
1870 N. Arroyo Blvd.
Pasadena, CA 91103
626-298-6556

Responses to Letter C78 –Stephanie Strout

Response to Comment C78-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment expresses support for the proposal put forth by the Pasadena Sediment Working Group. Master Response 1 addresses this comment.

Letter C79 - Christina Heath

From: Christina Heath <cheath93@earthlink.net>
Sent: Sunday, September 17, 2017 6:41 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate Reservoir Sediment Removal and Management

Dear Sirs:

I am writing to ask you to amend your plans and remove less sediment, less vegetation and read the Pasadena City plan which is much more reasonable and provides some vegetation left for our native birds and animals. The plan you submit is way too drastic and if the idea of a pipeline from Devil's Gate to Eaton Canyon comes to fruition, very little storage area is needed behind the Dam.

I've ridden horses and walked in the area behind Devil's Gate Dam for 65 years and seen the gradual reforestation of the area so that now there is a dynamic ecosystem there. From reading your proposal I get the feeling you are seeking a "scorched earth" policy and leaving a very ugly denuded arroyo.

I know that getting a group of "soil managers" to think in lesser terms is difficult, but please explore less hurtful options.

Thank you,

Christina Heath

Altadena, California

cheath93@earthlink.net

C79-1

Responses to Letter C79 – Christina Heath

Response to Comment C79-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment expresses disagreement with the proposed Project and requests that the current plans be amended to show less sediment removal as suggested by the Pasadena Sediment Working Group. Master Response 1 addresses this comment.

Letter C80 - Blair Miller

From: Blair Miller <blairmiller1@yahoo.com>
Sent: Monday, September 18, 2017 11:49 AM
To: DPW-reservoircleanouts
Subject: Comments on Devil's Gate FEIR

Thank you for the opportunity to comment. As a Pasadena resident, I recommend that the LA County Flood District scale back the project in order to respect endangered species and the health concerns of the surrounding community. I am primarily concerned about the loss of habitat at Hahamongna through this plan, but also about the health effects on the neighborhood. I support the solution proposed by Pasadena - it would be effective in minimizing disruption to the surrounding community and destruction of the native habitat.

C80-1

Thank you for your attention to my comments.

Blair Miller
2395 East Woodlyn Road, Pasadena

Responses to Letter C80 – Blair Miller

Response to Comment C80-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment request that the proposed Project be scaled back to respect endangered species and the health concerns of the surrounding community and the commenter states they are in support of the solution proposed by the City of Pasadena. Master Response 1 addresses this comment.

Letter C81 - Yeun-Bin Lee

From: Yeun-Bin Lee <ptmg@parttimemovieguy.com>
Sent: Monday, September 18, 2017 1:52 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate FEIR - comment

Hi,

As a homeowner in Northwest Pasadena, I prefer scaling back the county's Devil's Gate project. I'm concerned for its negative impact on the local vegetation and endangered species, its negative impact to my neighbors who live close by, and the overall balance between aesthetics and function.

C81-1

I also want to voice my support for the alternative solution proposed by the city of Pasadena. I think it is a better way to preserve the natural habitat of one of the few natural public gems in my neighborhood.

Thanks for your time,

--

Yeun-Bin Lee
1678 N Marengo Ave, Pasadena

Responses to Letter C81 – Yeun-Bin Lee

Response to Comment C81-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment requests that the Project be scaled back and expresses support for the alternative solution proposed by the Pasadena Sediment Working Group. Master Response 1 addresses this comment.

Letter C82 - Marietta Kruells

From: Marietta <mariettaemail@aol.com>
Sent: Monday, September 18, 2017 2:41 PM
To: DPW reservoircleanouts
Subject: Devil's Gate Sediment Removal Comments
Attachments: mk- 9.18.17 cover to big dig.docx; Devil's_Gate_DEIR_1.19.14_comments.PDF

Please submit my 9/18/17 letter along with my 1/19/14 original comment letter (which is a part of my 9/18/17 letter) as my current comments which are due today. Thanks,
Marietta Kruells

Marietta Krueels
835 West Mariposa Street
Altadena CA 91001
818-468-4239

1/19/2014

County of Los Angeles Department of Public Works Water Resources Division
Attn: Reservoir Cleanouts Program
P O Box 1460
Alhambra CA 91802-1460
reservoircleanouts@dpw.lacounty.gov

To Whom it may concern:

Having paid attention to the Devil's Gate Dam for some thirty years, I have, of course, actively watched the ever changing plans to conduct sediment removal since the 2009 Station Fire. The confusing part is why the number of cubic yards and affected acreage have consistently been increasing. In a quest for facts on the dam specifications with updated 1995-8 retrofit data, I have found this information missing. Other than the 1920 specs that are mentioned in this DEIR, I have been unable to locate this information nor the retrofit data. Google searches have led me to sites on the DPW's own website that are no longer available. And, this information is not available independently on the DPW's site. During 1995-8, there was a dam retrofit. The spillway was lowered and this may have been due in no small part to DPW's desire to forego maintenance and allow a greater sediment fill to remain. An intentional decrease in sediment removal lowers the size of the reservoir capacity and the fix was to lower the spillway and add additional tunnels to allow for quicker, immediate releases of storm water. DPW's choice to ignore the retrofit specifications and, instead, rely on the 1920 original dam spec's and a return to original 1920 "design capacity", is not acceptable. The retrofit design capacity, along with any potential flaw that further reduced that capacity must be used in order to arrive at the correct conclusions. Why has this been ignored?

It is because of this that I arrive at the flaws of the original "initial study" of this DEIR. The ever shifting amount of sediment removal necessary is highly questionable. This is proven out by DPW's own statements, documents and public comments as well as other governmental documents. I am attaching two such

C82-1

1

documents on which I am relying and am asking for responses to these in light of each and every premise contained within them and the DEIR. The first is the 3/18/2011 California Regional Water Quality Board (CRWQB)'s denial of a water quality certification of a 12/1/2010 application. The second is the Proposition 1E application for flood grant money for the Devils Gate and Eaton Stormwater Flood Management Project, of which, I am only attaching pertinent sections as is the document is very large and, obviously, you already have a complete copy of this application and its related attachments. For the record, the Eaton Canyon/Devils Gate diversion project was awarded \$28million.

My reliance on these documents and the information contained therein continues to bring into question the quantity of sediment to be removed and acreage to be disturbed and possible reasons why the magnitude continues to increase. Starting with the CRWQB's denial of the original request to remove 1.6million cubic yards of sediment within a 50 acre area, this denial also comes with a list of suggestions and all of this with the knowledge of the Station Fire's sediment issues. The denial reads "...we cannot conclude that impacts to water of the US have been appropriately avoided and minimized and that the project would not result in an unacceptable degradation of water quality..." The denial acknowledges the activities necessary to provide proper function of the flood control system in accordance with its "original" design which I would question (updated "retrofit" specs should be used). Although this denial calls out for alternatives and analysis, it also clearly states

"1) LACFCD shall identify cleanout alternatives sufficient to protect public safety other than "return to design capacity."...

2) LACFCD shall identify cleanout alternatives which would minimize the 50-acre impact and identify alternatives for phasing the project to minimize impacts over time ... LACFCD shall identify alternatives which include lesser initial volumes but repeated cleanouts over several periods including two years and five years...

The final analysis should include the rationale for the determination that the proposed project is the most appropriate design which meets project needs and that there are not other, more appropriate, project designs which avoid or minimize impacts to waterways while also meeting project needs..."

http://www.waterboards.ca.gov/losangeles/water_issues/programs/401_water_quality_certification/final_letters/Documents/2011/10-170DenialWQC.pdf

CRWQB's approvals must be met in order to obtain a CWA Section 401 certification. While it appears that this DEIR accomplishes requests made in CRWQB' denial letter, it ignores the basic demand - to look to reduce the amount of sediment to be removed, reduce acreage to be disturbed and space the project

out over time. The DEIR goes the opposite way ignoring the denial comment "... we cannot conclude that impacts to water of the US have been appropriately avoided and minimized and that the project would not result in an unacceptable degradation of water quality..." Instead of seeking to reduce sediment volume to be removed and acreage to be disturbed and using repeated cleanouts over several periods over years, this DEIR doubles down on all three. The base numbers of the DEIR are the ones contained in this Water Quality Certification application and denial. The DEIR ignores the requests of the CRWQB to reduce and instead the sediment removal volume ranges up to 250% of the application's 1.6million cubic yards to 4million, acreage ranges up 150% of the application's 50 acres to 125, and the request to have repeated cleanouts over several periods turns into nonstop, whenever sufficiently dry, don't stop 'til you drop cleanout. Why have these basic requests in this denial letter been ignored in the DEIR? Why did the DEIR instead go in direct opposition to all these suggestions? And, yet, the CRWQB's approval is still required as acknowledged under 2.8.2 of the DEIR.

The next document is the application for Proposition 1E grant money for the Devil's Gate and Eaton Stormwater Flood Management Project.

[http://www.water.ca.gov/irwm/grants/docs/Archives/Prop1E/Submitted_Applications/P1E_Round2_SWFM/Los%20Angeles%20County%20Flood%20Control%20District%20\(201243210009\)/Devil%20s%20Gate%20and%20Eaton%20Stormwater%20Flood%20Management%20Project%20Proposal.pdf](http://www.water.ca.gov/irwm/grants/docs/Archives/Prop1E/Submitted_Applications/P1E_Round2_SWFM/Los%20Angeles%20County%20Flood%20Control%20District%20(201243210009)/Devil%20s%20Gate%20and%20Eaton%20Stormwater%20Flood%20Management%20Project%20Proposal.pdf)

This grant application has 5 projects, the first 3 improve Eaton Spreading Grounds, #4 is the pipeline and pumps, and #5 is the 2,000,000 cubic yards of sediment to be removed from Devil's Gate Dam area. Clearly, Devil's Gate's sediment removal is a big part of this project.

[http://www.water.ca.gov/irwm/grants/docs/Archives/Prop1E/Submitted_Applications/P1E_Round2_SWFM/Los%20Angeles%20County%20Flood%20Control%20District%20\(201243210009\)/Attachment%203%20-%20Att3_SWF_WorkPlan_1of2.pdf](http://www.water.ca.gov/irwm/grants/docs/Archives/Prop1E/Submitted_Applications/P1E_Round2_SWFM/Los%20Angeles%20County%20Flood%20Control%20District%20(201243210009)/Attachment%203%20-%20Att3_SWF_WorkPlan_1of2.pdf)

As described in this document

(page 3-12) Devil's Gate Water Conservation

Based on the proposed future configuration of Devil's Gate Reservoir, an estimated 4,500 AF can be captured annually for water conservation by conveying it to the Eaton Wash Spreading Grounds (and possibly to Arroyo Seco Spreading Grounds in the future) for infiltration and recharge to the Raymond Basin.

Devil's Gate Reservoir area covers approximately 175 acres (0.27 square miles) and has a design storage capacity of 4,600 acre-feet (AF).

(page 3-14) Phase V: Devil's Gate Reservoir Sediment Removal and Management

C82-1
cont.

Removing 2 million cubic yards of sediment from the reservoir area by means of either trucking, sluicing, flow assisted sediment transport, or a combination thereof
Establishing a reservoir configuration more suitable for routine maintenance activities including sediment management

[http://www.water.ca.gov/irwm/grants/docs/Archives/Prop1E/Submitted_Applications/P1E_Round2_SWFM/Los%20Angeles%20County%20Flood%20Control%20District%20\(201243210009\)/Attachment%207%20-%20Att7_SWF_TechJust_1of2.pdf](http://www.water.ca.gov/irwm/grants/docs/Archives/Prop1E/Submitted_Applications/P1E_Round2_SWFM/Los%20Angeles%20County%20Flood%20Control%20District%20(201243210009)/Attachment%207%20-%20Att7_SWF_TechJust_1of2.pdf)

See page 8, second chart which clearly states: Measure of Benefit Claimed (Name of Units): Acre-Foot Per Year with project to be 4,500 ac ft.

It is very revealing as it states "based on the proposed future configuration of Devil's Gate Reservoir, an estimated 4,500 AF can be captured annually ... by conveying it to the Eaton Wash Spreading Grounds..." Clearly, the "proposed future configuration" is planning for the capture and storage of 4,500 AF of water (clearly only when storms generate this quantity). This water transfer not only requires storage in the Arroyo Seco, but a 30-36 inch 5 mile pipeline, several pumps along the way, a pump to be installed either at the upstream face of the dam or in an intake tunnel, and major improvements to the Eaton Spreading Grounds. The Eaton Spreading Grounds improvements have mostly been completed. The preferred pipeline route is mostly an easterly route following Woodbury Road, Lake Avenue and New York Drive. This will mainly affect Altadena residents, especially on New York which is an extremely narrow, residential street with high traffic volume. Unfortunately, the water benefit derived will benefit few, if any, Altadenans. While both areas, the Arroyo Seco and Eaton Wash, are in the Raymond Basin Aquifer, the Arroyo Seco/Hahamongna area is in the "Monk Hill" area of the Basin which serves at least one La Canada Flintridge water purveyor, 3 Altadena water purveyors and Pasadena. The Eaton Wash area of the Basin is in the "Pasadena Subarea" and may minimally serve Altadena through the Pasadena Water Department but most if not all the benefit will go to Pasadena. Allowing water to settle in the Monk Hill area will benefit all users and the entire Raymond Basin aquifer.

C82-1
cont.

So here is my premise and question:

Water transfers cannot occur during storm events. Eaton Canyon generates its own storm water which first must use the spreading grounds or be discharged. This can be several months each year. The Devil's Gate Dam area will have to store the water during these wet months and then continue to store the diminishing pond as water is transferred slowly to the Eaton Canyon Spreading Grounds. There is not

enough storage capacity at Eaton Canyon to hold this water. The water will be transferred slowly and allowed to percolate. So how much room does it take to store 4,500 AF of water? There are 1,613 cubic yards in an acre foot. $1,613 \text{ yds} \times 4,500 \text{ AF} = 7,258,500 \text{ cu yds}$. This is almost the size of the original design capacity of the 1920 dam, 7.4million cu yds (and this is born out in one of the above documents stating that it has a design storage capacity of 4,600 acre-feet). Interesting isn't it. What does this pond look like - spread over 50 acres, it would be 90 feet deep and over 100 acres it would be 45 feet deep. And, to prevent undermining of water on the sides, it would be a lot deeper if the ponds are earthen ponds and not concrete. This would be a huge, deep pond of water at its maximum and an equally large crater when dry. Due to the highly related nature of these two projects, the combined effects have not been sufficiently addressed or analyzed and have been largely hidden from the public. CEQA requires that these related projects' cumulative impacts be combined and studied together. Why has this not been handled as a combined project?

Why would DPW want to use the entire reservoir to hold water for diversion? Wouldn't having a large pond of water endanger flood control and take up the space and during a DDE would double the danger to the downstream area and the dam? How is this protecting the intent of Devil's Gate Dam flood control when it may, in fact, impede or heighten the flood danger? Would this additional load potentially compromise the integrity of the Dam using the 1995-8 retrofit specifications? Would this not increase the seismic safety issues? What other unintended consequences might this cause?

I do not deny that having water to replenish the aquifer is a noble cause. But, why, if it is safe to hold water in Devil's Gate Dam, would you want to transfer this water to Eaton Canyon? The percolation in both areas, the Arroyo Seco and Eaton Canyon, is similar. All Raymond Basin users would benefit if the water is allowed to recharge within the Arroyo Seco/Hahamongna area. Why would you want to spend \$10-15million dollars and disrupt the neighborhoods with a 5 mile pipeline?

Also, another California entity, California Department of Fish and Wildlife (CDFW), requires that a Section 1600 Streambed Alteration Agreement be obtained. These two California Departments will undoubtedly be coordinating documentation and relying on each other's comments. Why is this being ignored?

The third document of interest is the study by the United States Army Corp of Engineers (USACE) Arroyo Seco Watershed, Los Angeles County CA Feasibility

C82-1
cont.

Study. It is the Army Corp. from whom a Section 404 Permit must be obtained. And this, well publicized soon to be complete study is not even mentioned in the DEIR. This study of the Arroyo Seco Watershed continues to be an ongoing plan. See Congressman Adam Schiff's website:

<http://schiff.house.gov/s20091/schiff-secures-federal-funds-for-arroyo-seco/>

Congressman Schiff's website states:

The focus of the study is to address flood and stream management, habitat, water resources, and ecosystem restoration issues within this vital Southern California watershed. This funding will allow the Corps to conduct technical assessments of ecosystem restoration and watershed management programs to identify projects which will improve the management and conditions of the watershed. The Arroyo Seco Watershed Management Plan is a project supported and coordinated by the County of Los Angeles to develop a comprehensive, environmentally friendly approach to manage the Arroyo Seco Watershed.

Once again, this DEIR is looking for a one solution fix for an area with many stakeholders, including the Army Corp of Engineers. Would you explain how the DEIR alternatives fit in with the County's support of this Watershed Management Plan as underlined above?

Clearly, there are many other issues either not fully considered or entirely ignored within this DEIR. Undoubtedly, others will comment on these but I still would like to ask why the following items were not appropriately considered and would like these items individually addressed:

- Trail Closures – The only 2 east west trails will be closed during all construction hours and may be closed on off hours as well.
- JPL parking structure – This construction will cause the closure of the Arroyo Seco's western most trail between JPL's bridge and Rose Bowl Riders. When combined with the first bullet point, this completely closes off east west trail use in Hahamongna.
- Complete degradation and elimination of all plants and small animals within the construction area
- Air, Noise, and Visual Pollution much of which is ignored or not fully addressed or mitigated.

There is not enough time for me to go into all of the shortcomings and, while I will acknowledge the need for sediment removal now and in the future, I stand by the California Regional Water Quality Board's 3/18/2011 denial letter and their request that this project be reduced in both acreage affected and sediment removed

and that the project be spread out over time of 2-5 years removing much smaller amounts of sediment. Why would this not be the preferred alternative?

**C82-1
cont.**

I will look forward to your responses to all my comments and questions.

Sincerely,



Marietta Kruells

Cc:

LA County Board of Supervisors

Pasadena City Council

Michael Beck, Pasadena City Manager

Arroyo Seco Foundation

Pasadena Audubon Society

California Department of Fish and Game

U.S. Forest Service

Tony Zampielo, Raymond Basin Management District

Chris Holden, State Assembly Member

California Regional Water Quality Board



**California Regional Water Quality Control Board
Los Angeles Region**



Linda S. Adams
*Acting Secretary for
Environmental Protection*

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Edmund G. Brown J
Governor

March 18, 2011

Mr. Christopher Stone
Los Angeles County Flood Control District
900 S. Fremont Ave.
Alhambra, California 91803

**DENIAL WITHOUT PREJUDICE OF WATER QUALITY CERTIFICATION FOR
PROPOSED DEVIL'S GATE DAM AND RESERVOIR SEDIMENT REMOVAL
PROJECT (Corps' Project No. 2010-01122-CO), ARROYO SECO, CITY OF PASADENA,
LOS ANGELES COUNTY (File No. 10-170)**

Dear Mr. Stone:

On December 1, 2010, the Los Angeles Regional Water Quality Control Board (Regional Board) received an application for a Clean Water Act (CWA) Section 401 Water Quality Certification of the proposed Devil's Gate Dam and Reservoir sediment removal project (Devil's Gate Project) from the Los Angeles County Flood Control District (LACFCD). On December 13, 2010, Regional Board staff, Valerie Carrillo, and LACFCD staff conducted a joint inspection of the project site. The Regional Board sent a request for more information (RFI) for the proposed project application on December 14, 2010 and a response to the RFI was sent by LACFCD dated December 30, 2010. In addition, we have received a revised 'Avoidance and Minimization' Figure dated February 24, 2011.

At this time, we are unable to issue the Certification for the Devil's Gate Project, as proposed, because we cannot conclude that impacts to waters of the United States have been appropriately avoided and minimized and that the project would not result in an unacceptable degradation of water quality. Therefore, I hereby deny your application without prejudice pursuant to §3859(d) of Title 23 of the California Code of Regulations (23 CCR) because it is inadequate.

As described in the application for the proposed Devil's Gate Project and in the response to the RFI, LACFCD is proposing to remove 1.6 million cubic yards of sediment, vegetation and debris from a 50-acre area within the Devil's Gate Reservoir, in the City of Pasadena. The application and supporting documents indicate that the sediment removal activities are required to provide proper function of the flood control system in accordance with its original design in order to protect public safety. The 2009 Station Fires caused significant erosion and contributed significant sediment loading within the Devil's Gate Reservoir basin and resulted in diminished

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations

Christopher Stone
Los Angeles County Flood Control District

- 2 -

March 18, 2011

flood control capacity. Additional considerations associated with required sediment removal activities include limited capacity at sediment placement sites; truck traffic; and potential environmental impacts of maintenance projects.

In our review of your application and the additional materials, we do not find that the potential significant impacts have been minimized to the fullest degree possible and we do not find an analysis of alternatives, which should include alternatives in terms the overall size of the project (the volume of materials to be removed and the acreage impacted) and the timing and staging of the impact. Alternatives need to be identified and adequately analyzed for a project, such as the one proposed, to proceed. Mitigation for unavoidable impacts can be considered when the most appropriate alternative has been identified.

Before a CWA Section 401 Certification can be issued for the proposed Devil's Gate Project, you must demonstrate that appropriate alternatives, in terms of the amount of material to be removed and in terms of the timing or phasing of the removal of materials, were considered. These alternatives should include as a minimum:

1) LACFCD shall identify cleanout alternatives sufficient to protect public safety other than 'return to design capacity.'

LACFCD has proposed a "total cleanout" to bring the project back to its original design contours which were developed when the reservoir was constructed. Based on past cleanout history for this basin, LACFCD has removed sediment from the reservoir in this manner approximately every ten to fifteen years and then the reservoir has been allowed to fill and provide riparian habitat.

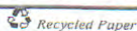
We anticipate that the 'total cleanout' alternative will then permit LACFD to not conduct work in this basin for the next ten to fifteen years. The Regional Board is not aware of other plans for the long-term maintenance of this basin.

LACFCD shall identify the immediate, public safety, capacity need which allows proper function of the flood control system and the corresponding sediment removal need. With this basis, LACFCD shall then develop an alternative(s) for this amount of sediment removal. Alternatives may include a long-term maintenance plan or only the short-term plan allowing for the long-term plan to be developed at a later date.

2) LACFCD shall identify cleanout alternatives which would minimize the 50-acre impact and identify alternatives for phasing the project to minimize impacts over time.

Given a 1.6 million cubic yards removal and the associated 50 acres of habitat loss (or other amount as identified, above), LACFD shall identify alternatives which include lesser initial

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Christopher Stone
Los Angeles County Flood Control District

- 3 -

March 18, 2011

volumes but repeated cleanouts over several periods including two years and five years. LACFCD shall analyze these alternatives for cumulative impacts to habitat and affected species using the habitat.

When considering the alternatives, the evaluations should analyze all significant impacts including the potential environmental impacts including permanent or temporary loss of habitat, and potential for erosion. **The final analysis should include the rationale for the determination that the proposed project is the most appropriate design for this project which meets project needs and that there are not other, more appropriate, project designs which avoid or minimize impacts to waterways while also meeting project needs.**

In addition, as acknowledged in your letter of December 30, 2010, the issuance of a CWA Section 401 certification will await complete fees, final CEQA determination, and a detailed compensatory mitigation plan,

You may choose to revise or submit any pertinent updated information in the future. Additional fees may be required, pursuant to 23 CCR §3833(4), if the revised application is not filed within twelve months of the date of this action; the revised application does not correct the procedural problems which led to this denial without prejudice; or the project has changed significantly in scope or its potential for adverse impact.

We remain committed to working with LACFCD to develop the best short-term and long-term plans for this Dam and Reservoir, and for the other reservoirs in this region.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 576-6759 or LB Nye at (213) 576-6785.

Sincerely,



Samuel Unger, P.E.
Executive Officer

cc:

Michael D. Antonovich, Los Angeles County Supervisor
Bill Orme, State Water Resources Control Board
Eric Raffini, US Environmental Protection Agency
Cherry Oo (File No. 2010-00833-CO), US Army Corps of Engineers
Sarah Rains, California Department of Fish and Game
Kelly Schmoker, California Department of Fish and Game

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Proposal Full View

Applicant Information

Organization Name: Los Angeles County Flood Control District *
 Tax ID: 95600092
 Proposal Name: Devil's Gate and Eaton Stormwater Flood Management Project
 Proposal Objective: The Project will improve District facilities to better manage stormwater runoff from the Arroyo Seco and Eaton Wash watersheds and achieve the following goals: 1) reduce the likelihood and extent of flood damage to downstream communities, 2) increase recharge into the local groundwater basin and, 3) improve public safety by remediating seismic safety issues. *

Budget

Other Contribution	\$0.00
Local Contribution	\$49,757,651.00
Federal Contribution	\$0.00
Inkind Contribution	\$0.00
Amount Requested	\$30,000,000.00 *
Total Project Cost	\$79,757,651.00 *

Geographic Information

Latitude * DD(+/-) 34 MM 10 SS 40
 Longitude * DD(+/-) 118 MM 7 SS 55

Longitude/Latitude Clarification: Location: Lake Avenue and E Woodbury Road in Altadena, CA
 County: Los Angeles *
 Ground Water Basin: Raymond
 Hydrologic Region: South Coast
 Watershed: Los Angeles River

Legislative Information

Assembly District: 41st Assembly District *
 Senate District: 25th Senate District *
 US Congressional District: District 27 (CA) *

Project Information

Project Name: Devil's Gate and Eaton Stormwater Flood Mana

Implementing Organization	Los Angeles County Flood Control District
Secondary Implementing Organization	Not Applicable
Proposed Start Date	6/1/2009
Proposed End Date	6/2/2025
Project Scope	The Project will improve District facilities to better manage stormwater runoff from the Arroyo Seco & Eaton Wash watersheds
Project Description	The Devil's Gate and Eaton Stormwater Flood Management Project (Project) includes improvement of three existing Los Angeles County Flood Control District facilities and the construction of a new interconnecting pipeline. The existing facilities are the Devil's Gate Dam and Reservoir located within the Arroyo Seco Watershed; and the Eaton Wash Dam, and the Eaton Wash Spreading Grounds located within the Eaton Wash watershed. These facilities, which are operated and maintained by the Los Angeles County Flood Control District (District), serve to control the stormwater runoff from their respective watersheds to prevent downstream flood damage. The facilities within the Eaton Wash watershed also serve to conserve the captured stormwater by recharging it into the underlying Raymond Groundwater Basin (Raymond Basin). The Devil's Gate Dam and Reservoir currently has no associated facilities to conserve captured stormwater. Proposed improvements include restoring reservoir capacity at Devil's Gate Reservoir by removing sediment; Improving seismic performance and operational capabilities, and constructing a new toe drain and erosion protection measures at Eaton Wash Dam; and enlarging and enhancing operations of the Eaton Wash Spreading Grounds. The proposed pipeline will provide a connection from the Devil's Gate Dam and Reservoir to the Eaton Wash facilities to enable conservation of stormwater captured at the Devil's Gate Dam and Reservoir.

The Project will improve District facilities to better manage stormwater runoff from

Project Objective	the Arroyo Seco and Eaton Wash watersheds and achieve the following goals: 1) reduce the likelihood and extent of flood damage to downstream communities, 2) increase recharge into the local groundwater basin and, 3) improve public safety by remediating seismic safety issues.
-------------------	---

Project Benefits Information

Project Objective

Budget

Other Contribution	0
Local Contribution	49757651
Federal Contribution	0
Inkind Contribution	0
Amount Requested	30000000
Total Project Cost	79757651

Geographic Information

Latitude DD(+/-)	34	MM 10	SS 40	
Longitude DD(+/-)	-118	MM 7	SS 55	
Longitude/Latitude Clarification		Location		Lake Avenue and E Woodb
County Los Angeles Ground Water Basin Raymond Hydrologic Region South Coast WaterShed Los Angeles River				

Legislative Information

Assembly District	41st Assembly District
Senate District	25th Senate District
US Congressional District	District 27 (CA)

Section : Applicant Information Question Tab

APPLICANT INFORMATION QUESTION TAB

Q1. PROPOSAL DESCRIPTION

Provide a brief abstract of the Proposal, including a listing of individual project titles.

The Devil's Gate and Eaton Stormwater Flood Management Project (Project) includes improvement of three existing Los Angeles County Flood Control District facilities and construction of a new interconnecting pipeline. The existing facilities are the Devil's Gate Dam and Reservoir located within the Arroyo Seco Watershed; and the Eaton Wa Dam, and the Eaton Wash Spreading Grounds located within the Eaton Wash watershed. These facilities, which are operated and maintained by the Los Angeles County Flo Control District (District), serve to control the stormwater runoff from their respective watersheds to prevent downstream flood damage. The facilities within the Eaton Wa watershed also serve to conserve the captured stormwater by recharging it into the underlying Raymond Groundwater Basin (Raymond Basin). The Devil's Gate Dam and Reservoir currently has no associated facilities to conserve captured stormwater. Proposed improvements include restoring reservoir capacity at Devil's Gate Reservoir by removing sediment; improving seismic performance and operational capabilities, and constructing a new toe drain and erosion protection measures at Eaton Wash Dam; an enlarging and enhancing operations of the Eaton Wash Spreading Grounds. The proposed pipeline will provide a connection from the Devil's Gate Dam and Reservoir to the E Wash facilities to enable conservation of stormwater captured at the Devil's Gate Dam and Reservoir. The project is broken down into the following phases: - Phase I, Eaton W Spreading Grounds Improvements - Phase II, Eaton Wash Dam Rehabilitation Project - Phase III, Eaton Wash Spreading Grounds Intake Improvement and Basin Enlargeme Phase IV, Devil's Gate Water Conservation - Phase V, Devil's Gate Reservoir Sediment Removal and Management

Q2. PROJECT DIRECTOR

Provide the name and details of the person responsible for executing the grant agreement for the applicant. Persons that are subcontractors to be paid by the grant cannot be listed as the Project Director.

Gail Farber, Chief Engineer, (626)458-4002, GFARBER@dpw.lacounty.gov

Q3. PROJECT MANAGEMENT

Provide the name and contact information (including email) of the Project Manager from the applicant agency or organization that will be the day-to-day contact on this application.

Alma Fuentes, Civil Engineer, (626)458-6158, AFUENTES@dpw.lacounty.gov

Q4. APPLICANT INFORMATION

Provide the agency name, address, city, state and zip code of the applicant submitting the application. Also provide the name and contact information of the person filling out the online application.

Los Angeles County Flood Control District, 900 South Fremont Avenue, Alhambra, CA 91803-1331

Q5. ADDITIONAL INFORMATION

Provide the IRWM funding area(s) in which projects are located.

<http://www.water.ca.gov/irwm/grants/fundingarea.cfm>

The Project is located in the Los Angeles-Ventura Funding Area

Q6. RESPONSIBLE REGIONAL WATER QUALITY CONTROL BOARD(S)

List the name of the Regional Water Quality Control Board (RWQCB) in which your proposal is located. For a region that extends beyond more than one RWQCB boundary, list the name of each Board.

http://www.waterboards.ca.gov/waterboards_map.shtml

Los Angeles Regional Water Quality Control Board

Q7. ELIGIBILITY

Is the application from an IRWM region approved in the Region Acceptance Process (RAP)? To verify, see RAP website: <http://www.water.ca.gov/irwm/grants/rap.cfm>. If yes, include the name of the IRWM region. If not, explain.

Yes, this application is submitted by an agency which is part of the approved Greater Los Angeles County Region.

Q8. ELIGIBILITY

Please specify whether the applicant is a local public agency or non-profit organization as defined in Appendix B of the 2012 Guidelines.

Yes, the applicant is a local public agency.

Q9. ELIGIBILITY

List the urban water suppliers that will receive funding from the proposed grant. Please provide the agency name, a contact phone number and e-mail address. Those listed must submit self certification of compliance with CWC §525 et seq. and AB 1420, see Attachment 10. If there are none, so indicate and answer "NA" for Q10 and Q11.

The applicant is not an urban water supplier and the funding will not be received by any urban water suppliers.

Q10. ELIGIBILITY

Have all of the urban water suppliers, listed in Q9 above, submitted complete Urban Water Management Plans (UWMPs) to DWR? Have those plans been verified as complete by DWR? If not, explain and provide the anticipated date for having a complete plan. Answer "NA" if no urban water supplier identified in Q9 above.

Not applicable.

Q11. ELIGIBILITY

Have any urban water suppliers listed in Q9 recently submitted AB 1420 compliance tables and supporting documentation to DWR for a different grant program on or after November 1, 2012? If so, please list the urban water supplier and the grant program. An urban water supplier must submit AB 1420 compliance documentation to DWR. If the urban water supplier has not submitted AB 1420 documentation, or that documentation was determined to be incomplete by DWR, the urban water supplier's projects will not be considered eligible for grant funding. Refer to Section III.B of the 2012 Guidelines for additional information.

Answer "NA" if no urban water supplier identified in Q9 above.

Not applicable.

Q12. ELIGIBILITY

Does the Proposal include any groundwater projects or other projects that directly affect groundwater levels or quality? If so, provide the name(s) of the project(s) and list the agency(ies) that will implement the project(s).

Answer "NA" if the Proposal does not include groundwater projects or other projects that directly affect groundwater levels or quality.

Yes, all components of the proposed project will allow the Los Angeles County Flood Control District to increase the amount of water conserved and recharged into the Raymond Basin by over 4,100 acre feet per year. The Los Angeles County Flood Control District will implement the Project.

Q13. ELIGIBILITY

For the agency(ies) listed in Q12, how has the agency complied with CWC §10753 regarding Groundwater Management Plans (GWMPs), as described in Section III.B of the 2012 Guidelines?

Answer "NA" if the Proposal does not include groundwater projects or other projects that directly affect groundwater levels or quality.

Raymond Basin is an adjudicated groundwater basin which is governed by the judgment dated February 22, 1984. See Attachment 10 for a copy of the judgment.

Q14. ELIGIBILITY

List the agricultural water suppliers that will receive funding from the proposed grant. Please provide the agency/organization name, a contact phone number and e-mail address. If there are none, so indicate and answer "NA" for Q15.

No agricultural water suppliers will receive any funding awarded to this grant proposal.

Q15. ELIGIBILITY

Have all of the agricultural water suppliers, listed in Q14 above, submitted complete Agricultural Water Management Plan to DWR? Have those plans been verified as complete by DWR? If the plan has not been submitted, please indicate the anticipated submittal date. Answer "NA" if no agricultural water suppliers were identified in Q14 above.

li bl

Q16. ELIGIBILITY

List the surface water diverters that will receive funding from the proposed grant. Please provide the agency/organization name, a contact phone number and e-mail address. If there are none, so indicate and answer "NA" for Q17 below.

No surface water diverters will receive any funding awarded to this grant proposal.

Q17. ELIGIBILITY

Have all of the surface water diverters, listed in Q16 above, submitted surface water diversion reports in compliance with requirements outlined in Part 5.1 (commencing with §5100) of Division 2 of the CWC? If not, explain and provide the anticipated date for meeting the requirements. Answer "NA" if no surface water diverters identified in Q16 above.

Not applicable.

Q18. ELIGIBILITY

List the groundwater users that will receive funding from the proposed grant. Please provide the agency/organization name, a contact phone number and e-mail address. If there are none, so indicate and answer "NA" to Q19.

No groundwater users will receive any funding awarded to this grant proposal.

Q19. ELIGIBILITY

Have all of the groundwater users, listed in Q18 above, met the requirements of DWR's CASGEM Program: <http://www.water.ca.gov/groundwater/casgem/>? If not, explain and provide the anticipated date for meeting the requirements. Answer "NA" if no groundwater users were identified in Q18 above.

Not applicable.

Section : Application Attachments Tab

APPLICATION ATTACHMENTS TAB

ATTACHMENT 1: AUTHORIZATION AND ELIGIBILITY REQUIREMENTS

Upload Authorization and Eligibility documentation here. Ensure file name is consistent with Section V of the Stormwater Flood Management PSP.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 character.

Last Uploaded Attachments: Att1_SWF_Eligible_1of1.pdf

Upload additional Authorization and Eligibility documentation here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 character.

ATTACHMENT 2: PROOF OF FORMAL ADOPTION

Upload Proof of Formal Adoption documentation here. Ensure file name is consistent with Section V of the Stormwater Flood Management PSP.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 character.

Last Uploaded Attachments: Att2_SWF_Adopt_1of1.pdf

Upload additional Proof of Formal Adoption documentation here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 character.

Upload additional Proof of Formal Adoption documentation here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 character.

ATTACHMENT 3: WORK PLAN

Upload the Work Plan here. Ensure file name is consistent with Section V of the Stormwater Flood Management PSP.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 character.

Last Uploaded Attachments: Att3_SWF_WorkPlan_1of2.pdf

Upload additional work plan components here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 character.

Last Uploaded Attachments: Att3_SWF_WorkPlan_2of2.pdf

Upload additional work plan components here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.

Upload additional work plan components here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 character.

ATTACHMENT 4: BUDGET

Upload the Budget documents here. Ensure file name is consistent with Section V of the Stormwater Flood Management PSP.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 character.

Last Uploaded Attachments: Att4_SWF_Budget_1of2.pdf

Upload additional budget components here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 character.

Last Uploaded Attachments: Att4_SWF_Budget_2of2.pdf

Upload additional budget components here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 character.

Upload additional budget components here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 character.

ATTACHMENT 5: SCHEDULE

Upload the Schedule here. Ensure file name is consistent with Section V of the Stormwater Flood Management PSP.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.

Last Uploaded Attachments: Att5_SWF_Schedule_1of1.pdf

Upload additional schedule components here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.

Upload additional schedule components here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.

ATTACHMENT 6: MONITORING, ASSESSMENT, AND PERFORMANCE MEASURES

Upload Monitoring, Assessment, and Performance Measures here. Ensure file name is consistent with Section V of the Stormwater Flood Management PSP.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.

Last Uploaded Attachments: Att6_SWF_Measures_1of1.pdf

Upload additional Monitoring, Assessment, and Performance Measures here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.

Upload additional Monitoring, Assessment, and Performance Measures here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.

ATTACHMENT 7: TECHNICAL JUSTIFICATION OF PROJECTS

Upload Technical Justification of Projects here. Ensure file name is consistent with Section V of the Stormwater Flood Management PSP.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.

Last Uploaded Attachments: Att7_SWF_TechJust_1of2.pdf

Upload additional Technical Justification of Projects here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.

Last Uploaded Attachments: Att7_SWF_TechJust_2of2.pdf

Upload additional Technical Justification of Projects here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.

ATTACHMENT 8: BENEFITS AND COST ANALYSIS

Upload Benefits and Cost Analysis here. Ensure file name is consistent with Section V of the Stormwater Flood Management PSP.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.
Last Uploaded Attachments: Att8_SWF_BenCost_1of2.pdf

Upload additional Benefits and Cost Analysis documentation here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.

Last Uploaded Attachments: Att8_SWF_BenCost_2of2.pdf

Upload additional Benefits and Cost Analysis documentation here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.

ATTACHMENT 9: PROGRAM PREFERENCES

Upload Program Preference documentation here. Ensure file name is consistent with Section V of the Stormwater Flood Management PSP.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.
Last Uploaded Attachments: Att9_SWF_Preference_1of1.pdf

Upload additional Program Preference documentation here, if necessary.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.

ATTACHMENT 10: GWMP, AB 1420, AND WATER METER COMPLIANCE INFORMATION

If your proposal does not include 1) a groundwater project or a project that directly affects groundwater levels or quality, or 2) an urban water supplier who would receive grant funding, you MUST still upload a document that indicates this attachment is not applicable to your proposal. If the upload field to this attachment is left blank, your proposal cannot be saved or completed.

Upload GWMP, AB 1420, and Water Meter Compliance documents here. Ensure file name is consistent with Section V of the Stormwater Flood Management PSP.

Max file size: 50 MB per file. Up to five files can be uploaded to this upload field. Max file name: 50 characters.

Last Uploaded Attachments: Att10_SWF_SelfCert_1of1.pdf

Devil's Gate and Eaton

Stormwater Flood Management Project

and lower watersheds of the Arroyo Seco Channel and provides significant storage capacity for stormwater runoff originating from approximately 20,416 acres (31.9 square miles) of mostly undeveloped land north in the San Gabriel Mountains. The Raymond Basin underlies the dam and reservoir area.

Devil's Gate Reservoir area covers approximately 175 acres (0.27 square miles) and has a design storage capacity of 4,600 acre-feet (AF). Devil's Gate Dam is a Concrete Gravity Arch Structure. It is 100 feet high, 310 feet long, and 30 feet wide at its crest and 99 feet wide at its buttress. The dam is under the jurisdiction of the California Department of Water Resources Division of Safety of Dams (DSOD).

Completed in 1920, the Devil's Gate Dam and Reservoir facility was the first flood control facility built by the Los Angeles County Flood Control District to provide flood protection to the Cities of Pasadena, South Pasadena, and Los Angeles. It continues to serve this function today by capturing sediment washed into the reservoir by storm flows, attenuating storm flows, and subsequently controlling water releases to the downstream Arroyo Seco Channel. The Dam protects an inundation area of 1,783 acres including 3,590 parcels, and 10.3 million square-feet of structures. Downstream of Devil's Gate Dam, the lower half of the Arroyo Seco watershed is distinctly different from the upper watershed. The stream is mostly channelized downstream and the watershed is highly urbanized.

Eaton Wash Dam and Reservoir

Eaton Wash Dam and Reservoir is a stormwater and flood management facility located in the City of Pasadena, approximately 15 miles northeast of downtown Los Angeles. The dam separates the upper and lower watersheds of Eaton Wash and provides significant storage capacity for stormwater runoff originating from a drainage area of 7,949 acres (12.4 square miles) of mostly undeveloped land in the upstream San Gabriel Mountains. The Raymond Basin underlies the dam and reservoir area.

Eaton Wash Reservoir has a capacity of 956 AF. Eaton Wash Dam is an Earthfilled Structure with a clay core. The dam is 62 feet high, 1,525 feet long, has a bottom width of 375 feet and a crest width of 15 feet. The dam is under the jurisdiction of DSOD. The Sierra Madre (0.5 miles to the northeast), Raymond Hill (3 miles to the southeast), and San Andreas (21 miles to the northeast) fault zones are all possible sources of seismic activity that could affect Eaton Wash Dam. The dam protects and inundation area of 828 acres including 1,791 parcels, and 8.8 million square-feet of structures.

The United States Army Corps of Engineers finished construction on Eaton Wash Dam in 1937 and ownership of the dam was subsequently transferred to the District. The facility was constructed to provide debris storage, flood control, and water conservation. It continues to

Devil's Gate and Eaton

Work Plan

Stormwater Flood Management Project

intake gates are closed, the water continues through the drop inlet until it ends and then the water flows back into the main wash.

To aid the water diversion into the Spreading Grounds, Flood Maintenance Staff do two things within the wash. First, they place sandbags across the vehicle access slab. This blocks water from flowing across the slab and instead causes it to drop into the inlet channel. Second, they place wooden flashboards across the drop inlet channel, just downstream of the Spreading Grounds intake gates to block water from continuing to the end of the drop inlet. This forces the water to flow into the Spreading Grounds intake gates. The sandbags and flashboards cannot adequately divert flows up to 125 cfs.

Second, the original design of the Spreading Grounds includes a levee (and sewer line) between Basins No. 1 and No. 2. There is significant seepage through the levee from one large basin to the other. Because of this, the inflow into the basins must be constricted and monitored carefully to avoid levee failure.

Third, a corrugated metal pipe that conveys flow from the intake canal to the shallow basins south of Sierra Madre Avenue was heavily damaged and no longer conveys flows to shallow Basins No. 4 through 14. The loss of use of Basins 4 through 14 also limits available storage capacity.

A recent study determined that addressing the three problems indicated would significantly increase overall groundwater recharge based on historical releases from Eaton Dam.

Project List

The Devil's Gate and Eaton Stormwater Flood Management Project is the sole Project being submitted with this proposal. The Project has multiple components that satisfy the program eligibility requirements of the Proposition 1E grant and will meet the goals discussed previously. While each component on its own provides benefits, it is through their linkages and synergies that the benefits are optimized to meet the overall goals and objectives. The Project will be constructed in phases. The following information describes the status of each of the Project's components.

Devil's Gate Reservoir

To restore reservoir capacity to address the post-Station Fire sediment impacts at Devil's Gate Dam, the Devil's Gate Reservoir Sediment Removal and Management Project will remove an estimated 2,000,000 cubic yards of sediment from the reservoir. This will reduce the level of flood risk to downstream communities along the Arroyo Seco. Removal of sediment will enable the reservoir to capture future sediment inflows and attenuate major storm inflows

Devil's Gate and Eaton

Work Plan

Stormwater Flood Management Project

The Devil's Gate Reservoir Sediment Removal and Management Project will also establish a reservoir configuration that will be more suitable for future routine maintenance activities including sediment management. This will enable the timely removal of sediment in locations, such as those near the dam's valves that are critical to dam safety.

Devil's Gate Water Conservation

Based on the proposed future configuration of Devil's Gate Reservoir, an estimated 4,500 AF can be captured annually for water conservation by conveying it to the Eaton Wash Spreading Grounds (and possibly to Arroyo Seco Spreading Grounds in the future) for infiltration and recharge to the Raymond Basin.

This proposed Project element includes installing a pump house and intake on the upstream face of Devil's Gate Dam and an outlet in Eaton Wash. Approximately 5 miles of pipeline will be installed through the City of Pasadena and County Unincorporated road rights-of-way. The pipeline will allow water to be directed from the Devil's Gate Reservoir where no downstream recharge facilities exist, to the Eaton Wash Spreading Grounds for conservation. A split valve connected to the pump will also allow for a possible future connection to the upstream Arroyo Seco Spreading Grounds. The Arroyo Seco Spreading Grounds, owned and operated by the City of Pasadena capture limited runoff from the upper Arroyo Seco above the dam, but cannot currently utilize water captured at the dam. All of the facilities in this region recharge the Raymond Basin. This proposed Project element will increase local groundwater supplies in the Raymond Basin and reduce the region's reliance on water imports, without compromising flood control functions of the dams.

Eaton Wash Dam

Remediation of the seismic deficiencies will be completed through the Eaton Wash Dam and Reservoir Rehabilitation Element. This will consist of removing the existing seismically deficient outlet tower, gate control house, trashrack, and the metal footbridge. Once these major components are removed, rehabilitation of the outlet gates, replacement of the debris racks, addition of a hydraulic power system with a shelter building and control systems, and structural modification of the outlet works will be completed. The dam embankment will be improved by installation of erosion protection measures on the downstream face. Also, the risk of a piping failure of the embankment will be reduced by the construction of a toe drain on the downstream face.

Additionally, this Project will improve the water quality of water conservation releases from the dam by constructing a concrete apron from the gate intakes to the upstream wing walls and fifty-feet of rip-rap stone to provide erosion protection. One of the four outlet gates will be sized to match the Spreading Grounds intake capacity and will be raised to take flow from a higher elevation within the reservoir that would be less turbid.

**Devil's Gate and Eaton
Stormwater Flood Management Project**

Status

The following is a table of the specific Project components that are included in this Proposal. The table includes abstracts of each Project component, the current status of each Project component's percent completion of design, and the implementing agency:

Project Component	Abstract	Status (% Design Completion)	Implementing Agency
<u>Phase I</u> Eaton Wash Spreading Grounds Improvements	Combine spreading basins, repair pipeline, construct interbasin structures	100	District
<u>Phase II</u> Eaton Wash Dam Rehabilitation Project	Seismic remediation and mechanical and control systems upgrades	100	District
<u>Phase III</u> Eaton Wash Spreading Grounds Intake Improvement and Basin Enlargement	Replace diversion structure from channel, expand spreading basin, install landscaping improvements	100	District
<u>Phase IV</u> Devil's Gate Water Conservation	Construction of a pump and pipeline from Devil's Gate Dam to Eaton Wash	30	District
<u>Phase V</u> Devil's Gate Reservoir Sediment Removal and Management	Removal of 2 million cubic yards of sediment, establishment of reservoir configuration	30	District

Devil's Gate and Eaton

Technical Justification

Stormwater Flood Management Project

Project Name: <u>Phase III-Eaton Wash Spreading Grounds Intake Improvement and Basin Enlargement</u>			
Measure of Benefit Claimed (Name of Units): Acre-Foot Per Year			
Additional Information About this Measure: Flows are based on a high-rainfall year expected to occur 1 in 10 years			
(a)	(b)	(c)	(d)
Physical Benefits			
Measure of Benefit Claimed	Without Project	With Project	Change Resulting from Project (b) – (c)
Flow in Eaton Wash Flood Control Channel	5893	5793	100



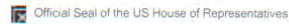
Project Name: <u>Phase IV- Devil's Gate Water Conservation</u>			
Measure of Benefit Claimed (Name of Units): Acre-Foot Per Year			
Additional Information About this Measure: Flows are based on an average rainfall year			
(a)	(b)	(c)	(d)
Physical Benefits			
Measure of Benefit Claimed	Without Project	With Project	Change Resulting from Project (b) – (c)
Flow in Arroyo Seco Flood Control Channel	6900	2400	4500

Water Supply

The Project will maximize conservation of local ground water resources. In addition to providing a local sustainable groundwater supply, this will generate cost savings through avoided purchase of imported water. Attachment 8 has additional information regarding the cost savings. The following table lists the quantity of additional groundwater the Project can supply on a yearly average basis. The following tables list the quantity of additional groundwater that each phase will conserve during an average rainfall year. This was determined by modeling each component's proposed attributes with historical stream flow/dam release data. The stream flow data is in **Appendix 7-B**.

Schiff Secures Federal Funds for Arroyo Seco

October 1, 2009



Thursday, October 01, 2009

Contact: Sean Oblack (202) 225-4176

SCHIFF SECURES FEDERAL FUNDS FOR ARROYO SECO

Washington, D.C. – Today, the House passed the Energy and Water Appropriations Act, which included federal funds secured by Rep. Adam Schiff for the Arroyo Seco. The bill allocates \$224,000 to allow the Army Corps of Engineers to complete a Watershed Management Plan Feasibility Study.

"Restoration and conservation of our scarce open spaces is vitally important to ensuring a good quality of life," Schiff said. "This funding will help ensure that the Arroyo Seco returns to its natural state – an environmental gem. Once it's restored, it will provide enjoyable open space and recreation areas for generations to come."

The focus of the study is to address flood and stream management, habitat, water resources, and ecosystem restoration issues within this vital Southern California watershed. This funding will allow the Corps to conduct technical assessments of ecosystem restoration and watershed management programs to identify projects which will improve the management and conditions of the watershed.

The Arroyo Seco Watershed Management Plan is a project supported and coordinated by the County of Los Angeles to develop a comprehensive, environmentally friendly approach to manage the Arroyo Seco Watershed. The project is supported by the Arroyo Seco Foundation, North East Trees, the California Coastal Conservancy, the Mountains Recreation and Conservation Authority, and the cities in the watershed.

<http://schiff.house.gov/s20091/schiff-secures-federal-funds-for-arroyo-seco/>

1/19/2014

Marietta Kruehls
835 W Mariposa St.
Altadena CA 91001
818-468-4239

9/18/2017

County of Los Angeles Department of Public Works Water Resources Division
Attn: Reservoir Cleanouts Program
P O Box 1460
Alhambra CA 91802-1460

Sent via email: reservoircleanouts@dpw.lacounty.org

To whom it may concern:

Attached to this cover letter is my 1/19/14 original submittal to the DEIR. This document is part of this cover letter. It is unfortunate that DPW chooses to ignore the true science and facts that negate many of the assumptions used in generating the project both in its planning state and in its "ill-approved" final project. I could take time, once again, out of my life to regurgitate the failures of the Big Dig but have instead decided to resubmit my 1/19/14 letter with the request that it be honestly considered and appropriately addressed. This has NOT been done as is the case with numerous comment letters that were also ignored and improperly address.

C82-2

Further, the ongoing refusal of the DPW to consider the cumulative impacts of the Devil's Gate Eaton Water transfer ("transfer") have made the entire CEQA process a scam. It is undeniable that the bloated amount of sediment to be removed is directly tied to the need "to remove 2 million cu yds of sediment in order to create a reservoir" and that this is one of 5 related projects contained in the application for California grant money for the purpose of the "transfer." As time progresses, it seems less and less likely that this water transfer plan will ever be completed. However, the scar of the "transfer" reservoir in Hahamongna will remain. And this scar actually will be played out in the *DEATH BY A THOUSAND CUTS* which is directly related to the unnecessarily bloated size of the final approved project:

C82-3

- Doubling or tripling the amount of sediment to be removed –
 - Added dust pollution
 - Added truck trips creating more diesel particulates
 - More habitat destruction to both animals and plants
 - Further compaction of the natural soils preventing necessary aquifer replenishment
 - Removal of acreage from public enjoyment
 - Increased truck travel increases traffic load
 - Air pollution to all nearby including concentrated children due to the proximity of many schools and local parks
 - Further water degradation

I would like to know how the DPW can justify the increased sediment removal beyond what is necessary to the proper operation of the dam in light of each of the issues contained in this cover comment letter as well as my original submission on 1/19/14.

C82-4

Sincerely,
Marietta Kruehls

Responses to Letter C82 – Marietta Kruells

Response to Comment C82-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment includes previous comments submitted in response to the Draft EIR on 1/19/2014. The commenter's letter is dated January 19, 2014 and therefore does not address the RFEIR. Indeed, the letter expressly states that it is providing comments on the original initial study of the Draft EIR. Any such comments are outside the scope of the RFEIR, as they predate the March 13, 2017, Los Angeles County Superior Court ruling in Arroyo Seco Foundation v. County of Los Angeles, which, as detailed in Master Response 1, primarily upheld the adequacy of the EIR and required only narrow revision and recirculation of limited portion of the EIR.

Response to Comment C82-2:

The comment requests that the commenter's letter from 1/19/14 be honestly considered and addressed. The commenter's 1/19/14 letter has been included as Comment C82-1. Master Response 1 addresses this comment.

Response to Comment C82-3:

The comment states that the County refuses to consider cumulative impacts of the Devil's Gate Water Conservation Project (referred to as the Devil's Gate Eaton Water transfer). This comment is addressed by Master Response 1.

Response to Comment C82-4:

The comment asks how the increased sediment removal beyond what is necessary to dam operations can be justified. Master Response 1 addresses this comment.

Letter C83 - Lori L. Paul

From: gagoon <gagoon@sbcglobal.net>
Sent: Tuesday, September 19, 2017 11:21 AM
To: DPW-reservoircleanouts
Cc: Sussy Nemer
Subject: County E-mail Bouncing? / 2nd COPY of Comments Re: Devil's Gate Reservoir Sediment Removal Project Final EIR
Attachments: DPW HWP Comments L. Paul 18Sep2017.pdf; HWP DEIR LPaul Jan2014 COPY 18Sep2017.pdf

Dear DPW,

Due to County server bounce-back messages some of us have received, it is uncertain whether or not the comments I submitted last night reached the DPW. In case not, find below a duplicate submission for the record.

For those BCC'd on this e-mail, *please check that your e-mail submissions were properly addressed and received by the County.* In spite of possible error messages you may have received re: delay or rejection of e-mail to the County, the proper address for comments appears to be:
reservoircleanouts@dpw.lacounty.gov

Apologies for duplications and confusion in this matter!

Lori L. Paul
gagoon@sbcglobal.net

Begin forwarded message:

From: gagoon <gagoon@sbcglobal.net>
Subject: Comment Re: Hahamongna Watershed Park / Devil's Gate Reservoir) Sediment Removal Project Final EIR
Date: September 18, 2017 at 8:12:12 PM PDT
To: reservoircleanouts@dpw.lacounty.gov, reservoircleanouts@dpw.lacounty.org
Cc: Sussy Nemer <SNemer@lacbos.org>, Kathryn@bos.lacounty.gov

Dear DPW,

Please include the attached files regarding the *Hahamongna Watershed Park / Devil's Gate Reservoir Sediment Removal Project Final EIR (Recirculated / State Clearinghouse No. 2011091084)* in the official record under consideration.

Thank you,

Lori L. Paul
gagoon@sbcglobal.net
626.798.3235

153 Jaxine Drive
Altadena, CA 91001

18 September 2017

County of Los Angeles Department of Public Works
Water Resources Division / Reservoir Cleanouts Program
E-mail: reservoircleanouts@dpw.lacounty.org
P.O. Box 1460
Alhambra, CA 91802-1460

Re: DPW Flood Control District Final EIR for Hahamongna Watershed Park (Devil's Gate Dam) Sediment Removal Project

Dear Department of Public Works,

It is difficult to know what to submit at this critical juncture. If the following comments sound familiar, that is because this input reflects prior communications and concerns that have *never* received fair consideration nor adequate response from the Department of Public Works during the EIR process for the Devil's Gate Dam Sediment Removal Project. I am CCing this response to Supervisor Kathryn Barger in the desperate hope that she will review these materials and, as the new Supervisor for the 5th District, act swiftly to intervene and **save Hahamongna Watershed Park (HWP)**. As long as habitat and wildlife remain in the basin, there is hope!

The EIR process that will destroy much of Hahamongna Watershed Park (HWP) has been exactly that... a rubber-stamped "process" whereby the Los Angeles County Dept. of Public Works has gone through the motions of fulfilling the Board of Supervisor's post 2009 Station Fire order to produce an EIR supporting the excavation of HWP's living basin into an extensive, barren, permanent sediment pit. Unfortunately, the Final EIR consists of ponderous documents and unacceptable "alternatives" that systematically ignore the strong professional and broad public, city, and unincorporated community opposition to this catastrophic sediment removal project within natural Hahamongna Watershed Park.

C83-1

The list of those opposing the proposed loss of living habitat and wildlife, the intrusive diesel truck convoys, fugitive dust pollution, noise and other massive adverse impacts of the proposed project over several years has been impressive; however, the DPW has managed, through boilerplate responses, to ignore the grave concerns and thoughtful, science-based opposition from agencies and notable organizations including the U.S. Fish & Wildlife Service, California Department of Fish & Wildlife, Santa Monica Mountains Conservancy, City of Pasadena, City of La Canada Flintridge, Friends of Hahamongna, Pasadena Audubon, Sierra Club, Arroyo Seco Foundation, and many more.

C83-2

The City of Pasadena spent considerable time and resources in proposing and adopting on 12 May 2014 an alternative plan that the DPW has dismissed without sufficient cause.



C83-3

Western grey squirrel (*Sciurus griseus*), a Federal Species of Special Concern, in Hahamongna Watershed Park. The Final EIR fails to recognize this species' decline and Federal designation. Photo by L. Paul



Dog & owner walking in HWP. This area will become a permanent blighted, deep dirt crater under the DPW's plan. Photo by L. Paul

Even the California Regional Water Quality Control Board's succinct disapproval of the DPW's earlier, *smaller* scale excavation project in HWP has been excused away and utterly ignored. Responses to my own questions submitted re: the Draft EIR (see original comments attached) were insufficient and incomplete.

C83-4

Indeed, in the Final EIR, the DPW inaccurately categorizes the loss of biological resources "insignificant" under CEQA:

"As the lead agency under CEQA, LACFCD provided responses to the comments received on the Draft EIR. Pursuant to CEQA Guidelines

C83-5

§15088.5, none of the comments received during the comment period provide any basis to identify any new significant impacts or "significant new information" that would require recirculation of the Draft EIR."

Apparently, the DPW believes that all the reputable organizations and hundreds of expert comments and ideas from engineers and scientists as well as private citizens, are incorrect or misguided and to be disregarded in favor of their plan. This simply does not make sense. Unfortunately, a recent judgment focused primarily on a failure to properly mitigate the environmental damage caused by the sediment removal project as it is currently scoped in the EIR. Let's be clear: *There is no acceptable mitigation for the loss of Hahamongna Watershed Park's diverse habitat and wildlife species; trails and other pastoral, free recreation values. There is no acceptable mitigation for the loss of clean air and loss of peace and quiet. There is no satisfactory mitigation for the regional increase in traffic caused by the proposed truck convoys over several years.*

C83-6

I believe that all the numerous agencies, organizations, and individuals who have opposed the bloated sediment removal project over and over again deserve more than mere dismissal for their concerns and alternatives. I know that the DPW responses to my own comments were insufficient, though verbose, and misapplied quotes from CEQA requirements.

C83-7

I urge the DPW to boldly change course at this late date. I respectfully demand that the DPW act on behalf of the future, rather than continue to behave in the current insular, autocratic, and arrogant manner. The time has come to craft a more effective and *sustainable solution* to the *perpetual* challenge of safely managing sediment and floodwaters which extend from the San Gabriel Mountains, through Hahamongna and the Arroyo Seco, down to the sea. It is ironic and fiscally wasteful that the County spends millions of dollars trucking sediment and gravel IN to severely eroding beaches and breakwaters while also spending millions of dollars trucking sediment and gravels OUT of Hahamongna Watershed Park. An endless cycle of expense!

C83-8

Furthermore, the DPW has repeatedly failed to include in the EIR process the impending \$28 million dollar Eaton Canyon Water Diversion Project (aka "Trans Altadena Pipeline") that would take water from Hahamongna Watershed Park basin (on the rare occasions when there is flood

C83-9

water to be stored there) and send that water to the Eaton Canyon spreading grounds through a pipeline to be constructed across Altadena. **CEQA requires that projects in the same area affecting the same resources be considered concurrently in EIR alternatives, but that has not happened in this case.** I believe that the Eaton Canyon Water Diversion Project grant money has been a major, if not the primary, driving force behind the increased quantity and location of proposed sediment removal in HWP.

C83-9
cont.

I, and many others with far more technical expertise, believe that it is possible to systemically reform the way sediment is managed in Hahamongna Watershed Park (and other debris dams) from the mountains all the way to eroding beaches and the ocean. The accumulation of sediment... and the damage caused every time sediment must be cleared with costly, polluting truck convoys and severe habitat destruction... has become an unsustainable cycle that impacts our aging infrastructure. **The time has come to break this cycle and plan for a more sustainable future.** Now is the time for Los Angeles County to join the U. S. Army Corps of Engineers, Save the Los Angeles River, and the City of Los Angeles in restoring the functionality of our river systems and riparian environment. Make *Nature* work for us again, instead perpetuating an endless, increasingly expensive, losing battle to control uncontrollable geologic and hydrologic forces within old (or poorly "redesigned") infrastructure.

C83-10

I once again respectfully suggest that expertise outside the DPW be consulted in order to conserve Hahamongna Watershed Park while also managing sediment through innovative methods. The DPW claims that outside consultation has already been evaluated through the so-called Stakeholder Task Force meetings (in which I was a participant). That assertion is false. Experts in hydrology, geology, freshwater percolation, and sediment dynamics among top caliber institutions, states, and even in other countries with flood control programs need to be identified and contacted. The DPW has engaged in window dressing, instead of making any serious attempt to change how sediment is actually managed. The proposed mitigations are completely unacceptable. At the risk of repeating myself yet again... STOP this bad sediment removal project! STOP the closely associated Trans Altadena Pipeline that is driving the enlarged scope of the HWP excavation!

C83-11

Pasadena's proposed alternative plan should be considered. **Please act to protect HWP and the health of surrounding communities and schools. Learn from the DPW's own, shameful Arcadia Oak Woodland debacle and approach Hahamongna Watershed Park in an environmentally responsible way that will protect wildlife corridors, species diversity, habitat, and pastoral recreation in the upper Arroyo Seco (HWP).**

Respectfully,

Lori L. Paul

Lori L. Paul
gaboon@sbcglobal.net
626.798.3235
153 Jaxine Drive
Altadena, California 91001 USA

CC: Los Angeles County Supervisor Kathryn Barger
Los Angeles County Field Deputy Sussy Nemer
+ select concerned organizations & citizens



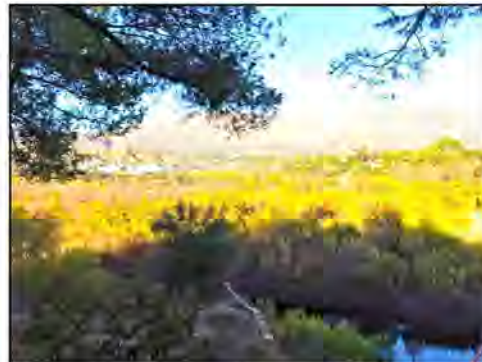
Canterbury Bells (*Phacelia minor*)
blooming in HWP basin. Photo by L. Paul

C83-12

20 January 2014

Gale Farber, Director
Los Angeles County Department of Public Works
Los Angeles County Flood Control District,
Water Resources Division, Reservoir Cleanouts
P. O. Box 1460
Alhambra, CA 91802-9974

Re: **Devil's Gate Reservoir Sediment Removal
and Management Project Draft Environmental
Impact Report (DEIR) / October 2013**



The winter colors of the trees in HWP basin were enhanced near sunset on 1 December 2013. (Photo by L. Paul)

Dear Ms. Farber and DPW Staff,

Please enter my comments regarding the *Devil's Gate Reservoir Sediment Removal and Management Project Draft Environmental Impact Report* (hereafter DEIR) into the official record. Regrettably, I find the massive DEIR unacceptable for so many reasons that it is difficult to prioritize my concerns. I intend to focus most on issues I believe others may not have emphasized, though this in no way reduces the importance of the criticisms submitted by others in their own areas of expertise or personal interest. I concur wholeheartedly with submissions by noted regional stakeholders, including *Friends of Hahamongna, Arroyo Seco Foundation, Pasadena Audubon, Santa Monica Mountains Conservancy, Friends of the Los Angeles River*, and individuals long devoted to protection of HWP, including its wildlife and water projects, Robert Staehle, Christle Balvin, Hugh Bowles and Marietta Kruells, plus arborist Rebecca Latta.

I have enjoyed, and acted to protect, Hahamongna Watershed Park (HWP) for several decades. As a local Altadena resident, hiker, and wildlife biologist, I am particularly devoted to the park's flora and fauna, its trails that connect four regional trail systems, and support pastoral recreational activities that encourage exercise. This natural park... where ancient oak woodland meets seasonal ponds, wetlands, and streams; alluvial scrub, and arid chaparral... provides numerous benefits to local communities. I also value HWP's importance as a functional watershed, biodiverse habitat, and critical (if tenuous) wildlife corridor that connects the San Gabriel Mountains (Angeles National Forest) with the remnant natural stretches of the lower Arroyo Seco, with the San Raphael Hills and, from there, the Verdugo Mountains. HWP is the last viable connection between species in the San Gabriels and the Verdugo Mountains.

While I recognize the multifaceted role of HWP as a popular recreational destination, wildlife habitat, and flood control structure (Devil's Gate Dam), and I respect the need to protect property below the dam from damage during high flood events, I adamantly oppose the assertion by the DPW that the current level of sediment constitutes an emergency that justifies the proposed obliteration of this incredible natural resource and beloved park. From the frisbee golfers and dog walkers; to horse riders and hikers; to birders, runners, and mountain bikers; and to its many other visitors and neighbors, HWP is irreplaceable. Yet the DPW has set itself on a course with this DEIR to destroy HWP as thoroughly, and with as little justification and regard, as it destroyed the ancient oaks in the Arcadia Oak Woodland in January 2011 to create a Sediment Placement Site (SPS) for Santa Anita Dam sediments *that the County has never used* (see Concern VII).

The DPW has failed from inception of its sediment removal approach (Project Goals and Objectives in the DEIR) to acknowledge the importance and sacredness of the park. It's first assumption *should have been* to respect and commit to protect the park, its habitat, and its visitors... then work from that premise to design a project which preserves those high values while achieving flood control goals. I, and many others, believe that such a conservative project plan is not only possible; it is imperative.

As an analogy, if the DPW concluded that Disneyland or Yosemite Valley posed a potential future flood risk to nearby communities, its first conclusion would certainly not be to mar and destroy those iconic places. Instead, the first priority would be to study ways to preserve these important landmarks while reducing the risk they pose. First, *commit to cause less harm*, then plan and innovate from there. Though of less overt

C83-13

grandeur and flamboyance than either Disneyland or Yosemite, HWP is a multi-valued resource, as evidenced by the many protective designations and jurisdictions it holds (see Concern II), the many persons who visit the park every day, the abundant wildlife that depends upon it for survival, and the freshwater it returns to the earth. The DPW's very first priority should be dedicated to preserving what is there, while also maintaining the integrity of Devil's Gate Dam, or designing a replacement plan for eventually removing the outdated dam that would restore the Arroyo Seco's natural flow of sediment to the sea while protecting vulnerable property along the historic water course.

I am not the only one who feels the DPW has inappropriately scoped and undervalued HWP in its blind rush to correct decades of neglected maintenance behind Devil's Gate Dam.

Notably, the **California Regional Water Quality Control Board (CRWQCB)**, Los Angeles Region, in a letter to Christopher Stone dated 18 March 2011: "*Denial without prejudice of water quality certification for proposed Devil's Gate Dam and Reservoir Sediment Removal Project (Corps' Project No. 2010-01122-CO, Arroyo Seco, City of Pasadena, Los Angeles County (File No. 10-170)*" refused to issue a required Certification for the originally proposed sediment removal level of 1.6 million cubic yards because "We do not find that the potential significant impacts have been minimized to the fullest degree possible and we do not find an analysis of alternatives, which should include alternatives in terms [of] the overall size of the project..." The CRWQCB denied Certification approval because the *1.67 million cubic yard excavation was too big and there was insufficient analysis of "alternatives for cumulative impacts to habitat and affected species using the habitat."*

Additionally, scoping comments from numerous stakeholders prior to the publication of the October DEIR appear to have been disregarded. For example, Norman ("Norm") Brooks, Professor Emeritus of Caltech, who literally wrote the book on sediment management, provided extensive comments and asked questions which, to my knowledge, have never been adequately answered.

Why has the DPW failed to provide appropriate cost benefit and flood risk analysis for the proposed project and, instead of reducing the amount of sediment and acreage of habitat destroyed as required by the CRWQCB, significantly *increased* the amount of sediment removal from an unacceptable 1.6 million to a far greater 4 million cubic yards, involving the destruction of up to 120 acres of natural habitat?



Adult San Diego nightsnake (*Hysiglena ochrorhyncha klauberi*) that was injured, but survived. This is a small, seldom seen species with a splotchy brown dorsal pattern of brown spots and a beautiful, opalescent white underbelly. (Photo by R. Staehle)

What alternatives has the DPW explored for improving flood control near the only downstream areas at high risk in a future Design Debris Event (DDE) in the vicinity of Highland Park? Why did the DPW promote inappropriate panic and inaccurate media sensationalism by implying that the Rose Bowl and Pasadena homes might be flooded during rain storms and suggest that local freeways might be "over-topped" when that is not the case according to official inundation maps? Why were the two inundation maps requested by myself and others never presented at the public briefings about the sediment removal project; thereby perpetuating the myth of imminent inundation in Pasadena and downstream necessitating "emergency" sediment removal?

acres of all natural terrain and vegetation in HWP basin, including establishment of a permanent maintenance facility, will "result in a less than significant impact to scenic vistas." This is demonstrably untrue, since scenic overlooks from the top of the dam, from the Oak Grove day use area, and from Sunset Ridge Overlook... indeed from vantage points all over the park that now look upon stands of willows,

**C83-13
cont.**

sycamores, sage and red buckwheat shrubs, low contoured hills and open water... visitors would instead see a barren and lifeless wasteland if any alternative in the DEIR becomes a reality.

Why has the DPW inaccurately categorized so many obviously adverse impacts as "less than significant?"

Why is there no detailed mitigation plan for this draconian project? The public and stakeholders cannot comment on important mitigation issues and options for HWP without a mitigation plan in the DEIR.

Questions like these are the tip of the iceberg for a DEIR that appears to be bulked out by the environmental consultant with boilerplate content and conflicting or inaccurate information. The alternatives offered in the DEIR are not authentic alternatives representing significant differences; instead, they are essentially identical repetitions of a theme involving permanent destruction of HWP basin utilizing polluting truck convoys that resort to outdated sediment dumping instead of exploring different sustainable sediment management options.

I. Inaccurate Biological Survey and Adverse Impacts on Native Plant Assemblages & Wildlife

The DEIR asserts that the extensive obliteration of all trees and native vegetation, resulting in the death or displacement of resident wildlife, for the creation of a steeply sloped barren pit approximately 50 feet deep will result in a "less than significant impact" to biological resources. The proposed large crater will eliminate the heart of HWP, its expansive living basin, leaving only a "Friar Tuck" fringe of living trees around the perimeter of the park. I would certainly call that a "significant impact."

The biological surveys conducted in HWP were incomplete and inaccurate. For example, in the Biological Resources section, the DEIR states that "most of the vegetation and trees in the Proposed Project area site were dead, washed out, or buried under sediment." Photos in the DEIR were taken during natural dormancy for the *deciduous* willow trees, which were not dead, but simply losing their leaves for the season (see photo of willow leaves turning yellow). In fact, the willows, mulefat, California sycamores and other vegetation thrived in the fresh sediments and water that flowed through the park. The referenced statement and photos of "brown," allegedly dead vegetation in the DEIR are either the result of shocking ignorance, or were deliberately intended to give a false, negative impression of HWP's basin ecosystem.

Species present in HWP were not listed accurately, as present and/or breeding, such as the federally endangered Least Bell's Vireo (*Vireo bellii pusillus*) in 2013. After damage caused by illicit SCE road grading near riparian areas in the park that spring, the vireos may have been driven away from nesting in the basin for a season; however, their presence has been well documented in the past. Yellow warblers (*Setophaga petechial*, formerly *Dendroica petechial*) have also been confirmed in HWP.

Several reptile species, including, for example, the San Diego nightsnake (*Hysiglena ochrorhyncha klauberi*) pictured on page 2, are present in the park. The rare coast patch-nosed snake (*Salvadora hexalepis virgultea*) is listed in the DEIR, but it was not noted that this snake is a U.S. Fish & Wildlife Service and California Department of Fish & Wildlife "Species of Special Concern." <http://www.californiaherps.com/snakes/pages/s.h.virgultea.html>

Worse, the DEIR lists both the western toad (*Bufo boreas*) and the California toad (*Anaxyrus boreas halophilus*), which are actually the same toad species. The genus *Bufo* is the former (older) name while the genus *Anaxyrus* is the current scientific name including sub-species: <http://www.californiaherps.com/frogs/pages/b.b.halophilus.html>



Deciduous willow leaves in HWP, winter 2013. Photo by L. Paul

C83-13
cont.



Western Side-blotched Lizard (*Uta stansburiana elegans*)
photographed in HWP in February 2013 (Photo by L. Paul)

several of these perennial bulbs grow in the margins of the basin among chaparral species. This beautiful and rare lily, formerly classified by the California Native Plant Society as a California Rare Plant Rank 1B, remains on the "watch list" (Rank 4) and its presence should be noted:
<http://www.rareplants.cnps.org/detail/1599>

BIO-7 in the Mitigation Measures section suggests replacement of all trees in the basin 1:1. This ratio is paltry compared to the standard replacement ratio of 3:1 to 5:1 for the loss of riparian, alluvial sage scrub, chaparral and trees across Southern California. Furthermore, HWP contains one of the largest contiguous assemblages of willow and mulefat habitat remaining in the region, which means that adequate mitigation lands for this large park in the "urban wildland interface," where there are important wildlife corridors and recreational trails, may not be possible. Without an actual mitigation plan, no accurate critique of DPW plans is possible. This is unacceptable under CEQA.

I. a. Polyphagous Shot Hole Borer (PSHB) in HWP

Biological consideration for the proposed project alternatives failed to recognize and address impact of a new, highly invasive tree pest, the **polyphagous shot hole borer** (*Euwallacea* sp., see photo of a female borer at right) that is rapidly spreading across Los Angeles County. I emphasized the importance of this highly "contagious" tiny ambrosia beetle, that introduces a deadly fungus, *Fusarium euwallaceae*, into trees, back at an initial "coffee klatch" briefing about the DEIR alternatives with Keith Lilley and a project consultant; however, this important information was still omitted from the DEIR.



The polyphagous shot hole borer (PSHB) is widely present in HWP, in much of the surrounding neighborhoods, and in trees within local Angeles National Forest Canyons (including live oaks, scrub oaks, California sycamore, willows, alders, big leaf maple and other native tree species). The DPW cannot cut down basin trees for the project and stockpile or haul the wood out without spreading this devastating insect and its accompanying fungal disease. All downed wood will need to be ground with a tub grinder (into chips less than 2 inches in diameter) on site and spread in the immediate project area. No firewood can be collected or wood recycled from HWP due to the presence and threat of spreading PSHB.

That is the latest information on this introduced pest from the U.S. Forest Service and University of California Cooperative Extension experts. Local botanists speculate that 30-40% of the mature native willows, white alders, sycamores and other mature trees in the foothills will be dead within 3-5 years from PSHB attack. Can we really afford to take down uninfected trees across the HWP basin

The subspecies of gopher snake cited in the DEIR is not the one present in HWP: the San Diego gopher snake (*Pituophis catenifer annectens*):
<http://www.californiaherps.com/snakes/pages/p.c.annectens.html>

Why does the DEIR list of birds omit over 150 species, including migratory birds dependent upon the basin along the Pacific Flyway, that have been verified as present in the HWP? How many biological surveys were conducted over what time period? What surveys, if any, were conducted to ascertain the presence of rare butterflies, insects, arachnids, scorpions, and invertebrates?

The list of native plants is insufficient, as well. For example, Plummer's (aka hairy) mariposa lily (*Calochortus plummerae*) is not listed as documented in HWP, though

C83-13
cont.

or risk spreading this new pest? How does the DPW intend to manage PSHB borer infestation and control in all of its project alternatives?

I. b. Displacement of Wildlife = Risk to Sensitive Species & Creation of Neighborhood Intrusions

The following photo was taken on 5 January 2010. Though of poor quality, it clearly documents a Western grey squirrel (*Sciurus griseus*) foraging within Hahamongna Watershed Park in the woodland portion of the Annex (near JPL). Western grey tree squirrel populations are in decline and classified by the U. S. Fish and Wildlife Service as a "Federal Species of Concern." Locally, these squirrels are usually found at higher elevations. Those that survived the 2009 Station Fire have been forced, like other surviving wildlife, to move down into transitional habitat, including HWP. Western grey squirrels, Merriam's Chipmunk (*Neotamias merriami*) and numerous woodland birds and reptiles, including listed and declining species, will suffer increased predation if excavation of the basin "evicts" coyotes, bobcats, grey foxes, raptors, rattlesnakes, and other predatory species that will move into the remaining fringe of woodland in the park to hunt.



Predators and other species, including wood rats, mice, voles, ground squirrels, pocket gophers, moles, rabbits, skunks, raccoons, rattlesnakes and other snakes, lizards... along with larger species, such as mule deer, bears, and cougars displaced by the catastrophic loss of 50 to 120 acres of diverse habitat... will move into the territory of wildlife residing in surrounding neighborhoods and wild areas, causing stress and competition that will result in death of many individual animals and creating nuisance conflicts with surrounding homeowners, schools, and the JPL campus. With much of the Angeles National Forest above HWP burned and

C83-13
cont.

not fully re-vegetated, and destruction of the basin commencing with trucks and rock crushers generating noise, dust and blocking movement across Flint Wash Bridge down into the Lower Arroyo Seco or up into the San Raphael Hills, displaced wildlife has few options for successful relocation.

Additionally, increased truck convoy traffic and massive earth-moving in the basin will result in widespread fatalities as small animals become alarmed and retreat into burrows, where they will be buried alive or crushed. On site "biological monitors" will not see the small animals that flee underground as vegetation and trees are uprooted. How can the DPW reduce loss of wildlife, including listed species, during and after proposed excavation of HWP basin?

Migratory bird species, including several species of hummingbirds, songbirds, raptors, and waterfowl, depend upon HWP for sustenance, concealment, and water during their movement along the great Pacific Flyway. If any proposed alternative is implemented, migratory birds, as well as local species who nest in the basin, will be deprived of needed habitat. Why has the DEIR not taken this adverse regional impact into full consideration?

I. c. Denuded Regions of HWP Will Type Convert to Invasive, Flammable Weeds, Necessitating Use of Toxic Herbicides

Permanently scoured areas of HWP will lack organic soil and native vegetation cover, resulting in permanent "type conversion" to non-native, invasive weed species, such as star-thistle, tamarisk, black mustard, castor bean, Spanish broom, and annual foreign grasses. These undesirable weed species are flammable and will present an unsightly fire hazard to surrounding neighborhoods, schools, JPL, and the adjacent Angeles National Forest below the Station Fire burn zone. As a

result, the DPW is likely to attempt control of these invasive weeds by spraying pre-emergent herbicide "cocktails" (including products such as Round Up) as is routinely done at local SPSSs and catch basins. It is inappropriate for such toxic chemicals to be sprayed in heavily used parkland and on a natural watershed. How will the DPW avoid type-conversion of permanently graded areas of HWP to weed species? Will there be use of herbicides to control inevitable non-native, flammable weed growth in the basin? Why was this issue not covered in the DEIR?

II. Failure to Recognize Protective Designations and Jurisdictions over HWP

HWP is protected by several special designations and jurisdictions, including, but not limited to:

Altadena Arroyos & Foothills Significant Ecological Area (SEA) was reviewed and accepted by County staff and can be viewed in the current version of the General Plan at:

http://planning.lacounty.gov/view/altadena_foothills_sea/

This SEA encompasses all of HWP.

The **City of Pasadena** owns HWP and is heavily invested in preserving their wild parkland for the enjoyment of the public. Pasadena has installed interpretive signage at Sunset Overlook and elsewhere that educates visitors about the habitat and wildlife values in the park and Upper Arroyo Seco. Pasadena administers the easement for DPW flood control work above Devil's Gate Dam. It also is responsible for honoring a settlement agreement with the **Spirit of the Sage** that requires wildlife habitat to remain intact in HWP basin. All alternatives in the DEIR would destroy park values and abrogate the legal settlement Pasadena is obligated to defend.

Why has the DPW failed to note the environmental importance of the biodiverse habitat in the basin, which qualifies as a Significant Ecological Area in Los Angeles County and is a preserved natural parkland owned by the City of Pasadena? Pasadena has spent years and funds on developing a **Hahamongna Watershed Park Master Plan** that would be largely invalidated by any alternative in the DEIR.

HWP is also located on the **Rim of the Valley Trail Corridor** and is included in the federal **Rim of the Valley Special Resources Study** originally sponsored by Congressman Adam Schiff and conducted by the **National Park Service**.

HWP is a hub for four popular regional trail systems:

- **La Canada Flintridge Trails** to the west
- **Lower Arroyo Seco trail** into Pasadena south of the park
- Gateway trails, including the **Gabrielino Trail**, north into **Angeles National Forest**
- and the **Altadena Crest Trail** to the east of HWP provides further connections to Angeles Forest destinations. Efforts are in progress to reconnect the historic Altadena Crest Trail from HWP to Eaton Canyon with support from the **Altadena Crest Trail Restoration Working Group (ACTRWG)**.

The **U. S. Army Corps of Engineers** is involved in Arroyo Seco stream and habitat restoration, according to their recently released study. **Friends of the Los Angeles River** and the **City of Los Angeles**, are moving towards restoration of the L. A. River habitat, linear park design, and removal of concrete channelization. This trend is occurring as the DPW intends to scour thriving habitat and maintain access roads and a permanent graded zone within natural HWP.

What is the DPW doing to move towards sustainable sediment management and restoration of habitat and away from repeated, costly trucking of sediment? (See Concern IV.)

III. Disturbance of Station Fire Micro-Abrasive Ash and Associated Dust Pollution / Health Hazards

In all Draft EIR alternatives, a massive amount of excavation will occur, disturbing the upper layers (10-15 feet?) of Station Fire debris flows containing a significant percentage of ash. Most of the fine, micro-abrasive ash particles that have not been washed away on the surface of the basin are currently embedded safely

**C83-13
cont.**

among vegetation and tree roots that keep these fine particles from becoming airborne. However, the proposed sediment removal activities will disturb the ash and add it to the fugitive dust caused by habitat destruction and sediment loading onto trucks. High winds that typically blow down local canyons will loft these tiny particles high into the air, increasing, along with other particulates, the air pollution that poses a serious health risk to park users, local schools, JPL employees, neighbors of the park, resident wildlife, along with visiting dogs and horses.

There is ample evidence indicating that wildfire ash contains toxic components. In addition, the small size and abrasive nature of ash can be breathed deep into lung tissue with devastating results even in healthy persons. Those with compromised health, such as asthmatics and those with seasonal allergies or other respiratory conditions, are at the highest risk. See excerpts below.

Wetting down the excavation site as described in the DEIR with *one water truck* (page 87) will not be sufficient to eliminate the profound health risks associated with fine particulate pollution in HWP basin during sediment removal. Even adding multiple water trucks will not change the fact that the extensive excavation of the living basin into a barren, denuded crater will cause ongoing particulate pollution in the typically arid (low humidity) environment that is frequently prone to high winds.

Why does the DEIR fail to acknowledge the additional particulate pollution caused by sediment removal disturbing in situ Station Fire ash carried into the basin by post-fire debris flows?

Healthy riparian vegetation, for example dense stands of willow and mulefat, not only serve to slow flood waters and enhance recapture of freshwater through their roots and associated animal burrows, but also serve to entomb and convert post-Station Fire ash and sandy sediment into organic soil.

Why hasn't the DPW recognized the high value of intact native vegetation for reduction of micro-abrasive ash in addition to other fine, fugitive dust pollution? How will the DPW protect surrounding trees and native plants from heavy "dust fall" onto their foliage, which will block photosynthesis and dehydrate plants, especially during summer heat waves and the current extended drought.

Add to dust pollution to cancer-causing diesel emissions from the truck convoys (that will not meet current EPA standards) operating and idling in staging lines 12 hours per day, 6 days per week, for up to 9 months per year for a duration of at least 5 years, and it becomes obvious that Hahamongna Watershed Park will become a source of intense air pollution and a health risk instead of an asset to the community if any alternative in the DEIR becomes a reality.

Why has the DPW not considered alternative sediment management strategies that do not cause serious and prolonged health hazards in the region?

Health Impacts of Wildfires

November 2, 2012

Finlay SE, Moffat A, Gazzard R, Baker D, Murray V. PLOS Currents Disasters. Edition 1.

<http://currents.plos.org/disasters/article/health-impacts-of-wildfires/>

A review of the published evidence shows that human health can be severely affected by wildfires. Certain populations are particularly vulnerable. Wood smoke ash contains high levels of particulate matter and toxins. Respiratory morbidity predominates, but cardiovascular, ophthalmic and even psychiatric problems can also result... However more research is needed to evaluate longer term health effects from wildfires.



White Mulefat (*Baccharis salicifolia*) flowers resemble tiny Edelweiss from the Swiss Alps. It is difficult to find extensive stands of native willow and mulefat in Los Angeles County. HWP represents one of the few remaining multi-acre groupings. (Photo by L. Paul, HWP, Dec. 2013)

C83-13
cont.

Particulate matter is the predominant air pollutant seen in wildfire smoke, caused especially by the burning of vegetation and wood into micro-abrasive ash. PM₁₀ particles (which are able to pass through the upper respiratory tract and are deposited in the airways), and PM_{2.5} particles (may be respired deeper within the lungs and deposited in the gaseous exchange region of terminal bronchi and alveoli) are produced by burning vegetation.

-- Boman BC, Forsberg AB, Jarvholm BG. "Adverse health effects from ambient air pollution in relation to residential wood combustion in modern society." *Scand J Work Environ Health* 2003 Aug;29(4):251-60.

Ash debris following the Californian wildfires of 2007 was found to contain high levels of heavy metals, including arsenic, cadmium, copper, and lead. A national clean up campaign was organised because of concerns that exposure to high levels of such metals could cause long term health effects.

-- Wittig V, Williams S, DuTeaux SB. "Public Health Impacts of Residential Wildfires: Analysis of Ash and Debris from the 2007 Southern California Fires" in *Epidemiology* 2008;19(6).

A study looking at symptoms of 21 local patients with chronic obstructive pulmonary disease (COPD) in the two months following the Denver wildfires of 2002 revealed that dyspnoea, cough, chest tightness, wheeze and sputum production all increased on days when PM_{2.5}, PM₁₀ ash particle levels increased, thus illustrating the link between air pollution resulting from wildfires and COPD exacerbation.

-- Sutherland ERMM, Make BJM, Vedal SM, Zhang LP, Dutton SJM, Murphy JRP, et al. "Wildfire and respiratory symptoms in patients with chronic obstructive pulmonary disease." [Letter] *Journal of Allergy & Clinical Immunology* 2005 Feb;115(2):420-2.

IV. Sediment Is a Resource Not Trash

Why does the DPW continue to treat sediment as costly "trash" to be dug out, trucked to a remote site, and dumped? Sediment is a resource that should be removed in a way that emulates natural processes as much as possible and may involve sale of sand, gravel aggregate, and rock for useful purposes, such as reduction of beach erosion, as construction materials, and so forth.

The DPW lacks an authentic long term, beyond 20 year, sustainable plan. Future sediment will not be recycled and used, or sent to the ocean to replenish beaches, etc. It will simply be trucked out, over and over again, at ever-increasing high cost, to a dump site in some pit or, worse, in a local wild canyon that will also be destroyed... until there is nowhere left to dump. Then what? It makes far more economic and conservation sense to explore alternatives now, while there is something left to save. Even the U.S. Army Corps of Engineers has been rethinking the value of HWP and its associated drainages down the Arroyo Seco.

The time is long overdue for the DPW to work with talented specialists, at institutions like Caltech, JPL, UCLA's Institute of the Environment & Sustainability, or wherever there is special, creative expertise. Other communities and countries handle flood and sediment management very differently. Why is the DPW stuck in the past, repeating the same sediment removals over and over again?

Why isn't the Los Angeles County DPW leading the charge to rethink how sediment and flood hazards can be managed creatively and in a more cost effective manner? Why hasn't the DPW answered numerous calls to work with an independent, objective, highly innovative "blue-ribbon committee" of hydrology, geology and engineering specialists from regional academic institutions?

Spending millions of dollars to destroy riparian habitat, pollute the air, and noisily truck OUT sediment for years via congested freeways, while also spending millions of dollars to truck IN sediment, sand, and rock to severely eroding beaches, no longer makes sense. We can no longer afford the financial and environmental cost for DPW's insular tunnel vision.

**C83-13
cont.**

VI. Devil's Gate and Eaton Storm Water Flood Management Project (Proposition 1E) and other Concurrent Projects in HWP.

Others will undoubtedly question the \$28 million grant approved to, in part, construct a diversion pipeline to pump water (according to the grant application 4500 acre feet!) from HWP basin to Eaton Canyon spreading grounds. It is unclear why water present in HWP must be pumped across a costly pipeline to be built across Altadena to Eaton Canyon, where soil percolation is virtually identical to HWP, though one suspects that money has something to do with the motivation for this project. That said, why has the DPW not included this concurrent project as a cumulative Project in its DEIR?

VII. Arcadia Oak Woodlands to Wasteland / DPW "Track Record" Adversely Affects Public Trust

In January of 2011, the DPW culminated a deeply flawed and corrupted EIR process with the destruction of an ancient live oak and California sycamore woodland ostensibly needed as an emergency dump site for the removal of sediment from behind Santa Anita Dam. Public protest was intense and alternatives were available; however, the DPW refused to listen to reason and, in fact, made attempts to circumvent required approval for the project from the **California Department of Fish & Game** (now **CA Dept. of Fish & Wildlife**) and to misrepresent the scope of the project. Most shocking of all, after a beautiful and biologically valuable 11+ acres of biodiverse woodland at the northern end of the Santa Anita Wash Trail had been graded and literally wiped bare of all its trees and wildlife, *no sediment from behind Santa Anita Dam was ever dumped on the site*. Before and After photos and other documentation of this fact are readily available. I can provide further information upon request. Thus the blighted Santa Anita Wasteland was created where once stood magnificent oaks, toyons laden with red berries, sycamores, fragrant bay laurel trees, and where the songs of many birds and frogs were heard.

The mitigation plan for the Arcadia SPS, debuted in June 2013, is woefully inadequate and restoration of the site to authentic native habitat is, according to many experts, impossible. One wonders how the \$650,000.00 the Board of Supervisors provided for restoration in "compensation" for the loss of the oak woodland will ultimately be spent.

This tragedy is the end result of insular arrogance that has unfortunately become a hallmark of the DPW. The unnecessary loss of the Arcadia Oak Woodland was caused either by *blatantly incompetent miscalculation of the capacity needed for placement of sediment* from above the dam; or, the destruction of the woodland was *deliberately duplicitous*, by claiming an emergency that did not exist for ulterior motives, perhaps to "get rid" of the oaks and wildlife so that a future site would be available for dumping that would not otherwise have been approved by any agency.

It is astonishing to me and many others that those responsible for the misrepresentations and manipulations of CEQA process involved in the loss of the Arcadia Oak Woodland have, to general knowledge, faced no official consequences for their actions, which constituted a profound betrayal of public trust. Even more shocking, those same managers have been assigned to... manage the EIR process for the proposed excavation and destruction of habitat in HWP.

This revelation is extremely disturbing. What evidence can the DPW provide that the proposed project urgency expressed in the DEIR is authentic, unlike the inaccurate assertions made to justify removal of the Arcadia Oak Woodland?

**C83-13
cont.**

BEFORE the Arcadia Oak Woodland was "removed."



(Photos by Lori Paul unless otherwise credited)



**C83-13
cont.**

AFTER



The former site of the Arcadia Oak Woodland in June 2013: The site looks almost as desolate as it did a week after all the life there had been toppled, bull-dozed, buried or hauled away.



**C83-13
cont.**

In conclusion, I urge the DPW and County Supervisors to reject the October 2013 DEIR in its entirety pending a revised, accurate, independent risk / benefit / and cost analysis of flood risk below Devil's Gate Dam.

I also request that expertise from outside the DPW be assembled to provide needed objective review of sediment management for the County and to explore sustainable, less destructive options for maintaining flood control safety while restoring natural riparian habitat and streams for this region and for future public benefit.

Thank you for your consideration. Please retain my contact information and keep me on all mailing lists associated with DPW sediment removal in HWP and other reservoir or potential sediment placement sites in Los Angeles County.

Respectfully,



Lori L. Paul
626.798.3235
gaboos@sbcglobal.net
153 Jaxine Drive
Altadena, California 91001

CC:
Sussy Nemer, Field Deputy, Supervisor Antonovich
Edel Vizcarra, Field Deputy, Supervisor Antonovich
Bill Bogaard, Mayor of Pasadena
Terry Tornek, Pasadena Councilperson
Ann Wilson, for La Canada Flintridge

**C83-13
cont.**

Responses to Letter C83 – Lori Paul

Response to Comment C83-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the commenter is disappointed in the EIR process and its unacceptable alternatives. The comment also states that strong opposition to the Project has been ignored by LACFCD. Master Response 1 addresses this comment.

Response to Comment C83-2:

The comment states that the LACFCD has ignored concerns and opposition on this project for several years. Comment noted. Master Response 1 addresses this comment.

Response to Comment C83-3:

The comment states that the City of Pasadena spent considerable time and resources in proposing and adopting an alternative plan that the DPW (LACFCD) has dismissed without sufficient cause. Master Response 1 addresses this comment.

Response to Comment C83-4:

This comment stated that the California Regional Water Quality Control Board's disapproval of the previously proposed emergency project has been excused away and utterly ignored. The commenter states that responses to her own questions submitted on the Draft EIR were insufficient and incomplete. Master Response 1 addresses this comment.

Response to Comment C83-5:

The comment states that the Final EIR inaccurately categorized the loss of biological resources as insignificant under CEQA. Master Response 1 provides a response to this comment.

Response to Comment C83-6:

This comment states that there is no acceptable mitigation for the loss of Hahamongna Watershed Park's habitat, trails, and recreation, the loss of clean air and peace and quiet, and the increase in traffic. Master Response 1 addresses the noise concerns, increase in traffic, and loss of recreational value portions of this comment. The portion of the comment addressing adequately mitigating air pollution is addressed in Master Response 3. The portion of this comment addressing the sufficiency of the 1:1 mitigation ratios is addressed in Master Response 4.

Response to Comment C83-7:

The comment requests that the oppositions, concerns, and suggestions for alternative projects by agencies, organizations, and individuals be adequately recognized and addressed. Master Response 1 addresses this comment.

Response to Comment C83-8:

The comment requests that a more effective and sustainable approach to managing sediment and floodwaters be considered. Master Response 1 addresses this comment.

Response to Comment C83-9:

The comment stated that DPW has failed to include in the EIR process the Devil's Gate Water Conservation Project (referred to as the Eaton Canyon Water Diversion Project). Master Response 1 addresses this comment.

Response to Comment C83-10:

The comment requests that a more sustainable sediment management program be developed for this project. Master Response 1 addresses this comment.

Response to Comment C83-11

This comment requests that LACFCD consult with outside experts to develop a plan to conserve Hahamongna Watershed Park while also managing sediment through innovative methods. The comment also suggests that the proposed project and mitigation are unacceptable and driven in scope by the Devil's Gate Reservoir Water Conservation Project. Master Response 1 addresses the portion of this comment addressing the Water Conservation Project and developing an ongoing sediment management plan. The adequacy of the Biological Resources Mitigation Measures is addressed in Master Response 4.

Response to Comment C83-12:

This comment requests that the Pasadena Sediment Working Group's recommended alternative should be considered. Master Response 1 addresses this comment.

Response to Comment C83-13:

The commenter's letter is dated January 20, 2014 and therefore does not address the RFEIR. Any such comments are outside the scope of the RFEIR, as they predate the March 13, 2017, Los Angeles County Superior Court ruling in *Arroyo Seco Foundation v. County of Los Angeles*, which, as detailed in Master

Response 1, primarily upheld the adequacy of the EIR and required only narrow revision and recirculation of limited portions of the EIR.

Letter C84 - Octavia Thuss

From: Octavia Thuss <octavia_howell@yahoo.com>
Sent: Monday, September 18, 2017 5:25 PM
To: DPW-reservoircleanouts
Subject: Who will pay for this?

I am wondering which agencies are planning on paying for this sediment removal project. | **C84-1**

Many thanks.

Octavia Thuss

Sent from my iPhone

Responses to Letter C84 – Octavia Thuss

Response to Comment C84-1:

Thank you for your input. The comment has been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment asks who will pay for the sediment removal project. Funding for the Devil's Gate Reservoir Sediment Removal and Management Project will be made available through the Flood Control District Fund annual budget process.

Letter C85 - Susanna Dadd

From: Susanna Dadd <susanna.dadd@gmail.com>
Sent: Monday, September 18, 2017 10:17 PM
To: DPW-reservoircleanouts
Cc: Sussy Nemer; kathryn@bos.lacounty.gov
Subject: Re: Comment Re: Hahamongna Watershed Park / Devil's Gate Reservoir) Sediment Removal Project Final EIR

Dear DPW,

To me and other concerned citizens living within sight of Hahamongna watershed park, it seems that the LADPW is going to try to go ahead with a disastrous and destructive plan because LADPW has entered into verbal agreements with trucking companies, contractors, etc, in relation to the huge amount of work and money in play, and the power that it wields.

C85-1

This is taxpayer money being spent on a monstrous boondoggle that will not necessarily prevent flooding. The clearing out of the entire basin will allow floodwater and debris to speed through the area unimpeded, and possibly breach the dam and flood areas along the Arroyo. Clearing sections of the watershed park and allowing a circuitous route through the remaining vegetation will slow floodwaters and allow them to perk into the soil.

C85-2

I do not believe that the LADPW has the best interests of the citizens of Los Angeles County in mind in trying to enforce this sediment removal plan upon us in direct opposition to City of Pasadena engineers and scientists who have examined the plans and area concerned. Indeed the City of Pasadena has proposed an alternative and less invasive plan that has been dismissed out of hand.

C85-3

I would like to remind the LADPW that it is an organization that should serve the citizens that pay for it's operations.

Sincerely,

Sue Dadd
1601 E. Loma Alta Drive
Altadena, CA 91001

On Mon, Sep 18, 2017 at 8:12 PM, gaboon <gaboon@sbcglobal.net> wrote:
Dear DPW,

Please include the attached files regarding the *Hahamongna Watershed Park / Devil's Gate Reservoir Sediment Removal Project Final EIR (Recirculated / State Clearinghouse No. 2011091084)* in the official record under consideration.

Thank you,

Lori L. Paul
gaboon@sbcglobal.net
[626.798.3235](tel:626.798.3235)
153 Jaxine Drive

Altadena, CA 91001

--

Susanna Dadd

<http://secure->

web.cisco.com/1dMYsFGHlj9j2cIyiKOo_7p0ASST9jFjoC28b8yZjtjaeoiYMFY0axgXmHNgCsMfa-

bzPAV0Ip6-BXqSonPAOcUIZdohXrABq4t-SaIAi-

r5CaNQ55SYIM8qLkwLkPv35SaM136wPxHoNTlyp8_j6pMQRgyC61E09xNN0g-

yRrOnsrMxeY_TChsmY3SMVc9Zj3EpEI_ErX3aifpFQw7usGZ2q9BFXAXNqBU_RA9qX7j820dP8tboquEU

kP_rw6os3sOyLegNDGtNDt8_rBh1bgDzWBnVkeIAsGVBOfyGL6rOmyZg420qtLYBcdP2ZW4xqO-

bjKr3rYkRVzJV7pizR5IF-

[3V3fLGtbLbWzHmuxxOn7hsFYgUCwJvc5AstKtTIJkrEm4PKcu1oDnxE_FMuv2A/http%3A%2F%2Fwww.r
ealgardens.net](http://3V3fLGtbLbWzHmuxxOn7hsFYgUCwJvc5AstKtTIJkrEm4PKcu1oDnxE_FMuv2A/http%3A%2F%2Fwww.realgardens.net)

Responses to Letter C85 – Susanna Dadd

Response to Comment C85-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment suggests that the LACFCD is only moving ahead with the current project because they have entered into verbal agreements with trucking companies and contractors already. Master Response 1 addresses this comment.

There are no existing verbal agreements with trucking companies or contractors. The Approved Project will be contracted on an open-competitive bid basis. An award of the construction contract will be made upon review of responsive bids. The contract will be awarded to a responsible contractor who submits the lowest responsive bid meeting the criteria established by the Board of Supervisors and the State Public Contract Code.

Response to Comment C85-2:

This comment suggests that the project as proposed will not prevent flooding, and recommends a different project alternative. Master Response 1 addresses this comment.

Response to Comment C85-3:

The commenter states that the Project is not in the best interest of the citizens of Los Angeles County and expresses support of the Pasadena Sediment Working Group's recommended alternative. Master Response 1 addresses this comment.

Letter C86 - Herbert Bosgood

From: Herbert Bosgood <herbert.bosgood@gmail.com>
Sent: Monday, September 18, 2017 10:42 PM
To: DPW-reservoircleanouts
Subject: Devil's Gate Reservoir Sediment Removal and Management Project

Dear Los Angeles County Supervisors,

In reading the documents for the "Devil's Gate Reservoir Sediment Removal and Management Project", I found that neither the FEIR nor the recirculated portions of the FEIR conducted a site suitability analysis to show where a 1:1 ratio of mitigated acreage would occur. Moreover, there is a dearth of scientific evidence in the document supporting the 1:1 mitigation plan. Leading scientific scholars have shown that mitigation is only successful when occurring at a ratio greater than 1:1. This prerequisite is even greater for riparian habitats. The recirculated FEIR notes that the Riversidean Alluvial Fan Sage Scrub is a sensitive natural community. Yet without a known location that unquestionably contains suitable conditions for this species, there is a high likelihood that the mitigation efforts would fail.

C86-1

Real estate in Southern California is limited, expensive, lacking in open space, and largely urbanized. The lead agency fails to show how and where it would procure more than 100 acres of suitable habitat to replace that which would be lost should the proposed project move forward. Should this large scale sediment relocation project take place, it would be devastating to the local ecosystem, especially if the project commenced before a mitigation location was found that was proven to be sufficiently large with the proper attributes needed to replace this fragile ecosystem.

C86-2

Sincerely,

Herbert Bosgood

Responses to Letter C86 – Herbert Bosgood

Response to Comment C86-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that a 1:1 mitigation ratio is not adequate and the location of the mitigation site is unknown. Master Responses 4 and 6 provide responses to this comment.

Response to Comment C86-2:

The comment states that LACFCD has not identified how or where it would procure the lands for the mitigation sites and has concerns about the impacts to the local ecosystem should the Project commence before a mitigation location is found. Master Response 6 provides a response to this comment. In addition, the LACFCD intends to implement the mitigation and the Project concurrently.

Letter C87 - Chris and Pam Tober

From: mr christ f tober <crispam@icloud.com>
Sent: Monday, September 18, 2017 6:04 PM
To: DPW-reservoircleanouts
Subject: Hahamongna sediment removal

Dear Sirs,
We would like to register our disapproval of the LA County plans for the Hahamongna sediment removal . Instead please use the plan proposed by the city of Pasadena. We feel that it is a more rational, balanced and ecologically sustainable plan. **C87-1**

Thank you,
Chris and Pam Tober
295 Parke St.
Pasadena, CA
91102
Sent from my iPad

Responses to Letter C87 – Chris and Pam Tober

Response to Comment C87-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the Pasadena Sediment Working Group's recommendations for the Project should be used instead of the current plan. Master Response 1 provides a response to this comment.

Letter C88 - Robert L. Staehle

**ROBERT L. STAEHLE
153 JAXINE DRIVE
ALTADENA, CALIFORNIA 91001
GABOON@SBCGLOBAL.NET**

2017 September 18

County of Los Angeles Department of Public Works
Water Resources Division / Reservoir Cleanouts Program
E-mail: reservoircleanouts@dpw.lacounty.org
P.O. Box 1460
Alhambra, CA 91802-1460

Re: Comments on DPW Flood Control District Final EIR for Hahamongna Watershed Park
(Devil's Gate Reservoir) Sediment Removal and Management Project

Dear Department of Public Works,

Your subject EIR and the actions it proposes are seriously deficient for the following reasons, and many others supplied by numerous commentors:

1. Your declaration that the proposed Project will have "less than significant impacts" on biological resources ignores the significance of the habitat destruction that will ensue on the environment in the proposed location as compared to its present condition. Your basis for evaluating the impact on a poor and incomplete habitat inventory conducted in 2013 has been superseded by habitat growth and improvement during the four years since then as part of the regional environmental recovery from the Station Fire of 2009. As other commenters have pointed out, your surveys missed important species, and have consistently understated the extent of rare riparian habitat. **C88-1**
2. Your analogy to remotely-located projects with 1:1 mitigation does not provide adequate evidence that your 1:1 mitigation plan for the subject project is adequate. It is not. Riparian habitat is very rare, and "mitigation" through habitat "improvement" miles away does nothing for the resident animals and plants, and little for migratory birds that are unaware of the new locations that you say you plan to "improve." In order to be useful and truly offsetting of the proposed environmental damage, mitigation must be local (within 0.5 - 1 mile of the site of destruction), and create essentially the same habitat as that destroyed, without in turn destroying some other habitat inhabited by other species that will be displaced. **C88-2**
3. You have inadequately addressed the circumstance of the carcinogenic and other health-degrading consequences of the emissions and dust raised by all vehicles involved in the Project, and by resultant additional emissions from the ambient public traffic that will be slowed on the freeways and adjacent streets used in moving sediment all the way from Hahamongna to its destination. You have not properly calculated and published the number of deaths, lost work hours, lost wages, increased insurance claims, pain and suffering that will take place because of the massive heavy **C88-3**

- | | |
|---|------------------------|
| <p>equipment and truck operation from this project. You have also not adequately delineated what fraction of these effects will be served on the more densely-populated areas that are affected where incomes and health margins are lowest, making these people the most vulnerable to the uncounted health effects.</p> | C88-3
cont. |
| <p>4. You have improperly excluded a major element of the proposed "Project" and its environmental effects, namely the proposed-in-parallel Trans-Altadena Pipeline, which would have an additional set of traffic and heavy equipment impacts, and would also have the major un-assessed impact of moving groundwater from one watershed to another.</p> | C88-4 |
| <p>5. In your response to my 2014 comment 242-18, you stated "As noted in the analysis, no mainline freeway segments will be significantly impacted by the Proposed Project." With upwards of 400 slow, heavily-loaded diesel truck trips a day (about one per minute!) lumbering up freeway onramps and into traffic, this assertion is clearly unsupported. Anyone who has driven on our local freeways during traffic is aware of the disturbance and propagating wave of slowing traffic created when a <i>single</i> slow truck chugs its way onto the freeway. It is an amazing commentary on your integrity and on the integrity of your environmental impact evaluation process that you can even make such an assertion.</p> | C88-5 |
| <p>6. There are viable and even less costly alternative approaches to needed sediment removal that you have rejected on multiple occasions. While of course you never state it this way, it would appear that your rejections are based mostly on a "not invented here" philosophy and management approach pervasive in your Department.</p> | C88-6 |
| <p>7. You have failed to point out your record of lying to the community you supposedly serve, and of lying to the Board of Supervisors, as in the "emergency" action that your department took in 2011 to obliterate the Arcadia Oak Woodland in order to make room for sediment that could be placed nowhere else without worse impact, you said, from an upstream dam. After this "emergency," in the years following, no significant amount of sediment was placed in the newly-leveled forest of centuries-old oaks and sycamores. You got your approval on false and contrived pretenses, and then proceeded to do what you intended beginning in 2006 with the <i>Santa Anita Dam Riser Modification and Sediment Removal Project</i>. Your present proposed Hahamongna Watershed Park Sediment Removal Project has much of the same look and feel of your Department trying to manipulate the community and the Board of Supervisors.</p> | C88-7 |

Thank you,

[original signed by]

Robert Staehle

Responses to Letter C88 – Robert Staehle

Response to Comment C88-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that a “less than significant impact” determination on biological resources is incorrect. The comment states that the RFEIR utilizes a 2013 habitat assessment as the basis for its analysis, neglects recent studies and current conditions, and underestimates certain types of riparian habitat.

The RFEIR was prepared to provide substantial evidence to support the mitigation ratios in Mitigation Measures BIO-6, -7, and -8 of the EIR. No provision of the Superior Court’s ruling in *Arroyo Seco Foundation v. County of Los Angeles*, LACSC Case No. BS 152771, a lawsuit that had challenged the Final EIR prepared for this Project, required the decertification of any other portion of the EIR’s analysis of potential biological resource impacts, including the EIR’s assessment of habitat that could be impacted during the Sediment Removal Phase of the Project, nor were the Project’s approvals voided or set aside. In preparing a Recirculated Portion of the Final EIR, rather than a new or supplemental EIR, the LACFCD was not required to issue a new notice of preparation pursuant to State CEQA Guidelines section 15182. Given this, and pursuant to State CEQA Guideline 15125(a), which provides that EIRs “must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced,” no later study of the condition of vegetation communities was required.

Further, comments regarding the EIR’s assessment of the condition of the habitat were previously raised in comments on the EIR. (e.g. the Arroyo Seco Foundation’s comment letter on the Draft EIR [Comment Letter #216] describing the Project site as having “well-established habitat” to support calls for increased mitigation.) These comments post-dated the 2013 assessment of habitat prepared in support of the EIR. Claims regarding the condition of the habitat were also raised in the lawsuit challenging the Final EIR, which argued that the EIR failed to adequately describe the Project’s biological environmental setting and thus would have significant, undisclosed, impacts on resources and habitat. The Superior Court expressly rejected claims that the environmental setting description of biological resources was incomplete, instead finding that it was in full compliance with CEQA. Accordingly, in preparing the RFEIR for the Superior Court’s review in order to confirm that the directions in its judgment have been satisfied, LACFCD was not required to provide analysis concerning newly asserted challenges as to the environmental setting description of biological resources that arise from the same material facts that were in existence at the time of the Court’s judgment.

Response to Comment C88-2:

The comment states that a 1:1 mitigation ratio and offsite mitigation are not adequate to offset the Project impacts. Master Responses 4 and 6 provide responses to this comment.

Response to Comment C88-3:

The comment states that the carcinogenic circumstance and other health-degrading consequences of the emissions and dust raised by all vehicles involved in the Project have been inadequately addressed. This comment is addressed by Master Response 1.

Response to Comment C88-4:

The comment states that the Devil's Gate Water Conservation Project (referred to as the Trans-Altadena Pipeline) was improperly excluded from the proposed Project and its environmental impacts. Master Response 1 addresses this comment

Response to Comment C88-5:

This comment states disapproval of the response the commenter received regarding his 2014 comment about impacts to freeway segments from truck traffic generated by the Project. Master Response 1 addresses this comment.

Response to Comment C88-6:

This comment suggests that there are other project alternatives that need to be considered. Master Response 1 addresses this comment.

Response to Comment C88-7:

This comment compares the current project to the Santa Anita Dam Riser Modification and Sediment Removal Project which the commenter feels was completed under false pretenses. Master Response 1 addresses this comment.

Letter C89 - Andrea Davis, Ph.D.

Andrea Davis, Ph.D.
262 Jaxine Drive
Altadena, CA 91001

September 19, 2017

Re: Hahamongna Watershed Park Sediment Removal Project

County of Los Angeles Department Public Works
Reservoir Cleanouts Program

Dear DPW,

As an Altadena resident, a long time business owner in Pasadena, and a member of several local running clubs and local community events which use the Hahamongna Watershed Park continuously for healthy recreational purposes in nature, (Pasadena Pacers, Gritty City Track Club, Pasadena Running Company Pasadena Trail Race), I wish to submit comments regarding the proposed excavation and pipeline projects.

Hahamongna Watershed Park and Devil's Gate Dam are **significant biological resources** to Los Angeles County and all visitors to the San Gabriel Mountains. For example, members of the thousands-members-strong Pasadena Pacers free running club have not stopped talking about our recent sighting of a retreating, shy mountain lion up ahead on the trail during a trail run through the Devil's Gate Dam watershed area just last month!

Hundreds of walkers, dog owners, dogs, runners, and many local student athletic teams are seen exercising and enjoying nature here every single day. We all would lose this highly significant nationally endangered natural resource of wildflowers, bees, rare animal species, reptiles, birds nesting in the rare ecological biome, if you were to go through with the absurd plan to remove the rare **habitat** of the wildlife there and turn the watershed park into a barren pit. The City of Pasadena would have to sadly rename the area Hahamongna Barren Pit.

C89-1

What would cause you to ignore the expensive City of Pasadena's proposed alternative plan? What would cause you to ignore the California Regional Water Quality Control Board's prior disapproval of a small-scale excavation in the Park? What would cause you to ignore formal public comments by concerned citizens citing hard evidence against this plan?

C89-2

It is unthinkable, unconscionable really, for the DWP to fail to follow scientific consultation on a major Altadena water pipeline plan and highly destructive sediment removal project. It is 2017. We have learned the hard lessons. Bureaucrats and policy makers cannot just blindly or self-interestedly make money-

C89-3

based decisions without considering what science is revealing about the true impacts of policy decisions. Please refer to the input on this issue by the

- US Fish & Wildlife Service
- California Department of Fish & Wildlife
- Santa Monica Mountains Conservancy
- City of Pasadena
- City of La Cañada-Flintridge
- Friends of Hahamongna
- Pasadena Audobon Society
- Sierra Club
- Arroyo Seco Foundation

C89-3
cont.

The LA County DWP has a history of ignoring citizens and scientists. The DWP ignored public comments about storing diseased tree limbs near neighbors' healthy trees (something even untrained yard maintenance persons know NOT to do). Disease-ridden, weak tree limbs which fell in the 2011 Nov 30-Dec 1 wind storm were hauled from all across the San Gabriel and stored in our neighborhood in the Fern Debris Basin on Chaney Trail and caused a concentric circular spread of dead trees due to the deadly polyphagous shot hole borer. This DWP stupid decision ended up killing our neighborhood's massive endangered California Live Oaks and massive pines. Our neighbors have spent thousands of dollars on arborists and (largely successful) polyphagous shot hole borer treatments and massive limb removals due to this poor management/planning and refusal to work with scientific input.

C89-4

Consider the *alternative plan* proposed by the City of Pasadena. Consider the fact that you are *public servants* entrusted with a precious biological resource which belongs to all the citizens of the county and that must be protected from ill-advised plans.

C89-5

Sincerely,



Andrea Davis, Ph.D.
626-791-7990

Responses to Letter C89 – Andrea Davis

Response to Comment C89-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the project would adversely affect recreation and wildlife habitat. The Court's ruling found that the EIR's analysis, including evaluation of impacts to recreation and wildlife habitat, fully complied with CEQA except for three very narrow issues, which are the subject of the RFEIR. Please see Master Response 1 for further information on the scope of the RFEIR and Master Responses 4 through 6 for additional information on the mitigation for loss of habitat.

Response to Comment C89-2:

The comment questions what would cause the LACAFCD to ignore the Pasadena Sediment Working Group's proposed alternative plan or the California Regional Water Quality Control Board's prior disapproval of a small-scale excavation in the project area. Master Response 1 addresses this comment.

Response to Comment C89-3:

The comment states that the Department of Public Works has failed to follow scientific consultation on this project as well as the Devil's Gate Water Conservation Project. Master Response 1 addresses this comment.

Response to Comment C89-4:

The comments states that the LACDPW has a history of ignoring citizens and scientists, citing an example of diseased tree limbs that fell in a 2011 wind storm. Comment noted. Master Response 1 addresses this comment.

Response to Comment C89-5:

This comment requests that the alternative plan by the Pasadena Sediment Working Group be considered. Master Response 1 addresses this comment.

Letter C90 - Marnie Gaede

Marnie Gaede
5218 Donna Maria Lane
La Canada, CA 91011
September 24, 2017

COMMENTS TO DEVIL'S GATE RFEIR

Executive Officer Sachi Hamai
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

RECEIVED
2017 SEP 28 AM 9:43
CHIEF EXECUTIVE OFFICE

To Executive Officer Sachi Hamai,

As a concerned citizen of La Canada Flintridge, I am submitting my comments to the Los Angeles County Flood Control District's Final Environmental Impact Report.

This process has been long, and quite frankly aggravating. I attended most of the meetings and was frustrated over the lack of consideration that was expressed by the County towards the public input.

It is clear that the County didn't respect the overwhelming public support of a smaller, less invasive, less polluted, less destructive project. The greatest support was for the City of Pasadena's slower, reduced sediment removal and more environmentally sensitive plan. It is also a fact that the County should have been moving sediment within the parameters of their mandated allotment. Because there hasn't been a steady, annual effort for decades, it feels as though the County has created a fear-based emergency to push for a project that has no place in this century.

I am an adjunct professor at Art Center College of Design. In our Design for Sustainability, we instruct our student to design for the challenges of the present and the future, while keeping in focus the environmental issues that will plague our world if we don't plan for a better future. This project looks like a 1950s plan, for a future that was uninformed of the impacts of pollution from diesel on health and climate change, nor aware the challenges of great human population expansion and the resultant impact on bio-diverse habitat and species.

Now the court has requested the County defend certain aspects of the habitat restoration and the great concern over air quality and impact of traffic.

After Judge Chalfant ordered the County to defend a 1:1 biological mitigation, I was hopeful that the response from the county would be informed by similar projects and advice from biologists and restoration experts. Most sensitive, bio-diverse riparian areas under consideration have a 2-3:1 ratio, not 1:1. The comparison sites used to defend 1:1 are not at all comparable to Hahamongna. The County clearly

C90-1

The worst aspect of this project involves the amount of sediment to be removed, the number of diesel trucks used daily, and the increase of noise, pollution and traffic. As a parent and a teacher, I fully recognize how traffic impacts schools (there are 9 near this project), how diesel pollution impacts student health, development and well-being, and how dangerous the long-term impact of diesel pollutions can be for all ages adjacent to such a project. A 2010 standard does not solve the problems associated with 425 trucks a day, along with support vehicles, idling time, noise, toxic air, and distraction.

C90-1
cont.


This isn't a project designed for a better, more healthful residential and educational environment; it is a project that will have long-term debilitating consequences to those who must suffer through years of pollution, noise, and increased traffic. With so much at stake: the children of the future and the people who have worked hard to live in the adjacent community, it defies reason to approve something that has such great impacts. The only reasonable alternative to this is clean energy trucks, fewer trucks, less sediment, greater time and a more respectful impact on the surrounding community.

I am advocating that the current LA County Board of Supervisors reject and not certify the RFEIR until the Flood Control District develops a less damaging project and more along the lines of the Pasadena Sediment Working Group. The stakeholders I have worked with, including the Pasadena and La Canada Flintridge City Councils, Hillside School and La Canada High School, Pasadena Audubon, and many others agree in principal.

C90-2

The stakeholders include, but are not limited to 10 schools, residences, stables, camps, JPL, hikers, bikers, family recreation, commuters, biology field camps, and wildlife. They are being asked to accommodate diesel pollution that is a known carcinogen and can cause heart & lung disease, traffic congestion, noise, dust and habitat destruction.

Thank you,

Sincerely, 

Marnie Gaede



SANTA CLARITA CA 913
25 SEP 2017 PM 2:11

Executive Officer Sachi Hamai
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012



9501233251 0059

Marnie Gaede
5218 Donna Maria Ln.
La Canada, CA 91011

Responses to Letter C90 – Marnie Gaede

Response to Comment C90-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment states that the process is taking too long and that the County has not considered public input when selecting an alternative. The County has provided opportunities to comment on the EIR and RFEIR above and beyond what is required by CEQA, including an extended public review period (90 days) for the original draft EIR and for the RFEIR (55 days), when only 45 days is required. Based partially on public input during the CEQA process, the County Board of Supervisors approved the Environmentally Superior Alternative (Alternative 3, Configuration D, Option 2) in conjunction with Alternative 5, the Haul Road Alternative, which further reduced traffic impacts. Under Alternative 3, Configuration D, extraction activities would remove approximately 2.4, rather than 2.9 mcy of excess sediment in the Reservoir, in addition to any additional sediment received during the implementation of the project. Additional alternatives were not required to be evaluated in the RFEIR. Please see Master Response 1 for additional information on the scope of the RFEIR, and Master Response 2 for additional information on the RFEIR public review period.

This comment further states that the project design is uninformed of the impacts of pollution from diesel on health and climate change as well as habitat and species, and that the use of the 2010 standard does not mitigate air quality impacts. Please see the Master Response 1 for additional information on the project's less-than-significant air quality impacts.

This comment further states that an alternative with clean energy trucks, fewer trucks, less sediment, greater time, and a more respectful impact on the surrounding community be adopted. Additional alternatives were not required to be evaluated in the RFEIR. Please see Master Response 1 for additional information on the scope of the RFEIR and Master Response 3 regarding the use of alternative fuel trucks.

Response to Comment C90-2:

The comment states the commenter's opposition to the project and that the County should select a different alternative similar to the one developed by the Pasadena Sediment Working Group. This comment has been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The evaluation of new alternatives is not within the scope of the RFEIR. Please see Master Response 1 for further information on the scope of the RFEIR.

Letter C91 - Christian Kasperkovitz

From: Christian Kasperkovitz <elkpen@gmail.com>
Sent: Thursday, September 07, 2017 11:30 AM
To: DPW-reservoircleanouts
Subject: hahamongna

Dear LA County supervisors, please extend the public period for comment regarding LA County Floods Devils Gate RFEIR as it has been inadequate in length for such a major decision. As it currently stands it seems to me as a citizen the momentum is towards an expedient rather than well thought through solution.

C91-1

thank you,
Christian Kasperkovitz
10351 Haines canyon Ave,
Tujunga CA 91042

Responses to Letter C91 – Christian Kasperkovitz

Response to Comment C91-1:

This comment requests that the public comment period for the RFEIR be extended. Master Response 2 addresses this comment.

Letter C92 - Don Wielenga

RECEIVED

By KB Email at 11:53 am, Jul 27, 2017

From: Don Wielenga [mailto:dwielenga@spusd.net]
Sent: Thursday, July 27, 2017 11:49 AM
To: Barger, Kathryn
Subject: Hahamogna Big Dig Project

To Kathryn Barger,

Please direct the Los Angeles County Flood Control District reduce the devastating impacts of their Big Dig project along the lines adopted by the Pasadena City Council in 2014 and advocated for by the Arroyo Seco Foundation and Pasadena Audubon in their NoBigDig lawsuit.

This project, along with the pipeline across Altadena to the Eaton Canyon spreading ground is waste of public funding and will damage the Arroyo Seco ecology dramatically. The Arroyo Seco Foundation and the Pasadena City Council have other ideas that would achieve the flood control goals with much less harm to the plant and animals off the Arroyo as well as the harm to us residents who will have to endure the health dangers and inconvenience of the massive digging and transportation of dirt from this project.

C92-1

Sincerely,
Donald Wielenga
Altadena Resident

Responses to Letter C92 – Don Wielenga

Response to Comment C92-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. The comment requests that the County of Los Angeles Board of Supervisors direct the LACFCD to adopt a project along the lines of the City of Pasadena's Sediment Working Group plan, and states the commenter's preference for the Sediment Working Group plan over the Approved Project. Master Response 1 addresses this comment.

Letter C93 - Taliba Carr

RECEIVED

By KB Email at 9:01 am, Aug 03, 2017

From: Rosemary Carr [mailto:talibamaalumu@gmail.com]
Sent: Wednesday, August 02, 2017 6:54 PM
To: Barger, Kathryn
Subject: Building a wall at Hahamongna Watershed!!!

Good Evening:

My neighbors and I are concerned that there is a conversation about building a WALL (at the end of La Canada Verdugo Road) which will prevent hundreds from enjoying the Green Space many many of us grew up with. We need to talk with you, ASAP.

My number is (626) 233-3342, we are anxiously waiting to STOP this before it is too late!

Taliba Carr
2371 Vista Laguna Terrace
Pasadena, CA 91103

C93-1

Responses to Letter C93 – Taliba Carr

Response to Comment C93-1:

Thank you for your input. These comments have been noted and will be provided to the County of Los Angeles Board of Supervisors for their consideration. This comment states the commenter's concern of a potential wall being built at the end of La Canada Verdugo Road, thereby restricting pedestrian access to Devil's Gate Dam and Reservoir. To clarify, only vehicular access will be closed and pedestrians will still be permitted to enter the property at this location. A temporary sound wall will be constructed along the new slip lane off Oak Grove Drive to reduce truck noise during hauling activities, but the sound wall will not restrict pedestrian access.

Letter C94 - William Christian

From: William Christian <billchristian43@gmail.com>
Sent: Wednesday, August 23, 2017 8:08 PM
To: DPW-reservoircleanouts
Subject: Request to extend public comment period for Devil's Gate Dam sediment removal Final EIR

Categories: Devil's Gate Sed Rem

To: Los Angeles County Department of Public Works,
Flood Control District

Re: Devils Gate Sediment Removal Project, Final Environmental Impact Report Comment Period

Dear Sir/Madam:

I am very interested in commenting on the final EIR for the Devil's Gate Dam sediment removal project, but am unable to provide reasonable comments within the allotted time period because of a long scheduled vacation period and other summer obligations. It would be much appreciated if you would extend the period for comments for a minimum of an additional 30 days, preferable until October 9, 2017. I have spoken to other people interested in providing comments, and they have the same concern for the meeting the comment period deadline during the summer season. Thank you very much for your consideration of this request. Please let me know what you decide.

C94-1

Sincerely,

/s/

William Christian
1450 Arroyo View Drive
Pasadena, CA 91103
626-437-2940

Responses to Letter C94 – William Christian

Response to Comment C94-1:

This comment requests that the public comment period for the RFEIR be extended for a minimum of 30 days. Master Response 2 addresses this comment.

THIS PAGE INTENTIONALLY LEFT BLANK

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program for the Devil's Gate Reservoir Sediment Removal and Management Project is presented in this section.

THIS PAGE INTENTIONALLY LEFT BLANK

MITIGATION MONITORING AND REPORTING PROGRAM							
Devil's Gate Reservoir Sediment Removal and Management Project							
Mitigation Measure	Implementation Phase*	Monitoring Phase*	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initial	Date	Remarks
AIR QUALITY							
MM AQ-1: LACFCD shall require all construction contractors during the sediment removal phase of the Proposed Project to use only sediment removal dump trucks that meet the EPA's emission standards for Model Year 2010 2007 or later.	Final Plans and Specifications; Pre-Sediment Removal; Sediment Removal; Reservoir Management	Sediment Removal; Reservoir Management	Los Angeles County Flood Control District	Less than significant			
MM AQ-2: LACFCD shall require all construction contractors during the sediment removal phase of the Proposed Project to use off-road equipment that meets, at a minimum, EPA's emission standards for Tier 3 equipment.	Final Plans and Specifications; Pre-Sediment Removal; Sediment Removal; Reservoir Management	Sediment Removal; Reservoir Management	Los Angeles County Flood Control District	Less than significant			
BIOLOGICAL RESOURCES							
MM BIO – 1: A qualified biological monitor shall be present during initial ground- or vegetation-disturbing project-related activities to provide measures and monitor for wildlife in harm's way. This includes initial ground- or vegetation-disturbing project-related activities at the annual start of each year of sediment removal or maintenance activities. Following initial project-related activities, a qualified monitoring biologist shall be present as necessary to maintain the implemented protection measures and monitor for additional species in harm's way. These protection measures shall include, as appropriate: redirecting wildlife, identifying areas that may require exclusionary devices (e.g., fencing), or capturing and relocating wildlife outside the work area. Any captured species shall be relocated to adjacent appropriate habitat that is contiguous to adjacent habitat and not impacted by project-related disturbance activities.	Pre-Sediment Removal; Sediment Removal; Reservoir Management	Pre-Sediment Removal; Sediment Removal; Reservoir Management	Los Angeles County Flood Control District	Less than significant			
MM BIO – 2: Within 90 days prior to ground-disturbing activities, a sensitive species educational briefing shall be conducted by a qualified biologist for construction personnel. The biologist will identify all sensitive resources that may be encountered onsite, and construction personnel will be instructed to avoid and report any sightings of sensitive species to LACFCD or the monitoring biologist. Educational briefings shall be repeated annually for the duration of the sediment removal.	Final Plans and Specifications; Pre-Sediment Removal; Sediment Removal; Reservoir Management	Pre-Sediment Removal; Sediment Removal; Reservoir Management	Los Angeles County Flood Control District	Less than significant			
MM BIO – 3: Within 90 days prior to ground-disturbing activities, a preconstruction survey shall be conducted by a qualified biologist for the presence of any sensitive species in harm's way, including coast range newt, the southwestern pond turtle, and the two-striped garter snake. If sensitive species are observed in harm's way, the qualified biologist will develop and implement appropriate protection measures for that species. These protection measures shall include, as appropriate: redirecting the species, constructing exclusionary devices (e.g., fencing), or capturing and relocating wildlife outside the work area. Preconstruction surveys shall be repeated annually for the duration of the sediment removal. Observations of special status species made during these surveys shall be recorded onto a CNDDDB field data sheet and submitted to CDFW for inclusion into the CNDDDB.	Pre-Sediment Removal; Sediment Removal; Reservoir Management	Pre-Sediment Removal; Sediment Removal; Reservoir Management	Los Angeles County Flood Control District	Less than significant			

MITIGATION MONITORING AND REPORTING PROGRAM							
Devil's Gate Reservoir Sediment Removal and Management Project							
Mitigation Measure	Implementation Phase*	Monitoring Phase*	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initial	Date	Remarks
<p>MM BIO – 4: LACFCD, in consultation with a qualified biologist, will employ bird exclusionary measures (e.g., mylar flagging) prior to the start of bird breeding season to prevent birds nesting within established boundaries of the project. Prior to commencement of sediment removal activities within bird breeding season (March 1-August 31), a preconstruction bird nesting survey shall be conducted by a qualified biologist for the presence of any nesting bird within 300 feet of the construction work area. The surveys shall be conducted 30 days prior to the disturbance of suitable nesting habitat by a qualified biologist with experience in conducting nesting bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. Preconstruction surveys shall be repeated annually for the duration of the sediment removal.</p> <p>If an active nest is found, the qualified biologist will develop and implement appropriate protection measures for that nest. These protection measures shall include, as appropriate, construction of exclusionary devices (e.g., netting) or avoidance buffers. The biologist shall have the discretion to adjust the buffer area as appropriate based on the proposed construction activity, the bird species involved, and the status of the nest and nesting activity; but shall be no less than 30 feet. Work in the buffer area can resume once the nest is determined to be inactive by the monitoring biologist.</p>	Final Plans and Specifications; Pre-Sediment Removal; Sediment Removal; Reservoir Management	Pre-Sediment Removal; Sediment Removal; Reservoir Management	Los Angeles County Flood Control District	Less than significant			
<p>MM BIO – 5: Within 30 days prior to commencement of vegetation or structure removal activities, a preconstruction bat survey shall be conducted by a qualified biologist for the presence of any roosting bats. Acoustic recognition technology shall be used if feasible and appropriate. If either a bat maternity roost or hibernacula (structures used by bats for hibernation) are present, a qualified biologist will develop and implement appropriate protection measures for that maternity roost or hibernacula. These protection measures shall include, as appropriate: safely evicting non-breeding bat hibernacula, establishment of avoidance buffers, or replacement of roosts at a suitable location. These measures shall also include as appropriate:</p> <ul style="list-style-type: none"> • To the extent feasible, trees that have been identified as roosting sites shall be removed or relocated between October 1 and February 28. • When trees must be removed during the maternity roost season (March 1 to September 30), a qualified bat specialist shall conduct a preconstruction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. • Trees identified as potentially supporting an active nursery roost shall be inspected by a qualified biologist no greater than 7 days prior to tree disturbance to determine presence or absence of roosting bats. • Trees determined to support active maternity roosts will be left in place until the end of the maternity season (September 30). • If bats are not detected in a tree, but the qualified biologist determined that roosting bats may still be present, trees shall be removed as follows: <ul style="list-style-type: none"> ○ Pushing the tree down with heavy machinery instead of felling the tree with a chainsaw ○ First pushing the tree lightly 2 to 3 times with a pause of 30 seconds 	Final Plans and Specifications; Pre-Sediment Removal; Sediment Removal; Reservoir Management	Pre-Sediment Removal; Sediment Removal; Reservoir Management	Los Angeles County Flood Control District	Less than significant			

MITIGATION MONITORING AND REPORTING PROGRAM							
Devil's Gate Reservoir Sediment Removal and Management Project							
Mitigation Measure	Implementation Phase*	Monitoring Phase*	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initial	Date	Remarks
<p>in between each nudge to allow bats to become active, and then pushing the tree to the ground slowly.</p> <ul style="list-style-type: none"> o Allowing the tree to remain in place for 24 to 48 hours until inspected by the qualified biologist for presence or absence of roosting bats. • The qualified biologist shall document all bat survey, monitoring, and protection measure activities and prepare a summary report for LACFCD. 							
<p>MM BIO – 6: Riversidean Alluvial Fan Sage Scrub habitat shall be restored and/or enhanced at a 1:1 ratio by acreage. <u>LACFCD, with the help of professional restoration ecologists, will develop the means and methods of successful restoration and enhancement of this sensitive habitat. Measures to achieve not less than a 1:1 replacement, or no net loss, of Riversidean Alluvial Fan Sage Scrub shall include but not be limited to the following:</u></p> <ul style="list-style-type: none"> • <u>Conduct a vegetation survey within the impact area prior to commencement of vegetation removal activities to verify the impact acreage of Riversidean Alluvial Fan Sage Scrub.</u> • <u>Identify and map the selected mitigation Aareas where Riversidean Alluvial Fan Sage Scrub will be enhanced or restored shall be mapped using aerial photographs. Priority for mitigation site locations shall be onsite, offsite within Arroyo Seco subwatershed, and offsite within the greater Los Angeles River watershed.</u> • <u>Select offsite reference sites where Riversidean Alluvial Fan Sage Scrub is the established plant community. The reference sites will be used to establish the necessary performance standards to which the mitigation site will be measured. Performance standard parameters will include percent cover of native plant species, percent cover of nonnative and invasive plant species, and native plant species richness (number of different plant species).</u> • <u>Prepare and implement a site-specific Habitat Restoration Plan that will result in the successful restoration and enhancement at the selected mitigation sites. The Habitat Restoration Plan, at a minimum, shall include guidelines and specifications for the following:</u> <ul style="list-style-type: none"> o <u>Site-specific container plant (if applicable) and seed palettes,</u> o <u>Irrigation plan,</u> o <u>Nonnative and invasive plant species removal,</u> o <u>Maintenance and monitoring schedule,</u> o <u>Qualitative and quantitative monitoring methodologies,</u> o <u>Selection criteria of reference sites,</u> o <u>Performance standards of the mitigation sites,</u> o <u>Monitoring reports and annual reports schedule,</u> o <u>Mitigation long-term management plan, and</u> o <u>Funding description for implementation and long-term management.</u> • <u>Prepare an as-built plan after the installation of the plant and seed materials has been completed to document the acreage of each restored or enhanced plant community on the mitigation sites and to show that not less than a 1:1 replacement of sensitive habitats has been</u> 	<p>Reservoir Management</p> <ul style="list-style-type: none"> • <u>Prepare Habitat Restoration Plan</u> • <u>Identify/Map Mitigation Sites</u> • <u>Install Plant Materials</u> • <u>Monitor Installation</u> • <u>Install Irrigation, if Necessary</u> • <u>Prepare As-Built Report</u> • <u>Conduct Maintenance</u> • <u>Prepare Monitoring Reports</u> 	<p>Reservoir Management</p> <ul style="list-style-type: none"> • <u>Identify Reference Sites</u> • <u>Conduct Qualitative and Quantitative Monitoring</u> • <u>Conduct Maintenance</u> • <u>Implement Adaptive Management Measures, if Necessary</u> • <u>Prepare Monitoring Reports</u> • <u>Prepare Annual Reports</u> • <u>Achieve Mitigation Site Sign-Off</u> 	<p>Los Angeles County Flood Control District</p>	<p>Less than significant</p>			

MITIGATION MONITORING AND REPORTING PROGRAM							
Devil's Gate Reservoir Sediment Removal and Management Project							
Mitigation Measure	Implementation Phase*	Monitoring Phase*	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initial	Date	Remarks
<p><u>achieved.</u></p> <ul style="list-style-type: none"> • <u>Quantitatively monitor the mitigation sites until the performance standards have been met and restoration and enhancement of not less than 1:1 replacement of Riversidean Alluvial Fan Sage Scrub has been achieved.</u> • <u>Implement adaptive management measures if, during monitoring, the mitigation sites do not demonstrate measurable progress toward achieving the necessary performance standards or if unforeseen circumstances damage the mitigation sites. Adaptive management measures will include but not be limited to:</u> <ul style="list-style-type: none"> ○ <u>Correctively re-grade areas if hydrologic or other conditions negatively affect the mitigation sites,</u> ○ <u>Add soil amendments if problem soils may be inhibiting plant growth,</u> ○ <u>Replant if plant survival is low or to increase plant species cover or diversity,</u> ○ <u>Install different plant species for plant species which are not surviving, and</u> ○ <u>Close trails or install barriers if human caused impacts are damaging the mitigation sites.</u> • <u>Implement and monitor the required mitigation at alternative sites, chosen based on same priority methodology, if the mitigation sites do not achieve the performance standards after the implementation of adaptive management measures. LACFCD shall conduct qualitative and annual quantitative monitoring and prepare annual monitoring reports until the established performance standards are achieved.</u> • <u>Ensure the allocation and encumbrance of the funding necessary to implement the Habitat Restoration Plan, adaptive management measures, alternative mitigation sites (if necessary), and long-term management and protection of the mitigation sites.</u> 							
<p>MM BIO – 7: <u>Within 90 days prior to ground-disturbing activities, a qualified biologist shall conduct a tree survey within the project footprint to identify native city-protected trees that would will be removed or potentially affected by the Proposed Project, and native city-protected trees that can be avoided, and native city-protected trees that will require root zone protection. LACFCD would will replace native city-protected trees that cannot be avoided. The replacement is expected to be at a up to 1:1 ratio by canopy acreage. The biological monitor shall implement measures to protect the root zone of oak trees that may be impacted immediately adjacent to the project site and along access roads. The acreage occupied by the canopies of the native city-protected trees to be removed will determine the appropriate level of tree replacement. LACFCD shall identify tree replacement areas that are no less than the acreage of the native city-protected tree canopies to be removed. Priority for tree replacement locations shall be onsite, offsite within Arroyo Seco subwatershed, and offsite within the greater Los Angeles River watershed. The number of replacement trees installed by LACFCD will be greater than the number of trees to be removed</u></p>	<p>Pre-Sediment Removal; Sediment Removal; Reservoir Management</p> <ul style="list-style-type: none"> • <u>Conduct Tree Survey</u> • <u>Identify and Protect Oak Tree Root Zones</u> • <u>Identify/Map Mitigation Sites</u> • <u>Prepare Habitat Restoration Plan</u> • <u>Install Plant Materials</u> • <u>Monitor Installation</u> • <u>Install Irrigation, if Necessary</u> • <u>Prepare As-Built Report</u> • <u>Conduct Maintenance</u> • <u>Prepare Monitoring Reports</u> 	<p>Pre-Sediment Removal; Sediment Removal; Reservoir Management</p> <ul style="list-style-type: none"> • <u>Identify Reference Sites</u> • <u>Conduct Qualitative and Quantitative Monitoring</u> • <u>Conduct Maintenance</u> • <u>Implement Adaptive Management Measures, if Necessary</u> • <u>Prepare Monitoring Reports</u> • <u>Prepare Annual Reports</u> • <u>Achieve Mitigation Site Sign-Off</u> 	<p>Los Angeles County Flood Control District</p>	<p>Less than significant</p>			

MITIGATION MONITORING AND REPORTING PROGRAM							
Devil's Gate Reservoir Sediment Removal and Management Project							
Mitigation Measure	Implementation Phase*	Monitoring Phase*	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initial	Date	Remarks
<p><u>should the replacement tree be smaller and younger than the tree to be removed. LACFCD shall monitor the survival of the replacement trees for 5 years and replace those that do not survive within the monitoring period, ensuring that not less than 1:1 ratio of replacement, or no net loss, has been achieved.</u></p>							
<p>MM BIO – 8: A combination of onsite and offsite habitat restoration, enhancement, and exotic <u>plant</u> removal shall be implemented by LACFCD at a 1:1 ratio for impacted <u>riparian habitat, sensitive natural communities, habitat</u> and jurisdictional waters. Habitat restoration/enhancement shall include use of willow cuttings and exotic <u>plant</u> species removal. Non-native, weedy habitats within the basin shall be utilized whenever possible as mitigation sites. <u>LACFCD, with the help of professional restoration ecologists, will develop the means and methods of successful restoration and enhancement of riparian habitat, sensitive natural communities, and jurisdictional waters. Measures to achieve not less than a 1:1 replacement, or no net loss, of riparian habitat, sensitive natural communities, and jurisdictional waters shall include but not be limited to the following:</u></p> <ul style="list-style-type: none"> • <u>Conduct a vegetation survey within the impact area prior to commencement of vegetation removal activities to verify the impact acreages of riparian habitat (Riparian Woodland and Mule Fat Thickets), sensitive natural communities (Coastal Sage Scrub), and jurisdictional waters (federally protected wetlands).</u> • <u>Identify and map the selected mitigation areas where riparian habitat, sensitive natural communities, and federally protected wetlands will be enhanced or restored. Priority for mitigation site locations shall be onsite, offsite within Arroyo Seco subwatershed, and offsite within the greater Los Angeles River watershed.</u> • <u>Select offsite reference sites where riparian habitats (Riparian Woodland and Mule Fat Thickets) and sensitive natural communities (coastal sage scrub) are the established plant communities and where federally protected wetlands are present. The reference sites will be used to establish the necessary performance standards to which the mitigation site will be measured. Performance standard parameters will include percent cover of native plant species, percent cover of nonnative and invasive plant species, native plant species richness (number of different plant species), structural patch richness, and wildlife use.</u> • <u>Prepare and implement a site-specific Habitat Restoration Plan that will result in the successful restoration and enhancement at the selected mitigation sites. The Habitat Restoration Plan, at a minimum, shall include guidelines and specifications for the following:</u> <ul style="list-style-type: none"> ○ <u>Site-specific container plant and seed palettes,</u> ○ <u>Irrigation plan,</u> ○ <u>Nonnative and invasive plant species removal,</u> ○ <u>Maintenance and monitoring schedule,</u> ○ <u>Qualitative and quantitative monitoring methodologies,</u> ○ <u>Selection criteria of reference sites,</u> ○ <u>Performance standards of the mitigation sites,</u> 	<p>Reservoir Management</p> <ul style="list-style-type: none"> • <u>Prepare Habitat Restoration Plan</u> • <u>Identify/Map Mitigation Sites</u> • <u>Install Plant Materials</u> • <u>Monitor Installation</u> • <u>Install Irrigation, if Necessary</u> • <u>Prepare As-Built Report</u> • <u>Conduct Maintenance</u> • <u>Prepare Monitoring Reports</u> 	<p>Reservoir Management</p> <ul style="list-style-type: none"> • <u>Identify Reference Sites</u> • <u>Conduct Qualitative and Quantitative Monitoring</u> • <u>Conduct Maintenance</u> • <u>Implement Adaptive Management Measures, if Necessary</u> • <u>Prepare Monitoring Reports</u> • <u>Prepare Annual Reports</u> • <u>Achieve Mitigation Site Sign-Off</u> 	<p>Los Angeles County Flood Control District</p>	<p>Less than significant</p>			

MITIGATION MONITORING AND REPORTING PROGRAM							
Devil's Gate Reservoir Sediment Removal and Management Project							
Mitigation Measure	Implementation Phase*	Monitoring Phase*	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initial	Date	Remarks
<ul style="list-style-type: none"> ○ <u>Monitoring reports and annual reports schedule.</u> ○ <u>Mitigation long-term management plan, and</u> ○ <u>Funding description for implementation and long-term management.</u> ● <u>Prepare an as-built plan after the installation of the plant and seed materials has been completed to document the acreage of each restored or enhanced plant community on the mitigation sites to show that the sites contain not less than a 1:1 replacement of riparian habitats, sensitive natural communities, and federally protected wetlands has been achieved.</u> ● <u>Quantitatively This mitigation measure shall be monitored for success for five years following implementation the mitigation sites until the performance standards have been met and restoration and enhancement of not less than 1:1 replacement of riparian habitats, sensitive natural communities, and federally protected wetlands has been achieved.</u> <ul style="list-style-type: none"> ● <u>Implement adaptive management measures if, during monitoring, the mitigation sites do not demonstrate measurable progress achieving the necessary performance standards or if unforeseen circumstances damage the mitigation sites. Adaptive management measures will include but not be limited to:</u> <ul style="list-style-type: none"> ○ <u>Correctively re-grade areas if hydrologic or other conditions negatively affect the mitigation sites.</u> ○ <u>Add soil amendments if problem soils may be inhibiting plant growth.</u> ○ <u>Replant if plant survival is low or to increase plant species cover or diversity.</u> ○ <u>Install different plant species for plant species which are not surviving, and</u> ○ <u>Close trails or install barriers if human caused impacts are damaging the mitigation sites.</u> ● <u>Implement and monitor the required mitigation at alternative sites if the mitigation sites do not achieve the performance standards after the implementation of adaptive management measures. LACFCD shall conduct qualitative and annual quantitative monitoring and prepare annual monitoring reports until the established performance standards are achieved.</u> ● <u>Ensure the allocation and encumbrance of the funding necessary to implement the Habitat Restoration Plan, adaptive management measures, alternative mitigation sites (if necessary), and long-term management and protection of the mitigation sites.</u> ● <u>Submit a A-report of the monitoring results shall be submitted annually, during the five years following implementation of the restoration and enhancement activities at the mitigation sites, to resource agencies as required by the Section 401 Certification, Section 404 permit, and a Streambed Alteration Agreement until the mitigation sites have met the performance standards.</u> 							
CULTURAL RESOURCES							

MITIGATION MONITORING AND REPORTING PROGRAM							
Devil's Gate Reservoir Sediment Removal and Management Project							
Mitigation Measure	Implementation Phase*	Monitoring Phase*	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initial	Date	Remarks
MM CUL-1: If sediment removal or reservoir management activities exceed the depth of the historic flood deposits and encounter native sediments, these activities will be monitored by a qualified archaeologist. In the event this occurs and historic or archaeological materials are observed, the excavation in the proximity of the discovery should be diverted until a qualified archaeologist and/or paleontologist evaluates the discovery.	Final Plans and Specifications; Pre-Sediment Removal; Sediment Removal; Reservoir Management	Sediment Removal; Reservoir Management	Los Angeles County Flood Control District	Less than significant			
MM CUL-2: If sediment removal or reservoir management activities exceed the depth of the historic flood deposits and encounter native sediments, these activities will be monitored by a qualified paleontologist. In the event that this occurs and paleontological materials are observed, the excavation in the proximity of the discovery should be diverted until a qualified paleontologist evaluates the discovery.	Final Plans and Specifications; Pre-Sediment Removal; Sediment Removal; Reservoir Management	Sediment Removal; Reservoir Management	Los Angeles County Flood Control District	Less than significant			
MM CUL-3: In the event human remains are discovered, all work in the area must be halted until the County Coroner identifies the remains and makes recommendations regarding their appropriate treatment pursuant to PRC Section 5097.98.	Final Plans and Specifications; Sediment Removal; Reservoir Management	Sediment Removal; Reservoir Management	Los Angeles County Flood Control District	Less than significant			
LAND USE AND PLANNING							
MM LAN-1: Temporary impacts to designated recreational facilities and trails shall be minimized through advance communication and redirection to the nearest facility in the vicinity of the Proposed Project. Prior to completion of final plans and specifications, the LACFCD shall review the plans and specifications to ensure that they contain proper language requiring that signs be posted at the nearby parking lots and trailheads at least one month in advance of sediment removal activities.	Final Plans and Specifications; Pre-Sediment Removal; Sediment Removal; Reservoir Management	Pre-Sediment Removal; Sediment Removal; Reservoir Management	Los Angeles County Flood Control District	Less than significant			
NOISE/VIBRATION							
MM N-1: The LACFCD shall restrict the operation of any off-road construction equipment that is powered by a greater than 200-horsepower engine from operating within 180 feet of any offsite residential structure. Equipment that is not performing any earth-moving activities and is solely operating for entering or leaving the site via the access roads to the reservoir is exempted from this requirement.	Final Plans and Specifications; Pre-Sediment Removal; Sediment Removal; Reservoir Management	Sediment Removal; Reservoir Management	Los Angeles County Flood Control District	Less than significant			
TRANSPORTATION/TRAFFIC							
MM TRA-1: Proposed Project haul trucks will not deliver to the Vulcan Material Reliance Facility during the PM peak period.	Final Plans and Specifications; Pre-Sediment Removal; Sediment Removal; Reservoir Management	Sediment Removal; Reservoir Management	Los Angeles County Flood Control District	Implementation of mitigation measures would reduce impacts but not to a level of less than significant			
MM TRA-2: Proposed Project haul trucks will not deliver to the Boulevard Pit during the PM peak period.	Final Plans and Specifications; Pre-Sediment Removal; Sediment Removal; Reservoir Management	Sediment Removal; Reservoir Management	Los Angeles County Flood Control District	Implementation of mitigation measures would reduce impacts but not to a level of less than significant			

*The Implementation and Monitoring phases are broken down into four categories: Final Plans and Specifications; Pre- Sediment Removal; Sediment Removal; and Reservoir Management. "Final Plans and Specifications" indicates that the mitigation measure must be incorporated into the final approved design, plans, and specifications for the project. "Pre- Sediment Removal" refers to measures that are required prior to the start of the sediment removal phase. "Sediment Removal" refers to all aspects of the Sediment Removal phase. "Reservoir Management" refers to all aspects of the Reservoir Management phase.

THIS PAGE INTENTIONALLY LEFT BLANK