DRAFT
Final Mitigated Negative Declaration
Stormwater Capture Parks Program

Los Angeles Department of Water and Power
Environmental Affairs
111 North Hope Street, Room 1044
Los Angeles, California 90012

July 2021

CEQA Initial Study and Mitigated Negative Declaration

Stormwater Capture Parks Program

July 2021

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SECTION 3
Comment Letters

The City of Los Angeles Department of Water and Power (LADWP), Department of Public Works Bureau of Engineering (BOE) and Bureau of Sanitation (LASAN), and Department of Recreation and Parks (RAP), are collectively referred to herein as the "City." LADWP acting as Lead Agency circulated the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for the Stormwater Capture Parks Program (Program) for public review for 30 days (January 7, 2021 through February 7, 2021) in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines Section 15072(a). BOE, LASAN, and RAP will act as Responsible Agencies. The City received a total of eight comment letters during the public review period, which are listed in **Table 3-1** and are included within this chapter. The letters have been marked with brackets that delineate comments pertaining to environmental issues and the information and analysis contained in the Draft IS/MND. Responses to such comments are provided in Section 4.

TABLE 3-1
COMMENT LETTERS RECEIVED

Comment Letter No.	Commenter	Date of Comment
1	California Department of Transportation	January 13, 2021
2	Luis Suarez	January 15, 2021
3	Marie Gordon	January 22, 2021
4	Brenda Dalusong	February 2, 2021
5	California Department of Fish and Wildlife	February 5, 2021
6	Diana Nicole, Sunshine Hills Residents Association	February 8, 2021
7	County of Los Angeles Fire Department	February 9, 2021
8	Joanne D'Antonio	February 8, 2021

SECTION 4
Response to Comments

4.1 Comments on the Draft IS/MND and Response to Comments

The responses to comments included in this section correspond to each comment letter outlined in Section 3.

Letter 1: Miya Edmonson (California Department of Transportation)

Comment 1-A

The commenter summarizes the project description.

Response 1-A

The comment is noted and will be included in the project record.

Comment 1-B

The commenter states that an encroachment permit would likely be required for any project work, including road closures, done on or near California Department of Transportation's (Caltrans) right of way.

Response 1-B

As noted on page 33 of the Draft IS/MND, the City and/or its contractors will coordinate with Caltrans and will obtain all necessary permits prior to construction activities. In addition, Caltrans is an active partner in the Program, providing some funding and assisting with project level designs.

Comment 1-C

The commenter states that a Caltrans transportation permit is required for transporting any heavy construction equipment and/or materials with oversized-transport vehicles on State Highways.

Response 1-C

The City and/or its contractors will coordinate with Caltrans and will obtain all necessary permits prior to construction activities.

Comment 1-D

The commenter recommends that project construction traffic is limited to off-peak periods to minimize potential impacts on State facilities.

Response 1-D

As outlined in Mitigation Measure TR-1, the City and/or its contractors will coordinate with Los Angeles Department of Transportation (LADOT) in order to prepare a construction traffic management plan (CTMP) for the Program which will include time of day restrictions, and time limitations for construction traffic.

Comment 1-E

The commenter requests submission of a construction traffic management plan to Caltrans for review if State facilities are expected to have delays. The commenter request that the traffic management plan includes details on any traffic delays that would occur on State facilities during construction, and alternate bicycle and pedestrian routes for any routes that would be affected during construction.

Response 1-E

The City will submit the CTMP to Caltrans for review if delays are expected on State facilities.

Comment 1-F

The commenter expresses support for Transportation Demand Management (TDM) strategies which the City has incorporated into the Program and recommends additional options to further reduce Vehicle Miles Traveled (VMT) and greenhouse gas emissions impacts.

Response 1-F

The Draft IS/MND concluded that Program impacts to VMT and greenhouse gas emissions would occur at levels that are below CEQA significance thresholds, without implementation of any mitigation measures.

Letter 2: Luis Suarez

Comment 2-A

The commenter requests more information regarding the environmental impacts that would occur on homes surrounding Fernangeles Park.

Response 2-A

Residents in the vicinity of Program sites may experience temporary impacts related to construction. The City and its construction contractors are required to implement mitigation measures to ensure that nearby residents are notified of tentative construction schedules and that Program impacts remain below the specific impact thresholds identified in Appendix G of the

CEQA Guidelines. For a detailed discussion of anticipated environmental impacts, please refer to the Draft IS/MND. With respect to neighborhood impacts, the IS/MND describes effects to aesthetics on page 46, air quality on page 51, biological resources on page 72, noise on page 122, recreational resources on page 138, and traffic on page 140.

Comment 2-B

The commenter expresses concern regarding the potential for groundwater saturation in surrounding neighborhoods as a result of the proposed infiltration galleries at Fernangeles Park.

Response 2-B

The Program would include construction of underground infiltration galleries, which would capture surface flow and divert stormwater runoff from the Caltrans pump discharge to recharge the San Fernando Groundwater Basin. The infiltration galleries will be constructed of concrete and are designed to retain flows for percolation into the San Fernando Groundwater Basin. The ground surface surrounding the park would be restored to support recreational uses similar to current conditions. The Draft IS/MND evaluates the potential for groundwater mounding to occur that could affect surface infrastructure. A technical analysis prepared by Todd Groundwater Consultants is included as Appendix E. As noted in Table 1 of Appendix E, the infiltration galleries would range from 16 to 29 feet below ground surface and the groundwater levels in the area range from 105 to 335 feet below the ground surface. Mitigation measure GEO-1 has been included to monitor groundwater levels and reduce flow diversions when groundwater is within 50 feet of the surface. With mitigation implemented, the Draft IS/MND concludes that the potential for elevated groundwater levels would be minimized.

Letter 3: Marie Gordon

Comment 3-A

The commenter requests information regarding start and end dates for Program construction activities that would occur near two senior citizen apartment buildings located along Vanowen Street, between Whitsett Avenue and Rhodes Avenue, just south of Whitsett Fields Park North.

Response 3-A

As noted in Table 1-6 on page 40 of the Draft IS/MND, construction activities at Whitsett Fields Park North are expected to take approximately 18 months, starting in June 2025 and ending in November 2026. Construction at Valley Plaza Park North, located east of I-170 on Vanowen Street, is expected to take approximately 17 months, starting in November 2023 and ending in March 2025. Construction work hours would generally be restricted to times between 7 A.M. and 7 P.M., Monday through Friday.

Comment 3-B

The commenter expresses concern regarding construction mitigation measures and their potential to minimize environmental impacts on senior citizens living in nearby apartments. The commenter states that the environmental impacts of prior projects were not effectively mitigated.

Response 3-B

Residents in the vicinity of Program sites may experience temporary impacts related to construction. The City and its construction contractors are required to implement mitigation measures to ensure that nearby residents are notified of tentative construction schedules, and that Program impact levels remain below the specific thresholds identified in Appendix G of the CEQA Guidelines. For a detailed discussion of anticipated environmental impacts, please refer to the Draft IS/MND. With respect to neighborhood impacts, the IS/MND describes effects to aesthetics on page 46, air quality on page 51, biological resources on page 72, noise on page 122, recreational resources on page 138, and traffic on page 140.

Comment 3-C

Commenter states that the Notice of Intent (NOI) for the Program is dated January 7, 2021 but was not received until January 20, 2021.

Response 3-C

The comment is noted and will be included in the project record. The public review period for the Draft IS/MND was from January 7, 2021, to February 7, 2021. The commenter received the NOI within the public review period of the Draft IS/MND in compliance with CEQA.

Letter 4: Brenda Dalusong

Comment 4-A

The commenter requests that the City consider construction of sidewalks around the perimeter of Fernangeles Park as part of the Program's proposed recreational facilities enhancements. The commenter states concern for pedestrian/motor vehicle safety around the park due to the lack of sidewalks available for pedestrian use.

Response 4-A

Figures 1-4 through 1-12 provide architectural drawings for each of the proposed parks that include public access and pedestrian circulation to support existing recreational uses.

Letter 5: Erinn Wilson-Olgin (California Department of Fish and Wildlife)

Comment 5-A

The comment acknowledges that California Department of Fish and Wildlife (CDFW) received the Draft IS/MND for review and to provide comments.

Response 5-A

Comment noted.

Comment 5-B

CDFW disagrees with the City's impact analysis, which finds that the Project's diversion of water would not impact biological resources

The Project would divert dry season flow and stormwater totaling 3,010 acre-feet per year (AFY). The water would otherwise proceed downstream via concrete channels to the Los Angeles River. The Draft IS/MND concluded that "no beneficial uses would be impacted." However, flow reduction could have a significant impact on downstream biological resources, especially during the dry season proceeding after a below-average water year.

Response 5-B

The Draft IS/MND on pages 74 and 77 describes that the Program would reduce dry season flows from the Tujunga Central Branch channel that would reduce water in the Los Angeles River. In response to the comment the sentence on page 77 of the Draft IS/MND has been revised as follows:

> The Los Angeles River currently discharges an average of over 100 cubic feet per second (cfs) to the ocean during dry weather (City of Los Angeles 2018). The volume of water diverted during dry weather flow by the proposed Program would be a small percentage of the current downstream flows (1.4 percent of total annual flow or approximately 4 percent of dry weather flow), and as a result no beneficial uses, including biological resources, would be significantly impacted.

As noted in the comment, the reduction of dry weather flows is itself an impact. Therefore, the changes to the text provided above as requested in the comment are appropriate. The Draft IS/MND identifies the reduced flow impact on page 74, but concludes that no riparian or aquatic habitat would be removed or adversely affected within the downstream reaches of the Los Angeles River. Therefore, since no habitat would be lost or stressed, the flow reduction would be a less than significant impact. The analysis relies on a de minimis impact conclusion. That is, the reduction of 1.4 percent of total flow and approximately 4 percent of dry weather flow in the river would not result in loss of habitat or result in reduced habitat quality. Rather, diverting dry-weather urban runoff would benefit water quality. The Draft IS/MND describes on pages 74 and 77 how beneficial uses are well supported by the remaining dry season flows. This evidence is outlined further below.

The Draft IS/MND describes in Section 1.5 that six of the nine Program sites (see table below) would require insertion of diversion structures within underground storm drain pipes. No habitat values exist within the buried storm drain pipes. The remaining four Program sites would require installation of diversion structures within existing Tujunga Central Branch concrete box channel or reinforced concrete box culvert. The watershed drained by this Tujunga Central Branch

channel is a small portion of the San Fernando Valley adjacent to but outside of the Tujunga Wash drainage area, representing 1.7 percent of the total Los Angeles River watershed.

Infiltration Gallery Location	Diversion Structure Installation
David M. Gonzales Recreation Center	Underground Storm Drain Pipe
FernAngeles Park	Underground Storm Drain Pipe
Whitsett Fields Park North	Underground Storm Drain Pipe
Strathern Park North	Underground Storm Drain Pipe
Valley Plaza Park North	Underground Reinforced Concrete Box Culvert
Valley Plaza Park South	Concrete Channel
Alexandria Park	Concrete Channel
North Hollywood Park	Concrete Channel
Valley Village Park	Underground Storm Drain Pipe

The Draft IS/MND describes on page 74 that the Tujunga Central Branch channel is concrete-lined with no ecological value. As a result, direct impacts to habitat values from installing diversion structures would not adversely affect biological resources. Furthermore, the Draft IS/MND concludes on pages 74 and 77 that the proposed diversions would result in a small reduction of the flow in the Los Angeles River compared to the current flow, including in the dry season, and would not result in measurable effects to biological resources. The Draft IS/MND references the hydrological analysis conducted by the City for the One Water LA Program and cites that currently an average of 100 cubic feet per second (cfs) reaches the ocean in the concrete channel of the Los Angeles River during dry weather (City of Los Angeles 2018). The Program diversions represent an annual average flow of approximately 4 cfs or 4 percent of the dry weather flows to the ocean. The Draft IS/MND concludes on page 77 that the reduction caused by the project would represent 1.4 percent of the total flow in the river on an annual average. Since the river discharges substantial flow to the ocean in the dry season (>100 cfs), the Draft IS/MND concludes that the proposed project's 1.4 percent diversion of total flows and 4 percent of dry season flows would not result in significant impacts to biological resources.

The Draft IS/MND also concludes on page 153 that the flow reductions would not result in a cumulatively significant reduction, including in the dry season. This conclusion is consistent with the One Water LA Study, which provides an overview of stormwater flows in Chapter 3and the Los Angeles River in Chapter 4. (City of Los Angeles 2018).

In addition to the published One Water LA study, the City has been participating in the Los Angeles River Flows Project, a comprehensive new hydrologic study of the river led by the Southern California Coastal Watershed Research Project (SCCWRP) in partnership with the State Water Resources Control Board (SWRCB). This new study is called the Los Angeles River Flows Project and is sponsored by the City of Los Angeles (by and through LADWP and LASAN), Los Angeles Regional Water Quality Control Board (LARWQCB), and the Los Angeles County Sanitation Districts (LACSD). SCCWRP is a quasi-public agency established to

support Southern California governmental agencies with third-party, science-based analysis. The Los Angeles River Flows Project was initiated in 2019 expressly to evaluate potential effects of cumulative flow reductions in the Los Angeles River, including reductions in WRP discharges and future stormwater capture projects such as the proposed Project. CDFW has been actively participating in the Project as a member of the Technical Advisory Committee (TAC).

In May 2021, SCCWRP published a report titled Process and Decision Support Tools for Evaluating Flow Management Targets to Support Aquatic Life and Recreational Beneficial Uses of the Los Angeles River as part of the Los Angeles River Flows Project (LA River Flows Project Final Report) (SCCWRP, 2021b). This new Final report, included by reference with this Final IS/MND, characterizes the environmental attributes of the river channel and evaluates flows that support those attributes, providing flow-ecology relationships helpful in understanding dry season flow reduction impacts on ecological values. The report develops a set of tools to evaluate future flow management scenarios. One of the three objectives noted in the report is to:

> "Produce tools and approaches to help evaluate how potential modified flow regimes in the LA River may affect the likelihood of supporting aquatic life and recreational beneficial uses" (SCCWRP, 2021b)

The results of this study directly confirm the conclusions outlined in the IS/MND, including an evaluation of the effects to focal species of reduced storm flows during the dry season. See response to comment 5-I for more discussion on the new study and the conclusions regarding impacts to ecological values from reduced dry weather flow.

Comment 5-C

The Draft IS/MND does not provide sufficient analysis of the Project's potential biological impacts to allow CDFW to determine the Project's significance or need for mitigation.

Data Source: The Draft IS/MND uses data from the 2015 *Los Angeles River Ecosystem Restoration Integrated Feasibility Report* (USACE 2015). The U.S. Army Corp of Engineers (USACE) report analyzes the feasibility of restoring an 11-mile stretch of the Los Angeles River from Pollywog Park to Downtown Los Angeles, referred to in the report as the ARBOR reach (Area with Restoration Benefits and Opportunities for Revitalization) (USACE 2015). Citing the USACE report, page 77 of the Draft IS/MND states, "USACE estimated that existing water sources provide 211,348 AFY of flow within the Los Angeles River watershed on an annual basis. The proposed diversion would be approximately 1.4 percent of the existing water source […]. The volume of water diverted during dry weather flow by the proposed Program would be a small percentage of the current downstream flows (1.4 percent), and no beneficial uses would be impacted.

The Draft IS/MND may have underestimated the percentage of water diverted from the Los Angeles River in using 211,348 AFY as the basis for deriving 1.4 percent. After factoring in water demand (e.g., infiltration, evaporation, evapotranspiration), the USACE estimated that flow would be reduced from 211,348 AFY to 143,793 AFY annually and 29,166 AFY in the summer

(April through September) (USACE 2015). Based on reduced volumes, the Project's proposed diversion would be approximately 2.2 percent annually, an increase from 1.4 percent. During the summer, diversion would be approximately 10.3 percent. Based on the above, the Draft IS/MND's impact analysis may not have accurately estimated the proportion of water the Project would divert from the Los Angeles River.

Response 5-C

The calculation in the comment asserting a 10.3 percent reduction is inaccurate in that it assumes the entire diversion estimate of the proposed Program (3,010 AFY) will occur between April and September. It would be more appropriate when calculating the six-month dry season percentage from the 29,166 AFY flow assumption to compare half the annual anticipated diversion, which would be 1,505 AFY, calculated as 5.14 percent of the total dry season flow. A different way of calculating the contribution of flows attributed to the Tujunga Central Branch channel is to compare the project's diversion estimates with flow estimates at the ocean. The One Water LA Report (City of Los Angeles 2018) estimates that the river discharges 100 cfs to the ocean during summer months. The Program's proposed diversion of 3,010 AFY would constitute approximately 4 percent of the existing flow to the ocean during the summer months. This would be a conservative assumption since it does not attribute any stormwater capture to the proposed Program. The Draft IS/MND concludes that the contribution of flow to the Los Angeles River from the Tujunga Central Branch channel during the dry season is small (1.4 percent of the total volume and 4 percent of dry weather flow) compared to other sources. Furthermore, the watershed represents only 1.7 percent of the total watershed feeding stormwater to the Los Angeles River. Based on these flow estimates, the Draft IS/MND concludes that the proposed project would not significantly affect the ecology of the river.

The City, including LADWP, is participating in the Los Angeles River Flows Project in partnership with the SWRCB, and in close coordination with CDFW. The Los Angeles River Flows Project has been initiated by SWRCB to better understand the water demands of beneficial uses in the river, and to support future flow management priorities with science-based demand characterizations. See response to comment 5-I for more discussion on the new study.

Comment 5-D

Seasonality: The Draft IS/MND does not thoroughly analyze the potential significance of water diversion depending on the season. During the dry season, typically April through September in southern California, the Los Angeles River is largely maintained by urban runoff and discharge from WRPs. Diverting water could be significant during the dry season and could either significantly reduce water flow or result in complete loss of water flow from the Tujunga Central Branch channel to the Los Angeles River.

Response 5-D

The Draft IS/MND does evaluate the seasonality of the potential effects of the Program on page 74. The assessment describes the effects of the proposed Program on both dry weather flows and

wet weather flows. The Draft IS/MND notes on pages 74 and 77 that dry weather flows would be reduced slightly but would not result in loss of habitat. This is substantiated by the fact that 100 cfs currently discharges to the ocean in dry weather indicating a surplus of flow. Furthermore, the Draft IS/MND also points out that the ecological values of the river would be enhanced with the reduction of pollutant daily loads conveyed in dry weather flow. The water quality benefits of stormwater capture on downstream habitat values are described further in One Water LA, Chapter 4 Los Angeles River Study (City of Los Angeles 2018), as a fundamental benefit of the City's Program, and supports the water quality objectives of the regional Municipal Separate Storm Sewer System (MS4) stormwater NPDES permit of which the City is a participating permittee. See response to comments 5-C and 5-G.

Comment 5-E

Drought: The Draft IS/MND does not analyze the potential significance of water diversion during a below-normal water year. Since 2000, the longest duration of drought in California lasted between 2011 and 2019 (USGS 2021) and in southern California, between 2012 through 2016 (Los Angeles Almanac 2021). The 2017-2018 rainfall season was below normal and the driest for Los Angeles since 2006-2007 (Los Angeles Almanac 2021). Diverting water during a below normal rainfall year may significantly reduce water flow or result in complete loss of water flow.

Response 5-E

Annual rainfall amounts vary in the Los Angeles River watershed, with multi-year droughts likely becoming more common. The City's Stormwater Capture Master Plan states that "although the average annual precipitation in downtown Los Angeles is 15.3 inches, it ranges from a low of 4.69 inches (2007) to a high of 30.6 (1998). The mountains that surround the coastal plain, and are tributary to the City, experience considerably more rainfall than downtown Los Angeles. For example, in Big Tujunga Canyon, annual rainfall ranged from 9.62 inches in 1989 to 53.93 in 1998." (LADWP Stormwater Capture Master Plan, 2015; p. 3) The watershed represents only 1.7 percent of the total LA River watershed. The reduction would not significantly reduce dry season flows. The comment does not provide any additional information not already considered in the Draft IS/MND. See response to comment 5-I.

Comment 5-F

Beneficial Uses: The concrete lined portions of the Los Angeles River support wildlife. These portions of the Los Angeles River are regionally significant, especially in a dense urban environment with substantial loss or alteration of the natural hydrologic regime and river ecosystems. A reduction of flow, especially dry season flow, could directly or indirectly impact biological resources through habitat modifications. Where the Los Angeles River overtops the concrete-lined channel, the resulting sheet flows allow phytoplankton (algae and cyanobacteria), microorganisms, and herbaceous vegetation to establish. The algae provide habitat and a food source for benthic invertebrates, a vital food source for wading birds. The Los Angeles River provides habitat for hundreds of bird species, making these areas birding hotspots. The least Bell's vireo (*Vireo bellii pusillus*), an Endangered Species Act and CESA-listed endangered

species, has been documented within the Glendale Narrows area. Least Bell's vireo depends on willow (*Salix* genus) riparian habitat. The ARBOR reach examined in the USACE report contains soft-bottom channels that support herbaceous and woody vegetation. Dominant species include black willow (*Salix gooddingii*), Fremont cottonwood (*Populus fremontii*), and arroyo willow (*Salix laevigata*) (USACE 2015). The middle reach of the Los Angeles River, specifically Glendale Narrows, supports anadromous fish that includes the Pacific lamprey (*Entosphenus tridentatus*), a California Species of Special Concern.

The Draft IS/MND concludes that "no beneficial uses would be impacted." The Draft IS/MND does not offer a quantitative analysis as to how it determined no impacts would occur. Moreover, the Draft IS/MND does not define what it considered to be "beneficial uses." Diverting water during the dry season could reduce the availability and extent of shallow water sheet flow downstream. This could potentially impact algae, benthic invertebrates, and birds. Willow riparian habitat may be impacted if reduction in flow leads to receding shoreline or lower water depth. Preliminary work of the Los Angeles River Flows Project show that black willow (*Salix gooddingii*) seedling mortality increases as water depth decreases (SWRCB 2019). Loss of suitable habitat may impact sensitive species such as least Bell's vireo. Anadromous fish have specific habitat requirements including water depth, velocity, and vegetation.

Response 5-F

The Draft IS/MND on pages 74-78 describes the valuable biological resources existing in the Los Angeles River that are supported by consistent surface flow. The Draft IS/MND cites the One Water LA Program to substantiate the values found in the river, including all the species described in the comment. The 4 percent reduction of the current 100 cfs in the lower river channel would not reduce habitat from sheet flow in the lower reaches of the river since the flows would continue to be greater than the low flow channel and would continue to overflow and maintain the sheetflow condition. Phytoplankton and herbaceous vegetation would continue to provide a food source for benthic invertebrates, and for wading birds, as noted in the comment. The Draft IS/MND does provide a quantitative assessment of the potential effect of the proposed Program by estimating a 1.4 percent flow reduction. This small average flow reduction would not result in measurable effects to habitat values in the concrete-lined Los Angeles River either in the Arbor Reach or in the concrete-lined portion of the lower river. Furthermore, the Draft IS/MND cites the One Water LA Study that states that far more water exits the Arbor Reach under current conditions than is proposed to be diverted by the proposed Program. That is to say, since more water exits the system than is contributed by stormwater, there would be sufficient quantity of flow to meet the existing ecological demand. The Draft IS/MND concludes that the calculated flow reductions would not impact beneficial uses.

The comment cites information from a report published for the Los Angeles River Flows Project in January 2021 that provides a habitat suitability assessment for species known to occur in the Los Angeles River. The citation notes that black willow seedling mortality increases with water depth reduction. This information is extracted from a life stage suitability curve provided in the report. The Assessment Report does not provide a conclusion on the optimal water flow depth in

the Los Angeles River. Rather, the Habitat Assessment Report (SCCWRP 2021a) provides suitability curves that show a relationship with water depth and different life cycle stages for various species.

The figure below taken from that report shows that willow seedling mortality is more complex than stated in the comment: mortality is at a minimum at mean depths of around 5 cm and then increases with both reductions and increases in flow depth. In other words, germination occurs within a specific range of flow depth.

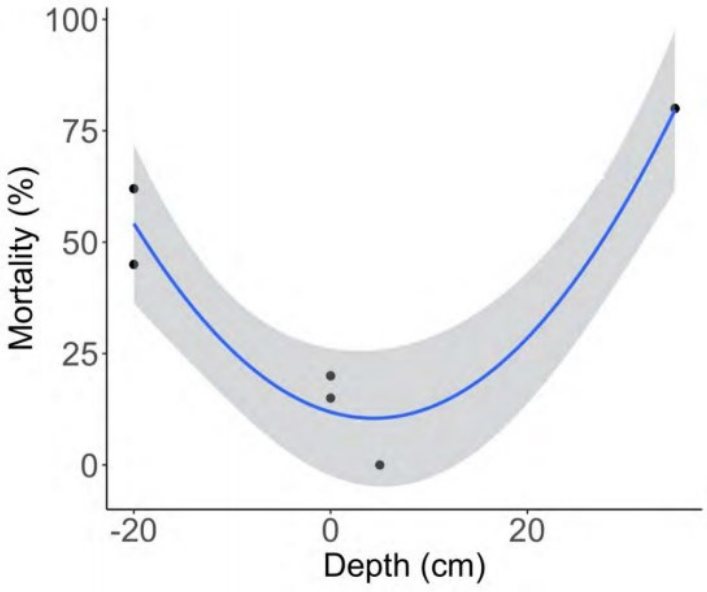
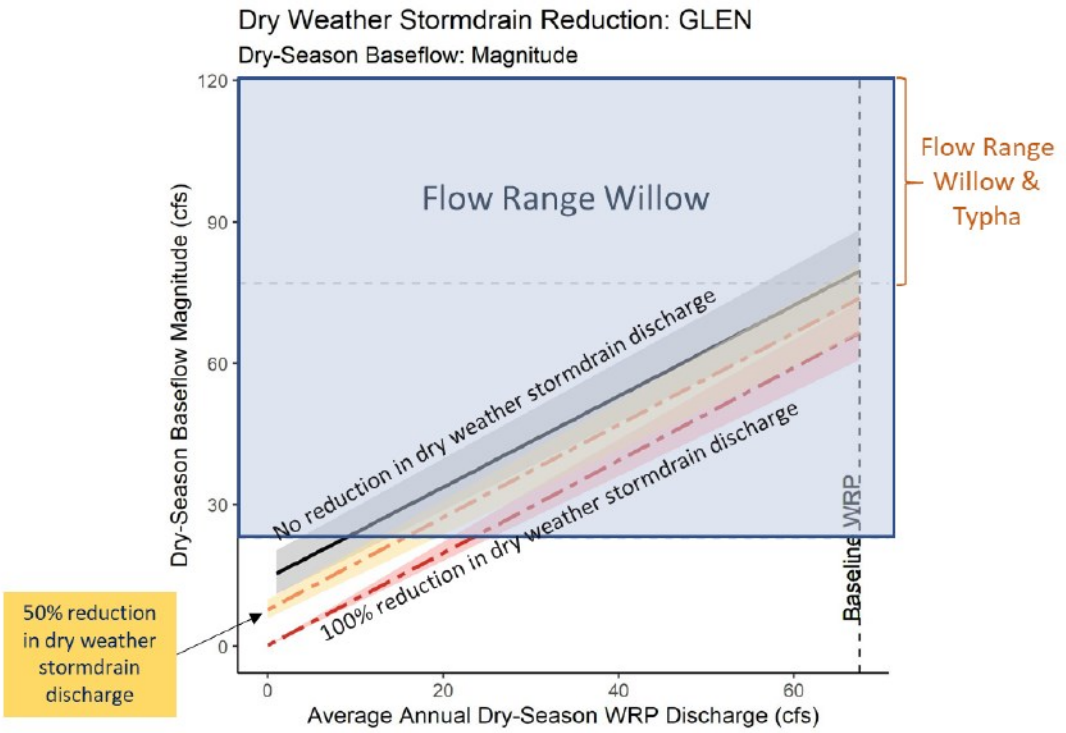


Figure 35. Habitat suitability curve of seedling mortality as a function of inundation/depth from water surface of Salix Gooddingii calculated through quadratic linear regression. Depth is defined as depth from surface i.e., -20 cm = 20 cm below surface, 20 cm = 20 cm above surface. Mean = 5 cm, p = 0.002, n=5.

The second figure, taken from the recently published SCCWRP flow study (SCCWRP 2021b) shows that willow in the Glendale Narrows area of the Los Angeles River can sustain a wide range of flow conditions. The graph shown below from the study shows that WRP discharges could be reduced by 80 percent and still support the existing willow. The WRP flow reduction of 80 percent illustrated, from 75 cfs to 15 cfs, is an order of magnitude greater than the proposed flow reduction from the proposed Program. The graph also shows that if all urban baseflows were captured, WRP discharges could be reduced by up to 68 percent and the existing willow habitat would be maintained. That is to say, a 100 percent reduction in urban baseflow across the Los Angeles River watershed (of which the proposed Program watershed comprises 1.7 percent by area) would still allow for a 68 percent reduction in WRP flow and continue to support willow habitat. This substantiates the conclusion that the proposed Program dry weather flow reductions would not affect downstream beneficial uses significantly, and that it would be unreasonable to assume otherwise.



The effect of stormwater diversion would reduce Los Angeles River flows less than 4 cfs in the dry season, compared to the current dry season average of 75 cfs in the Arbor Reach and 100 cfs where the Los Angeles River confluences with the Pacific Ocean. The remaining flow would provide for the needs of willow and other riparian vegetation. The conclusions illustrated in the SCCWRP study for black willow show that surface water depth is not a driving factor in the suitability of black willow habitat in the Los Angeles River. The comment does not identify any other citation supporting water needs for the riparian habitats See response to comment 5-I.

Comment 5-G

Cumulative Flow Reductions: The Draft IS/MND does not analyze whether the Program would result in significant impacts when considered with other existing or proposed water diversion projects in the Los Angeles River watershed. The cities of Burbank, Glendale, and Los Angeles plan to recycle more wastewater and reduce their discharges to the Los Angeles River for this purpose (SWRCB 2019).

Response 5-G

The Draft IS/MND concludes on page 153 that the proposed Program would not result in cumulatively significant effects to the environment. This conclusion is based on the quantitative analysis that 4 percent of dry weather flow (1.4 percent of total annual flow) is too small an amount to result in an appreciable, or measurable change in the habitat values currently exhibited in the Los Angeles River. Furthermore, the City has acknowledged that cumulative flow reductions in the future may include potential reductions in WRP discharges to support regional

recycled water program objectives. To evaluate the effects of cumulative reductions in future flows that may include future diversions of WRP discharges, the SWRCB has conducted the Los Angeles River Flows Project. The study published by SCCWRP through the Los Angeles River Flows Project (SCCWRP 2021b) provides tools to all the river stakeholders to best manage the resource's beneficial uses. Future projects that may propose further diversions in dry weather flow may rely on this study to assess potential direct and cumulative effects of WRP discharge diversions. These future WRP diversions will be subject to Water Code Section 1211 Petitions, approved by the SWRCB.

In January 2021, SCCWRP published a report titled the Assessment of Aquatic Life Use Needs for the Los Angeles River Report (Assessment of Aquatic Life Report) (SCCWRP 2021a). This report characterizes habitat values in the river, and evaluates water demands of riparian and aquatic species known to occur in the river system. Habitat suitability curves have been developed for certain focal species based on the assessment. Habitat suitability curves were developed as part of a technical tool to assist the SWRCB in assessing potential WRP flow reductions in the Los Angeles River, but are not themselves flow recommendations.

The Assessment of Aquatic Life Report outlines habitat suitability criteria for three species: black willow, cattails (*Typha sp*.), and algae (*Cladophora sp*.). The study provides an overview of the cumulative effects of stormwater diversions to the overall flow in the Los Angeles River. The graphic provided in response to comment 5-F above summarizing the relationship between flow in the river and ecological water demands of willow substantiates the conclusion that the proposed Program dry weather flow reductions would not affect downstream beneficial uses significantly, and that it would be unreasonable to assume otherwise.

The City, including LADWP, is committed to maintaining a supportive role in the Los Angeles River Flows Project. See response to comment 5-I.

Comment 5-H

Diverting water from the Los Angeles River may impact biological resources downstream, especially during the dry season proceeding after a below-average water year. Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW or U.S. Fish and Wildlife Service.

Response 5-H

See responses to comments 5-G and 5-I.

Comment 5-I

Mitigation Measure #1: CDFW recommends LADWP provide additional analysis and evaluation of potential impacts on biological resources as part of the final environmental document. At a minimum, an additional analysis and report should provide the following:

Study Reach

1. CDFW recommends LADWP define the study area as a 15-mile reach of the Los Angeles River, bounded by the Los Angeles River's confluence with the Tujunga Wash tributary and proceeding downstream to the river's confluence with the Arroyo Seco tributary. LADWP should identify all sources of flow input within the study area to estimate the total annual and dry season flow. LADWP should assess potential Project related impacts on biological resources within this study reach.

Changes to Hydrology and Hydraulics

1. Under pre-Project (i.e., baseline) conditions, the volume of water flow from the Tujunga Central Branch channel into the 15-mile study reach during a) the wet (November through March); b) the dry season (April through October); and c) above-average and below-average water year (i.e., wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year). LADWP should clearly define what it would consider to be above-average or below-average rainfall year.

2. Under proposed Project conditions, the percent reduction in flow from 1) the Tujunga Central Branch channel tributary and 2) 15-mile study reach for a wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year.

3. An analysis of potential Project-related changes to river hydraulics in both concrete and soft-bottom reaches. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change). CDFW requests a map modeling potential changes to channel hydraulics overlain on a map of plant communities and habitat for sensitive wildlife species and birds.

4. A quantitative analysis comparing the flow from the Tujunga Wash, Burbank Wastewater Reclamation Plant (WRP), Tillman WRP, Verdugo Wash, and Glendale WRP, and their relative contribution to the hydrograph of the 15-mile study reach.

Biological Resources Impact Assessment

5. A map of plant communities and important bird foraging and nesting habitat occurring in the 15-mile study reach. Plant communities should be mapped at the alliance/association level using the Manual of California Vegetation, second edition (Sawyer et al. 2009). Also, CDFW recommends an updated and thorough floristic-based assessment of plant communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018).

6. A comprehensive list of sensitive and special status plant and wildlife species, and sensitive plant communities, occurring in the 15-mile study reach. CDFW recommends a nine-quad

search of the California Natural Diversity Database (CNDDB) for sensitive and special status biological resources that could occur downstream. For each biological resource, provide:

a. A summary of species-specific habitat requirements;

b. A discussion as to how the species or plant community may be significantly impacted directly or indirectly through habitat modification, as result of changes to hydrology (reduced flow) and hydraulics (water depth, wetted perimeter, velocity); and,

c. A quantitative analysis and/or adequate discussion to evaluate whether the Project would result in those significant impacts.

7. A discussion of whether diversion devices such as rubber dams would have direct and/or indirect impact on biological resources.

8. An adequate discussion to address how the Project may potentially affect on-going habitat recovery and restoration efforts.

9. An adequate discussion of Project-related impacts on biological resources in relation to cumulative flow reductions.

Response 5-I

The IS/MND concludes that based on the evidence provided in the existing literature, the proposed Program would not result in significant impacts to biological resources in the Los Angeles River considering the small contribution of flow provided by the Tujunga Central Branch channel, and that it would be unreasonable to assume otherwise. The IS/MND concludes that since the Program's effects would not result in a significant impact directly or cumulatively, no mitigation is required. However, in response to the comment and request for mitigation, the Los Angeles River Flows Project Final report (LA River Flows Project Final Report), published after the Draft IS/MND was published is incorporated by reference into this Final IS/MND. This robust hydrological, hydraulic, and ecological study of the Los Angeles River conducted by SCCWRP for SWRCB is designed to develop a set of tools and approaches to help evaluate future flow management scenarios. The Project applies the California Environmental Flow Framework (CEFF) approach to evaluating ecological flow relationships in California streams. The City is participating in the Los Angeles River Flows Project to assess how future flow diversions from WRPs may be best managed to support beneficial uses and management priorities in the river.

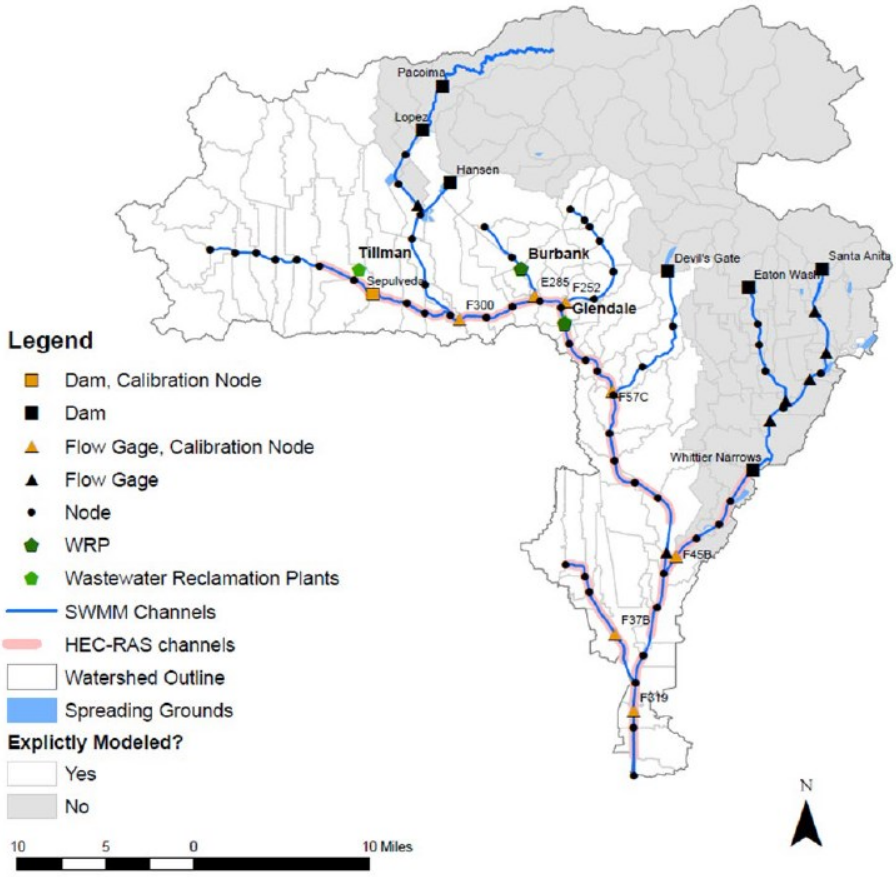
The LA River Flows Project Final Report is presented in this Final IS/MND to respond to this detailed comment. The Report was conducted over a two-year period, including input from numerous stakeholders including both LADWP and CDFW. The Report assists in evaluating the potential significance of the impacts of stormwater capture projects, such as the proposed Project, and includes all of the elements proposed in the comment and recommended mitigation measure. The following responses address each point in the comment:

Comment 5-Ia: Study Reach

1. CDFW recommends LADWP define the study area as a 15-mile reach of the Los Angeles River, bounded by the Los Angeles River's confluence with the Tujunga Wash tributary and proceeding downstream to the river's confluence with the Arroyo Seco tributary. LADWP should identify all sources of flow input within the study area to estimate the total annual and dry season flow. LADWP should assess potential Project related impacts on biological resources within this study reach.

Response to Comment 5-Ia

With respect to the Study Reach, the Los Angeles River Flows Project includes assessments of habitat values in the entire Los Angeles River from the Sepulveda Dam to the Pacific Ocean. This study area is larger than requested in the comment. The model domain included as Figure 5 in the study is included below. The Tujunga Central Branch channel confluences with the Los Angeles River at approximately node F300 shown in in the figure.

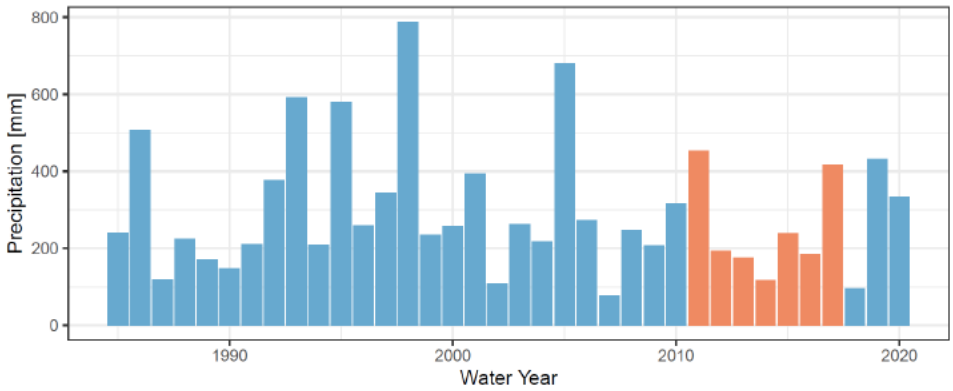


Comment 5-Ib: Hydrology and Hydraulics

2. Under pre-Project (i.e., baseline) conditions, the volume of water flow from the Tujunga Central Branch channel into the 15-mile study reach during a) the wet (November through March); b) the dry season (April through October); and c) above-average and below-average water year (i.e., wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year). LADWP should clearly define what it would consider to be above-average or below-average rainfall year.

Response to Comment 5-Ib

With respect to Changes to Hydrology and Hydraulics, the Los Angeles River Flows Project includes results from a comprehensive modelling effort that meets all the parameters in the comment. As noted on pages 7 through 9 of the study, estimated flow conditions were modeled using a coupled hydrologic-hydraulic model created in EPA's Storm Water Management Model (SWMM) and the Hydrology Engineering Center's River Analysis System (HEC-RAS). The hydrologic model simulates discharge on the mainstem of the LA River, Compton Creek, and Rio Hondo at an hourly time step from WY 2011 through 2017. The model includes wet season and dry season discharges and uses a dry period to represent conservative flow estimates as shown in the figure below taken from Figure 3 of the study.



The one-dimensional hydraulic model was created by combining existing HEC-RAS models for the LA River and updating channel geometry and Manning's roughness based on field observations and calibration. The hydraulic model was run under steady-state conditions, which were used to develop rating curves to apply to the simulated hydrographs, producing time series hydraulic data for velocity, maximum channel depth, and shear stress.

Some excerpts from the SCCWRP 2021 report that describes the Flows Project are included here:

> *"We estimated current flow condition in the study area using a coupled hydrologic-hydraulic model created in EPA SWMM and HEC-RAS (ES-2). Current hydrologic conditions are defined as the flows and operations that occurred during water year (WY) 2011 to 2017." (SCCWRP, 2021; p ii)*

"Calculated ranges for the wet season and dry season baseflow metrics increase downstream of the three water reclamation plants, illustrating the contributions of discharges from the water reclamation plants…. The wet season metrics, baseflows from the start of the storm season to the start of the dry season, and dry season metrics, base flows from the start of the dry season to the start of the following wet season, are calculated on an annual basis. Typically, the start of the wet season is between November to January and the start of the dry season is between May to July depending on the climatic conditions for a given water year. The broader ranges and higher values of wet season baseflow metrics reflects the contribution of residual stormdrain discharge following storm events. Rio Hondo and Compton Creek both have the lowest wet season and dry season baseflow magnitudes compared to all other reporting nodes on the mainstem." (SCCWRP, 2021; p iv.)

Comment 5-Ic: Hydrology and Hydraulics

3. Under proposed Project conditions, the percent reduction in flow from 1) the Tujunga Central Branch channel tributary and 2) 15-mile study reach for a wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year.

Response to Comment 5-Ic

As noted Figure ES-5 of the LA River Flows Project Final Report and excerpted below, dry weather storm flow contributions are a key consideration in the study. The graph illustrates average baseline flows with the black line accompanied by a grey band that indicates the 10 percent and 90 percent percentiles. This grey shading following the black line accounts for extremely dry years. In other words, the analysis represented by this graph takes dry year and wet year flows into consideration.

The graph compares potential future combined flow reductions of both dry weather runoff and WRP reductions with habitat value impacts. The large grey box represents habitat suitability for black willow habitat. The graph shows that a small percentage decline in dry weather storm channel flows (even in very dry years) would not reduce flows in the river below suitability thresholds for willow habitat, resulting in no reductions in habitat acreage or habitat quality. (The flow range for typha [cattails] is also included in the graph to show flow requirements for typha across the entire channel width. The flow rate is needed due to the wide channel width. Less flow could support typha within a narrower side channel such as shown in the HEC-RAS cross section provided in response to comment 5-!d below)As a result, the impact would be less than significant from a direct, indirect and cumulative perspective.

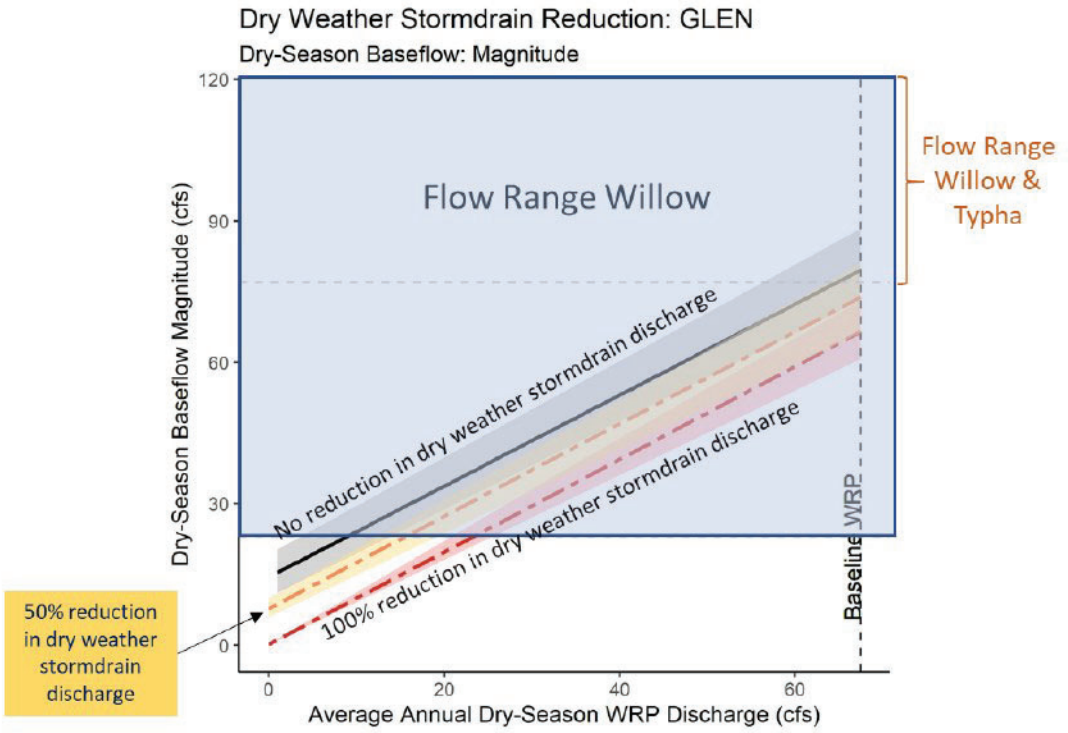


Figure ES-5. Flow-based sensitivity curves illustrating the combined effects of change in WRP discharge and 50% (yellow) and 100% reduction (red) in dry weather stormdrain discharge at GLEN reporting node. Solid and dashed lines represent median values; bounds of the gray and colored bands are the 10th and 90th percentile dry-season instream flows across the modeled period. Optimal flow range in this example is based on a 50% (medium) probability of occurrence of Willow and Typha.

Comment 5-Id: Hydrology and Hydraulics

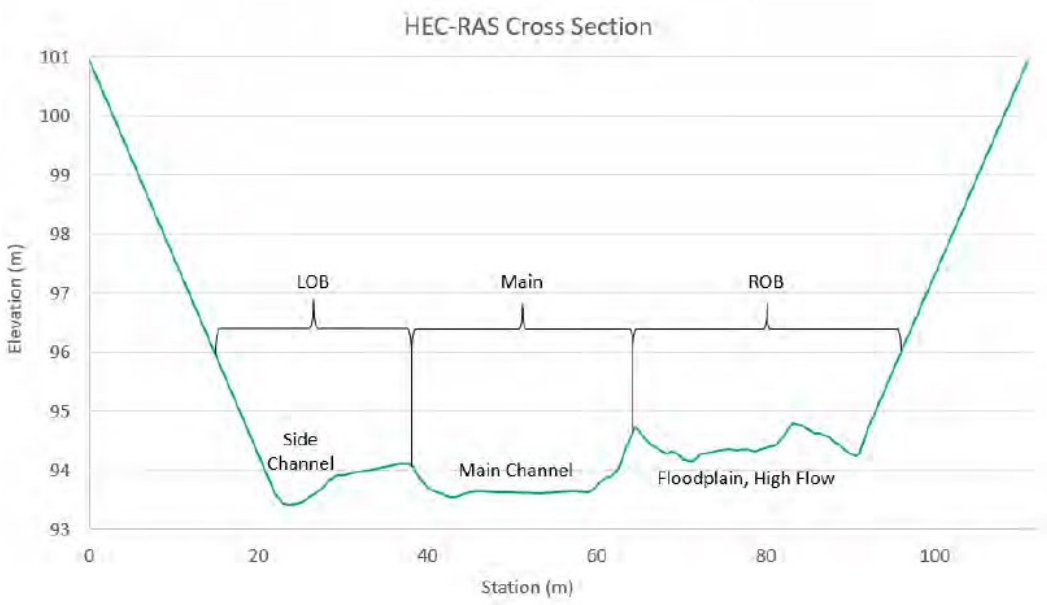
4. An analysis of potential Project-related changes to river hydraulics in both concrete and soft-bottom reaches. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change). CDFW requests a map modeling potential changes to channel hydraulics overlain on a map of plant communities and habitat for sensitive wildlife species and birds.

Response to Comment 5-Id

The Los Angeles River Flows Project published the "Assessment of Aquatic Life Use Needs for the Los Angeles River" (Assessment of Aquatic Life Report) in February 2021 (Stein, 2021). This document provides a detailed summary of hydraulic HEC-RAS modeling done to support the overall program objectives. Over 1,000 cross sections were generated by the HEC-RAS model in the river that show impacts of flow reductions to depth and wetted perimeter (as requested in the comment). Since the roughness of the Los Angeles river changes over time and greatly influences depth and wetted perimeter in specific locations, the model characterized typical channel dimensions and roughnesses to provide meaningful ecological-flow relationships. An excerpt from page 15 of this study is included below:

"Channel hydraulics (i.e., maximum channel depth, velocity, and shear stress) can vastly differ across different sections of the channel at a single site. For every soft-bottom output node in the HEC-RAS model, three output locations were selected at the three most significant morphological zones to capture the variability in hydraulics for each node and were designated as left overbank (LOB), center channel (Main), and right overbank (ROB)"

The figure below provided on page 15 of the Assessment of Aquatic Life Report shows how channel characteristics were accommodated in the ecological-flow relationship analysis provided in the report. Habitat suitability curves were developed to reflect water depth and velocity requirements of existing habitat within these three different parts of the channel: side channel, main channel, and high floodplain. Although the Assessment of Aquatic Life Report does not provide a map of the habitat within the Los Angeles River associated with each of these cross sections, it does inventory the species and habitat values that occur within the soft-bottom portion of the river (the 15-mile segment highlighted in the comment) and presents a detailed HEC-RAS model that provides depth and width impacts associated with flow reductions at specific cross section locations that were also measured in the field for model calibration purposes. The evaluation of habitat suitability within this segment of the river (see graph provided in response to comment 5-F) is then expressed in cubic feet per second (cfs) impacts rather than depth and width in order to provide a meaningful model for the total 15 miles of the soft-bottom segment.



Comment 5-Ie: Hydrology and Hydraulics

5. A quantitative analysis comparing the flow from the Tujunga Wash, Burbank Wastewater Reclamation Plant (WRP), Tillman WRP, Verdugo Wash, and Glendale WRP, and their relative contribution to the hydrograph of the 15-mile study reach.

Response to Comment 5-Ie

As described in responses above, the Assessment of Aquatic Life Report as well as the LA River Flows Project Final Report provide a comprehensive assessment of flow in the Los Angeles River including each of the flow sources noted in the comment. The Assessment of Aquatic Life Report describes average dry season river flows in each segment of the river accounting for contributions from WRPs, groundwater, and storm drain channel inputs.

Comment 5-If: Biological Resources Impact Assessment

1. A map of plant communities and important bird foraging and nesting habitat occurring in the 15-mile study reach. Plant communities should be mapped at the alliance/association level using the Manual of California Vegetation, second edition (Sawyer et al. 2009). Also, CDFW recommends an updated and thorough floristic-based assessment of plant communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018).

Response to Comment 5-If

The Assessment of Aquatic Life Report provides an inventory of habitat and species occurrences within the 15-mile segment mentioned in the comment. Figure 34 of the Assessment of Aquatic Life Report reproduced below illustrates which reaches exhibit aquatic and riparian habitat values. Habitat mapping was not conducted as part of the study. Rather, flow ranges supporting habitat suitability for all aquatic values were developed, assuming that the entire 15-mile river segment may exhibit habitat values.

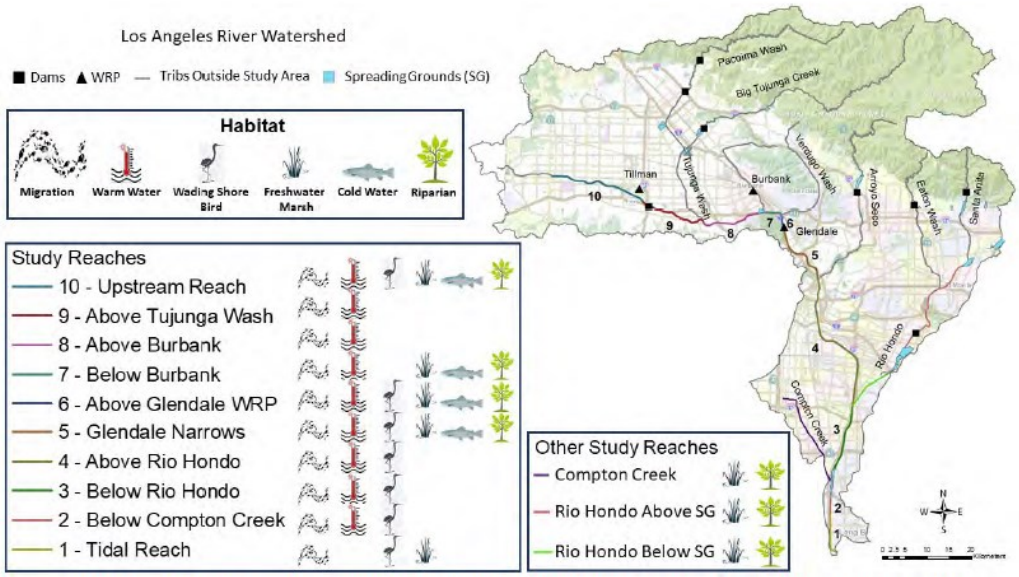


Figure 34. Map of study reaches with identified habitats that could potentially be supported in each reach.

Comment 5-Ig: Biological Resources Impact Assessment

2. A comprehensive list of sensitive and special status plant and wildlife species, and sensitive plant communities, occurring in the 15-mile study reach. CDFW recommends a nine-quad search of the California Natural Diversity Database (CNDDB) for sensitive and special status biological resources that could occur downstream. For each biological resource, provide:

    d. A summary of species-specific habitat requirements;

    e. A discussion as to how the species or plant community may be significantly impacted directly or indirectly through habitat modification, as result of changes to hydrology (reduced flow) and hydraulics (water depth, wetted perimeter, velocity); and,

    f. A quantitative analysis and/or adequate discussion to evaluate whether the Project would result in those significant impacts.

Response to Comment 5-Ig

The Los Angeles River Flows Project Final Report includes a comprehensive inventory and assessment of biological habitat values in the Los Angeles River:

> *"The overarching goal of this project is to consider potential effects of reduced WRP discharge and increased stormwater capture on existing and potential future beneficial uses. Therefore, our analysis included characterizing species and habitats that current occur and those that could reasonably occur in the future (based on a comparison to similar southern California watersheds). "(SCCWRP, 2021; p vii)*
>
> *"The aquatic life use assessment began with a compilation of observational data from the LA River and surrounding watersheds which was used to identify priority focal habitats and endmember species that represent a range of tolerances for each habitat. We then determined the flow conditions necessary to support the life history needs of each species and used those to create "flow-ecology" curves or models relating key hydrologic, hydraulic, and temperature conditions to the probability of occurrence for each focal species, or the probably of being able to complete specific life-history requirements." (SCCWRP, 2021; p vii)*

The Assessment of Aquatic Life Report provides the CNDDB listed species of concern in a concise map excerpted below. Beginning on page 38, the Assessment of Aquatic Life Report provides a summary of "life history needs" for key species within the habitat types. Habitat suitability curves are prepared based on the target vegetation's needs for water as measured by flow in the river (ie., cfs). This analysis defines future water flow reductions as the impact, and provides suitability curves to evaluate significance of the impact. The graph included in response to comment 5-F summarizes the relationship of flow in the river with habitat suitability for willow habitat. Since willow habitat (the key indicator species for riparian values in Southern California) is sustained with substantially less flow than currently exists or is projected to exist with future flow reductions, the contribution of 4 percent flow reduction resulting from the proposed project is considered cumulatively less than significant. That is to say, the scientific analysis contained in the LA Rivers Flows Project Final Report and companion study Assessment of Aquatic Life Report provide the information requested in this comment and support the conclusions of the IS/MND.

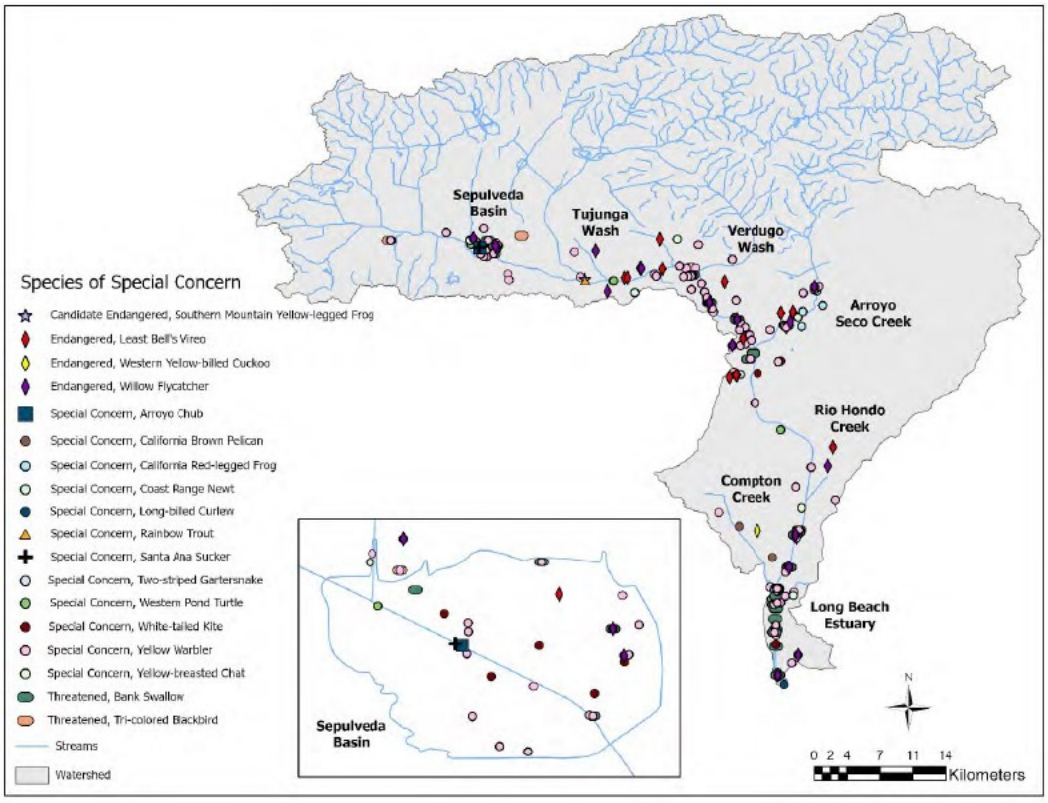


Figure 33. Species observations along the mainstem of the LA River and tributaries included in this study.

Comment 5-Ii: Biological Resources Impact Assessment

3. A discussion of whether diversion devices such as rubber dams would have direct and/or indirect impact on biological resources.

Response to Comment 5-Ii

As described on page 74 of the IS/MND, the proposed diversion structures would not impact any biological resources since they would be installed within either underground storm drain pipes or concrete box channels. The only effect to biological resources that could occur would result from reduced flow to downstream resources. No habitat would be removed as a result of the Project. As described in detail in this response to comment 5-I those effects are determined to be less than significant.

Comment 5-Ij: Biological Resources Impact Assessment

4. An adequate discussion to address how the Project may potentially affect on-going habitat recovery and restoration efforts.

Response to Comment 5-Ij

As described in this response to comment 5-I, the proposed Project would not significantly affect the habitat values within the Los Angeles River. No restoration projects are currently occurring within the river channel that would be adversely affected by the proposed Project.

Comment 5-Ik: Biological Resources Impact Assessment

5. An adequate discussion of Project-related impacts on biological resources in relation to cumulative flow reductions.

Response to Comment 5-Ik

As described in responses to comments 5-F and 5-I, the proposed Project would not significantly affect the habitat values within the Los Angeles River. The LA Flows Project Final Report provides ecology-flow relationship analysis for cumulative reductions including incremental storm flow and WRP reductions. The Project would not contribute to a cumulative reduction in habitat acreage or quality.

Comment 5-J

Mitigation Measure #2: CDFW recommends LADWP develop a discharge operation plan that would always allow sufficient water to pass downstream. CDFW also recommends LADWP develop an Adaptive Management Plan that would direct LADWP to reduce or suspend water diversion if at any point the Project may impact biological resources downstream exceeding a defined threshold/trigger.

Response 5-J

The IS/MND concludes that based on the evidence provided in the existing literature, the proposed Program would not result in significant impacts to biological resources in the Los Angeles River considering the small contribution of flow provided by the Tujunga Central Branch channel. Downstream ecological values would not be measurably affected by the Project. The IS/MND concludes that since the Program's effects would not result in a significant impact directly or cumulatively, no mitigation is required.

LADWP recognizes that the placement of diversion structures within streams and drainages must comply with Fish and Game Code Section 5901 which prohibits installing "any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and down stream." Fish and Game Code 5937 requires that operators of dams "allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam." Currently, no fish exist within the underground urban storm collection system or concrete box channel. The Tujunga Central Branch channel does not lead to natural stream resources at higher elevation. As a result, the channel would not provide a migratory route for steelhead spawning grounds now or in the future. The entire watershed area is urbanized, mostly within underground storm drain pipes with no ecological values. Future fish migration in the channel is highly unlikely. Furthermore, the instream diversion structures have been designed and operated to allow for storm flows to bypass the diversion mechanism. Each of the diversion structures would include a slide gate. If fish re-colonized the channel in the future these slide gates would be able to allow bypass flows. Therefore, based on the ability to allow for storm flows, the diversion structures would also be able to accommodate fish passage during periods of receding flow when migration opportunities exist, if fish were present. The project would not prevent future habitat restoration or fish occupation in the drainage. The proposed designs would

be compliant with California Fish and Game Code 5901 and 5937. Since no fish are currently in the concrete channel and dry weather flow depths do not accommodate ponding sufficient for fish to survive, there is no reason to prepare a discharge operation plan or adaptive management plan at this time.

See responses to comments 5-G and 5-I.

Comment 5-K

Mitigation Measure #3: CDFW recommends LADWP provide compensatory mitigation at no less than 3:1 for permanent impacts to the concrete-lined Tujunga Central Branch channel due to the installation of diversion structures including (but not limited to) rubber dams and channel drop inlets. CDFW also recommends LADWP provide compensatory mitigation commensurate with the permanent diversion of discharge from Los Angeles River.

Response 5-K

The IS/MND concludes that based on the evidence provided in the existing literature, the proposed Program would not result in significant impacts to biological resources in the Los Angeles River considering the small contribution of flow provided by the Tujunga Central Branch channel. The IS/MND concludes that since the Program's effects would not result in a significant impact directly or cumulatively, no mitigation is required.

The purpose of compensatory mitigation for impacts to waters of the State is to ensure that habitat values and hydrologic functions are maintained at least at the level of the system prior to the initiation of the project. The current concrete channel into which the diversion structures will be placed currently provides no habitat value. Six of the diversion structures will be placed in underground reinforced concrete pipe. The City does not believe that compensation is required for placing diversion structures in underground concrete pipes or concrete channels. As noted on page 74 of the Draft IS/MND, the City will be required to obtain a Lake and Streambed Alteration Agreement (LSAA) from CDFW for the three park projects that will place diversion structures within concrete channels. See response to comment 5-N.

Comment 5-L

Recommendation #1: CDFW recommends the following data and information sources:

- Stream gage data available from Los Angeles County Public Works (LADPW 2021);
- Los Angeles River Master Plan (Geosyntec et al. 2020); and,
- Los Angeles River Flows Project (SWRCB 2019).

Response 5-L

The IS/MND (on page 74) includes annual flow estimates for the Los Angeles River provided by USACE. The data provided in the Draft IS/MND regarding flows is consistent with the river flow data provided in the references cited in the comment. The City is participating in the Los

Angeles River Flows Project which has compiled hydrologic and hydraulic data for the river. The data mentioned in the comment from the County are continuously collected and are indicative of the flow data used by the USACE to ensure flood protection for the City of Los Angeles. The recently published Los Angeles River Master Plan compiles historic river flow data consistent with the USACE and County data. All of this data is consistent with the annual flow totals cited in the IS/MND that document the percentage of flow from the Tujunga Central Branch channel. See response to comments 5-C and 5-G.

Comment 5-M

Recommendation #2: Based on the inadequacy of the Draft IS/MND as elaborated in our preceding comments, CDFW recommends that LADWP revise and recirculate the Draft IS/MND so CDFW may provide more appropriate comments on avoidance, minimization, and mitigation measures (CEQA Guidelines, § 15073.5).

Response 5-M

The comment provides no new information supporting the inadequacy of the analysis in the Draft IS/MND. Re-circulation of the Draft IS/MND is not necessary since existing evidence supports a conclusion that impacts would be less than significant, and that it would be unreasonable to assume otherwise. Furthermore, the study recently published by SCCWRP (SCCWRP 2021b) provides all of the hydrology and hydraulics data and analysis requested in the comment. The study substantiates the conclusions made in the Draft IS/MND, and satisfies CDFW's request for additional information.

Comment 5-N

The Project would potentially alter streams. The Project would divert dry season flow and stormwater. In addition, the Project proposes to install devices within and adjacent to a stream to facilitate water diversion.

The Project would divert water from the Tujunga Central Branch channel and Los Angeles River. The Project proposes to install water diversion structures within or adjacent to the Tujunga Central Branch channel. This includes inflatable rubber dams. Accordingly, the Project may obstruct water flow and change the bed and channel of a stream (confinement).

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

Response 5-N

The Draft IS/MND states on page 74 that the City would be required to obtain a Streambed Alteration Agreement pursuant to the California Fish and Game Code section 1602. The City will consult with CDFW to obtain a 1602 LSAA for the Program sites that include construction of diversions structures at the Tujunga Central Branch channel. Installation of diversion structures into underground storm drain pipes may require notification, but would not likely result in the need for a full LSAA. The table below identifies LADWP's assumptions of which Program sites may require a LSAA LADWP understands that CDFW will ultimately determine which of these sites will require a LSAA based on information in the initial notification.

Infiltration Gallery Location	Diversion Structure Installation	LSAA Required?
David M. Gonzales Recreation Center	Underground Storm Drain Pipe	No
FernAngeles Park	Underground Storm Drain Pipe	No
Whitsett Fields Park North	Underground Storm Drain Pipe	No
Strathern Park North	Underground Storm Drain Pipe	No
Valley Plaza Park North	Underground Reinforced Concrete Box Culvert	No
Valley Plaza Park South	Concrete Channel	Yes
Alexandria Park	Concrete Channel	Yes
North Hollywood Park	Concrete Channel	Yes
Valley Village Park	Underground Storm Drain Pipe	No

Comment 5-O

Mitigation Measure #1: CDFW has concluded that the [Program] may result in the alteration of streams. As such, the applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 *et seq*. Based on this notification and other information, CDFW determines whether an LSAA with the applicant is required prior to conducting the proposed activities. Please visit CDFW's Lake and Streambed Alteration Program webpage to for information about LSAA Notification and online submittal through the Environmental Permit Information Management System Permitting Portal (CDFW 2021a).

Response 5-O

The Draft IS/MND states on page 74 that the City would be required to obtain a LSAA pursuant to the California Fish and Game Code section 1602. A new mitigation measure requiring compliance with regulations is not needed. The City will consult with CDFW to obtain a 1602 LSAA for the Program sites that include construction of diversions structures at the Tujunga Central Branch channel (see table in response 5-N).

Comment 5-P

Mitigation Measure #2: CDFW recommends the LSAA Notification include a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.

Recommendation: CDFW's issuance of an LSAA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from LADWP for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 *et seq*. and/or under CEQA, the CEQA 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 LSAA. As such, CDFW recommends LADWP consider CDFW's comments and revise the Draft IS/MND. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSAA may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

Response 5-P

The Draft IS/MND states on page 74 that the City would be required to obtain a LSAA pursuant to the California Fish and Game Code section 1602(See response to comment 5-N). Hydrologic assessments have been conducted for each of these park projects to determine the capacity of the infiltration galleries and the quantity of feasible wet weather diversions. The rubber dam diversion structures would be lowered when flow rates exceeded the diversion capacity, allowing most of the storm flows in larger storms (including the 2, 5, 10, 25, 50, 100, and 200 year storms) to bypass the diversions. Additional modeling is not necessary to make this conclusion.

Comment 5-Q

CDFW is concerned that the Program may result in significant impacts to bats, including hoary bat (*Lasiurus cinereus*) and silver haired bat (*Lasionycteris Octavian's*).

The Program may result in direct and indirect impacts to bats. Direct impacts include removal of trees and that may provide roosting habitat. Indirect impacts to bats and roosts could result from increased human activity, noise disturbances, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilizing, excavating, and grading), and vibrations caused by heavy equipment.

Native and non-native ornamental trees at each park could provide potential roosting habitat for bats. Bats can fit into very small seams, as small as a ¼ inch. Therefore, crevices in buildings and other man-made structures within and adjacent to each park could provide roosting habitat for bats. Despite the availability of potential roosting habitat, the Program concludes that there would not be significant impacts to bats.

Page 60 of Appendix B concludes that while bats "may use western sycamore trees to roost, special-status bat species including hoary bat and silver-haired bat have low potential to occur within all of the project locations, since they are situated in an urban environment with constant ambient nighttime lighting (e.g., street lights, baseball field lights)." The presence of constant ambient lighting may be insufficient to conclude that bats do not occur. Bat response to artificial lighting could vary between species and not all bat species are repelled by light (Longcore and Rich 2004; Opéra et al. 2009). Faster-flying species of bats are attracted to insects that congregate around light sources (Longcore and Rich 2004). Foraging is still possible in the presence of ambient lighting, although forging may be reduced. Also, based on Program site photos in Appendix B, it appears that not all areas within certain parks are illuminated, for instance Valley Plaza North and Valley Plaza South. Based on the above, the probability of bats occurring within each park could be higher than previously concluded.

Accordingly, if bats are present, extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Although temporary, such disturbances can lead to the abandonment of a maternity roost (Johnston et al. 2004).

Response 5-Q

The Draft IS/MND identifies on page 73 that removal of trees may affect wildlife commonly found in the parks, including bat species, although the Draft IS/MND concludes that the potential for encountering bat roosts in the affected trees is low. Nonetheless, in response to this comment, Mitigation Measure BIO-1 has been modified to require that bat surveys be conducted at each of the Program sites to ascertain whether bats are utilizing the trees to be removed by the Program. With this modification to the BIO-1 mitigation measure, impacts to bats would remain less than significant.

The following text is added to Mitigation Measure BIO-1:

- Prior to removal of trees in any of the Program sites, the City shall retain a qualified bat specialist to conduct bat surveys to confirm whether bats are using the trees as roosting sites. The surveys should encompass a minimum buffer area of 100 feet around the Program sites. The results of the surveys will be provided to CDFW. In the event that bat roosts are identified, an additional bat species survey will be conducted using acoustic survey techniques necessary to confirm the species of bat using the area. If the species survey concludes that sensitive bat species are present, the City shall consult with CDFW pursuant to the California Fish and Game Code section 2081. Removal of special status bats would not be conducted without prior approval from CDFW.

Comment 5-R

Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Additionally, several bat species are considered Species of Special Concern and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

Response 5-R

See response to comment 5-Q.

Comment 5-S

Mitigation Measure #1: Where Program-related implementation, construction, and activities would occur near potential roosting habitat for bats, CDFW recommends a qualified bat specialist conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. A discussion of survey results, including negative findings should be provided to LADWP. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the LADWP prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.

Response 5-S

Mitigation Measure BIO-1 has been modified to accommodate CDFW suggested mitigation requirements. See response to comment 5-Q.

Comment 5-T

Mitigation Measure #2: If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal, trees should be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape.

Response 5-T

Mitigation Measure BIO-1 provides for bat surveys to confirm that bats are not using the trees. If bats are encountered the City will consult with CDFW to ensure an effective bat removal effort in compliance with the California Fish and Game Code. Bats will not be removed from the Program sites without prior CDFW approval. No additional tree removal techniques would be required. No new mitigation is required.

Comment 5-U

Mitigation Measure #3: If maternity roosts are found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).

Response 5-U

Mitigation measure BIO-1 has been modified to require approval from CDFW if bats are found to be using the affected trees. As part of any bat removal effort that may be necessary, seasonality of the removal will be a consideration. No additional mitigation measure is required.

Comment 5-V

Mitigation Measure #4: If maternity roosts are found and LADWP determines that impacts are unavoidable, a qualified bat specialist should conduct a preconstruction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology should be used to maximize the detection of bats. Each tree identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost. Work should also not occur between 30 minutes before subset and 30 minutes after sunrise.

Response 5-V

As noted in response to comment 5-Q, mitigation measure BIO-1 has been modified to include bat presence surveys. If bats are found, the mitigation measure would require that the City implement a bat removal program in consultation with CDFW.

Comment 5-W

Devices Impeding Fish. The Program includes installation of rubber dams in the stream channel. Per California Fish and Game Code section 5901, it is unlawful to construct or maintain in any stream any device or contrivance the prevents, impedes, or tends to prevent or impeded, the passing of fish up and downstream. Accordingly, LADWP should coordinate with CDFW prior to commencing the Program to ensure that the Program would comply with Fish and Game Code section 5901.

Response 5-W

The concrete pipeline and channel do not support fish species. The Program would not install any devices that would impede fish migration since fish do not occur in the concrete channel and underground pipeline associated with the Tujunga Central Branch channel. The primary impediment for migrating fish under existing conditions is the velocity of the fast-moving storm water in confined pipelines and channels and the lack of refugia habitat at the channel edges. Nonetheless, the in-channel devices for four of the Program sites will require an LSAA from CDFW. The City will consult with CDFW to ensure diversion structures are compliant with Fish and Game Code section 5901.

Comment 5-X

Southern California Black Walnut Tree (*Juglans californica*). According to page 73 in the Draft IS/MND, one Southern California black walnut tree may be removed at North Hollywood Park. Southern California black walnut is a California Rare Plant Rank 4.2 species. If removal of Southern California black walnut is required, CDFW recommends LADWP replace each tree at no less than 3:1 in consideration of the species rarity, temporal loss of black walnut tree canopy and structure while the tree grows, and potential attrition associated with transplanting. Southern California black walnut trees should be replaced with trees of the same species.

Response 5-X

As noted on pages 78-80 of the Draft IS/MND, any protected tree required to be removed would be replaced with 24-inch box size specimens of the same tree species at a ratio of 4:1 in accordance with the City's Tree Protection Ordinance (No.177404) and the RAP's Tree Preservation Policy.

Comment 5-Y

Tree Replacement. In the greater Los Angeles, urban forests and street trees, both native and some non-native species, provide habitat for a high diversity of birds (Wood and Esaian 2020). Some species of raptors have adapted to and exploited urban areas for breeding and nesting (Cooper et al. 2020). For example, raptors (Accipitridae, Falconidae) such as red-tailed hawks (*Buteo jamaicensis*) and Cooper's hawks (*Accipiter cooperii*) can nest successfully in urban sites. Red-tailed hawks commonly nest in ornamental vegetation such as eucalyptus (Cooper et al. 2020). CDFW recommends planting native tree species preferred by birds. This includes coast live oak (*Quercus agrifolia*) and California sycamore (*Platanus racemosa*) (Wood and Esaian 2020). CDFW recommends Audubon Society's Plants for Birds for more information (Audubon Society 2020).

Response 5-Y

The proposed Program would require the removal of existing trees; however, the removal of trees would be replaced on a trunk caliper size basis, 1-inch replaced to 1-inch removed. As noted on pages 78-80 of the Draft IS/MND, any protected tree required to be removed would be replaced

with 24-inch box size specimens at a ratio of 4:1 in accordance with the City's Tree Protection Ordinance (No.177404) and RAP's Tree Preservation Policy. The replacement trees would be planted near the original tree's location, but if there is not adequate space, the City would coordinate with RAP to identify the closest appropriate locations for new plantings. Mitigation Measure BIO-1 is included in the Draft IS/MND to ensure construction activities do not disturb nesting birds. The requirement to replace mature trees would encourage future nesting opportunities for raptors.

Comment 5-Z

Landscaping. CDFW strongly recommends avoiding non-native, invasive plants. CDFW recommends LADWP restrict use of any species, particularly 'Moderate' or 'High' listed by the California Invasive Plant Council (Cal-IPC 2020a). CDFW recommends LADWP use native species found in naturally occurring vegetation communities within or adjacent to the Program sites. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage for southern California (CalIPC 2020b). The California Native Plant Society's Gardening and Xerces Society's PollinatorFriendly Native Plant Lists webpage has information on native plant species that invite insects and pollinators (CNPS 2020; Xerces Society 2020).

Response 5-Z

As noted in the project description, each of the Program sites will be re-landscaped following the installation of the stormwater capture infrastructure. The landscaping plans will use primarily native species to the extent feasible, per RAP landscaping guidelines.

Comment 5-AA

Move Out of Harm's Way. The proposed Program is anticipated to result in clearing of habitats that support wildlife species common in developed areas. CDFW recommends a qualified biological monitor be on site during initial ground disturbing activities and vegetation removal. The qualified biological monitor should move wildlife of low mobility out of harm's way to avoid wildlife injury or mortality.

Response 5-AA

Mitigation Measure BIO-1 would ensure that impacts to any avian species currently utilizing the Program sites would be avoided. As required in mitigation measure BIO-1, contractors will be encouraged to remove vegetation outside of the affected avian or bat nesting seasons. If nesting season cannot be avoided, the mitigation measure provides for measures to ensure impacts to nesting birds is avoided, including delaying activities if necessary. Since the Program sites do not support any native habitat values, a biological monitor is not recommended other than for nesting birds as required in mitigation measure BIO-1.

Comment 5-AB

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity Database) which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting CNDDB Field Survey Forms (CDFW 2020b). LADWP should ensure the data has been properly submitted, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. LADWP should provide CDFW with confirmation of data submittal.

Response 5-AB

The City acknowledges that survey data identifying special status species should be provided to the CDFW. Appendix B of the Draft IS/MND includes a Biological Technical Report prepared for the Program.

Comment 5-AC

Mitigation and Monitoring Reporting Plan. CDFW recommends LADWP update the Program's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist LADWP in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). LADWP is welcome to coordinate with CDFW to further review and refine the Program's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided LADWP with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Response 5-AC

The City will adopt the MMRP when approving the Final IS/MND that will include implementation of Mitigation Measure BIO-1.

Comment 5-AD

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by LADWP and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Response 5-AD

The City recognizes that the CDFW filing fee for this IS/MND is applicable and the appropriate funds will be included with the Notice of Determination (NOD) when filed with the County Clerk as required by the CEQA Guidelines Section 15094.

Comment 5-AE

The comment includes a table with all of the CDFW proposed Mitigation Measures outlined in the letter.

Response 5-AE

As discussed in the responses to comments 5-A through 5-AE, no new mitigation measures are needed to ensure less than significant effects to biological resources. The MMRP will include the modified Mitigation Measure BIO-1 that reflects CDFW's comments on bat species.

Letter 6: Diana Nicole (Sunshine Hills Residents Association)

Comment 6-A

The commenter expresses concern regarding the diversion of City plans, codes, and funds from parks and tree-oriented initiatives toward green infrastructure.

Response 6-A

The comment does not state a specific concern about the adequacy of the Draft IS/MND or otherwise comment on the contents of the Draft IS/MND analysis. The comment is noted and will be included in the Program record, but a response is not required pursuant to CEQA.

Comment 6-B

The commenter expresses concern regarding the depletion of existing trees/urban forest resources as a result of the Program.

Response 6-B

Once the stormwater capture infiltration galleries are installed, the Program sites will be returned to preconstruction condition with park improvements. The park improvements will include but are not limited to, the addition of green infrastructure elements such as landscape areas with California native drought-tolerant plant material, new irrigation system, shade trees, new lighting. The proposed Program would require the removal of existing trees; however, the removal of trees would be replaced on a trunk caliper size basis, 1-inch replaced to 1-inch removed. Any protected tree required to be removed would be replaced with 24-inch box trees at a ratio of 4:1 in accordance with the City's Tree Protection Ordinance (No.177404) and the RAP's Tree Preservation Policy. The replacement trees would be planted near the original tree's location, but if there is not adequate space, the City would coordinate with RAP to identify the closest appropriate locations for new plantings.

Comment 6-C

The commenter states that the City's protected trees, groves, and related habitat should be subject to higher conservation standards than those that are provided in the Draft IS/MND.

Response 6-C

The City would comply with the existing tree ordinance. See response to 6-B above.

Letter 7: County of Los Angeles Fire Department

Comment 7-A

The commenter provides introduction of the County of Los Angeles Fire Department.

Response 7-A

The comment is noted and will be included in the Program record.

Comment 7-B

The commenter states that since the Program is within the City, the Program would not impact the County of Los Angeles Fire Department.

Response 7-B

The comment is noted and will be included in the Program record.

Comment 7-C

The commenter states that the Program would not have an impact on the County Fire Department Land Development Unit.

Response 7-C

The comment is noted and will be included in the Program record.

Comment 7-D

The comment states that under the Los Angeles County Oak Tree Ordinance, a permit is required to cut, destroy, remove, relocate, inflict damage or encroach into the protected zone of any tree of the Oak genus which is 25 inches or more in circumference (eight inches in diameter), as measured 4 1/2 feet above mean natural grade.

Response 7-D

The Draft IS/MND describes the Oak Tree Ordinance in detail on pages 78-81. The Draft IS/MND concludes that compliance with the ordinance and RAP's Tree Preservation Policy would ensure that impacts to mature trees would not result in significant impacts.

Comment 7-E

The commenter states that the Program would not impact the Health Hazardous Materials Division.

Response 7-E

The comment is noted and will be included in the project record.

Letter 8: Joanne D'Antonio

Comment 8-A

The commenter raises objection to the proposed removal of any mature and healthy trees, most notably the eucalyptus grove at North Hollywood Park. The commenter states that this park has experienced great tree loss during the drought and that all parks are important for the physical and psychological health of residents. They provide much needed shade in the heat-island-effect-plagued San Fernando Valley. The commenters asks where the wildlife will go during construction and how disruptive construction noise may be.

Commenter would like to see the project redesigned to not remove any trees and references several reports on biodiversity and the loss of trees and tree canopy by the City of Los Angeles and Tree People.

Response 8-A

All nine project sites are currently located within developed City parks containing active recreational facilities or open disturbed areas. All nine park project sites will undergo some enhancements and improvements to the park aesthetic and recreational facilities after the installation of the projects. As stated in the IS/MND page 7, park enhancements and improvements are being designed with input from RAP and the community. The City has been coordinating the design effort with RAP and has engaged the local community through several community meetings to solicit input. Conceptual design drawings were included in the IS/MND as Figures 1-4 through 1-12 to depict the current preliminary design associated with each park project site. The stormwater capture facilities are mainly being placed beneath existing ball fields, where feasible, to minimize impacts to landscaped areas within the park. The designs for each park attempt to minimize tree removal where feasible, but as stated in section 2.4, Biological Resources, some trees will be removed in compliance with the City of Los Angeles Tree Protection Ordinance and the RAP Tree Preservation Policy for protection of native and non-native trees. The City has been in coordination with the RAP Forestry Division and none of the parks' mature or healthy trees will be removed without their approval. Revisions to the park designs are being made in coordination with RAP in order to preserve mature trees and any other trees deemed sacred by RAP. RAP has identified two eucalyptus trees at North Hollywood Park that have died and have requested these be removed as part of the project. Tree surveys will be conducted at each part project site prior to tree removal to determine which trees are protected and which trees would need replacement under the RAP Tree Preservation Policy. Further, Mitigation Measure BIO-1was included to protect wildlife species from impacts during

construction. This mitigation measure will require construction activities to occur outside of the nesting bird season or to avoid or minimize impacts to nesting birds and raptors by requiring preconstruction surveys and nest avoidance and/or monitoring during construction.

The City acknowledges that the City of Los Angeles is considered a biodiversity hotspot. As stated in the 2020 Biodiversity Report prepared by the City of Los Angeles and referenced by the commenter, the Program area would fall primarily within Ecotope 20: Los Angeles River Alluvial Plain. As shown in Appendix B, page 428 of the report, only 0.5 percent of the natural vegetation remains across the ecotope, mostly within the Sepulveda Basin. Riparian vegetation is the dominant remaining type of vegetation and provides nesting habitat for the federally endangered least Bell's vireo (*Vireo bellii pusillus*) and potentially the southwestern willow flycatcher (*Empidonax traillii extimus*). The Program site does not include riparian vegetation and is located in an area that is surrounded by a vegetation alliance characterized by urban/developed, and falls mostly within areas characterized by non-native alliances. In addition, the program site is not located within an area characterized as a natural area by the study, and it is located within areas with higher pollution and population percentiles and a lower habitat quality score due to the urban nature of its location. (City of Los Angeles 2020, pages 436 through 442) As such, although the City of Los Angeles is rich in biodiversity, construction within the Program area would not add to the decline of biodiversity in the area.

Comment 8-B

The commenter requests that all trees in the vicinity of construction be protected with orange fencing and no construction material placed under the drip line.

Response 8-B

The construction impact areas will be clearly delineated and trees to be retained will be clearly marked to avoid any impacts to them. As stated in Response 8-A, the City will comply with the City of Los Angeles Tree Protection Ordinance and the RAP Tree Preservation Policy for protection of native and non-native trees that are being retained onsite and/or are being removed.

The RAP Tree Preservation Policy is the primary regulatory tool that gives direction for orderly protection of specified trees, maintains their value, and avoids significant negative effects to the ecosystem. By assuring preservation and protection through regulation and standards of care, these resources will remain significant contributions to the environment and landscape, and continue to add to the unique character of Los Angeles City Parks. (RAP 2004).

As outlined in the Policies for the Installation and Preservation of Landscaping Trees on Public Property of Recreation and Parks Department, included as Appendix M of the City of Los Angeles RAP Urban Forest Program (RAP 2004), "whenever trees are removed, the existing trees' aggregate diameter, measured at breast height (DBH [diameter at breast height], or 4.5-feet above the ground; multi-trunk trees are to be measured immediately below the lowest trunk) shall be replaced at an equal or greater rate of caliper of new trees. Each one-inch DBH of existing tree shall be replaced with a minimum one-inch caliper new tree." For example, if an existing tree with a DBH of 24 inches is removed, the City would need to replace that tree with a newly

planted trees with a total DBH of 24 inches. The replacement tree can have a DBH of 24 inches or if smaller trees are planted, with a DBH of 2 inches, then 12 trees would be planted, or any combination that equates to the 24-inch DBH being replaced.

Comment 8-C

The commenter is concerned about imported soil and improper soil being substituted for naturally occurring soil which create the best environment for replanting. The commenter asks if there is a plan for replanting at the parks to be done with viable new trees. The commenter states that ideally construction projects such as these would not be happening in our parks.

Response 8-C

As stated on page 38 of the IS/MND, once installation of the stormwater system is complete, soils excavated from the site that are stockpiled on-site would be used to backfill the impact areas. Additional imported soils would be used to regrade as needed to return the project impact areas to pre-project conditions. The City will ensure that the soil to backfill the impacted areas would be suitable for the required design elements as shown on preliminary Figures 1-4 through 1-12 of the IS/MND including landscape planting. The City is coordinating with RAP to ensure compliance with park requirements.

Comment 8-D

The commenter states that a one-month comment period is too short to get input from neighborhood councils.

Response 8-D

The comment is noted and will be included in the project record. The CEQA Guidelines require that MNDs be circulated for a total of 30 days per Section 15105(b).

4.2 Changes Made to the Draft IS/MND

The City has made the following changes to the Draft IS/MND and has incorporated them into the Final IS/MND. These modifications clarify, amplify, or make minor changes to the Draft IS/MND. Revisions to the Draft IS/MND have not resulted in new significant impacts or increased the severity of an impact.

Where the responses indicate additions or deletions to the text of the Draft IS/MND, additions are included as <u>underlined text</u>, deletions as ~~stricken text~~. The changes are listed by section and page number.

4.2.1 Changes Made in Response to Comments

Clarification/Revision

The following modifications have been made to page 75 of the Draft IS/MND to augment Mitigation Measure BIO-1 for the inclusion of bat surveys.

Section 2.4, Biological Resources – Page 75

Mitigation Measure

BIO-1: Special-Status Wildlife Species. Construction activities at any of the nine park project sites could result in impacts to the Cooper's hawk (*Accipiter cooperii*), a California Species of Special Concern, where mature trees are present. Similarly, construction activities may also impact other nesting bird species that may nest in a variety of vegetation as well as man-made structures. Construction activities should occur outside of the avian nesting season. If the avian nesting season cannot be avoided and construction or vegetation removal occurs from February 1 to September 1, the City ~~project~~ shall implement the following to avoid and minimize impacts to nesting birds and raptors:

- During the avian breeding season, a qualified biologist shall conduct a preconstruction avian nesting survey no more than 7 days prior to vegetation disturbance or ground-disturbing activities. If construction begins in the non-breeding season and proceeds continuously into the avian nesting season, no surveys are required. However, if there is a break of 7 days or more in construction activities during the nesting season, a new nesting bird survey shall be conducted before construction begins again.
- The preconstruction survey shall cover all reasonably potential nesting locations on and within 100 feet of the construction areas. A 300-foot radius shall be surveyed in areas containing suitable habitat for nesting raptors, such as trees and utility poles.
- If an active nest is found during the preconstruction avian nesting survey, a qualified biologist shall designate a suitable buffer for all passerine birds and raptor species. The nest site area shall not be disturbed until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, and the young will no longer be impacted by the project. Buffer areas may be increased upon recommendation of a qualified biologist if any endangered, threatened, California Fully Protected, or California Species of Special Concern are identified during preconstruction surveys.
- If the nest(s) are found in an area where ground disturbance is scheduled to occur, the City or its contractor shall avoid the area by delaying ground disturbance in the area until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.
- Prior to removal of trees in any of the Program sites, the City shall retain a qualified bat specialist to conduct bat surveys to confirm whether bats are using the trees as roosting sites. The surveys should encompass a minimum buffer area of 100 feet around the Program sites. The results of the surveys will be provided to CDFW. In the event that bat roosts are identified, an additional bat species survey will be conducted using acoustic survey techniques necessary to confirm the species of bat using the area. If the species survey concludes that sensitive bat species are present, the City shall consult with CDFW pursuant to the California Fish and Game Code section 2081. Removal of special status bats would not be conducted without prior approval from CDFW.

4.2.2 Changes Made by the Lead Agency

Clarification/Revision

The following modifications have been made to page 1 of the Draft IS/MND to include The Metropolitan Water District of Southern California (Metropolitan) as a Responsible Agency of the Program.

Section 1.0, Project Description – Page 1

1.1 Introduction

The City of Los Angeles Department of Water and Power (LADWP), Department of Public Works (Bureau of Engineering [BOE]), Los Angeles Sanitation and Environment (LASAN), and City of Los Angeles Department of Recreation and Parks (RAP), collectively referred to herein as the City, propose to implement the Stormwater Capture Parks Program (Program). The Program would include construction of stormwater capture facilities at nine City-owned parks to help capture surface flow and divert stormwater runoff from the Tujunga Wash Central Branch storm drain to recharge the San Fernando Groundwater Basin. All nine parks are located in the east San Fernando Valley along State Route (SR) 170 (**Figure 1-1**); these parks include: David M. Gonzales Recreation Center; Fernangeles Park; Strathern Park North; Whitsett Fields Park North; Valley Plaza Park North; Valley Plaza Park South; Alexandria Park; North Hollywood Park; and Valley Village Park (**Figure 1-2**).

The City is proposing to obtain financial assistance for the park projects through the Stormwater for Recharge Pilot Program (Recharge Pilot) that is administered by The Metropolitan Water District of Southern California (Metropolitan). The Recharge Pilot encourages development and monitoring of new and existing stormwater recharge projects by providing financial incentives for construction and/or monitoring equipment installation of project and supplemental reporting costs.

Metropolitan offers different incentive amounts for the Recharge Pilot based on project type (New Construction or Monitoring Equipment Installation):

<table>
<tr><td>PROJECT TYPE</td><td colspan="2">FUNDING COMPONENTS</td></tr>
<tr><td></td><td>Construction/Installation</td><td>Monitoring & Reporting</td></tr>
<tr><td rowspan="2">Monitoring Equipment Installation</td><td>Up to $350,000 reimbursement for eligible costs</td><td>$50,000/report</td></tr>
<tr><td colspan="2">Maximum of $500,000</td></tr>
<tr><td rowspan="2">New Construction</td><td>Up to 50% reimbursement of eligible costs, max of $850,000</td><td>$50,000/report</td></tr>
<tr><td colspan="2">Maximum of $1 million</td></tr>
</table>

The City has chosen the New Construction Project Type.

As a Responsible Agency, Metropolitan's Board of Directors will review and consider the proposal and environmental documentation prepared by the City in determining whether or not to approve financial assistance for the Program within the Recharge Pilot administrative process.

The Program would be consistent with Metropolitan's commitment to develop Recharge Pilot activities that would provide a better understanding of the connection between captured stormwater and water supply yield.

Clarification/Revision

The following modifications have been made to pages 82 and 83 of the Draft IS/MND to update the name of the library.

Section 2.5, Cultural Resources – Pages 82 and 83

Page 82

Less than Significant Impact with Mitigation. The cultural resources assessment identified three historic architectural resources within the Program area. These resources include: the David M. Gonzales Recreation Center featuring a clubhouse building dating to the park's period of significance of 1950 located approximately 65 feet from the Program construction footprint; North Hollywood Park featuring a maintenance building and pool house (65 feet and 100 feet from the Program construction footprint, respectively) and the North Hollywood Amelia Earhart Regional ~~Branch~~ Library (located 100 feet from the Program construction footprint) dating to the park's period of significance of 1928–1931; and the 170 Freeway Pedestrian Overpass connecting Valley Plaza Park North and Whitsett Fields Park North located approximately 90 feet from a proposed diversion structure in Valley Plaza Park North. The North Hollywood Amelia Earhart Regional ~~Branch~~ Library is National Register of Historic Places (NRHP)-listed and, therefore qualifies as a historical resource.

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Mitigation Measures

CUL-1: In the event Program designs are further refined and individual Program site components change to encroach more closely than 50 feet to the North Hollywood Amelia Earhart Regional ~~Branch~~ Library (P-19-167303), the pool house and maintenance building associated with North Hollywood Park, the clubhouse associated with the David M. Gonzales Recreation Center, and/or the 170 Freeway Pedestrian Overpass, the City shall retain a qualified architectural historian meeting the Secretary of the Interior's Standards for Architectural History to review design plans for conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards). Should potential Program redesign not conform to the Standards, the City shall work with the qualified architectural historian to mitigate impacts to these resources. Should Program redesign place Program components within 50 feet of these resources, the qualified architectural historian shall also assess potential construction-related impacts resulting from ground-borne vibration. Should ground-borne vibrations have the potential to impact the historical resources, the City and the qualified architectural historian shall develop a plan to monitor ground-borne vibration during construction to ensure it does not exceed thresholds that could damage, or otherwise alter the historical resources.

SECTION 5
Mitigation Monitoring and Reporting Program

The Mitigation Monitoring and Reporting Program (MMRP) for the proposed Program has been prepared in accordance with Public Resources Code section 21081.6 and State CEQA Guidelines section 15091(d). The City will use this MMRP to track compliance with the Program mitigation measures. The City will consider the MMRP during the certification hearing for the Final IS/MND. The MMRP will incorporate all mitigation measures adopted for the proposed Program.

This MMRP summarizes potentially significant impacts and mitigation commitments identified in the Stormwater Capture Parks Program IS/MND. Table 5-1 provides the MMRP which includes all mitigation measures, monitoring/reporting action, monitoring timing, and responsible person(s) for implementation. Impacts and mitigation measures are presented in the same order as in the IS/MND. The columns in the table provide the following information:

- **Mitigation Measures:** The action(s) that will be taken to reduce the impact to a less-than-significant level.
- **Monitoring /Reporting Action:** This column outlines the appropriate steps to implement and verify compliance with the mitigation measures.
- **Monitoring Timing:** This column indicates the general schedule for conducting each monitoring task, either prior to construction, during construction, and/or after construction.
- **Responsible Person(s):** This column lists the agency responsible for ensuring implementation of the mitigation measure.

TABLE 5-1
MITIGATION MONITORING AND REPORTING PROGRAM - STORMWATER CAPTURE PARKS PROGRAM

Mitigation Measure	Monitoring / Reporting Action	Monitoring Timing	Responsible Person(s)
Air Quality			
AQ-1: Construction of the Program shall incorporate the following conditions: a. For all Program sites: The Program shall use off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater and not identified under b or c. below. Such equipment will be outfitted with Best Available Control Technology (BACT) devices, including a CARB-certified Level 3 Diesel Particulate Filter or equivalent. These requirements shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. b. All dumpers/tenders used on-site shall either be certified Tier 3 with a CARB-certified Level 3 Diesel Particulate Filter or equivalent; certified Tier 4 with a CARB-certified Level 3 Diesel Particulate Filter or equivalent, or alternatively fueled (e.g., gasoline, electric, CNG). c. At a minimum, the following equipment shall be electric: air compressors, cement and mortar mixers, concrete saws, forklifts, pumps. Diesel generators shall be replaced with electricity from the grid either permanent or temporary, or replaced with alternative (non-diesel) fuels. d. Equipment requirements identified under a, b, and c above shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. e. During the site clearing and preparation, grading and excavation, and soil filling, revegetation, and park improvement phases, watering must be conducted a minimum of 4 times per day during dry weather. f. For Valley Plaza Park North only 2 dozers are allowed to operate on any portion of the site at one time. g. The City shall ensure: i. On-road haul trucks including delivery and those conveying excavated material do not exceed the following daily truck limits: 1. 185 trucks when 2 parks are concurrently under construction; 2. 180 trucks when 3 parks are currently under construction; 3. 170 trucks when 4 parks are concurrently under construction; 4. 160 trucks when 5 parks are concurrently under construction; 5. 150 trucks when 6 parks are concurrently under construction; 6. 140 trucks when 7 parks are concurrently under construction. Or;	Site Monitoring	Prior to Construction During Construction	The City Construction Contractor

Mitigation Measure	Monitoring / Reporting Action	Monitoring Timing	Responsible Person(s)
ii. If the fleet is composed of a mix of 2014 or newer trucks, the City shall ensure that on-road haul trucks including delivery and those conveying excavated material do not exceed the following daily truck limits: 1. 240 trucks when 2 parks are concurrently under construction; 2. 230 trucks when 3 parks are concurrently under construction; 3. 220 trucks when 4 parks are concurrently under construction; 4. 210 trucks when 5 parks are concurrently under construction; 5. 200 trucks when 6 parks are concurrently under construction; 6. 190 trucks when 7 parks are concurrently under construction.			
Biological Resources			
BIO-1: Special-Status Wildlife Species. Construction activities at any of the nine park project sites could result in impacts to the Cooper's hawk (*Accipiter cooperii*), a California Species of Special Concern, where mature trees are present. Similarly, construction activities may also impact other nesting bird species that may nest in a variety of vegetation as well as man-made structures. Construction activities should occur outside of the avian nesting season. If the avian nesting season cannot be avoided and construction or vegetation removal occurs from February 1 to September 1, the City shall implement the following to avoid and minimize impacts to nesting birds and raptors: ● During the avian breeding season, a qualified biologist shall conduct a preconstruction avian nesting survey no more than 7 days prior to vegetation disturbance or ground-disturbing activities. If construction begins in the non-breeding season and proceeds continuously into the avian nesting season, no surveys are required. However, if there is a break of 7 days or more in construction activities during the nesting season, a new nesting bird survey shall be conducted before construction begins again. ● The preconstruction survey shall cover all reasonably potential nesting locations on and within 100 feet of the construction areas. A 300-foot radius shall be surveyed in areas containing suitable habitat for nesting raptors, such as trees and utility poles. ● If an active nest is found during the preconstruction avian nesting survey, a qualified biologist shall designate a suitable buffer for all passerine birds and raptor species. The nest site area shall not be disturbed until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, and the young will no longer be impacted by the Program. Buffer areas may be increased upon recommendation of a qualified biologist if any endangered, threatened, California Fully Protected, or California Species of Special Concern are identified during preconstruction surveys. ● If the nest(s) are found in an area where ground disturbance is scheduled to occur, the City or its contractor shall avoid the area by delaying ground disturbance in the area until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. ● Prior to removal of trees in any of the parks, the City shall retain a qualified bat specialist to conduct bat surveys to confirm whether bats are using the trees as roosting sites. The	Site Survey by a Qualified Biologist	Prior to Construction During Construction	The City

Mitigation Measure	Monitoring / Reporting Action	Monitoring Timing	Responsible Person(s)
surveys should encompass a minimum buffer area of 100 feet around the parks. The results of the surveys will be provided to CDFW. In the event that bat roosts are identified, an additional bat species survey will be conducted using acoustic survey techniques necessary to confirm the species of bat using the area. If the species survey concludes that sensitive bat species are present, the City shall consult with CDFW pursuant to the California Fish and Game Code section 2081. Removal of special status bats would not be conducted without prior approval from CDFW.			
Cultural Resources			
CUL-1: In the event Program designs are further refined and individual park project components change to encroach more closely than 50 feet to the North Hollywood Amelia Earhart Regional Library (P-19-167303), the pool house and maintenance building associated with North Hollywood Park, the clubhouse associated with the David M. Gonzales Recreation Center, and/or the 170 Freeway Pedestrian Overpass, the City shall retain a qualified architectural historian meeting the Secretary of the Interior's Standards for Architectural History to review design plans for conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards). Should potential Program redesign not conform to the Standards, the City shall work with the qualified architectural historian to mitigate impacts to these resources. Should Program redesign place Program components within 50 feet of these resources, the qualified architectural historian shall also assess potential construction-related impacts resulting from ground-borne vibration. Should ground-borne vibrations have the potential to impact the historical resources, the City and the qualified architectural historian shall develop a plan to monitor ground-borne vibration during construction to ensure it does not exceed thresholds that could damage, or otherwise alter the historical resources.	Plan Preparation Site Monitoring by a Qualified Archeologist Historian	Prior to Construction During Construction	The City
CUL-2: Prior to the start of ground-disturbing activities, the City shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior, 2008) to carry out the following cultural resources mitigation measures.	Site Monitoring by a Qualified Archeologist	Prior to Construction During Construction	The City
CUL-3: Prior to start of ground-disturbing activities, the qualified archaeologist shall prepare a cultural resources sensitivity training module to be used as part of the City's Worker Environmental Awareness Program (WEAP) training. All construction personnel shall receive sensitivity training prior to beginning work onsite. Construction personnel should be informed of the types of archaeological resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The City should ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.	Personnel Training by a Qualified Archeologist	Prior to Construction During Construction	The City Construction Contractor
CUL-4: Prior to the start of any project-related ground-disturbing activities, the qualified archaeologist shall prepare a Cultural Resources Monitoring Plan (CRMP) in consultation with Tribes that requested consultation under AB52. The CRMP shall stipulate the location and timing of archaeological and Native American monitoring, which shall include all ground-disturbing activities in each of the nine parks that exceed the depths of undocumented fill as documented by geotechnical testing. The qualified archaeologist shall review engineering plans for each of the nine parks to determine where ground-disturbing activities will exceed the depths of undocumented fill at each park to determine the timing and locations of monitoring to be included in the CRMP. The CRMP shall include monitoring protocols to be carried out during Program-related construction. The CRMP shall stipulate that Native	Plan Preparation Site Monitoring by a Qualified Archeologist	Prior to Construction During Construction Post Construction	The City

Mitigation Measure	Monitoring / Reporting Action	Monitoring Timing	Responsible Person(s)
American monitors associated with any of the Tribes that have been consulted with under AB52 be retained to monitor Program-related ground disturbance stipulated in the CRMP. The CRMP shall contain an allowance that the Qualified Archaeologist, based on observations of subsurface soil stratigraphy or other factors during initial grading, and in coordination with the Native American monitor(s) and the City, may reduce or discontinue monitoring as warranted if it is determined that the possibility of encountering archaeological deposits is low. The CRMP shall outline the appropriate measures to be followed in the event of unanticipated discovery of cultural resources during Program implementation, including that all ground disturbance within 100 feet of an unanticipated discovery shall cease until a treatment plan is developed by the qualified archaeologist in coordination with the City and the Native American monitor(s) and which will consider the resources archaeological and tribal value. The CRMP shall identify avoidance as the preferred manner of mitigating impacts to cultural resources. The CRMP shall establish the criteria utilized to evaluate the significance (per CEQA) of the discoveries, methods of avoidance consistent with CEQA Guidelines Section 15126.4(b)(3), as well as identify the appropriate treatment to mitigate the effect of the Program if avoidance of a significant resource is determined to be infeasible. The CRMP will also include provisions for the treatment of archaeological sites that qualify as unique archaeological resources pursuant to Public Resources Code Section 21083.2, which places limits on the costs of mitigation for unique archaeological resources. The plan shall also require the preparation of a monitoring report following the completion. The monitoring report will be submitted to the City for review and comment and a final copy will be filed at the SCCIC. The CRMP shall be submitted to the City and the appropriate Native American representatives who have been consulted with under AB52 for review prior to the start of Program-related ground disturbance.			
CUL-5: In the event of the unanticipated discovery of archaeological materials during Program implementation, all work shall immediately cease in the area (within approximately 100 feet) of the discovery until it can be evaluated by the qualified archaeologist. Construction shall not resume until the qualified archaeologist has conferred with the City and the Native American monitors on the significance of the resource. If it is determined that the discovered archaeological resource constitutes a significant resource, avoidance and preservation in place is the preferred manner of mitigation. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, a Cultural Resources Treatment Plan shall be prepared and implemented by the qualified archaeologist in consultation with the City and Native American monitors that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource. The City shall consult the appropriate Native American representatives in determining treatment and disposition for prehistoric or Native American resources to ensure cultural values ascribed to the resource beyond those that are scientifically important are considered.	Site Monitoring by a Qualified Archeologist	During Construction	The City Construction Contractor
CUL-6: If human remains are encountered, all work shall halt in the vicinity (within 100 feet) of the find and the Los Angeles County Coroner shall be contacted in accordance with PRC Section 5097.98 and Health and Safety Code Section 7050.5. If the County Coroner determines that the remains are Native American, the NAHC will be notified in accordance with Health and Safety Code Section 7050.5, subdivision (c), and PRC Section 5097.98 (as amended by Assembly Bill 2641). The NAHC will designate a Most Likely Descendent (MLD) for the remains per PRC Section 5097.98. Until the landowner has conferred with the MLD, the City shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity, is adequately protected according to generally	Site Inspection	During Construction	The City

Mitigation Measure	Monitoring / Reporting Action	Monitoring Timing	Responsible Person(s)
accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials.			
Geology and Soils			
GEO-1: The City shall implement the recommendations provided in the geotechnical investigations for each of the park project sites. In the event that the depth to groundwater rises to less than 50 feet bgs as measured in nearby wells, the stormwater infiltration process shall be stopped and the stormwater routed to the surface storm drain system until groundwater depths decrease to below 50 bgs.	Site Monitoring	During Construction Post Construction	The City
GEO-2: Prior to the start of construction activities, the City shall retain a Qualified Paleontologist that meets the standards of the Society of Vertebrate Paleontology (2010) to carry out all mitigation measures related to paleontological resources.	Site Monitoring	Prior to Construction During Construction	The City
GEO-3: Prior to start of any ground-disturbing activities, the Qualified Paleontologist shall contribute to any construction worker cultural resources sensitivity WEAP training materials outlined in Mitigation Measure CUL-2, either in person or via a training module provided to the Qualified Archaeologist. This training shall include information on what types of paleontological resources could be encountered during excavations, what to do in case an unanticipated discovery is made by a worker, and laws protecting paleontological resources. All construction personnel shall be informed of the possibility of encountering fossils and instructed to immediately inform the construction foreman or supervisor if any fossils are unexpectedly unearthed in an area where a paleontological monitor is not present. The City shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.	Personnel Training by a Qualified Paleontologist	Prior to Construction During Construction	The City
GEO-4: The Qualified Paleontologist shall supervise a paleontological monitor meeting the Society for Vertebrate Paleontology standards (2010) who shall be present during all excavations exceeding 15 feet. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. Monitoring can be reduced to part-time inspections or ceased entirely if determined adequate by the Qualified Paleontologist in consultation with the City. Monitoring activities shall be documented in a Paleontological Resources Monitoring Report to be prepared by the Qualified Paleontologist at the completion of construction and shall be provided to the City and filed with the Natural History Museum of Los Angeles County within 6 months of Program completion.	Site Monitoring by a Qualified Paleontologist	During Construction	The City
GEO-5: If a unique geologic feature or paleontological resource is discovered during construction, the paleontological monitor shall be empowered to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation of the discovery. An appropriate buffer area shall be established by the Qualified Paleontologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. At the Qualified Paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing and evaluation of the find. All significant fossils shall be collected by the paleontological monitor and/or the Qualified Paleontologist. Collected fossils shall be prepared to the point of identification and catalogued before they are submitted to their final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the Los Angeles County Natural History	Site Monitoring by a Qualified Paleontologist	During Construction	The City

Mitigation Measure	Monitoring / Reporting Action	Monitoring Timing	Responsible Person(s)
Museum, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a local school in the area for educational purposes. Accompanying notes, maps, and photographs shall also be filed at the repository and/or school.			
Hazards and Hazardous Materials			
HAZ-1: The City or its construction contractor shall ensure that fueling of vehicles or storage of fuel or other chemicals would occur at the furthest extent possible from an existing school site.	Site Monitoring	During Construction	The City Construction Contractor
HAZ-2: For all schools located adjacent to a proposed work area, the City shall coordinate school safety routes, which should include, but not be limited to: ● Maintaining in place all crosswalks along the safe routes to and from the school (for Pacoima Charter School these would include Norris Avenue, Van Nuys Boulevard, Pierce Street, and Herrick Avenue). ● Designating a safe location for school buses and parents to drop off and pick up students. ● Designating a safe parking area for parents to wait for/pick up school children. ● Maintaining sidewalks open to pedestrian traffic during construction. ● Additional safety measures must be adopted during construction to protect the students and the public, including k-railing, secured fencing with screen, clear signing, temporary striping, and a flagger for trucks entering and existing the construction zone. Flaggers should also be considered at crosswalks while students are present. ● Close coordination with the impacted school and the Los Angeles Unified School District for input on the school safety route design and frequent communication during construction. ● Extensive outreach program for the school and the community describing safety measures and construction schedules. ● Restrict construction times to avoid before and after school timeframes while children may be walking to and from school, and while school is in session, as feasible.	Safety Planning Notification Site Monitoring	During Construction	The City Construction Contractor
HAZ-3: The City and its contractor shall conduct further investigation of the nature and extent of landfill materials and contaminated soil at the Strathern Park North site, under the oversight of the City of Los Angeles Local Enforcement Agency (LEA). Undocumented waste shall be delineated and sampled for chemicals of concern related to waste materials. The project shall avoid construction within the delineated waste mass, as feasible. If avoidance of the waste mass is not feasible, the City shall submit a work plan to the LEA that documents the results of the waste delineation, details the specifics of the construction project and how it relates to the onsite waste, describes the procedures for dealing with the waste, and outlines the environmental monitoring procedures that would be implemented during construction. Upon approval of the work plan, the City and its contractor shall remove the landfill materials and any soil with chemical concentrations above regulatory action levels to the satisfaction of the LEA and properly dispose of it at a permitted facility. An as-built report shall be submitted to the LEA after completion of the project.	Site Survey Plan Preparation	Prior to Construction During Construction Post Construction	The City

Mitigation Measure	Monitoring / Reporting Action	Monitoring Timing	Responsible Person(s)
Noise			
NOI-1: For construction activities adjacent to noise-sensitive receptors (e.g., residences and schools), the contractor shall ensure that all construction equipment, fixed or mobile, are equipped with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' standards. The contractor shall use muffler systems (e.g., absorptive mufflers) that provide a minimum reduction of 5 dBA compared to the same equipment without an installed muffler system, reducing maximum construction noise levels. The contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturers' specifications. The contractor shall also keep documentation on-site verifying compliance with this measure.	Site Monitoring	During Construction	The City Construction Contractor
NOI-2: For construction activities adjacent to noise-sensitive receptors (e.g., residences and schools), where physically and technically feasible, the contractor shall provide an 8-foot-tall to 20-foot-tall temporary fence or other barrier placed between the project construction area and the sensitive receptor with a performance standard of achieving a 15 dBA noise level reduction at the sensitive receptors. The temporary fence or barrier shall be used during peak noise-generating construction phases when the use of heavy equipment is prevalent. A noise barrier is not required if it would pose a safety risk or unreasonably prevent access to the construction area as deemed by the on-site construction manager, such as in areas that have limited equipment maneuvering space or access.	Temporary Fence/Barrier Site Monitoring	During Construction	The City Construction Contractor
NOI-3: Limit engine idling of construction equipment (e.g., haul trucks, loaders) to a minimum of 200 feet from any boundary of the nearest sensitive receptors.	Site Monitoring	During Construction	The City Construction Contractor
NOI-4: Prior to commencement of construction activities, the City shall notify in writing adjacent residents, schools and businesses near the various park project sites, of proposed construction activities and the tentative schedule. The notices shall also provide a contact person and hotline where local residents, schools, or business owners can call during active construction with questions or comments. The City shall respond to inquiries regarding construction noise and vibration. Notices and construction signs will include a website address which will be updated quarterly and will include Program-related information.	Notification	Prior to Construction	The City
NOI-5: The operation of construction equipment that generates high levels of vibration, such as large bulldozers and loaded trucks, shall be prohibited within 45 feet of the property lines of existing residential and school uses adjacent to the various park project sites. Instead, rubber-tired equipment not exceeding 247 horsepower shall be used in these areas during construction within 45 feet from the sensitive receptor locations.	Site Monitoring	During Construction	The City Construction Contractor
Transportation			
TR-1: For parks where construction would occur outside of park facilities or that may impact roadways surrounding park areas, a CTMP shall be developed by the City or its contractor and approved by LADOT prior to the start of construction. The CTMP may include, but is not limited to the following:	Plan Preparation Site Survey Notification	Prior to Construction During Construction	The City Construction Contractor

Mitigation Measure	Monitoring / Reporting Action	Monitoring Timing	Responsible Person(s)
● Work area traffic control plans for all in-street construction sites to the satisfaction of LADOT, as appropriate prior to the start of any construction work. The plans shall include such elements as the location of any lane closures, restricted hours during which lane closures would not be allowed, local traffic detours, protective devices and traffic controls (such as pavement markings, barricades, cones, flagmen, lights, warning beacons, temporary traffic signals, turning movement restrictions, warning signs), access to abutting properties, and provisions to maintain emergency access through construction work areas. ● The dates and locations where in-street and off-street construction activities are planned. ● If any street segments will be limited to one-way traffic, prepare detour plans over parallel routes. ● Require signage indicated alternative routes where construction will occur. ● Identify and consolidate staging areas for equipment and materials, as feasible. ● Consolidate truck trips, such that multiple worksites can be served, as feasible. ● Promote carpooling among workers. ● Contact emergency service providers in the project vicinity to notify of the location, hours, and duration of in-street construction. Provide advance notice of any lane closures and changes to local access and identity alternative routes where appropriate.			

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SCCWRP, 2021b, Process and Decision Support Tools for Evaluating Flow Management Targets to Support Aquatic Life and Recreational Beneficial Uses of the Los Angeles River *Los Angeles River Environmental Flows Project;* Technical Report #1196