

Hugh Bowles  
1030 Shelly Street  
Altadena, CA 91001  
[hsbowles@yahoo.com](mailto:hsbowles@yahoo.com)

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

January 17, 2014

**Re: Response to Draft EIR for the Devil's Gate Reservoir Sediment Removal and Management Project.**

To the Reservoir Cleanouts Program:

This letter covers questions on the environmental review contained in the DEIR for the clean out debris from behind the Devil's Gate Dam.

I have lived in the vicinity of the project site for 24 years. During that period I have engaged with the County and City on approaches to work with not against the natural processes in the basin and to alleviate impacts on the local community. This started with a letter to Ron Perdigo, then director of LACODPW, in 1993 requesting that the banks of the spreading basins were not mown until after the nesting and nursery season for wildlife. Subsequent engagement involves addressing issues with inappropriate projects and non-compliance with the CEQA process. In 2013 I raised issues with the City of Pasadena's application for a \$1MM grant to construct a playing field in Hahamongna, this assisted the transfer of that money from a natural area to John Muir High School. I was awarded the Council of Arroyo Seco Organizations "Citizen Activist" award for 2013.

I divided the letter into sections. Each section has numbered questions in need of an answer. In the response, please indicate the section and question number being answered.

**A. Consideration of Alternatives:**

In the scoping meetings for the project there was a recommendation that the County hire experts in the field to assist with less impactful alternatives to the proposed project. This did not occur. Other than the 'No Project' alternative all solutions provided by the County have the same impacts. The County claims the impacts cannot be mitigated by

any solution; an exception is the offsite mitigation for habitat loss for which the County provides no mitigation plan. The County attempts no mitigation for noise, traffic, pollution, and ruination of what the City of Pasadena – the owners of the land – describe as “one of the last remaining natural areas in the region”. When asked at the DEIR public meetings why the County did not seek outside help to develop a plan with less environmental impact, the response was: “We consider ourselves to be the experts. We do this all the time.”

Questions:

1. Why did the County fail to use the federal emergency funds – the project is federally funded – to seek expert assistance to find a more environmentally sensitive method for clearing the debris? From the scoping meetings, it was clear this is what the community wanted.
2. Why did the County fail to consider less impactful alternatives?
3. If the County did consider less impactful alternatives and rejected them, why did this occur? If these alternatives did not meet the County’s objectives, what was the reason?

#### **B. Environmental Impacts:**

The proposed habitat loss behind the Devil’s Gate dam is the inner core of a segment of contiguous habitat that allows larger mammals like coyote’s and bobcats to breed. The presence of these mammals creates a unique balance within the ecosystem of the project site – for example, 50% of nest predation for the California quail stems from ground squirrels. Coyotes, bob cats, and red tailed hawks breed in the basin behind Devil’s Gate dam and naturally control the ground squirrels; this enables a population of California quail to live in the basin. Ground nesting birds like the California quail are key indicator species reflecting the health of the natural environment. The project will leave a fragmented habitat unable to maintain its current diversity.

The County’s plan includes actively discouraging protected bird species – red tailed and red shouldered hawks, Cooper’s hawks – from nesting in the basin. Once the project is complete, even if nesting habitat on the perimeter of the project site is intact, the habitat providing a primary food source will be gone. The project will likely extirpate populations of protected species from the basin – under the law this would constitute a ‘take’ of those species.

1. If the County does this kind of project “all the time”. What projects has the County completed where mitigation for habitat loss was conducted either off site or on site?
2. How long did these projects last, and what was the budget?

3. Who certified that the mitigation for these projects was adequate?
4. For the Devil's Gate project, how will the habitat loss be calculated?
5. Who counts the number of trees destroyed?
6. How much of the restoration will be on site, how much off site?
7. Where are the offsite locations and how large? Where are the onsite locations?
8. What consultation has the County done with the trustee agencies to mitigate for the possible 'take' of protected species from the basin as part of the project?
9. How does the County's mitigation plan provide for an equivalent restoration of habitat to support similar species diversity as currently found in Hahamongna?
10. Why is there no detailed mitigation plan in the EIR?

### **C. Flood Control:**

Historically, the downstream flood damage occurred before the stream below the dam was channelized. The EIR appears to assume the issues of flooding and property damage are the same as prior to channelization.

#### Questions:

1. What calculations did the County do on the capacity of the stream below the dam to absorb high flows?
2. What assessment of downstream capacity did the County make in the calculation of how much debris needs to be removed from behind the dam? Did the capacity downstream influence the amount of debris that needed to be moved within the project period?
3. What was the scientific basis for doubling the size of the project once the Board of Supervisors demanded an EIR be completed?

When the County reinforced the dam in 1998, the spillway was lowered. This was a conscious decision on the part of the County to reduce the capacity of the dam.

1. What was the scientific thinking behind the lowering of the spillway?
2. Having purposely reduced the capacity of the dam, why does the County now have to restore the dam capacity to that prior to when the spillway was lowered?
3. Why is raising the spillway to the former level not being considered as an alternative to reduce the amount of debris removal?

#### **D. Watershed management**

The Station Fire was a human made environmental disaster. The impact was not just to the area behind the Devil's Gate Dam but the whole watershed.

On Sunday, January 12 2014, I spoke with an Angeles National Forest fire crew. I asked if there were efforts to mitigate the possibility of a 100% burn of the watershed again. They responded that it depended on funding and the funding depends on the local and federal agencies communicating. I asked if it was feasible to take measures to reduce the chance of future 100% burns. The fire crew responded:

- a) The chance of a 100% burn in the foreseeable future is remote. The vegetation recovery is significantly sparser than the vegetation that burnt.
- b) Even after 20 years the chance of a fire as damaging as the Station Fire would be remote.
- c) With the correct funding it is "totally feasible" to create the necessary fire breaks to protect local cities and reduce the likelihood of a 100% burn occurring again.

#### Questions:

1. Is the County working with the Forest Service to reduce the chance of a 100% burn of the watershed? If not, why not?
2. Has the County assessed the likelihood of a 100% burn in the watershed again over the next 20 years?
3. What evidence does the County have that if there was a serious burn in the watershed again, that heavy rains would bring into the basin an equivalent amount of debris as the Station Fire?
4. The DEIR assumes there could be a 100% burn of the watershed, plus two DDEs bringing an equivalent amount of debris into the basin as the Station Fire. As the County claim to be "the experts" what expert calculations were made to conclude that this is a likely scenario within the next 5 years? Why would a fire crew from the Angeles National Forest imply that the scenario used by the County would be highly unlikely? Why are they wrong?

## **E. Water Quality and Conservation:**

As part of the scoping process, the Raymond Basin Management District requested that the debris removal also assist with aquifer re-charge.

Question:

1. Has any consideration been given to this request? If not, why not?

On the approval of the Hahamongna Watershed Park Plan in August 2003, many development type projects on the east side of the Park were removed – widening of roads, parking lots, construction of playing fields. Council Member Joyce Streator proposed the motion to remove these projects: the basis was why would the City bring more traffic into an area that provided the City's water supply? It was inappropriate to risk traffic residues entering the water supply. The projects were removed on this basis.

The City of Pasadena receives aquifer pumping credit based on how much water it diverts from the stream into spreading ponds. However, a study by Converse Consultants West in 1997 states that the porosity of the spreading ponds is "by orders of magnitude" less than the surrounding soils in the basin. Maintaining the basins with heavy equipment compacts the soils rendering them impervious.

A further study in 2000 by Philip Williams and Associates points out that the replenishment of the aquifer is most effective during periods when water flows in the stream and collects for short periods behind the dam. They estimated that the natural stream could absorb almost all the City's current diversion before reaching the dam. The Study estimated that in a normal year aquifer re-charge could be improved by up to 160 % if re-charge occurred through the stream in conjunction with holding water for short periods behind the dam.

The City cannot claim pumping credit for water flowing in the stream and the County is not a party to the 40 year old spreading agreement. However, the scientific evidence suggests that the porous alluvium underlying the stream, and the periodic ponding of water behind the dam, is critical to aquifer re-charge. Water in the spreading basins may evaporate, but water absorbed by the stream is underground.

The proposed project will likely have two impacts on the re-charge process:

- a) The running of heavy equipment in the basin will compact the underlying soils; this will reduce the ability of the stream and water behind the dam to replenish the aquifer. This is a similar scenario as found in the spreading basins; the impact of the proposed project will be more intense.

b) Increased traffic in the basin was not acceptable to the City of Pasadena in 2003 due to issues of water quality. The same applies to the proposed project. The residue from truck and heavy equipment traffic will impact the quality of the water that does seep into the aquifer from the stream or the dam.

Based on this analysis the project has the potential to: "substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level".

Questions:

1. There is no assessment of the long term impact to water conductivity, and aquifer replenishment in the DEIR. Based on the scientific evidence that suggests there could be a reduction in the re-charge capability in the basin, why has the County not considered this as an impact?
2. What mitigation measures are being taken to prevent run off from the equipment in use in the basin from entering the water supply? Will there never be any fuel spills, or oil leaks over 5 years?

#### **F. Noise and Traffic:**

During the scoping meetings the community expressed a desire that the ingress and egress for the project should be on the old construction road to the west of the dam, away from the local community.

The project proposes to cut a new access off Windsor to the basin on the east side of the dam for ingress purposes. This is immediately adjacent to the local Pasadena/ Altadena neighborhood.

1. What is the reasoning for this approach?
2. What effort will be made to mitigate the pollution effects of trucks entering the basin adjacent to the neighborhood?

#### **G. Recommendations:**

To rectify inadequacies in the current DEIR the County Board of Supervisors should direct staff to:

1. Use the emergency federal funds to hire known experts in the field with experience in looking at less damaging alternatives.

2. Partner with the federal and local trustee agencies and the City of Pasadena to work out a watershed based approach to address the issues .

This should include a plan to:

- a. Mitigate the risk of a 100% burn of the watershed occurring in the future.
- b. Remove/flush debris from the basin in a timeframe that takes into account:
  - i. The low likelihood of 2 DDE events with equivalent debris flows occurring within the current proposed project period – 5 years.
  - ii. The downstream capacity from the dam to absorb high flows.
  - iii. The need to preserve the conductivity of soils in the basin to maintain aquifer re-charge.
  - iv. The importance of preserving "one of the last remaining natural areas in the region".
- c. Develop a full mitigation plan that the public can respond to and comment on.

The project should avoid turning one man made environmental disaster into a second man made environmental disaster.

Sincerely yours,



Hugh Bowles

cc:

LA County Board of Supervisors  
Pasadena City Council.  
Michael Beck, Pasadena City Manager  
Arroyo Seco Foundation  
Pasadena Audubon Society  
California Department of Fish and Game  
U.S. Forest Service  
Tony Zampielo, Raymond Basin Management District  
Chris Holden, State Assembly Member