

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

Dear Sir/Madam:

Attached please find my comments on the proposed Devil's Gate Dam cleanout EIR, filed as an individual citizen who both uses this area almost daily recreationally and is concerned about the adverse effects on the community of this proposed project. Thank you for your consideration of these comments, and I look forward to your responding to the concerns I have expressed, as well as those of others.

Sincerely,

/s/

William Christian
1450 Arroyo View Drive
Pasadena, CA 91103

Comments submitted by email and through regular mail.

Comments on:

Los Angeles County, Department of Public Works

Flood Control District (LACFCD)

Devil's Gate Reservoir Sediment Removal and Management Project (Proposed Project)

Draft Environmental Impact Report (DEIR)

Introduction

My name is William Christian. I am a homeowner in the Linda Vista area of Pasadena. I enjoy the area that would be affected by the sediment removal project for recreation almost daily. I run and walk along the trails and appreciate the vibrant riparian area above and below the dam. I believe that the project as proposed would virtually destroy the beauty and values of the area that I and many others have come to enjoy. The project would also significantly harm the community in other ways, including congesting traffic, degrading air quality, and causing noise, all without a clear justification for this project.

Surprisingly, other than baldly asserting that such risks exist, the existing DEIR contains no factual analysis of the flooding risks that building sediment in the dam presents and the project would seek to avert. This is a fatal flaw in the DEIR, since flood risk is the sole legitimate public purpose for the expenditure of perhaps one hundred million of taxpayer funds.

Assuming that sediment removal is needed, LACFD should substantially revise the DEIR to include both an evaluation of other less harmful alternatives to move sediment from behind Devil's Gate Dam, as well as a complete analysis of whether dam removal could accomplish that removal while maintaining a reasonable level of flood protection for downstream residents.

Project Objectives and Alternatives

The goal of the project is clear: "The goal of the Proposed Project is to restore and maintain flood capacity at Devil's Gate Reservoir to meet its intended level of flood protection for the communities downstream." (EIR, Executive Summary, ES-1) The easement from the City of Pasadena to the LACFCD limits the District to use of the Devil's Gate area for flood control and water storage.

Other project objectives and goals—largely having to do with how, how much and when sediment would be removed and where it would be placed) are clearly subsidiary and justified only if the primary goal is itself necessary and justified, and can be accomplished best or only by the Proposed Project's (as well as those those of Alternatives 1-5) aggressive, destructive and unduly expensive plans.

The California Environmental Quality Act (CEQA) and guidelines require analysis of alternatives to the Proposed Project or alternative means to reach the legitimate goal of the project proponent. The DEIR described alternatives fail to comply with CEQA in

restricting the range of project alternatives to sediment removal options without considering other ways to achieve the county's flood protection goal.

The DEIR evaluation of alternatives also is unreasonably subjective, lacking adequate—or, in some instances, any—factual foundation and coherent analysis for its conclusions.

As just one example, the DEIR evaluation of the No Project alternative (#6) concludes that it is environmentally inferior to other alternatives with respect to effects on aesthetics, recreation, biological resources, riparian habitat, wildlife connectivity, and federally protected wetlands—based solely on the summary opinion of the authors that sediment deposition will continue over time and adversely affect these values. A fair analysis would evaluate the almost total destruction of wetlands and listed species habitat, the practical severing of the wildlife migration corridor from the upper to lower Arroyo Seco, loss of much recreational use and enjoyment, and alteration of the Devil's Gate Dam from a relatively undisturbed riparian zone to an largely permanent industrial area under every other alternative, and weigh those adverse changes against the likelihood that these would be overridden by the amount of future sediment deposition, within any reasonable time period.

The DEIR also rejected, without analysis, the dam removal alternative “due to its inconsistency with project objectives, as well as the potential safety concerns. This alternative would fail to meet the project objectives and would result in greater/additional impacts than the Proposed Project (geology, hazards, hydrology, and public services)”. And, “Since no flood control mechanism would be in place, areas downstream of the dam **could** experience sediment accumulation and intermittent flooding. These areas would include both natural and man-made settings and would include the lower Arroyo Seco, the Rose Bowl, and potentially some residential areas. DEIR 4.10.3 (emphasis added)

The lack of substantive data and analysis in the DEIR's evaluation of alternatives is pervasive, but significantly worsened by an obvious subjective bias in favor of large-scale sediment removal that infects the entire DEIR.

However, perhaps the most fundamental flaw in the DEIR is the lack of any fact-based analysis of downstream flood risk, and the absence of consideration of alternative (and less expensive) ways to avert or minimize any risks that may exist. It is not clear what level of risk actually exists, whether data is available on this issue, and whether approximately the same level of risk is presented, irrespective of how much sediment is removed from behind the dam.

Alternatives that should be considered in a new—or revised—CEQA analysis include:

1. A more objective analysis of whether there is a need to remove sediment, and the advantages of allowing natural processes to continue. The No Project Alternative analysis in the DEIR is seriously defective. It should include, as mitigation, whether parapet walls or other downstream flood protection measures could reduce or eliminate flood risk at a much smaller environmental and financial cost.

2. Dam removal should be considered as an alternative, including measures to protect downstream residents and assets from harm.
3. Slower and much less complete removal of sediment, including whether further modifications (apertures) to the dam face could accelerate transfer of significant quantities of sediment without the need for large scale mechanical removal.

Biological Resources—A number of federally listed and state and federal special status species were detected on site during very limited survey periods by the District’s contractor. The Hahamongna area that would be adversely affected by the Proposed Project contains extremely valuable habitat for a number of these species, and for other, more common plants and animals. The DEIR concludes that, after unspecified 1:1 mitigation combined with management actions, the effects on biological resources and wetlands would be less than significant. This is clearly incorrect. The Proposed Project would almost completely sever an extremely important animal migration corridor. Habitat types that exist in the area above and below the dam are rare and cannot be replaced by acquisition or restoration on site or in other locations in the Arroyo Seco watershed. CEQA’s command that adverse effects be fully mitigated requires the District to more fully state how it would compensate for loss of habitat and connectivity values caused by the massive excavation of the Hahamongna area. Additionally, if the project were to move forward as proposed (in any of the alternatives except #6), the District will have to obtain an incidental take permit under the federal Endangered Species Act (or risk prosecution under Section 9 of the ESA) and a Section 404 permit from the US Army Corps of Engineers, each a sufficient federal nexus triggering the requirement to conduct an environmental review under the federal National Environmental Policy Act.

Effects on the JPL Superfund Site—The JPL superfund site plume abuts the Proposed Project removal area. The DEIR dismisses concerns that the excavation may affect the isolation of the hazardous substance plume, but does not fully analyze the issue. Based on a total of only 4 reported soil borings, which found hydrocarbons, pesticides and other hazardous substances at “below regulatory thresholds”, the DEIR avoids any further discussion of potential public health impacts of the proposed project. No discussions or consultations with relevant regulatory agencies are reported. This issue should be thoroughly explored, additional, deeper borings conducted, and the potential impacts on the JPL plume and remediation explored.

Air Quality, Noise, Traffic, Aesthetics, Recreation—The Proposed Project will impose significant, lasting, irremediable harm on the Pasadena and LaCanada communities with respect to each listed category. The current DEIR does not sufficiently address the size and nature of these effects. Since adequate actions are not available to fully mitigate these effects, the Proposed Project, including all Alternatives 1-5, cannot go forward.

Thank you for the opportunity to comment on this document and a project that, if carried out as proposed, would have devastating effects on a unique community resource and life in our communities.

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