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Comments on Devil's Gate DEIR

General Comment:
The DEIR is inadequate because of the following reasons: it failed to document and address the flood threat, it failed to consider environmentally responsible alternatives, it failed to address air quality and noise impacts on the neighboring community, and it failed to document the potential wildlife habitat destruction and incorporate measures that would reduce those impacts.
The goal of the Devil's Gate Sediment removal project, removal of sediment, is not balanced by the concerns of stakeholders and environmental impact. The public is expected to accept the fact that there will be no way to mitigate a 100% certainty of aesthetic, traffic and air quality pollution. The stakeholders are expected to accept a weak argument that there is some unknown probability of a flood that will damage named and unnamed areas below Devil's Gate Dam.

My first question to this proposal is what is the probability that such flooding will occur and what is the scientific evidence that it will occur? There is no such data in the DEIR.

The Project:
The initial project, before the DEIR, was 1.67 million cubic yards. The current proposed project is 2.95 million cubic yards, almost double. None of the alternatives under consideration reflect the lower, original estimate.
Why was the project expanded?
Does it have something to do with doubling the DDE to two 50-year events?
In the grant application entitled Devil's Gate and Eaton Stormwater Flood Management Project, a component of which is the removal of sediment from behind Devils Gate dam, described in the application as follows:

"To restore reservoir capacity to address the post-Station Fire sediment impacts at Devils Gate Dam, the Devil's Gate Reservoir Sediment Removal and Management Project will remove an estimated 2,000,000 cubic yards of sediment from the reservoir."

The reason for the urgency of this project has been pinned on the Station Fire. It is difficult to believe that the same conditions that created the Station Fire, decades of fuel build up and record hot, dry temperatures could be repeated in the next 3-5 decades, and certainly not in the 5-year duration of this project. There is no way such fuel could build up in five years, especially with the current, persistent drought. The estimate for Station Fire sediment is 900,000 cubic yards.

Why is the County determined to limit sediment removal to five years when the urgency has not been defined? It took 93 years for 3-4 million cubic yards to be deposited, so why is it necessary to remove that amount in just 5 years? Why can't the sediment be removed over 20 to 25 years without all the damaging impact to the stakeholders and the habitat?

Looking at the inundation maps provided by the DEIR, the Rose Bowl is not considered vulnerable to flooding. **Why is the Rose Bowl included in the dialog by the county at the meetings for the public?** I believe that reference of flooding the Rose Bowl, along with the 110 Freeway flooding, are scare tactics. Areas that may be vulnerable to flooding are in the flood plain. **Why isn't there a specific, mathematical and scientifically generated risk assessment for downstream flooding?**

None of the 5 alternatives answer the question of urgency. The so-called "emergency" was created for the expediency of this project. There is also no mention that the DPW has failed to conduct ongoing maintenance in recent decades, compounding the current problem.

I attended the hearings presented by the Los Angeles County Department of Public Works DPW, aka LA County Flood Control District (LACFCD) in Altadena and La Canada. In both presentations the public was told there would be no way to mitigate the diesel pollution, the noise, the aesthetic damage, the traffic and the ecological destruction to the project area.

The stakeholders include, but are not limited to 10 schools, residences, stables, camps, JPL, hikers, bikers, family recreation, commuters, biology field camps, and wildlife. They are being asked to accommodate diesel pollution that is a known carcinogen and can cause heart & lung disease, traffic congestion, noise, and habitat destruction.

Why weren't the stakeholders adequately notified? I personally contacted each of the schools in La Canada, their principals and boards, and was repeatedly told they hadn't been notified and that my letter was their official notice. Every stakeholder expressed dismay that they had little to no time to investigate the DEIR, seek advice or adequately respond to the DEIR.

Air Pollution
Diesel pollution contains more than 40 toxic air contaminants. These include many known or suspected cancer-causing substances such as benzene, arsenic and formaldehyde. It also contains other harmful pollutants, including nitrogen oxides (a component of urban smog). The American Lung Association states, "Those spending time on or near roads and freeways, truck loading and unloading operations, operating diesel-powered machinery or working near diesel equipment face exposure to higher levels of diesel exhaust and face higher health risks."

The proposal states that it will encourage contractors to abide by EPA 2008 standards for trucks. It doesn't say it will, nor does it say it will strive to keep up with changing standards.

The EPA is currently studying "Near-Road Exposures to Urban Air Pollution" (NEXUS) to measure the impact of diesel burning trucks on children, the elderly and at-risk population. The results will be available for Federal, State and local governments to make better public health decisions for stakeholders near heavy truck traffic areas.

This project is a good example of heavy truck traffic: 425 tandem disposal trucks (with a 16-20 yard squared) a day, along with four front loaders, 2 D-8 dozers, an excavator, a grader, a water truck, a sorters/crushers and employee trucks. **Is the excavating equipment on the site going to run all night preparing for hauling the next day?**

My question is if the EPA changes standards during the duration of the project, and determines a specific net reduction in diesel pollution, will the county comply or will it stick to the 2008 specifications? The California Air Resource Board Diesel Reduction plan, when fully implemented will result in a 75 percent reduction in particle emissions from diesel equipment by 2010 (compared to 2000 levels), and an 85 percent reduction by 2020. **Do the standards referenced the DEIR reflect this trend?** I don't believe they do.

Also, the graphs and statistics included in the DEIR Appendix B Air Quality Report state that the pollution from the project would not be above a designated threshold. **Does this threshold take into account that the 10 schools and diverse recreational activities are already impacted because they are adjacent to the 210 Freeway? Do the figures presented include the existent pollution? Do they take into account that the geographical characteristics of the project site and surrounding neighborhoods include a narrow valley surrounded by slopes and hillsides, a condition that tends to trap pollution from the project and the freeway? Do the figures combine on-site excavation pollution, the possibility of night pollution, the hauling and idling pollution, and the 210-Freeway pollution?**

What limitation will there be on idling, as in when the trucks are waiting in line to be loaded, or entering and exiting the project site? Idling trucks emit the diesel pollutants, and if several trucks are idling, there will be more pollution. **What happens if there is an accident on the Freeway or the access roads and this extensive truck traffic gets backed up?**

On a personal note, if my son, who had chronic asthma as a child, had been adjacent to this project, he would have had persistent health problems and would have been unable to attend La Canada High School, Hillside School, Tom Sawyer Camp, or hike in Hahamongna Watershed Park. As a concerned citizen, it would be unconscionable for me to recommend a project that would harm youth, elderly and at-risk population.

Traffic

Appendix J describes the impact of traffic. Approximately 50 double trucks per hour will haul and estimated 7.6 thousand cubic yards a day. There is no way to mitigate the impact of this truck traffic. It will create major impacts to the adjacent schools, especially La Canada High School and Hillside, as well as impact JPL, the residences along the route, and the 210 Freeway traffic.

During the La Canada City Council meeting, there was a determination on behalf of the city council members that this impact, especially on Berkshire, was unacceptable. During the Altadena presentation, citizens of Altadena and the adjacent schools that will be impacted from truck travel on Windsor also found the impact as unacceptable.

How will the County DPW resolve the fact that La Canada and Altadena will be impacted by the traffic from over 420 trucks per day want the other city to bear the brunt of this imposition?

All 10 schools in the area will have traffic in the morning and the afternoon. JPL has a work schedule that will also be impacted. **Is there a plan for when there is an accident or an impediment for traffic to move? Will truck idle while waiting to move? How much diesel pollution could this cause?**

Noise

In Appendix I there is a restatement of the project's purpose:

The Los Angeles County Flood Control District (LACFCD) must remove sediment that has accumulated behind the dam in order to restore the flood control capacity of Devil's Gate Reservoir and minimize the level of flood risk to downstream communities along the Arroyo Seco. In its current condition, the reservoir no longer has the available capacity to safely contain another major debris event; and the outlet works have a risk of becoming clogged and inoperable.

Again, just for emphasis, the risk described is not quantified, while the pollution, traffic and noise are a certainty.

The Federal Transit Administration regulates noise. Local administration is concerned

with regulations of nuisance abatement ordinances and land use planning. **Will the LACFCD comply with the Pasadena and La Canada noise and dust ordinances? Are the noise standards depicted in this Appendix project specific? Does the county combine the on-site noise of dozer and crusher activity with the movement of trucks and the adjacent noise of the freeway?**

The length of this project as depicted will doom a succession of school children and residents to constant, distracting noise. The DPW admits that there is no way to mitigate the noise factor.

Economic Gain or Conflict with Project
Why are there crushers in this project? Is the sediment going to be sold? Are the taxpayers paying for a project that includes economic benefits? If so, who benefits?

A grant for 28 million from the state has allegedly been approved for flood control work in Hahahmongna by the Department of Power and Water. A substantial portion of this involves constructing a pipeline from Hahamongna across Altadena to divert water to the Eaton Canyon spreading grounds. **What connection does the pipeline that moves water from Hahamongna Watershed to Eaton Canyon have to do with the time line in this project? Who benefits from this transfer of water? Has there been an EIR for this project? How will it affect water rights in the Raymond Basin?**

There are several possible conflicts with the county's proposal. **How does this project work with the 710 Freeway Extension? How does it work with the JPL Superfund cleanup of perchlorates? What impact will moving water from Hahamongna to Eaton Canyon have on this cleanup? Where will people go for recreation if the Rose Bowl is modernized during this five-year project?** All of these projects are related projects and should have been evaluated by the DEIR. **Why are they not included in the DEIR analysis?**

Is it true that the California Regional Water Quality Board denied a permit for a similar, but smaller project in March of 2011? Does this proposed project have a permit from the California Regional Water quality Board?

Environmental/Habitat Concerns
The 120 acres in the proposed project represent a wildlife corridor, prime riparian habitat, breeding habitat for diverse bird, reptile and mammal species. Appendix D, the Biological Report, includes a biological survey along with impacts from the project are included. There are 27 species of birds, eight mammal species and several reptile and amphibian species. Some species are state and federally listed as endangered or species of concern. Included in this list are the Least Bell's Vireo, Coast Range Newt, Southwestern Pond Turtle, Two-Striped Garter Snake, and the Yellow Warbler and they have all been identified as part of the proposed site habitat. Although there is ample documentation of the Least Bell's Vireo, the survey did not

observe this species during the brief and inadequate time period that the survey took place.

The scorched earth policy of this project will destroy 120 acres of this habitat, along with known nesting sites, territories, breeding grounds, and prime migratory habitat. The mitigation proposed in this report does not take into account that the displacement of wildlife can't be recovered at the level of disturbance proposed or when the annual required maintenance is factored in. Furthermore, the analysis of biological impact is based upon removal of 1.67 million cubic yards (Appendix D, Project Description 1.2. page 6) rather than the much larger alternatives contained in this DEIR.

If the project had been doubled from the 1.67 million cubic yards to nearly 4 million cubic yards, then why doesn't the Biology Report reflect twice the impact? If habitat destruction is doubled, how do any of the mitigations proposed remain effective, especially with the areas designated for constant maintenance?

If the project could be changed to a slower project that didn't scrape away the trees and wildlife habitat, the impact on wildlife would be greatly reduced.

Does the DPW believe that mitigation of this impact is possible?

The Big Picture

Los Angeles has been moving towards a different approach the LA River, beach sediment, riparian habitat, and restoration of natural systems. Mayor Garcetti advocates tearing up the concrete and restoring the river to a more natural state. Currently the Army Corps of Engineers is supporting a river restoration plan that costs under $500 million, but the Mayor wants a more comprehensive plan. Friends of the LA River is a non-profit organization founded in 1986 to protect and restore the natural and historic heritage of the Los Angeles River and its riparian habitat through inclusive planning, education, and wise stewardship.

Are DPW projects endeavoring to protect and restore the natural heritage with inclusive planning, education and wise stewardship?

The Devil's Gate Reservoir Sediment Removal and Management Project is one of four DPW projects that include Big Tujunga, Cogswell, Morris, and Pacoima. These plans are focused on sediment removal, not flood control and not habitat restoration. They are one-dimensional, old-thinking plans that do not integrate water resources, wildlife habitat, and recreational opportunities. With their near-exclusive reliance on sediment trucking, they do not even adequately address flood protection, the primary charge of LACFCD.

Flood protection is not adequately addressed due to a lack of statistical and practical data that can quantify a risk of flooding. Flood control is a tool for scare tactics and to justify an antiquated proposal model.

How does the DPW justify a project that is not in step with the preferred trend of natural restoration? A more sustainable, responsible and forward thinking plan would recognize that sediment removal should not be the focus. Sediment should be removed, but not in the manner or amount proposed.

Would the DPW consider a slower project that steadily removes sediment over twenty years? Twenty years would be a more reasonable time line for removing sediment from Devil's Gate and all the other areas under the Sediment Removal Project. It has taken almost 100 years to build up. Instead of 800,000 to 1.2 million cubic yards a year as in the DPW proposal, a more reasonable plan would be to remove 167,000 cubic yards each year for ten years, and after that remove the base amount of inflow into the basin. This slow, ongoing program would illuminate most, if not all of the stakeholder and environmental concerns. It would also better represent ecological, long-rang plans for restoration of Los Angeles River and drainage systems. In a slower, more sustainable approach there would be less traffic, pollution, dust, noise and habitat destruction.

Would the DPW consider a more natural, slow process of moving sediment? Sluicing, or flow assisted sediment transfer (FAST) has been the main method of sediment maintenance. A slow sediment removal program allows more periods of critical flushing flows needed to move sediment. Allowing FAST instead of the proposed sediment removal project will also lesson the impacts of traffic, noise, pollution and habitat destruction. It maintains rather than destroys habitat.

Would the DPW consider far less habitat destruction for sediment removal? There is no need for permanent large-scale removal of habitat, and no need to have specific, large-scale maintenance areas that are denuded of wildlife riparian habitat. The cost of this project could be as high as $100 million for Devil's Gate and $3-4 billion for the entire county sediment program. This money will be spent trucking sediment from one part of the basin to another, with all the impacts of diesel pollution, traffic and noise.

Has this slower, more cost-effective program ever been considered? It is, by far, the most favored among those that have become engaged with this misguided, poorly conceived DPW Sediment Removal Project.

It is my hope that DPW will reconsider this massive project and provide the stakeholders and wildlife with a reasonable alternative that takes twenty not five years, has less impact of traffic, pollution, noise and habitat destruction, and is not as costly. There also needs to be a more scientifically driven evaluation of how much sediment should be removed and how much urgency there is to remove it. The DPW also needs to apply at least the most current EPA standards for diesel pollution, and needs to also apply a progressive compliance during the course of the project.
Would this be possible?