

PASADENA AUDUBON SOCIETY

Founded April 1904

1750 N. Altadena Drive

Pasadena, CA 91107

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January 19, 2014

To: Gale Farber, Director, Department of Public Works
Christopher Stone, Assistant Deputy Director, Water Resources Division
ATTN: Reservoir Cleanouts Program
P.O. Box 1460
Alhambra, CA 91802-1460

Re: Los Angeles County Department of Public Works Sediment Removal in
Hahamongna Watershed Park (Devil's Gate Dam)—Draft Environmental Impact Report

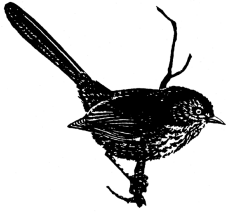
Dear Ms. Farber and Mr. Stone,

On behalf of our over 1500 members, the Board of the Pasadena Audubon Society thanks you for the opportunity to comment and ask questions regarding the DEIR issued by the Los Angeles County Department of Public Works on October 23, 2013. For the last four months, we have read, researched, and discussed the DEIR, and at our January 8th, 2014 Board meeting, we unanimously approved the sending of this letter. Because the impacts of the proposals outlined in the DEIR are devastating and for the most part unable to be mitigated, we find all of the alternative proposals (with the possible exception of “No Project”) to be unacceptable and therefore ask the Department of Public Works to rethink their sediment management program, especially in Hahamongna Watershed Park. It needs to be responsible and sustainable, not destructive to one of the most valuable local resources we have. We are especially concerned because recent events such as the unnecessary destruction of the Arcadia Woodlands indicate that we must be very cautious regarding sediment removal and its consequences. We urge the County to find ways to work with natural forces and with the stakeholders to achieve the goal of sustainable, responsible, and ecologically sound sediment management.

Hahamongna – An Unparalleled Environmental Treasure

Hahamongna Watershed Park, at the foot of the San Gabriel Mountains, is a rare and unique environmental resource, unparalleled in our region for its importance for water and biological resources. For many decades Pasadena and its residents have worked hard to protect and enhance the natural character of this alluvial canyon and its rich riparian and streamzone habitat. Major community-based planning efforts and city policy documents, such as the Arroyo Seco Master Plan and Open Space Element of the General Plan, have been developed to reflect Pasadena's commitment found in the UN Urban Environmental Accords, adopted by the city, to protect critical habitat, such as that found in Hahamongna. Those accords also commit the city to take major steps to reduce green house gases. The County's plan as outlined in the DEIR will severely undermine Pasadena's efforts to improve air quality as to render them non-existent. The land itself provides key habitat for many species of birds and other animals. Much of the land in

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question is made up of willow and mule fat. It is difficult to find this much contiguous willow and mule fat in Southern California, and Pasadena residents have worked hard to protect this habitat from destruction.

We see two categories of problems: problems with the project itself and problems with the DEIR.

Problems with the Project

The Pasadena Audubon Society has identified the following problems with the project proposed by the County. Any single one of these concerns is significant enough to warrant review by impact of this project on area residents; taken together, they offer a compelling argument that the project as proposed is unacceptable.

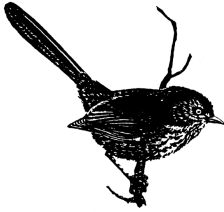
Significant Increases in Air and Noise Pollution: The County's sediment removal project will pollute the air. 425 trucks per day (that is 50 trucks per HOUR) will drive through local neighborhoods and on the 210 freeway. The trucks will operate for nine months or more per year, six days a week. These diesel trucks, which will not meet current EPA standards, let alone the more rigorous standards of the future, will cause unacceptable levels of air pollution, noise, and odor.

According to Dr. Frank Gilliland, the Hastings Professor with the Division of Environmental Health in the Department of Preventive Medicine at the University of Southern California, "[e]veryone in Pasadena will be exposed to elevated levels of air pollution, especially diesel exhaust from the heavy truck traffic and off-road equipment used on the site" and "[c]hildren and pregnant women are vulnerable groups for the adverse effects of elevated levels of air pollution and diesel exhaust. A large scientific body of evidence has shown the diesel exhaust exposure is associated with adverse pregnancy outcomes, increased risk for asthma, reduction of lung development and adverse effects on neurodevelopment." Dr. Gilliland also cites the increased risk of lung cancer caused by diesel. This level of risk, unmitigated by the County in any way, is simply unacceptable for our region.

Questions: What is the County's rationale for increasing lung cancer, asthma, and emphysema rates in Pasadena and environs? Why is the County not using clean trucks that do not significantly raise cancer rates?

Significant Increases in Traffic: The County's sediment removal project will significantly increase traffic. The proposed schedule of a ten-hour work day six days a week operation will impact the affected communities with constant sound pollution and increased traffic. The freeway onramp the project trucks will access is a main artery for residents of the affected communities. Trucks moving through that area during rush hour would impose an increased traffic burden. The interchanges to the 134 West and the 210

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East are already backed up during morning rush hour. Also, the Woodbury/Arroyo access to the 210 is adjacent to an elementary school and additional morning traffic in the area could negatively impact the access and safety of students and parents entering the school.

Questions: How will the County mitigate this increased traffic? How will it guarantee the safety of school children who attend schools adjacent to the work site? What contingency plans has the County developed for traffic accidents? For example, how will the County respond if and when a serious accident occurs on the 210 freeway, especially in the transition tunnel, as happened several weeks ago? Where will the trucks go if the freeway is closed?

Permanent Loss of Significant and Critical Habitat: The County's sediment removal project permanently destroys 50-120 acres of regionally significant willow and mulefat riparian forest. Because this forest is quite large, it is very unusual in our region, and it provides critical habitat for a variety of animals and birds, including nesting Yellow Warbler, which is a species of Special Concern in California; in 2012, 'Least' Bell's Vireo, which is a federally endangered species, nested here for the first time. Other animals found here include mountain lion, bobcat, mule deer, gray fox, gopher snake, pacific tree frog, and other reptiles and mammals. The project destroys other types of habitat as well, including freshwater marsh, alluvial scrub, and chaparral. All of these types of habitat are rare in Pasadena and must be protected.

Question: How does the County justify the permanent loss of this significant habitat, especially knowing that it provides resources for key species and that less destructive means of removing the sediment are available?

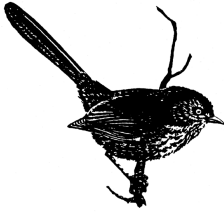
Absent or Inadequate Mitigation of Habitat Loss: The County offers no mitigation plan. This is unacceptable. Because this lost habitat is riparian, it should be replaced at a ratio of between 3:1 and 5:1; not 1:1 as proposed in the DEIR. Much of the mitigation is planned to take place off-site, not in the Hahamongna basin. This means we will lose our park, and, again, this is not acceptable.

Questions: How can we, the public, be expected to comment on a mitigation plan that doesn't exist yet? How can the County justify such a low mitigation rate? Does the County not recognize the value of riparian habitat?

Problems with the Draft Environmental Impact Report

The Pasadena Audubon Society has identified the following problems with the draft EIR issued by the County of Los Angeles.

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The DEIR provides no scientific rationale. The County never makes a science-based case for the need to remove 2.4 to 4 million cubic yards of sediment. Originally, the Board of Supervisors authorized the DPW to analyze and develop methods to remove 1.67 million cubic yards. But now the DPW claims they need to remove 2.4 to 4 million cubic yards without saying why the amount has increased. Also, the DPW never makes the case for the need to remove it within five years.

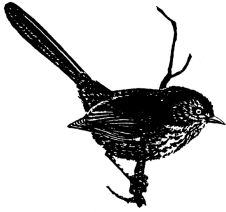
Questions: Where is the science to justify this project? Where is the science to show that the sediment must be removed within five years? Where is the science to show that the County needs to remove up to four million CY? Why did the project more than double from 1.67 CY to potentially four million CY? Where is the science to show how much sediment we can expect to come down in a major rain event? Has anyone from the County measured how much loose sediment is in the Arroyo Seco Watershed? When will we see cost/benefit analysis of each project alternative? How is the huge cost justified? Where is the science that shows the risk from flooding? How often does the flow reach a dangerous threshold? When was the last time that the flow reached a dangerous threshold?

The DEIR provides no rationale for permanent destruction of habitat. The County also never makes a case for the need to permanently clear-cut 50-120 acres of willow-mulefat forest, which is particularly rich in biological and environmental values. This constitutes destruction of more than 50% of the Hahamongna/Devil's Gate Basin.

Questions: Why do all the alternate plans in the DEIR necessitate turning much of Hahamongna Watershed Park into a maintenance yard? Where is the scientific justification for this? Or is the justification one of convenience? Does the County's easement give it the right to destroy the property and eliminate its purposes of habitat and recreation?

The DEIR does not address the health effects of air pollution. As Dr. Gilliland says, "[t]he DEIR does an inadequate job of reviewing research findings on the health effects of air pollution, especially diesel exhaust, on health. There is not even one study described or referenced in the DEIR that shows the connection between diesel exhaust and lung cancer or other adverse health outcomes such as asthma." We are also concerned that the DEIR makes no mention of the nature of the dust created by this project. Because the Station Fire is listed as a chief cause of the sediment, it would seem that the sediment should be assessed for micro-ash, as its particularly abrasive nature could create health concerns of its own. This section of the DEIR needs to be redone because of its inadequate response to these concerns.

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Question: Why does the DPW virtually ignore the connection between diesel exhaust and lung cancer and asthma? Has the County assessed the nature of the sediment to ascertain if its makeup includes micro-ash?

The DEIR incorrectly states that there are no measures to mitigate these exposures. As Dr. Gilliland points out, “[t]his statement is factually incorrect as there are many measures to reduce exposures. The Ports of Los Angeles and Long Beach have demonstrated effective interventions to reduce impact. The DEIR indicates that increases in diseases among the people of Pasadena are acceptable and unavoidable consequences of the project. This approach is completely inadequate and indicated the DEIR needs to be completely redone with adequate consideration of the health consequences of the project.” Again, we submit that this section of the DEIR is completely inadequate and must be redone. We do not agree that these exposures are acceptable for our residents and park users.

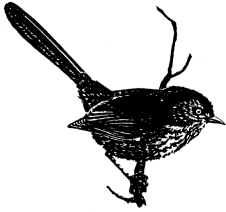
Questions: Why did the DPW reject using “clean” trucks to move sediment? Since the health impacts are real and serious, ie. scientifically proven, then shouldn’t the DPW take a more careful look at other less toxic means of moving sediment such as FASTing?

The DEIR ignores or underutilizes studies that show adverse effects of noise, studies that show the objectionable nature of the odors associated with these trucks, and studies that show a link between diesel trucks and lung cancer. These lung cancer studies are what led the state of California to declare diesel particulate matter as a Toxic Air Contaminant. The DEIR does not address this adequately.

Questions: Where are references to any of the 30 studies that show a connection between diesel exhaust and cancer rates? Where are references to studies that show dangers of dust, particularly dust that is emitted from an EPA clean-up site?

The DEIR does not respond to concerns raised by the California Regional Water Quality Control Board. In March 2011, when the County applied for a permit to complete a smaller sediment removal project in Hahamongna Watershed Park, the California Regional Water Quality Control Board denied the permit, asking the County to “identify cleanout alternatives sufficient to protect public safety other than 'return to design capacity.’” They also asked the County to “identify the immediate, public safety, capacity need which allows proper function of the flood control system and the corresponding sediment removal need” and use that to “develop an alternative(s) for this amount of sediment removal.” They asked the County to “identify cleanout alternatives which would minimize the 50-acre impact and identify alternatives for phasing the

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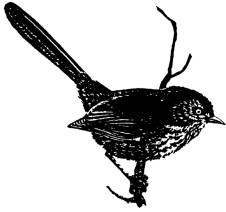
project to minimize impacts over time,” and to “identify alternatives which include lesser initial volumes but repeated cleanouts over several periods including two years and five years” and to “analyze these alternatives for cumulative impacts to habitat and affected species using the habitat.” This is exactly what we have been asking for too, and we are stunned that the County responded to these concerns with an even larger, more draconian plan.

Question: Why is the County ignoring the concerns raised by the California Regional Water Quality Control Board?

The biological section of the DEIR has serious flaws. For example, it reports only 50 species of birds for the basin while Pasadena Audubon reports over 206 (reported on ebird.org). The report claims that no Yellow Warblers, a “species of special concern,” have nested there, but Pasadena Audubon Society members have mapped many singing males and photographed parents feeding young in the willow woodlands, all evidence of nesting Yellow Warblers. (Please see Appendix A, “Hahamongna Vulnerable Species.”) The report does not list all wildlife species expected to occur, only what few were seen. The biologist did not consult with local organizations, like the Pasadena Audubon Society, who regularly conduct surveys in Hahamongna. Because the ‘Least’ Bell’s Vireo did not nest in 2013, possibly as a result of work done by Edison during a critical period, the DEIR does not see it as an issue. This federally endangered bird nested there in 2012, but if the willow forest is destroyed, it is unlikely that it would return. The report also seems confused about species and subspecies, and plays down listed species at every turn. Astonishingly, it ignores the fact that Hahamongna Watershed Park is part of the Altadena Arroyos & Foothills Significant Ecological Area in the current iteration of the Los Angeles County Master Plan. This indicates that the County finds the area to contain valuable “significant biological resources” and wildlife corridors. These flaws cause us to doubt the credibility of the biological information as it is presented in the DEIR, and cause us to wonder if the true biological value of Hahamongna is being purposefully downplayed.

Questions: Why does the list of birds not include the 150+ other species we know to be there? Where are maps that show the nesting areas of Yellow Warbler? Why does the report confuse current and former names for species such as the Western Toad AKA California Toad? Why does the report not refer to the Coast Patch-nose Snake as a federally listed snake and as a California Species of Special Concern? Why does the report ignore the fact that a federally-listed bird species, the ‘Least’ Bell’s Vireo, nested in the basin in 2012? Why did the biologists not consult organizations, such as ours, that regularly conduct surveys in Hahamongna? Did the biologists consult with the California Native Plant Society regarding plant species of Special Concern? Why does the report ignore the County’s designation of Hahamongna Watershed Park as a Significant Ecological Area?

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The DEIR ignores recreation impacts. The DEIR found that "Recreation impacts were found to be less than significant." We know this is not true. The presence of a large industrial operation in the bottom of the Hahamongna basin, causing massive dust and noise impacts, will dissuade many local residents from ever experiencing the magic of Hahamongna, and will reduce the number and enjoyment of those who go there for a restorative nature experience. The Pasadena Audubon Society conducts its monthly bird walk in Hahamongna and has done so for years. This project destroys most of the area where we conduct this walk. PAS conducts monthly bird walk here because of the biodiversity, something the County never addresses. The children in the Tom Sawyer Camps utilize this area, building forts and hiking, and the Rose Bowl Riders ride through here every day. Hikers and dog walkers crisscross the basin, while disc golfers enjoy the nearby oaks. Clearly, this area is critical for a broad spectrum of people.

Question: Did the County ask the Pasadena Audubon Society, the California Native Plant Society, the Rose Bowl Riders, Tom Sawyer Camps, the disc golfers, and any of the local residents who walk through Hahamongna if this project would have an impact on their recreation in the basin?

Solutions

The County needs a "forever plan," one that is sustainable and does not permanently destroy one of the most important open spaces in the region.

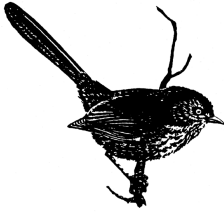
The County argues for the need to remove sediment because of the Station Fire, and while we do not dispute that some sediment needs to be removed, despite the lack of any science to support removing any sediment, we see no compelling argument in the DEIR for removing it in five years. Most of the debris that is going to come down due to the Station Fire has already done so, and the Devil's Gate Dam reservoir still has capacity, though admittedly it is difficult to know how much capacity as the numbers we see from the County shift markedly, like a moving goal post.

The Pasadena Audubon Society urges the County to adopt the proposal offered by Tim Brick, Managing Director of the Arroyo Seco Foundation: Go Slow, Go with the Flow, Let the Habitat Grow, and Keep Costs Low. This plan will mean fewer trucks, less dust, less air pollution, less noise, less habitat destruction, and lower costs.

Go Slow: The County makes no case for removing the sediment in three-five years. This sediment has been building up for almost 100 years, and the basin has never been fully cleaned out. We would like you to take a longer time, ten-twenty years, which would eliminate the need for the Big Dig approach. The Go Slow approach would allow the sediment to be removed in less destructive ways. Instead of removing 800,000-1,200,000 cubic yards of sediment per year, the County could remove 167,000 cubic yards per year, and then annually remove what is necessary based on the amount of inflow. As long as the County removes more than what flows in, they will increase the capacity of the dam.

Go with the Flow: The County should allow more of the sediment to flow through the dam using sluicing or FASTing (Flow-Assisted Sediment Transport). The County has

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been sluicing sediment through Devil's Gate Dam for years, and we would like to see more. If the County proceeds slowly, then it may utilize large storms more effectively to sluice sediment, and can coordinate with the Army Corps of Engineers on its plans to restore habitat in the Los Angeles River. The County can conduct pilot programs to determine the effects of increased sluicing downriver. Sluicing returns sediment to where it belongs: the river. This sediment is not a waste product but can be used as an integral part of the restoration of the Arroyo Seco and the Los Angeles River.

Let the Habitat Grow: The County makes no case for keeping 50-120 acres of riparian habitat permanently denuded. This rich riparian habitat should be allowed to grow so it can continue to provide a home for local flora and fauna, and provide recreation for the many stakeholders who use Hahamongna. Vegetation also slows down the water flow, allowing it to percolate into the aquifer.

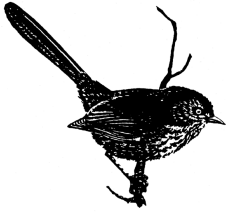
Keep Costs and Impacts Low: This \$100 million project can cost a lot less if the County uses the SLOW method. By sluicing more sediment through the dam and working with nature instead of against it, the costs of this project can be greatly reduced. If the County removed more of the sediment with sluicing, that means that the County will need fewer trucks, which will save money. If the cost is spread out over ten or twenty years, this provides the County and the City an opportunity to reexamine the process and promote best practices from an economic, engineering, and environmental standpoint. More importantly, this project can serve as a model for other projects, and perhaps the County can find ways to work with nature on the other projects, thereby reducing the costs of sediment removal countywide. The County has estimated costs the range of at \$3-5 billion over the next 20 years, but as this has become an ongoing maintenance expense, the County needs find ways to reduce this cost permanently. The SLOW method also relies much less on cancer-causing noise-polluting diesel trucks and more on the natural systems that work for free.

Again, we thank you for the opportunity to comment on the DEIR for the sediment removal in Hahamongna Watershed Park. The Pasadena Audubon Society does not accept any of the alternative proposals in the DEIR, but we hope that we can use this, along with the hard lessons of the Arcadia Woodlands, as opportunities to improve how sediment is managed and for increased engagement with stakeholders.

Sincerely,

Deni Sinott (signed)
President
Pasadena Audubon Society

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Mickey Long (signed)
Vice President
Pasadena Audubon Society

Laura Garrett (signed)
Conservation Chair
Pasadena Audubon Society

CC: LA County Supervisor Michael Antonovich
Pasadena Mayor Bill Bogaard
Pasadena City Councilmember Terry Tornek
Scott Harris, California Fish & Wildlife
Christine Medak, US Fish & Wildlife
Samuel Unger, California Regional Water Quality Control Board
Los Angeles Mayor Eric Garcetti

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