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Devil's Gate Sediment Removal and Management Project RFEIR

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The findings of the Devil's Gate Sediment Removal and Management Project RFEIR are insufficient to recognize and address impacts. The RFEIR improperly concludes that the Project will have “less than significant impacts” on biological resources, stating that “[b]ased on the evidence cited above and the steps outlined in Mitigation Measure BIO-8 to ensure a successful replacement at a 1:1 ratio, neither a higher mitigation ratio nor other Mitigation Measures would be necessary to reduce impacts to below level of significance.”

Based on U.S. Army Corps of Engineer standards for hydrophytic vegetation dominance and prevalence indicators a majority of the project area is host to wetland cover. The integrity of this native wetland cover and associated upland habitat is impressive, with greatest diversity of species in the vicinity supported by wetland areas. Less than 3% of wetland habitat is estimated to remain across the Los Angeles region, with the alluvial fan morphology of the Hahamongna vanishingly more rare. Nearly all areas conducive to supporting freshwater wetland habitats have been developed and continue to be developed and scoured with a fragmented lack of suitable conditions to be found in the region. The EIR states that mitigation may occur both on and off site in the greater Los Angeles watershed, but there is nowhere that can replace the local conditions, local ecological connectivity, and most significantly still-natural hydrology of the Hahamongna above Devil's Gate Dam. To those points, no instances have been provided where mitigation has been empirically found to sufficiently restore integrity to a level at or above the conditions before damage has been done, let alone at a low 1:1 ratio with reference but no clear plan provided for where and how this may be accomplished. Specific area, locations, and methods must be provided for this extraordinarily challenging proposition.

The distribution of mature native plant communities including willow woodland, mulefat scrub, and alluvial fan scrub together with associated communities is host to over 500 different plant and animal species identified in historic and contemporary observations, including contemporary observations of species of concern such as the arroyo toad, threatened bank swallow, endangered willow flycatcher, and federally endangered least bell’s vireo. This cover in a naturally-occurring, self-sustaining system is irreplaceable, and neither removal nor displacement over any period can be described as "less than significant." Given the gravity of certain significant impacts from proposed actions findings must be based on comprehensive and empirical study of existing biological conditions as well as the characteristics and distribution of rare underlying hydrological and geomorphological conditions that make them possible.

The mitigation as described calls for a five year period of monitoring. Given the significant burden of proof that mitigation can restore conditions to a level at or above the integrity before damage, not only is a comprehensive survey of existing conditions necessary, but also sustained consistent follow-up until the cover is mature and clearly demonstrates self-germination and resistance to invasion of non-native invasive species currently observed in the existing conditions. This period should be determined through a peer review of local experts in fields related to native plant community establishment and restoration.

Securing public safety may be expected to necessitate difficult decisions, however, as per the legal requirements of CEQA the clear sacrifices for any actions must be acknowledged and minimized as feasible. Alternatives as adopted by The Pasadena City Council in 2014 are superior to minimize and mitigate such sacrifices. These include long-term, consistent removal of smaller volumes of sediment and less complete razing of entire vegetated areas, alternatives which have been supported by the Arroyo Seco Foundation and Pasadena Audubon among others together with general public stakeholders.

Thank you for your careful review of comments and for your measured consideration of the proposed actions and alternatives. Your attention and work toward the best possible outcomes now and for future generations of humans and all life is an invaluable service.

Johnathan Perisho