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Subject: DRAFT PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT FOR THE SAN GABRIEL VALLEY GREENWAY NETWORK STRATEGIC IMPLEMENTATION PLAN, SCH NO. 2022090340, LOS ANGELES COUNTY, CA

Dear Ariana Villanueva:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Programmatic Environmental Impact Report (PEIR) from Los Angeles County Public Works (Lead Agency; LACPW) for the San Gabriel Valley Greenway Network Strategic Implementation Plan (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines[1].

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law[2] of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Los Angeles County Public Works (LACPW)

Objective: The objective of the Project is to provide program-level direction for development along the San Gabriel River, the Rio Hondo, and adjacent tributaries within the San Gabriel Valley, eastern Los Angeles County. Primary Project activities include the development of an active transportation and recreational corridor through a network of paths. The Project also includes objectives for the beautification of Los Angeles County Flood Control District (LACFCD) rights-of-way (ROWs), enhancement of stormwater management, and enhancement of natural habitat around streams in the San Gabriel Valley. The main Project component is a network of shared paths. This "Greenway Network" may include shared pedestrian and bike paths, or shared paths with separated equestrian trails, in segments up to 5 miles long and 24 feet wide. Other Project components may include (1) amenities, (2) pocket parks and greenspaces, (3) safe crossings, and (4) stormwater management infrastructure. Greenway amenities may include fencing, railings, guard rails, barriers, decorative gates, privacy screens, lighting, seating, shade structures, equestrian amenities, bike parking, informational signage, trash receptacles, public art, community gardens, emergency call boxes, restrooms, water stations, kiosks, and community message boards. Pocket parks and greenspaces may include the expansion of existing parks or the creation of new parks between 1 and 25 acres in area. Safe crossings may include crosswalks, bridges, signals, signage over existing roads, intersections, flood control channels, and railroad tracks up to 400 feet long and 8 feet wide. Stormwater management infrastructure may include permeable pavement, green streets, bioretention facilities, constructed wetlands, subsurface infiltration facilities, extended detention basins, and other green infrastructure or low-impact development practices. The Project provides program-level analysis and does not include project-specific or site-specific analyses.

Location: The Project area includes the entire 200-square-mile San Gabriel Valley of Los Angeles County. The proposed Greenway Network would largely follow alongside the San Gabriel River, the Rio Hondo, and several other tributaries. Project locations

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[2] "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

could include segments of the following tributaries: Alhambra Wash, Arcadia Wash, Big Dalton Wash, Eaton Wash, Little Dalton Wash, Puente Creek, Rubio Wash, San Dimas Wash/Puddingstone Channel/Live Oak Wash, San Jose Creek, Santa Anita Wash, Sawpit Wash, Thompson Creek, and Walnut Creek. This Draft PEIR evaluates the Project area as defined as 140 linear miles of LACFCD ROWs and adjacent parcels along streams within the San Gabriel Valley. The Project provides program-level regional planning and does not include any site-specific locations for individual actions or component projects.

Biological Setting: The Project site and adjacent areas includes primarily urban and suburban development with smaller patches of undeveloped land. The primary watershed in the San Gabriel Valley is the San Gabriel River watershed. The headwaters of the San Gabriel River originate in the San Gabriel Mountains to the north beyond the limits of the Project area. Within the Project site, reaches of the San Gabriel River and its tributaries consist of natural earthen-bottom channels and concrete-lined trapezoidal or box channels. Riparian habitat and coastal sage scrub habitat are present within the Whittier Narrows area. Sensitive natural communities potentially occurring within the general Project area include Riversidean alluvial fan sage scrub, walnut forest, California walnut woodland, canyon live oak ravine forest, southern coast live oak riparian forest, and southern sycamore - alder riparian woodland. Sensitive species potentially occurring within the general Project area include Braunton's milk-vetch (*Astragalus brauntonii*; Endangered Species Act (ESA) endangered; California Rare Plant Rank (CRPR) 1B.1), Nevin's barberry (*Berberis nevinii*; ESA endangered; CESA endangered; CRPR 1B.1), thread-leaved brodiaea (*Brodiaea filifolia*; ESA threatened, CESA endangered; CRPR 1B.1), slender-horned spineflower (*Dodecahema leptoceras*; ESA endangered, CESA endangered; CRPR 1B.1), Crotch's bumble bee (*Bombus crotchii*; CESA candidate endangered), monarch butterfly (*Danaus plexippus*; ESA proposed threatened), arroyo chub (*Gila orcuttii*; California Species of Special Concern (SSC)), southwestern pond turtle (*Actinemys pallida*; ESA proposed threatened; SSC), Southern California legless lizard (*Anniella stebbinsi*; SSC), coastal whiptail (*Aspidoscelis tigris stejnegeri*; SSC), red-diamond rattlesnake (*Crotalus ruber*; SSC), two-striped gartersnake (*Thamnophis hammondii*; SSC), burrowing owl (*Athene cunicularia*; CESA candidate endangered; SSC), coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*; SSC), southwestern willow flycatcher (*Empidonax traillii extimus*; ESA endangered; CESA endangered*),* American peregrine falcon (*Falco peregrinus anatum*), yellow-breasted chat (*Icteria virens*; SSC), coastal California gnatcatcher (*Polioptila californica californica*; ESA threatened; SSC), yellow warbler (*Setophaga petechia*; SSC), and least Bell's vireo (*Vireo bellii pusillus*; ESA endangered; CESA endangered), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), Townsend's big-eared bat (*Corynorhinus townsendii*; SSC), and western red bat (*Lasiurus blossevillii*; SSC).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist LACPW in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

COMMENT # 1: Impacts of Recreation on Wildlife

Issue: The Project may impact biological resources because of increased visitor usage and recreation.

Specific impact: The Project may cause local extirpation of wildlife from otherwise suitable habitat. Direct impacts on wildlife may include energetic costs to the animal, nest abandonment, reduced reproductive success, and reduced fitness.

Why impact would occur: The Project proposes to create recreational opportunities where opportunities do not currently exist. These opportunities include pedestrian/bike/equestrian trails, equestrian facilities, lookouts, boardwalks, channel access points, pocket parks, and pavilions. Increased visitor usage and recreation along the San Gabriel River, the Rio Hondo, and its tributaries has potential to impact wildlife and habitat through a variety of ways, including:

- Increased numbers of people and pets;
- Increased area of influence;
- Increased noise levels;
- Increased artificial outdoor lighting;
- Increased trash or pet waste;
- Introduction of unnatural food sources via trash and trash receptacles;
- Loss of habitat due to erosion from non-official footpaths; and
- Loss of habitat due to introduction or spread of invasive plant species.

Recreation and increased human activities can have the following effects on wildlife:

- Non-consumptive recreation can lead to detrimental changes in animal behavior, reproduction, growth, and immune system function (Lucas 2020).
- Human presence can instill strong fear in wild animals, which may adjust their activity to avoid contact with humans. Such risk avoidance can have important nonlethal effects on animal physiology and fitness. This shift may have negative and far-reaching ecological consequences (Gaynor et al. 2018; Mitrovich et al. 2020).
- Human activities that result in escape or avoidance behaviors may increase the probability of a bird being detected by a predator, increase intraspecific aggression in colonial species, expose bird chicks and eggs to adverse

environmental conditions that can cause embryo death, and divert energy from feeding or reproduction to defensive behaviors (Hillman et al. 2015).

- Blue tit (*Cyanistes caeruleus*) nestlings near recreation facilities develop slower and fledge with low body mass and poor body condition (Remacha et al. 2016).
- Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) is sensitive to pedestrian and vehicle traffic. An approaching distance of 3 meters and 2.8 meters during the pre-nesting and nesting season, respectively, alert Belding's savannah sparrows to take flight (Fernandez-Juricic et al. 2009).
- Being approached by a person may trigger a change in the behavior or physiological processes in a bird (e.g., flight responses or increased heart rate). Although these responses tend to be short in duration, they can have longer term effects as is the case of breeding birds being flushed from nests leaving eggs or chicks vulnerable to predation (Steven et al. 2011).
- Relatively 'low' impact activities such as walking or hiking can still have negative effects on birds (Steven et al. 2011).
- Increased noise may alter or mask the auditory signals required for information exchange in birds (Hillman et al. 2015).
- Some species of birds are sensitive to off-trail activities, particularly dog walking (greater area of influence) (Miller et al. 2001).
- Artificial light at night can disrupt wildlife behavior. Even residential-scale white LED flood lights in a residential setting can disturb bat foraging activities from a 25- to 75-meter radius (Seewagen et al. 2023).
- Patterns of wildlife habitat use can be disrupted by disturbances occurring outside of regular human activity, such as large recreation events, off-trial visitor behavior, or the proliferation of new social trails, even in areas that traditionally see high levels of visitor use (Mitrovich et al. 2020).

The Project has proposed to Mitigation Measure BIO-9 *Operations Recreation* Plan, to mitigate for potential impacts of recreation on biological resources. Mitigation Measure BIO-9 proposes signage warning recreational users to avoid certain environmentally sensitive areas. However, signage alone may be insufficient to deter or prevent recreational users from accessing sensitive areas. Seasonal closures of public access have been proposed in the LACPW's Los Angeles River Master Plan to mitigate for potential impacts on wildlife during certain times of year (e.g., bird nesting season). However, wildlife could use or occupy habitat year-round. Wildlife could become displaced or extirpated from otherwise functional habitat where recreational activities are created or increased. Signage and seasonal closures alone may be insufficient to mitigate for the Project's potential to displace or extirpate wildlife.

Evidence impact may be significant: Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW and/or U.S. Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures be incorporated into the final CEQA document:

Mitigation Measure #1: Recreational Impact Analysis and Mitigation Planning. LACPW shall include measures under Mitigation Measure BIO-9 (or where appropriate) whereby individual subsequent project proponents shall analyze impacts of recreational activities on biological resources. At a minimum, an analysis shall include:

1) potential direct and indirect impacts on wildlife as a function of each type of recreational activity proposed and associated increases in human activity, noise, and lighting; and
2) potential for wildlife entanglement in furnishings (e.g., perimeter fencing or netting around basketball courts) associated with each recreational activity.

Future project proponents shall prepare a site-specific operations recreation plan based on the expected recreational usage for the purpose of sufficiently mitigating recreational impacts on biological resources.

Mitigation Measure #2: Adopt Design Best Practices to Address Recreational Impacts. LACPW shall provide a mitigation measure whereby recreational activities proposed by individual subsequent project proponents shall implement design practices that best avoid known breeding and nursery sites for sensitive and special status species (e.g., least Bell's vireo). At a minimum, a project should restrict or modify trails, trail dimensions, number of trails, spatial arrangement of trails, access points, and all recreation-related structures to avoid sensitive areas. All existing and new outdoor lighting shall be designed, installed, and maintained in a manner that minimizes impacts on biological resources. CDFW recommends the following design guidelines for outdoor lighting:

1) *Light Output Limits*. All LEDs or other light bulbs installed as a result of the Project shall be rated to emit or produce light at or under 2700 Kelvin that results in the output of a warm or amber color spectrum. Light fixtures shall be designed and installed in a manner that minimizes the duration and brightness of lighting to the degree necessary for safety.
2) *Vehicle Light Barriers*. Solid barriers at a minimum height of 3.5 feet shall be installed in areas where they have the potential to reduce illumination from overhead lights and from vehicle lights into areas outside of the roadway. Barriers should only be utilized as a light pollution minimization measure if they do not create a significant barrier to wildlife movement. Additional barrier types

should be employed when feasible, such as privacy slats into the spacing of cyclone fencing to create light barriers for areas outside the roadway.

3) *Reflective Signs and Road Striping*. Retroreflectivity of signs and road stripping shall be implemented throughout the project to reduce the need for electrical lighting**.**
4) *Light Pole Modifications and Shielding*. All light poles or sources of illumination that will be new or replacement installations of existing light sources shall be installed with the appropriate shielding to avoid light pollution into natural landscapes or aquatic habitat with the project corridor in coordination with CDFW. In addition, the light pole arm length and mast heights should be modified to site specific conditions to reduce light spillage into natural landscapes or aquatic habitat within the project corridor. In areas with sensitive natural landscapes or aquatic habitat LACPW should also analyze and determine if placing the light poles at non-standard intervals has the potential to further reduce the potential for light pollution caused by decreasing the number of light output sources in sensitive areas.
5) *Light Fixture Locations*. No lighting shall be installed within 250 feet of suitable habitat for sensitive species. Access to trails, paths, or other recreational facilities near suitable habitat shall be closed at night.

Mitigation Measure #3: Adopt Minimum Setbacks. LACPW shall provide a mitigation measure whereby recreational activities proposed by individual subsequent projects incorporate appropriate setbacks or restrictions if avoidance is not feasible. An appropriate setback should consider the species (e.g., alert and flight initiation distances) and type and intensity of recreational use proposed (e.g., trail, pavilion, lookout). A project should restrict activities that are likely to have greater impacts such as dog walking and horseback riding near sensitive and special status species habitat. A project should restrict the size of gathering areas such as pavilions to limit the number of users to a smaller group.

Mitigation Measure #4: Implement Best Management Practices to Minimize Recreational Impacts. LACPW shall provide a mitigation measure whereby recreational activities proposed by individual subsequent projects incorporate appropriate best management practices (BMPs) if avoidance is not feasible. Examples of BMPs could include sound barriers, visual barriers, or wildlife-viewing blinds. An appropriate BMP should consider the species and intensity of recreational use proposed.

Comment #2: Lake and Streambed Alteration Agreement

Issue: The Project may impact streams.

Specific impacts: The Project may result in temporary or permanent modifications to a stream.

Why impacts would occur: The Project may modify the San Gabriel River, the Rio Hondo, and several other tributaries within the San Gabriel Valley by modifying the channel, modifying existing vegetation within the stream, installing new vegetation within the stream, installing or modifying bridges, culverts, or other infrastructure, or installing surface water diversion structures. Diversion structures may obstruct water flow and change the bed and channel of a stream (confinement). Water diversion may adversely affect the existing stream pattern, potentially resulting in substantial erosion or siltation within the project area and downstream.

The Project proposes Mitigation Measure BIO-12 *Desktop Review and Conduct a Jurisdictional Delineation* to mitigate for potential impacts to streams. This Mitigation Measure calls for the avoidance of streams in favor of sites that have been previously disturbed or developed. However, Project activities in disturbed and developed areas may still require notification and permitting from CDFW. CDFW is particularly concerned about potential alterations to streams from the diversion of surface waters.

Evidence impacts would be significant: Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

The construction of diversion devices such as deployable barriers and inflatable dams, and conveyance of water structures within a stream is subject to notification under Fish and Game Code section 1602. The ongoing operations and maintenance of instream storm flow diversion devices and conveyance of water structures is also subject to notification under Fish and Game Code section 1602 once the devices are constructed. Also, the diversion of stormwater and/or dry weather runoff that flows within streams or that have overflown the banks of streams, is subject to notification under Fish and Game Code section 1602.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Lake and Streambed Alteration Notification. CDFW recommends LACPW modify Mitigation Measure BIO-12 *Desktop Review and Conduct a Jurisdictional Delineation*, to include the underlined language:

“A desktop review of the National Wetland Inventory and/or field review shall be conducted to determine if a formal delineation is required. To the extent feasible, the location(s) of all greenway paths, any subcomponents, and associated beneficial project elements shall be on previously disturbed or developed sites and shall avoid jurisdictional wetlands and associated waters. However, if any jurisdictional wetlands or associated waters are identified, a jurisdictional delineation shall be completed. If wetlands or aquatic resources are identified within the project footprint, but will not be affected by construction, then those resources shall be clearly marked for avoidance using flagging, fencing, or other appropriate avoidance method prior to construction. If any wetlands and/or jurisdictional aquatic resources are identified, then implement the following mitigation measures <u>and appropriate permits shall be obtained from the USACE, SWRCB or RWQCB, and CDFW, as required. CDFW shall be notified pursuant to Fish and Game Code, section 1600 et seq. Based on this notification and other information, CDFW will determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting proposed activities. An LSA Notification shall include the following: 1) an analysis to demonstrate that concrete-lined or soft-bottom channels would not be impaired (e.g., aggraded, incised, increased suspended sediment), 2) a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions, 3) whether dewatering/diversion of water may be necessary, and (if applicable) 4), an analysis of whether diversion structures would impact stormwater and dry season water flow, and the extent of those impacts, during the wet season (November through March), dry season (April through October), and both above-average and below-average water year."</u>

Recommendation: <u>Mitigation for Impacts to Streams</u>. CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from a lead agency for a project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

To compensate for any on- and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

Comment #3: Water Diversion and Impacts on Beneficial Uses

Issue: The Project may divert surface stormwater and dry season flows from the San Gabriel River, the Rio Hondo, and several other tributaries in the San Gabriel Valley.

Specific impact: Diverting stormwater and dry season flows into stormwater catchment basins, bioretention facilities, or infiltration galleries may reduce the availability and extent of water flow within a stream. There could be changes to the hydrologic regime both within a project area and downstream. Changes to the hydrologic regime could affect abiotic and biotic variables that support plants, fish, wildlife, and macroinvertebrates. Significant impacts to biological resources could occur, especially during a dry season proceeding after a below-average water year.

Why impacts would occur: The Draft PEIR does not provide sufficient analysis as to whether the Project, specifically the "integrated stormwater management practices" "green infrastructure" and "low impact development", would impact biological resources both within a project area and downstream.

Biological Resources: Both the concrete-lined and soft-bottom portions of the San Gabriel River, the Rio Hondo, and their tributaries support biological resources. The concrete-lined portions of these streams are regionally significant, especially in a dense urban environment with substantial loss or alteration of the natural hydrologic regime and river ecosystems. Where these streams overtop the concrete-lined low-flow channel, the resulting sheet flows allow phytoplankton (algae and cyanobacteria), microorganisms, and herbaceous vegetation to establish. The algae provide habitat and a food source for benthic invertebrates, a vital food source for wading birds. These streams provide habitat for hundreds of bird species, making portions of them birding hotspots. The least Bell's vireo, a federal ESA and CESA-listed endangered species, has been documented at the Whittier Narrows among other areas within the Project setting. Least Bell's vireo depends on willow (*Salix* genus) riparian habitat. The San Gabriel River supports woody vegetation such as black willow (*Salix gooddingii*), Fremont cottonwood (*Populus fremontii*), and arroyo willow (*Salix laevigata*) (USACE 2015).

Flow reductions, especially dry season flow, could impact beneficial uses directly or indirectly through habitat modifications. Diverting water during the dry season could reduce the availability and extent of shallow water sheet flow. This could potentially impact algae and benthic invertebrates, and eventually birds. Willow riparian habitat may be impacted if flow reductions lead to receding shoreline or lower water depth. Loss of suitable habitat may impact sensitive species such as least Bell's vireo.

Seasonality: The Draft PEIR does not analyze the potential significance of water diversion depending on the season. During the dry season, typically April through September in southern California, the San Gabriel River is largely influenced by urban runoff and discharge from several flood control dams (Cogswell, San Gabriel, Morris, etc.). Diverting water could be significant during the dry season and could either significantly reduce water flow or result in complete loss of water flow.

Drought: The Draft PEIR does not analyze the potential significance of water diversion during a below-normal water year. Since 2000, the longest duration of drought in California lasted between 2011 and 2019 (USGS 2021) and in southern California, between 2012 through 2016 (Los Angeles Almanac 2021). The 2017-2018 rainfall season was below normal and the driest for Los Angeles since 2006-2007 (Los Angeles Almanac 2021). Diverting water during a below-normal rainfall year may significantly reduce water flow or result in complete loss of water flow.

Evidence impacts would be significant: Changes to hydrology and channel morphology, both within a project area and downstream, are reasonable potential direct and indirect physical changes in the environment. Said changes and their potential impacts on biological resources should be analyzed and disclosed in an environmental document. Adequate disclosure is necessary for CDFW to assist a lead agency in adequately identifying, avoiding, and/or mitigating a project's significant, or potentially significant, direct, and indirect impacts on biological resources. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in a project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW, USFWS, and/or National Marine Fisheries Service (NMFS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Analyze Potential Downstream Impacts from Water Diversion. CDFW recommends LACPW include a mitigation measure whereby individual subsequent project proponents shall analyze potential impacts on biological resources resulting from proposed water diversion. At a minimum, an analysis should include:

Study Reach

1) A study reach that includes an additional length of channel downstream from a project site. The additional study reach should extend a minimum of 1 mile downstream, or to the extent of the waterway downstream that could be expected to be affected similarly by a proposed project (hydraulic and ecological zones), or an appropriate distance determined by both a qualified biologist and hydrologist, whichever is greater.

Changes to Hydrology and Hydraulics

1) Under pre-project (i.e., baseline) conditions, the volume of water flow from both the project area and study reach during a) the wet season (November through March); b) the dry season (April through October); and c) above-average and below-average water year (i.e., wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year). The analysis should clearly define above-average or below-average rainfall year.
2) Under proposed project conditions, the percent reduction in flow from both the project area and study reach for a wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year.
3) A quantitative analysis comparing the flow from the project area and other tributaries into the study reach, and their relative contribution to the hydrograph of the study reach.
4) An analysis of potential project-related changes to river hydraulics in both concrete-lined and soft-bottom reaches. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change).

Biological Resources Impact Assessment

1) A map of plant communities and important bird foraging and nesting habitat occurring in the study reach. Plant communities should be mapped at the alliance/association level using the Manual of California Vegetation, second edition (Sawyer et al. 2009). Also, CDFW recommends an updated and thorough floristic-based assessment of plant communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018).
2) A comprehensive list of sensitive and special status plant and wildlife species, and sensitive plant communities, occurring in the study reach. For each biological resource, provide:
    a. A summary of species-specific habitat requirements;
    b. A discussion as to how the species or plant community may be significantly impacted directly or indirectly through habitat modification, as result of changes to hydrology (reduced flow) and hydraulics (water depth, wetted perimeter, velocity); and
    c. A quantitative analysis and/or adequate discussion to evaluate whether the project would result in those significant impacts.
3) A discussion of whether construction, operations, and maintenance of diversion devices such as rubber dams, pipes, and tunnels, would have direct and/or indirect, permanent or temporal impact on biological resources.
4) An adequate discussion to address how the project may potentially affect on-going habitat recovery and restoration efforts.
5) An adequate discussion of project-related impacts on biological resources in relation to cumulative flow reductions.

Mitigation Measure #2: Adaptive Management Plan for Water Diversions. For projects proposing to divert water, CDFW recommends LACPW include a mitigation measure whereby individual subsequent project proponents shall develop an Adaptive Management Plan that would reduce or suspend water diversion if at any point the project may impact biological resources downstream exceeding a defined threshold/trigger.

Recommendation: Water Rights. CDFW recommends project-level lead agencies/applicants provide a copy of the basis of water right (water right permit) by State Water Resources Control Board that authorizes the beneficial use of stormwater or dry weather flows diverted from streams. This information along with the LSA Notification would assist CDFW in assessing the need for an LSA Agreement. CDFW recommends including documentation of water rights in a project-level CEQA document to ensure project budgets and timelines consider CDFW's regulatory process in the implementation of projects under the proposed San Gabriel Valley Greenway Network Implementation Plan.

Comment #4: Impacts on Riparian Habitat

Issue: The Project may impact riparian habitat.

Specific impacts: The Project may result in temporary or permanent loss of riparian resources.

Why impacts would occur: According to PEIR Chapter 3.4, *Biological Resources*, the Project area contains riparian vegetation communities. This includes southern willow scrub, oak riparian woodland, and alluvial fan scrub. Only relic and fragmented riparian habitat remain along the significantly channelized, engineered, and urbanized lower and middle San Gabriel River and Rio Hondo. Over 90 percent of southern California's coastal riparian habitat have been lost (USACE 2015). The remaining fragments of riparian habitat contribute significantly to the integrity of regional hydrologic connectivity, biodiversity, and habitat connectivity and wildlife movement between significant ecological areas, including the Santa Monica Mountains, the Verdugo Hills, and nationally significant San Gabriel Mountains National Monument (USACE 2015).

These vegetation communities could be impacted during project construction and subsequent operational activities. This could result in temporary or permanent loss of riparian habitat. Vegetation communities may also be impacted through changes to hydrology (e.g., amount of flow) and hydraulics (e.g., wetted perimeter and depth). These changes may occur if a project modifies the channel, constructs bridges across a channel, or installs water diversion structures. Willow riparian habitat may be impacted if reduced flow leads to lower water depth or receding shoreline. Preliminary work of the Los Angeles River Flows Project show that black willow seedling mortality increases as water depth decreases (SWRCB 2019). Increased sediment deposition can bury seedlings and saplings of riparian trees, resulting in increased mortality of new recruits (Kui and Stella 2016). The Project PEIR does not adequately analyze the potential impacts to riparian habitat and associated fauna from Project-related alterations to hydrology and hydraulics.

Evidence impacts would be significant: The Project may impact riparian habitat not only within the construction footprint of individual project components, but also any riparian habitat downstream. Therefore, loss of remaining riparian habitat could affect regional hydrologic, habitat, and wildlife connectivity, and increase threats/stressors on regional biodiversity. Per CEQA Guidelines section 15065(a), a project may have a significant effect on biological resources if the project substantially reduces the habitat of a fish or wildlife species; threatens to eliminate a plant community; or has the potential to restrict the range of an endangered, rare, or threatened species.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Mitigation for Project Impacts to Riparian Habitat. CDFW recommends that LACPW modify Mitigation Measure BIO-12 *Desktop Review and Conduct a Jurisdictional Delineation* to include the underlined language:

"[…] If any wetlands and/or jurisdictional aquatic resources are identified, then implement the following mitigation measures and appropriate permits shall be obtained from the USACE, SWRCB or RWQCB, and CDFW, as required. Impacts that result in a permanent loss of stream natural resources within an earthen channel, bank, or associated riparian habitat will be mitigated at a minimum 3:1 ratio, or as specified in the aquatic resource permits. There shall be no net loss of riparian habitat within the Project area limits. Mitigation for impacts to streams and riparian habitat shall be provided within the Project area and/or along the same watershed as the original impact. Compensatory mitigation shall increase if a project would result in permanent loss of riparian habitat within a contiguous riparian corridor or loss of an isolated, remnant habitat patch. Mitigation shall increase if a project would impact a riparian vegetation community considered rare in the State (i.e., S1, S2, or S3). Mitigation shall further increase if the riparian habitat is considered very threatened or threatened (i.e., 0.1, 0.2). Mitigation shall further increase if the riparian habitat impacted supports special status species, specifically obligate riparian breeders (e.g., least Bell's vireo). Mitigation shall replace the same vegetation association/alliance that was impacted."

Comment #5: Impacts to Special Status Species

Issue: The Project could impact sensitive species protected under CESA and ESA or designated as California Species of Special Concern.

Specific impacts: Subsequent projects conducted under this Project could impact species including but not limited to, Braunton's milk-vetch, Nevin's barberry, thread-leaved brodiaea, slender-horned spineflower, Crotch's bumble bee, monarch butterfly, arroyo chub, southwestern pond turtle, Southern California legless lizard, coastal whiptail, red-diamond rattlesnake, two-striped gartersnake, burrowing owl, coastal cactus wren, southwestern willow flycatcher, American peregrine falcon, yellow-breasted chat, coastal California gnatcatcher, yellow warbler, least Bell's vireo, Townsend's big-eared bat, and western red bat. Project activities could result in nest abandonment or decreased feeding frequency. This could result in increased nestling mortality, a significant impact on these imperiled species. The Project may also result in a loss of breeding and/or foraging habitat.

Why impact would occur: The Project area contains suitable habitat and recent documented occurrences for these sensitive species. Project activities include vegetation removal, surface water diversion, dewatering, drilling, grading, construction, and recreational use. Project activities could create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These disturbances and stressors occurring near potential nests could cause individuals to abandon their nests, resulting in the loss of fertile eggs or nestlings. After construction activities are completed, the Project could continue to impact these species through an increase in noise from heavier road use and closer access by recreational trail users. The increase of shading from new bridges could result in the decline or loss of vegetated habitat for riparian birds and other species.

The Project has proposed a series of pre-construction surveys (though Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, and BIO-5 among others) to mitigate for potential impacts on sensitive special status species. However, these measures as proposed do not provide sufficient protections to avoid or minimize Project impacts. CDFW is unable to determine the extent of impacts based on the desktop biological analysis conducted for this Project to date. Absent survey data, CDFW and the general public is unable to provide meaningful avoidance, minimization, or mitigation measures related to special status plant resources.

Evidence impact would be significant: CDFW considers adverse impacts to a species protected by CESA, absent appropriate mitigation, to be significant under CEQA. Under CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, and BIO-5 proposed may not (1) provide a sufficiently large buffer to avoid take, (2) commit the Project to mitigation particularly if take occurs, (3) adopt specific performance standards the mitigation will achieve, nor (4) identify the type(s) of potential action(s) that can feasibly achieve that performance standard that will be considered, analyzed, and potentially incorporated in the mitigation measure (CEQA Guidelines, § 15126.4).

CDFW considers impacts to CESA-listed species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. In addition, nests of all native bird species are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5.

A California Species of Special Concern (SSC) is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2025a).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing.

These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: <u>Species-specific Surveys Methods and Reporting</u>. CDFW recommends LACPW modify Mitigation Measure BIO-1 *Desktop Review and Biological Surveys* to include the <u>underlined</u> language:

"Conduct biological surveys of any areas where potential special status biological resources (special status species and species of special of concern), or sensitive natural communities may occur. During the design of the project, and prior to construction, the project proponent shall employ a qualified biologist to review the proposed project. To the extent feasible, the location(s) of a proposed project shall be on previously disturbed or developed sites and shall avoid undisturbed, high-quality, natural habitat that supports special status biological resources, areas that are used for regional or local wildlife movement, and jurisdictional wetlands and associated waters. If a desktop review indicates that special status biological resources or natural communities may occur in the project area, the project proponent shall either assume presence and mitigate accordingly, or a qualified biologist shall conduct species-specific biological surveys or botanical field surveys to confirm the presence and extent of special status biological resources and/or sensitive natural communities prior to the start of construction. <u>Surveys shall be conducted according to protocols currently accepted by CDFW and/or USFWS. If no accepted survey protocol exists, the project proponent shall consult CDFW for guidance. To determine presence/absence or accurately identify rare plants, a qualified botanist shall conduct multiple rare plant surveys throughout the growing season for any given year. Surveys shall occur during the time of year when rare plants are more likely to be visually detectable. Rare plant surveys proceeding after a low water year should be supplemented with one or two additional rare plant surveys over a number of years depending on the rare plant species, annual weather patterns, and whether the project area was recently disturbed (e.g., fire).</u> If special status biological resources or their sign (e.g., scat, burrows) are observed, the project proponent shall <u>report the observation to CDFW through an entry in the California Natural Diversity Database (CNDDB) and</u> develop a plan to avoid impacts that is specific to each species. If impacts cannot be avoided, the project proponent shall consult with CDFW <u>to obtain appropriate authorization for take of species protected under CESA (pursuant to Fish & G. Code, § 2080 et seq.). The project proponent shall have a copy of a fully executed take authorization prior to any activity that may result in take or CESA-protected species.</u> If the desktop review indicates that no special status biological resources or natural communities may occur in the project area, then biological surveys are not required."

Mitigation Measure #2: Burrowing Owl Survey Methods and Reporting. CDFW recommends LACPW modify Mitigation Measure BIO-3 *Conduct Burrowing Owl Pre-construction Surveys* by removing the strikethrough language and including the underlined language:

"Prior to any construction or ground disturbance which could disturb burrowing owl burrows or nesting, a qualified biologist shall conduct protocol-level surveys for burrowing within suitable habitat and extending 500 feet from the boundary of the work area, where access is available. Surveys shall be conducted in accordance with protocols currently accepted by CDFW ~~guidelines in the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012)~~. If burrowing owl or their sign are observed, the project proponent shall report the observation to CDFW through an entry in CNDDB and develop a site-specific plan to avoid impacts on burrowing owl. If impacts cannot be avoided, the project proponent shall consult with CDFW to obtain appropriate authorization for take of species protected under CESA (pursuant to Fish & G. Code, § 2080 et seq.). The project proponent shall have a fully executed take authorization prior to any activity that may result in take of CESA-protected species."

Mitigation Measure #3: Pre-construction Bat Surveys. CDFW recommends LACPW modify Mitigation Measure BIO-4 *Conduct Pre-construction Special Status Bat Surveys* by removing the strikethrough language and including the underlined language:

Pre-construction bat surveys will be conducted by a qualified bat biologist within ~~30~~ 7 days of starting construction in a work area with suitable habitat for roosting bats during the bat maternity season (March 1 to September 30). The pre-construction survey will include a visual and/or acoustic survey conducted by the qualified bat biologist within the work area and surrounding areas that have suitable habitat for roosting bats including bridges, abandoned structures or trees with large cavity or dense foliage. If bat roost sites are identified and could be disturbed by project activities, then appropriate bat avoidance, mitigation or relocation measures will be implemented. Prior to any ground-disturbing activity or activities that could disturb bat roost sites, a qualified bat biologist will survey for active bat colonies, such as hibernacula or maternity roosts. If active hibernacula or maternity roosts are identified in the work area or in the buffer area (as defined by the qualified bat biologist, based on site conditions, planned work, and anticipated indirect impacts on bats), a qualified bat biologist will develop and implement appropriate protection measures for that maternity roost or hibernacula. Trees and/or structures determined to be maternity roosts should be left in place until the end of the maternity season. No night-time work will be permitted.

ADDITIONAL COMMENTS

Funding. CDFW grant programs fund projects that sustain, restore, and enhance California's fish, wildlife, plants, and their habitats. Please visit CDFW Grant Opportunities for more information (CDFW 2025b).

State Wildlife Action Plan (SWAP) 2015. The SWAP 2015 describes the key conservation factors crucial to the sustainability of California ecosystems, and for each geographic province, provides specific conservation strategies that will either reduce or ameliorate negative impacts to ecological systems or enhance the qualities vital to the natural landscapes of California (CDFW 2015). Prior to finalizing the PEIR, CDFW recommends LACPW review the SWAP and consider whether the Project could incorporate KOPs, modify mitigation measures, and/or include design components that are consistent with the SWAP. CDFW recommends LACPW consider Chapters 5.5 South Coast Province and Chapter 6 Anadromous Fish. Also, CDFW recommends the final PEIR refer to the SWAP 2015 so project-level planning is consistent with the objectives and recommendations in the SWAP 2015.

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB website[3] provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the Combined Rapid Assessment and Relevé Form[4].

LACPW should ensure data collected for the preparation of the Draft PEIR is properly submitted.

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[3] https://wildlife.ca.gov/Data/CNDDB
[4] https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the Draft PEIR to assist LACPW in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that LACPW has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to David Lin[5],Senior Environmental Scientist (Specialist).

Sincerely,

DocuSigned by:
5991E19EF8094C3...

Victoria Tang
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Steve Gibson, Senior Environmental Scientist (Supervisory)
David Lin, Senior Environmental Scientist (Specialist)
Cindy Hailey, Staff Services Analyst
CEQA Program Coordinator – Sacramento

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ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #1: Recreational Impact Analysis and Mitigation Planning LACPW shall include measures under Mitigation Measure BIO-9 (or where appropriate) whereby individual subsequent project proponents shall analyze impacts of recreational activities on biological resources. At a minimum, an analysis shall include: 1) potential direct and indirect impacts on wildlife as a function of each type of recreational activity proposed and associated increases in human activity, noise, and lighting; and 2) potential for wildlife entanglement in furnishings (e.g., perimeter fencing or netting around basketball courts) associated with each recreational activity. Future project proponents shall prepare a site-specific operations recreation plan based on the expected recreational usage for the purpose of sufficiently mitigating recreational impacts on biological resources.	Prior to finalizing CEQA document	Lead Agency (LACPW)
Mitigation Measure #2: Adopt Design Best Practices to Address Recreational Impacts LACPW shall provide a mitigation measure whereby recreational activities proposed by individual subsequent project proponents shall implement design practices that best avoid known breeding and nursery sites for sensitive and special status species (e.g., least Bell's vireo). At a minimum, a project should restrict or modify trails, trail dimensions, number of trails, spatial arrangement of trails, access points, and all	Prior to finalizing CEQA document	Lead Agency

Mitigation Measure	Timing	Responsible Party
recreation-related structures to avoid sensitive areas. All existing and new outdoor lighting shall be designed, installed, and maintained in a manner that minimizes impacts on biological resources. CDFW recommends the following design guidelines for outdoor lighting: 1) *Light Output Limits*. All LEDs or other light bulbs installed as a result of the Project shall be rated to emit or produce light at or under 2700 Kelvin that results in the output of a warm or amber color spectrum. Light fixtures shall be designed and installed in a manner that minimizes the duration and brightness of lighting to the degree necessary for safety. 2) *Vehicle Light Barriers*. Solid barriers at a minimum height of 3.5 feet shall be installed in areas where they have the potential to reduce illumination from overhead lights and from vehicle lights into areas outside of the roadway. Barriers should only be utilized as a light pollution minimization measure if they do not create a significant barrier to wildlife movement. Additional barrier types should be employed when feasible, such as privacy slats into the spacing of cyclone fencing to create light barriers for areas outside the roadway. 3) *Reflective Signs and Road Striping*. Retroreflectivity of signs and road stripping shall be implemented throughout the project to reduce the need for electrical lighting. 4) *Light Pole Modifications and Shielding*. All light poles or sources of illumination that will be new or replacement installations of existing light sources shall be installed with the appropriate shielding to avoid light pollution into natural landscapes or aquatic habitat with the project corridor in coordination with CDFW. In addition, the light pole arm length and mast heights should be modified to site specific conditions to reduce light spillage into natural landscapes or aquatic habitat within the project corridor. In areas with sensitive natural landscapes or aquatic habitat LACPW should also analyze and		

Mitigation Measure	Timing	Responsible Party
determine if placing the light poles at non-standard intervals has the potential to further reduce the potential for light pollution caused by decreasing the number of light output sources in sensitive areas. 5) *Light Fixture Locations*. No lighting shall be installed within 250 feet of suitable habitat for sensitive species. Access to trails, paths, or other recreational facilities near suitable habitat shall be closed at night.		
Mitigation Measure #3: Adopt Minimum Setbacks LACPW shall provide a mitigation measure whereby recreational activities proposed by individual subsequent projects incorporate appropriate setbacks or restrictions if avoidance is not feasible. An appropriate setback should consider the species (e.g., alert and flight initiation distances) and type and intensity of recreational use proposed (e.g., trail, pavilion, lookout). A project should restrict activities that are likely to have greater impacts such as dog walking and horseback riding near sensitive and special status species habitat. A project should restrict the size of gathering areas such as pavilions to limit the number of users to a smaller group.	Prior to finalizing CEQA document	Lead Agency
Mitigation Measure #4: Implement Best Management Practices to Minimize Recreational Impacts LACPW shall provide a mitigation measure whereby recreational activities proposed by individual subsequent projects incorporate appropriate best management practices (BMPs) if avoidance is not feasible. Examples of BMPs could include sound barriers, visual barriers, or wildlife-viewing blinds. An appropriate BMP should consider the species and intensity of recreational use proposed.	Prior to finalizing CEQA document	Lead Agency

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #5: Lake and Streambed Alteration Notification CDFW recommends LACPW modify Mitigation Measure BIO-12 *Desktop Review and Conduct a Jurisdictional Delineation*, to include the underlined language: “A desktop review of the National Wetland Inventory and/or field review shall be conducted to determine if a formal delineation is required. To the extent feasible, the location(s) of all greenway paths, any subcomponents, and associated beneficial project elements shall be on previously disturbed or developed sites and shall avoid jurisdictional wetlands and associated waters. However, if any jurisdictional wetlands or associated waters are identified, a jurisdictional delineation shall be completed. If wetlands or aquatic resources are identified within the project footprint, but will not be affected by construction, then those resources shall be clearly marked for avoidance using flagging, fencing, or other appropriate avoidance method prior to construction. If any wetlands and/or jurisdictional aquatic resources are identified, then implement the following mitigation measures and appropriate permits shall be obtained from the USACE, SWRCB or RWQCB, and CDFW, as required. CDFW shall be notified pursuant to Fish and Game Code, section 1600 et seq. Based on this notification and other information, CDFW will determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting proposed activities. An LSA Notification shall include the following: 1) an analysis to demonstrate that concrete-lined or soft-bottom channels would not be impaired (e.g., aggraded, incised, increased suspended sediment), 2) a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions, 3) whether dewatering/diversion of water may be necessary, and (if applicable) 4), an analysis of whether diversion structures would impact stormwater and dry season water flow, and the extent of those impacts, during the wet season (November through	Prior to finalizing CEQA document	Lead Agency

Mitigation Measure	**Timing**	**Responsible Party**
<u>March), dry season (April through October), and both above-average and below-average water year."</u>		
Mitigation Measure #6: Analyze Potential Downstream Impacts from Water Diversion CDFW recommends LACPW include a mitigation measure whereby individual subsequent project proponents shall analyze potential impacts on biological resources resulting from proposed water diversion. At a minimum, an analysis should include: *Study Reach* 2) A study reach that includes an additional length of channel downstream from a project site. The additional study reach should extend a minimum of 1 mile downstream, or to the extent of the waterway downstream that could be expected to be affected similarly by a proposed project (hydraulic and ecological zones), or an appropriate distance determined by both a qualified biologist and hydrologist, whichever is greater. *Changes to Hydrology and Hydraulics* 5) Under pre-project (i.e., baseline) conditions, the volume of water flow from both the project area and study reach during a) the wet season (November through March); b) the dry season (April through October); and c) above-average and below-average water year (i.e., wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year). The analysis should clearly define above-average or below-average rainfall year. 6) Under proposed project conditions, the percent reduction in flow from both the project area and study reach for a wet season/above-average water year, wet	Prior to finalizing CEQA document	Lead Agency

Mitigation Measure	Timing	Responsible Party
season/below-average water year, dry season/above-average water year, and dry season/below-average water year. 7) A quantitative analysis comparing the flow from the project area and other tributaries into the study reach, and their relative contribution to the hydrograph of the study reach. *8)* An analysis of potential project-related changes to river hydraulics in both concrete-lined and soft-bottom reaches. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change). *Biological Resources Impact Assessment* 6) A map of plant communities and important bird foraging and nesting habitat occurring in the study reach. Plant communities should be mapped at the alliance/association level using the Manual of California Vegetation, second edition (Sawyer et al. 2009). Also, CDFW recommends an updated and thorough floristic-based assessment of plant communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). 7) A comprehensive list of sensitive and special status plant and wildlife species, and sensitive plant communities, occurring in the study reach. For each biological resource, provide: a. A summary of species-specific habitat requirements; b. A discussion as to how the species or plant community may be significantly impacted directly or indirectly through habitat modification, as result of changes to hydrology (reduced flow) and hydraulics (water depth, wetted perimeter, velocity); and c. A quantitative analysis and/or adequate discussion to evaluate whether the project would result in those significant impacts. 8) A discussion of whether construction, operations, and maintenance of diversion		

Mitigation Measure	Timing	Responsible Party
devices such as rubber dams, pipes, and tunnels, would have direct and/or indirect, permanent or temporal impact on biological resources. 9) An adequate discussion to address how the project may potentially affect on-going habitat recovery and restoration efforts. 10) An adequate discussion of project-related impacts on biological resources in relation to cumulative flow reductions.		
Mitigation Measure #7: Adaptive Management Plan for Water Diversions For projects proposing to divert water, CDFW recommends LACPW include a mitigation measure whereby individual subsequent project proponents shall develop an Adaptive Management Plan that would reduce or suspend water diversion if at any point the project may impact biological resources downstream exceeding a defined threshold/trigger.	Prior to finalizing CEQA document	Lead Agency
Mitigation Measure #8: Mitigation for Project Impacts to Riparian Habitat CDFW recommends that LACPW modify Mitigation Measure BIO-12 *Desktop Review and Conduct a Jurisdictional Delineation* to include the <u>underlined</u> language: "[…] If any wetlands and/or jurisdictional aquatic resources are identified, then implement the following mitigation measures <u>and appropriate permits shall be obtained from the USACE, SWRCB or RWQCB, and CDFW, as required. Impacts that result in a permanent loss of stream natural resources within an earthen channel, bank, or associated riparian habitat will be mitigated at a minimum 3:1 ratio, or as specified in the aquatic resource permits. There shall be no net loss of riparian habitat within the Project area limits. Mitigation for impacts to streams and riparian habitat shall be provided within the Project area and/or along the same watershed as the original impact. Compensatory mitigation shall increase if a project would result in permanent</u>	Prior to finalizing CEQA document	Lead Agency

Mitigation Measure	Timing	Responsible Party
loss of riparian habitat within a contiguous riparian corridor or loss of an isolated, remnant habitat patch. Mitigation shall increase if a project would impact a riparian vegetation community considered rare in the State (i.e., S1, S2, or S3). Mitigation shall further increase if the riparian habitat is considered very threatened or threatened (i.e., 0.1, 0.2). Mitigation shall further increase if the riparian habitat impacted supports special status species, specifically obligate riparian breeders (e.g., least Bell's vireo). Mitigation shall replace the same vegetation association/alliance that was impacted."		
Mitigation Measure #9: Species-specific Surveys Methods and Reporting CDFW recommends LACPW modify Mitigation Measure BIO-1 *Desktop Review and Biological Surveys* to include the underlined language: "Conduct biological surveys of any areas where potential special status biological resources (special status species and species of special of concern), or sensitive natural communities may occur. During the design of the project, and prior to construction, the project proponent shall employ a qualified biologist to review the proposed project. To the extent feasible, the location(s) of a proposed project shall be on previously disturbed or developed sites and shall avoid undisturbed, high-quality, natural habitat that supports special status biological resources, areas that are used for regional or local wildlife movement, and jurisdictional wetlands and associated waters. If a desktop review indicates that special status biological resources or natural communities may occur in the project area, the project proponent shall either assume presence and mitigate accordingly, or a qualified biologist shall conduct species-specific biological surveys or botanical field surveys to confirm the presence and extent of special status biological resources and/or sensitive natural communities prior to the start of construction. Surveys shall be conducted according to protocols currently accepted by CDFW and/or USFWS. If no accepted survey protocol exists,	Prior to finalizing CEQA document	Lead Agency

Mitigation Measure	**Timing**	**Responsible Party**
<u>the project proponent shall consult CDFW for guidance. To determine presence/absence or accurately identify rare plants, a qualified botanist shall conduct multiple rare plant surveys throughout the growing season for any given year. Surveys shall occur during the time of year when rare plants are more likely to be visually detectable. Rare plant surveys proceeding after a low water year should be supplemented with one or two additional rare plant surveys over a number of years depending on the rare plant species, annual weather patterns, and whether the project area was recently disturbed (e.g., fire).</u> If special status biological resources or their sign (e.g., scat, burrows) are observed, the project proponent shall <u>report the observation to CDFW through an entry in the California Natural Diversity Database (CNDDB) and</u> develop a plan to avoid impacts that is specific to each species. If impacts cannot be avoided, the project proponent shall consult with CDFW <u>to obtain appropriate authorization for take of species protected under CESA (pursuant to Fish & G. Code, § 2080 et seq.). The project proponent shall have a copy of a fully executed take authorization prior to any activity that may result in take or CESA-protected species</u>. If the desktop review indicates that no special status biological resources or natural communities may occur in the project area, then biological surveys are not required.”		
Mitigation Measure #10: Burrowing Owl Survey Methods and Reporting CDFW recommends LACPW modify Mitigation Measure BIO-3 *Conduct Burrowing Owl Pre-construction Surveys* by removing the strikethrough language and including the <u>underlined</u> language: “Prior to any construction or ground disturbance which could disturb burrowing owl burrows or nesting, a qualified biologist shall conduct protocol-level surveys for burrowing within suitable habitat and extending 500 feet from the boundary of the work	Prior to finalizing CEQA document	Lead Agency

Mitigation Measure	Timing	Responsible Party
area, where access is available. Surveys shall be conducted in accordance with protocols currently accepted by CDFW ~~guidelines in the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012)~~. If burrowing owl or their sign are observed, the project proponent shall report the observation to CDFW through an entry in CNDDB and develop a site-specific plan to avoid impacts on burrowing owl. If impacts cannot be avoided, the project proponent shall consult with CDFW to obtain appropriate authorization for take of species protected under CESA (pursuant to Fish & G. Code, § 2080 et seq.). The project proponent shall have a copy of a fully executed take authorization prior to any activity that may result in take or CESA-protected species."		
Mitigation Measure #11: Pre-construction Bat Surveys CDFW recommends LACPW modify Mitigation Measure BIO-4 *Conduct Pre-construction Special Status Bat Surveys* by removing the strikethrough language and including the underlined language: Pre-construction bat surveys will be conducted by a qualified bat biologist within ~~30~~ 7 days of starting construction in a work area with suitable habitat for roosting bats during the bat maternity season (March 1 to September 30). The pre-construction survey will include a visual and/or acoustic survey conducted by the qualified bat biologist within the work area and surrounding areas that have suitable habitat for roosting bats including bridges, abandoned structures or trees with large cavity or dense foliage. If bat roost sites are identified and could be disturbed by project activities, then appropriate bat avoidance, mitigation or relocation measures will be implemented. Prior to any ground-disturbing activity or activities that could disturb bat roost sites, a qualified bat biologist will survey for active bat colonies, such as hibernacula or maternity roosts. If active hibernacula or maternity roosts are identified	Prior to finalizing CEQA document	Lead Agency

Mitigation Measure	Timing	Responsible Party
in the work area or in the buffer area (as defined by the qualified bat biologist, based on site conditions, planned work, and anticipated indirect impacts on bats), a qualified bat biologist will develop and implement appropriate protection measures for that maternity roost or hibernacula. Trees and/or structures determined to be maternity roosts should be left in place until the end of the maternity season. No night-time work will be permitted.		
Recommendation #1: Mitigation for Impacts to Streams CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/project applicant for the project. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 et seq. and/or under CEQA, a project's CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on- and/or off-site habitat creation; enhancement or restoration; and/or protection and management of mitigation lands in perpetuity.	Prior to start of Project construction activities	Permittee
Recommendation #2: Water Rights CDFW recommends project-level lead agencies/applicants provide a copy of the basis of water right (water right permit) by State Water Resources Control Board that authorizes the beneficial use of stormwater or dry weather flows diverted from streams. This information along with the LSA Notification would assist CDFW in	Prior to start of Project construction activities	Permittee

Mitigation Measure	**Timing**	**Responsible Party**
assessing the need for an LSA Agreement. CDFW recommends including documentation of water rights in a project-level CEQA document to ensure project budgets and timelines consider CDFW's regulatory process in the implementation of projects under the proposed San Gabriel Valley Greenway Network Implementation Plan.		