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October 9, 2025

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Subject: Notice of Preparation of a Draft Programmatic Environmental Impact Report for the Pure Water Los Angeles Project, SCH No. 2025081333, Los Angeles County, CA

Dear Marshall Cyr:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) for the Draft Programmatic Environmental Impact Report (DPEIR) prepared by the Los Angeles Department of Water and Power (LADWP) for the Pure Water Los Angeles Project (Project), pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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.

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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 law² 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 Department of Water and Power (LADWP)

Objective: The objective of the Project is to develop a program that would augment local water supplies by producing up to 230 million gallons per day of purified recycled water for the City of Los Angeles and its customers. Primary Project activities include a program-level analysis of water purification treatment strategies and conveyance options to distribute water throughout the LADWP service area.

The Project’s treatment strategies can include either indirect potable reuse (IPR), direct potable reuse (DPR), or a combination of both. IPR involves the advanced treatment of wastewater and introduces this supply to an environmental buffer, such as a groundwater basin, before it is extracted and treated again for potable use. DPR has additional treatment processes, allowing for a more rapid use of purified recycled water than utilizing an environmental buffer.

Project Elements and Options to be analyzed in the DPEIR include:

Treatment

- Hyperion Water Reclamation Plant Modifications – Phase 1A
- Hyperion Membrane Bioreactor (MBR) Facility Conversion
- Advanced Water Purification Facilities (AWPF)
- Extraction Wellfields Groundwater Treatment

Conveyance

- South-to-north pipeline alignment options to connect the AWPF to the Los Angeles Aqueduct Filtration Plant
- West-to-east pipeline alignment options
- Connections to Metropolitan’s Distribution System, Central Basin (CB), and San Fernando Basin (SFB)

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.”

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- Connections to Edward C. Little Recycling Facility
- As-needed connections to existing distribution system for DPR water supply

Groundwater Recharge and Extraction

- Central Basin Injection and Extraction Wellfields
- San Fernando Basin Injection Wellfield
- San Fernando Basin Spreading Grounds
- San Fernando Basin Stormwater Capture Parks

The DPEIR will provide a Project-level analysis of modifications made to the Hyperion Water Reclamation Plant. All other Project elements and options listed above will be analyzed at the program level.

Modifications to the Hyperion Water Reclamation Plant are required prior to implementing any purified recycled water treatment options associated with the Project. Modifications will include a new pump station, flow equalization tanks, a fine screen facility, and associated odor control facilities. The proposed activities are all to take place within the existing, developed footprint of the Hyperion Water Reclamation Plant.

The Hyperion MBR Facility would replace the existing secondary treatment facility with a smaller footprint. This modification will increase available space for future process modifications.

Groundwater treatment facilities would be needed at CB and SFB to ensure that extracted groundwater meets federal and state drinking water standards. These conceptual treatment plans are preliminary and intended to support validation efforts. Additional data collection and evaluation will be necessary to confirm the final treatment technologies and configurations.

For either the IPR or DPR treatment processes, large diameter pipelines would be required to convey purified water from the AWPF to groundwater recharge facilities and the Los Angeles Aqueduct Filtration Plant. Multiple pipeline alignments will be evaluated to assess the potential use existing conveyance systems and will be placed within existing rights-of-way.

Groundwater recharge and extraction are key elements of the Project for both the CB and SFB. Injection-based recharge supports year-round operations while spreading grounds are seasonal and currently more feasible in the SFB. CB will require the construction of pilot test wells whereas SFB has existing extraction infrastructure in place. The location of new injection and extraction wells would be selected based on land availability, the ability to maintain required residence time, and the capacity to recover recharged water.

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Overall, Project infrastructure may include pipelines for water conveyance, wells for injecting and extracting groundwater, pump stations, tanks, new treatment facilities, treatment facility upgrades, power supplies, and supportive accessory facilities.

Location: The proposed Project contains multiple components that will span the LADWP service area, including:

- Hyperion Water Reclamation Plant in Playa Del Rey, immediately southwest of Los Angeles International Airport;
- Jensen Water Treatment Plant, located in Sylmar;
- Los Angeles Aqueduct Filtration Plant, located in Granada Hills;
- Donald C. Tillman Advanced Water Purification Facility, located within Sepulveda Basin;
- San Fernando Basin Groundwater Replenishment, location to be chosen based on available land;
- Central Basin Groundwater Replenishment, location to be chosen based on available land;
- Three potential south-to-north alignments: Sepulveda, Cahuenga, and Griffith Park; and/or
- Three potential west-to-east alignments: Slauson, Florence, and Manchester.

The locations of the Project options would be refined as the system design progresses. Generally speaking, other development considerations include phasing, production, treatment approach, and overall operational strategy.

Timeframe: The proposed Project will be implemented in three phases. In the first phase, purified recycled water will be supplied to the CB and SFB by 2040. The second phase will provide additional purified recycled water to both SFB and CB, with DPR service to the Van Norman Complex beginning by 2046. The third phase will expand deliveries to SFB, CB, and VNC by 2056, with a potential connection to LADWP's Pure Water Southern California program.

Biological Setting: The Project proposes activities at sites throughout the Los Angeles area that are predominantly within existing developed facilities. Many of these sites are in industrial areas or open spaces that currently serve to support utilities infrastructure, such as spreading grounds. These sites are surrounded by highly developed urban areas and are not expected to greatly expand any current footprint. Development of any new sites will be based on the limited availability of land in these locations. No Initial Study or biological surveys were provided with the NOP. No mitigation is currently proposed in the NOP for this Project. The Project sites are not within designated Significant Ecological Areas within Los Angeles County or critical habitat areas for special-status species. The Project has the potential to impact groundwater levels, nesting bird habitat, and/or work adjacent to or cross into the Los Angeles River and Ballona Creek.

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Based on a preliminary review, CDFW is concerned that the Project may potentially impact the following special-status species: coastal California gnatcatcher (*Poliioptila californica californica*; *Endangered Species Act (ESA)-listed threatened and California Species of Special Concern (SSC)*), least bell's vireo (*Vireo bellii pusillus*; *ESA- and CESA-listed endangered*), burrowing owl (*Athene cunicularia*; *CESA candidate*), Crotch's bumble bee (*Bombus crotchii*; *CESA candidate*), southern California legless lizard (*Anniella stebbinsi*; *SSC*), Pacific pocket mouse (*Perognathus longimembris pacificus*; *SSC*), silver-haired bat (*Lasionycteris noctivagans*; *SSC*), western mastiff bat (*Eumops perotis californicus*; *SSC*), hoary bat (*Lasiurus cinereus*; *SSC*), and pallid bat (*Antrozous pallidus*; *SSC*).

Project History: LADWP and Los Angeles Department of Sanitation (LASAN) partnered to implement the Project in a combined effort previously referred to as "Hyperion 2035" by LASAN and "Operation NEXT" by LADWP. In early 2025, the Hyperion Program Implementation Plan and Pure Water Los Angeles Master Plan were completed. Together, these documents established the foundational planning for the Project and provide details on initial cost, schedule, and phasing.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist LADWP in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Specific Comments

- 1) Alternatives. The DPEIR will analyze multiple project alternatives that include the use of direct potable DPR and IPR strategies that would incorporate three key elements: water treatment, water conveyance, and groundwater recharge/extraction. Depending on the strategy chosen, each of those elements varies. For example, the conveyance of treated water has multiple pipeline alignment options that will each have their own potential impacts to surrounding resources (e.g. crossing the Los Angeles River).

CEQA directs that an environmental impact report "shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project (CEQA Guidelines, § 15126.6[a]). Moreover, project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DPEIR "shall" include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

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The NOP states that the DPEIR will describe and evaluate the effects of a reasonable range of alternatives for the proposed Project and in compliance with CEQA Guidelines, section 15126.6. The DPEIR will include an analysis of the No Project Alternative and will also identify the Environmentally Superior Alternative (CEQA Guidelines, § 15126.6[a] and [e][2]). The alternatives to be analyzed in the DPEIR will be developed during the environmental review process and will consider input received during the public scoping period.

The DPEIR should provide a thorough discussion of direct, indirect, and cumulative biological impacts expected to adversely affect biological resources and should identify specific design features or measures with each alternative to avoid, minimize, or offset such impacts. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the DPEIR include:

- a. A reasonable range of feasible alternatives to the Project location and design to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends LADWP select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends LADWP consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should remain undisturbed and should not be impacted by ground disturbance, fuel modification, or hydrological changes from any future Project-related construction, activities, maintenance, and development.
 - b. Where the Project may impact aquatic and riparian resources, CDFW recommends LADWP select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing, narrowing, or hardening of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the watercourse to alter its course of flow. Such hydrological changes may result in long-term degradation of aquatic and riparian habitat.
- 2) Lake and Streambed Alteration. The proposed Project includes three north-south pipeline alignment alternatives that could potentially cross the Los Angeles River and Ballona Creek. Should an alternative be chosen that may impact a river, stream, or riparian habitat reliant upon it, notification for a Lake and Streambed Alteration Agreement (LSAA) may be required pursuant to Fish and Game Code section 1600 et seq.

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CDFW has regulatory authority over activities in streams that will divert or obstruct the natural flow, or substantially change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or “entity”) must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether LSAA with the applicant is required prior to conducting the proposed activities. CDFW’s issuance of an LSAA is a discretionary action, and for projects subject to CEQA, will require CEQA compliance by CDFW as a Responsible Agency.

CDFW recommends that LADWP assess potential LSAA applicability early in project design to avoid delays in environmental review and permitting. A Notification package for a LSAA may be obtained by accessing CDFW’s [Lake and Streambed Alteration Program website](#)³.

- 3) Consistency with Adopted Wildlife Plans and Policies. CDFW recommends LADWP consider regional and State-wide natural resource conservation strategies outlined in the following reports: *California Climate Adaptation Strategy* (CNRA 2024); *California State Wildlife Action Plan* (CDFW 2025); and *Natural and Working Lands Climate Smart Strategy* (CNRA 2022). In the *California State Wildlife Action Plan*, climate change is identified as a significant stressor on the Conservation Targets and Strategies for all habitat types in the South Coast Region (CDFW 2025).

The DPEIR should include analysis of the Project’s consistency with State- and regionally adopted plans and policies for wildlife and habitat conservation, including the *California State Wildlife Action Plan* and *Climate Adaptation Strategy*. The consistency analysis should describe how Project alternatives and design features support or potentially conflict with these existing conservation strategies.

The DPEIR should include analysis of potential Project-related contributions to climate change, including from increased greenhouse gas emissions, and should incorporate projected climate stressors (e.g., changes in precipitation, flood frequency, and storm intensity) in hydraulic and flood analysis to support site development including facility siting, access, and stream crossings.

Appropriate measures to address and adapt to impacts from climate change at the program and site-specific level should be identified in the DPEIR. These measures could include programmatic approaches to minimize natural habitat loss, preserve or restore riparian and upland connectivity, and enhance ecosystem resilience to climate stressors.

³ <http://www.wildlife.ca.gov/Conservation/LSA>

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General Comments

- 1) Disclosure. The DPEIR should provide an adequate, complete, and detailed disclosure about the effects which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 2) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DPEIR should include the following information.
 - a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125(c)). The DPEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities webpage](#)⁴.
 - b. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#)⁵. Botanical field surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field

⁴ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

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survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves multiple visits to the Project site (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present.

- c. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project site and within adjacent areas. The [Manual of California Vegetation](#)⁶, second edition, (Sawyer, Keeler-Wolf, & Evens, 2009) should also be used to inform this mapping and assessment. Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts offsite.
- d. A complete and recent assessment of the biological resources associated with each habitat type in the Project site and within adjacent areas. A full literature review includes but is not limited to CDFW's [California Natural Diversity Database](#)⁷ (CNDDDB). The CNDDDB should be accessed to obtain current information on any previously reported sensitive species and habitat. An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project site. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources.
- e. A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project site and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See [CDFW's Survey and Monitoring Protocols and Guidelines](#)⁸ for established survey protocol. Acceptable species-specific survey procedures may be developed in consultation with CDFW and U.S. Fish and Wildlife Service.
- f. A recent wildlife and rare plant survey. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003(i)). CDFW generally considers biological field assessments

⁶ <https://vegetation.cnps.org/>

⁷ <https://wildlife.ca.gov/Data/CNDDDB>

⁸ <https://wildlife.ca.gov/conservation/survey-protocols>

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for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.

- 3) Direct and Indirect Impacts on Biological Resources. The DPEIR should provide a thorough discussion of direct and indirect impacts expected to affect biological resources with specific measures to offset such impacts. The DPEIR should address the following.
 - a. A discussion of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures. A discussion regarding Project-related indirect impacts on biological resources. These include resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)).
 - b. A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a)).
 - c. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DPEIR.
 - d. A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat supported by the groundwater. Measures to mitigate such impacts should be included.
 - e. An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DPEIR.
- 4) Cumulative Impact. Cumulative impacts on biological resources can result from collectively significant projects which are individually insignificant. The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. The Project may have the potential to substantially reduce the number or restrict the range of endangered,

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rare, or threatened species. Species that may be impacted by the Project include, but are not limited to, the biological resources described in this letter.

Accordingly, CDFW recommends the DPEIR evaluate the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Pub. Resources Code, § 21083(b)). LADWP's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if LADWP concludes that the Project would not result in cumulative impacts on biological resources, LADWP, "shall identify facts and analysis supporting the Lead Agency's conclusion that the cumulative impact is less than significant" (CEQA Guidelines section § 15130(a)(2)).

- 5) Nesting Birds. To avoid impacts to nesting birds, CDFW recommends that clearing of vegetation occur outside of the peak avian breeding season, which generally runs from February 1 through September 1 (and as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting breeding bird surveys should conduct a nesting bird survey within three days prior to work in the area. If an active nest is identified, a buffer should be established between the construction activities and the nest so that nesting activities are not interrupted. For the given Project site, CDFW generally recommends a minimum 100-foot buffer from common avian species, 300 feet for listed or highly sensitive, and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction should occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors, in coordination with CDFW. Buffer distances should be adjusted, as appropriate, based on species sensitivity, ambient noise, and activity levels, topography, and presence of visual screening vegetation.
- 6) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§ 15002(a)(3), 15021). Pursuant to CEQA Guidelines, section 15126.4, an environmental document shall describe feasible measures which could mitigate impacts below a significant level under CEQA. Mitigation measures must be feasible, effective, implementable, and fully enforceable/imposed by the lead agency

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through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4).

- a. The DPEIR should include mitigation measures that are specific, detailed, and enforceable (i.e., identify the responsible party, timing, specific actions, and location) to ensure they are fully enforceable and implemented successfully via a mitigation monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).
 - b. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DPEIR should include a discussion of the potential secondary impacts of implementing proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the DPEIR should provide a clear, complete, and detailed disclosure about each of the Project's proposed mitigation measure(s) to allow CDFW and other reviewing agencies to adequately assess the potential impacts and effectiveness of proposed mitigation measures.
- 7) Compensatory Mitigation. The DPEIR should include and clearly describe compensatory mitigation measures for the Project's significant impacts (direct and/or through habitat modification) to sensitive and special status plants, animals, and habitats. Mitigation measures should first emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration, enhancement, or creation should be discussed in detail and supported by measurable performance standards. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, the DPEIR should evaluate off-site mitigation options, including habitat creation, restoration, and/or acquisition and preservation in perpetuity. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, supported by appropriate financial assurance, and dedicated qualified long-term management entity for stewardship and monitoring.
- 8) Long-term Management of Mitigation Lands. For proposed mitigation lands, the DPEIR should include measures that ensure protection and maintenance of targeted habitat values in perpetuity. The mitigation should be designed to offset Project-induced qualitative and quantitative losses of biological resources. Issues that should be addressed include, but are not limited to, restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate endowment or financial assurance should be established to provide for long-term management, monitoring, and stewardship of mitigation lands.
- 9) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant. Take of any endangered, threatened, candidate species, or NPPA-listed plant species that results from the Project is prohibited, except as authorized by

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state law (Fish & G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options (Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)). Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit.

To ensure CDFW will be able to use LADWP's CEQA document for the issuance of an ITP, the DPEIR should address all Project impacts to CESA-listed species and specify a mitigation, monitoring, and reporting program that will meet the requirements of an ITP.

- 10) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. These efforts are experimental, and the outcome is unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.
- 11) Scientific Collecting Permit and Voucher Collecting Permit. A Scientific Collecting Permit would be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). A Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). For more information, please see CDFW's [Scientific Collecting Permit webpage](#)⁹.

A voucher collection permit is required to collect state-listed plant species for identification purposes during field surveys, or to collect voucher specimens to document a newly-discovered or previously unvouchered occurrence of a state-listed plant. There is no charge to apply for a voucher collection permit. Anyone who

⁹ <https://wildlife.ca.gov/Licensing/Scientific-Collecting>

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collects scientific plant specimens of state-listed species, or who may encounter a state-listed species during field surveys should have a plant voucher collection permit. To apply for a Voucher Collecting Permit please see CDFW's [Voucher Collecting Permit Page](#).

- 12) Wetland Resources. CDFW, as described in Fish and Game Code, section 703(a), is guided by the [Fish and Game Commission's \(Commission\) policies](#)¹⁰. Through its Wetlands Resources policy, the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (California Fish and Game Commission, 2005). It is the policy of the Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."
- a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages project design and activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks that preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends that mitigation measures to compensate for unavoidable impacts should be included in the DPEIR, and that these measures fully compensate for the loss of wetland function and value.
 - b. The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; to encourage and support programs to maintain or restore a high quality of the waters of this State; to prevent degradation caused by pollution and contamination; and to endeavor to keep as much water as possible open and

¹⁰ <https://fgc.ca.gov/About/Policies/Miscellaneous>

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accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoiding water practices and structures that use excessive amounts of water, and minimizing impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

- 13) Use of Native Plants and Trees. CDFW recommends that LADWP provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DPEIR for potential impacts on biological resources, including impacts to natural communities adjacent to the Project site (e.g., introducing non-native, invasive species). CDFW supports the use of native plants for the Project especially if the Project's location is adjacent to protected open space and natural areas. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate', 'High', 'Limited', and 'Watch' by the [California Invasive Plant Council](#)¹¹

CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project site. In addition, CDFW supports planting native species of trees, such as oaks (*Quercus* genus), and understory vegetation (e.g., ground cover, vines, subshrubs, and shrubs) that provide habitat and food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible, as snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting native species with high insect and pollinator value.

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 (CNDDDB). The [CNDDDB website](#)¹² 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](#)¹³.

LADWP should ensure data collected for the preparation of the DPEIR is properly submitted.

¹¹ <https://www.cal-ipc.org/plants/inventory/>

¹² <https://wildlife.ca.gov/Data/CNDDDB>

¹³ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 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 NOP to assist LADWP in identifying and mitigating Project impacts on biological resources. CDFW staff remain available to provide technical support, coordination, and guidance throughout the environmental review process to help develop effective strategies that protect fish, wildlife, and their habitats.

Questions regarding this letter or further coordination should be directed to Andrew Valand¹⁴, Senior Environmental Scientist (Specialist), at 562-292-6821.

Sincerely,

DocuSigned by:



DF423498814B444
Heather A. Pert

Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Program Elements and Alignment Options

ec: California Department of Fish and Wildlife
Baron Barrera, Senior Environmental Scientist (Supervisor)
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REFERENCES

- California Department of Fish and Game. (2011). *CNDDDB Data Use Guidelines*. Retrieved from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=27285&inline>.
- [CDFW] California Department of Fish and Wildlife. (2021). *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. Retrieved from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.
- [CDFW] California Department of Fish and Wildlife. (2025). *State Wildlife Action Plan Final 2025 Document*. Retrieved from: <https://wildlife.ca.gov/SWAP/Final>.
- California Fish and Game Commission. (2005). *Miscellaneous Policies*. Retrieved from <https://fgc.ca.gov/About/Policies/Miscellaneous>.
- [CNRA] California Natural Resources Agency. (2022). *Natural and Working Lands Climate Smart Strategy*. Retrieved from: <https://resources.ca.gov/Initiatives/Expanding-Nature-Based-Solutions>.
- [CNRA] California Natural Resources Agency. (2024). *California Climate Adaptation Strategy*. Retrieved from: <https://climateresilience.ca.gov/>.
- [LADWP] Los Angeles Department of Water and Power. (2024). *Pure Water Los Angeles Master Plan*. Retrieved from: <https://www.ladwp.com/sites/default/files/2025-03/PWLA%20Final%20Master%20Plan%20Report.pdf>.
- Sawyer, J. O., Keeler-Wolf, T., & Evens, J. M. (2009). *A Manual of California Vegetation* (Second ed.). Sacramento, CA: California Native Plant Society. Retrieved from <https://vegetation.cnps.org/>.

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Attachment A: Program Elements and Alignment Options

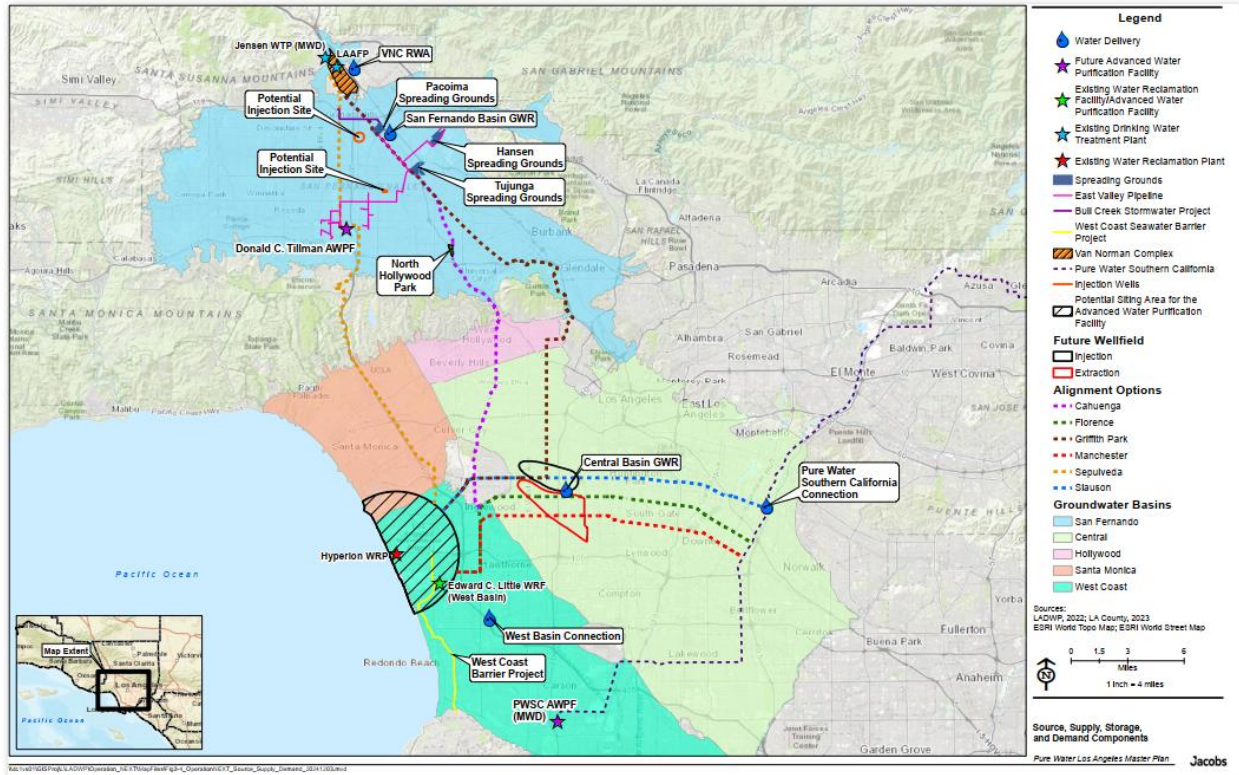


Figure taken from page 18 of the *Pure Water Los Angeles Master Plan Final Report*