Final Supplement to the Final Environmental Impact Report

SCH No. 2013091023

Modifications to the Los Angeles Groundwater Replenishment Project

Lead Agency:

Los Angeles Department of Water and Power
Environmental Planning and Assessment
111 North Hope Street, Room 1044
Los Angeles, California 90012

December 2025

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CHAPTER 1
INTRODUCTION

The City of Los Angeles (City), as represented by the Los Angeles Department of Water and Power (LADWP) and the Los Angeles Department of Public Works Bureau of Sanitation and Environment (LASAN), has prepared this final supplement to the Final Environmental Impact Report (Final Supplemental EIR) for the Los Angeles Groundwater Replenishment Project (approved project) (State Clearinghouse #2013091023), which was certified by the Board of Water and Power Commissioners on December 6, 2016 (2016 EIR).

The approved project considered in the 2016 EIR entails the construction and operation of the following:

- Facility improvements at the Donald C. Tillman Water Reclamation Plant (DCTWRP) to maximize the efficiency of operations, thereby increasing the volume of recycled water (i.e., tertiary treated wastewater) produced at the plant
- An Advanced Water Purification Facility (AWPF) to provide additional treatment for the recycled water from DCTWRP, producing purified water
- Pipelines to convey the purified water to existing spreading grounds, where the purified water will percolate into the ground to replenish the San Fernando Groundwater Basin

DCTWRP supplies recycled water to three flow-through lakes: Lake Balboa, Wildlife Lake, and the Japanese Garden Lake. Under existing conditions, recycled water flows through the Japanese Garden Lake and is discharged via a pipeline to the Los Angeles River (LA River). Due to water conservation efforts by the City, the volume of wastewater influent entering DCTWRP from the City's wastewater collection system has decreased relative to the volume of influent anticipated during preparation of the 2016 EIR. Therefore, minor physical modifications to DCTWRP that were not previously considered in the 2016 EIR are being proposed to improve operational efficiency by increasing the volume of influent available to the treatment facilities at the plant.

This Final Supplemental EIR has been prepared to evaluate the potential environmental impacts associated with implementation of modifications to the approved project (project modifications). This Supplemental EIR has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA) (California Public Resources Code § 21000, et. seq., as amended) and its implementing guidelines (State CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et. seq., 2023).

1.1 Description of Approved Project

The City of Los Angeles, as represented by LADWP and LASAN, prepared the 2016 EIR for the Los Angeles Groundwater Replenishment Project (approved project) to maintain the reliability of the City's potable water supply and reduce dependence on imported sources of water. The approved project consists of three basic elements: 1) treatment entails the construction and operation of a new AWPF and related facilities that would provide additional levels of treatment of recycled water generated at DCTWRP to produce purified water; 2) conveyance entails the use of existing and newly constructed pipelines to transport the purified water from the AWPF to existing spreading grounds; and 3) replenishment entails the spreading of the purified water at the existing spreading grounds so that it percolates into the San Fernando Groundwater Basin.

The Board of Water and Power Commissioners certified the 2016 EIR, adopted the findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program, and approved the project analyzed in the 2016 EIR on December 6, 2016. Under the approved project, influent for the AWPF would be provided from the balance of recycled water available from DCTWRP after meeting the requirements for in-plant functions and maintaining supplies for the Japanese Garden Lake, Lake Balboa, and the Wildlife Lake, the flows through which ultimately discharge to the LA River.

1.2 Summary of Proposed Project Modifications

Under the approved project as described in the 2016 EIR, the water flowing through the Japanese Garden Lake could only be routed through an existing pipeline to a discharge point located at the Los Angeles River (LA River) downstream of Sepulveda Dam.

The project modifications involve installing a new approximately 90-foot pipeline and associated valves that would allow recycled water flowing from the DCTWRP through the Japanese Garden Lake to be routed from the lake outlet pipeline back to the headworks facility at DCTWRP. All other aspects of the approved project as described in the 2016 EIR would remain the same. Construction of the project modifications is anticipated to take up to 10 active working days to complete and would occur intermittently over a period of up to 3 months.

The recirculation of the Japanese Garden Lake water to the DCTWRP treatment facilities provided by the project modifications would deliver a sufficient volume of recycled water influent to the AWPF to generate purified water effluent to meet the needs of non-potable reuse customers and the groundwater replenishment program, as described in the 2016 EIR. However, as a result of the project modifications, the City would cease discharging water to the LA River from the Japanese Garden Lake. Based on 4 years of data for the Water Year[1] ending September 30, 2022, the average monthly flow through the Japanese Garden Lake was 3.9 million gallons a day (MGD). The average monthly flow fluctuated slightly throughout the year over this period, from a high of 4.2 MGD to a low of 3.6 MGD.

Pursuant to California Water Code Section 1211, this change in the point of discharge, place of use, and purpose of use of recycled water from DCTWRP, which would result in an average decrease in flow of approximately 4 MGD to the LA River downstream of the Japanese Garden discharge point, requires approval by the State Water Resources Control Board (SWRCB). The review by SWRCB of a Wastewater Change Petition requesting this change requires an assessment of impacts to biological resources, recreation, and other instream beneficial uses that may be caused by the proposed diversion of approximately 4 MGD of recycled water from the LA River related to the project modifications.

Because the discharge point to the river from the Japanese Garden Lake is located downstream of Sepulveda Dam, discharges to the river from Lake Balboa and the Wildlife Lake, which are located upstream of the dam, would not be altered by the proposed project modifications. In addition, the flow-through function of the Japanese Garden Lake would not be impacted since the lake would continue to be supplied, and return flow to DCTWRP would be intercepted after flowing through the lake.

[1] A Water Year begins on October 1 of a given year and ends on September 30 of the following year.

1.3 CEQA Environmental Process

Pursuant to Section 15163(a) of the State CEQA Guidelines, a lead agency shall prepare a Supplemental EIR for a previously-certified EIR when changes to the project or the circumstances under which the project is undertaken may involve new significant environmental effects not previously identified in the certified EIR and only minor additions or changes to the previous EIR would be necessary to make it adequate relative to the project under the changed situation. Because the project modifications require only minor additions and changes to the 2016 EIR, LADWP, as the lead agency under CEQA, has determined that a Supplemental EIR is the appropriate CEQA documentation for the project modifications. The purpose of a Supplemental EIR is to provide the additional information necessary to make the 2016 EIR adequate for the project modifications. Pursuant to Section 15163 of the State CEQA Guidelines, the Supplemental EIR only needs to contain information necessary to analyze the project modifications that triggered the requirement for additional environmental review. Information and analysis from the 2016 EIR that is relevant to the project modifications is briefly summarized or described rather than repeated in the Draft Supplemental EIR.

1.3.1 Notice of Availability and Draft Supplemental EIR

The Draft Supplemental EIR was circulated for a 75-day public review and comment period starting on December 12, 2024, and concluding on February 24, 2025. The public review period was conducted pursuant to CEQA and its implementing guidelines. The purpose of the public review period was to provide interested public agencies, organizations, and individuals the opportunity to comment on the contents and accuracy of the document. The Draft Supplemental EIR, Notice of Availability (NOA), and the Notice of Completion were distributed to the State Clearinghouse. The (NOA) was also distributed to approximately 79 agencies, organizations, and other interested parties. The NOA informed them of where the Draft EIR could be reviewed and how to comment. A copy of the document was also posted on LADWP's website at: https://www.ladwp.com/reports/environmental-reports.

A public meeting was held during the Draft Supplemental EIR public review period to solicit comments from interested parties on the content of the Draft Supplemental EIR. Information regarding the public meeting was included in the NOA, which was widely distributed, as described above. The meeting was held virtually via the Zoom platform on January 23, 2025. No individuals attended the Draft Supplemental EIR public meeting.

1.3.2 Final Supplemental EIR

This Final Supplemental EIR contains comments and responses to comments received on the Draft Supplemental EIR. Revisions and clarifications made to the Draft Supplemental EIR are listed in Chapter 2, Errata to the Draft Supplemental EIR. The comments and responses to comments are presented in Chapter 3, Response to Comments on the Draft Supplemental EIR.

Prior to approval of the proposed project modifications, the City of Los Angeles Board of Water and Power Commissioners, as the lead agency for the project modifications, is required to certify that this Supplemental EIR has been completed in accordance with CEQA, that the Supplemental EIR reflects the independent judgment of the lead agency, and that the information in this Supplemental EIR has been considered during the review of the project modifications. CEQA also requires the Los Angeles Board of Water and Power Commissioners to adopt "findings" with respect to each significant environmental effect identified in the Supplemental EIR (Cal. Pub. Res. Code Section 21081; Cal. Code Regs., Title 14, Section 15091). For each significant effect, CEQA requires the approving agency to make one or more of the following findings:

- Changes or alterations to the project modifications have been made to avoid or substantially lessen significant impacts identified in the Supplemental EIR.
- The responsibility to carry out such changes or alterations is under the jurisdiction of another agency and have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the Supplemental EIR.

If the Los Angeles Board of Water and Power Commissioners concludes that the proposed project modifications would result in significant effects that have been identified in this Supplemental EIR but are not substantially lessened or avoided by feasible mitigation measures, it must adopt a "statement of overriding considerations" in order to approve the project modifications (Cal Pub. Res. Code Section 21081 [b]). Such statements are intended under CEQA to provide a means by which the lead agency balances, in writing, the benefits of the proposed project modifications with the significant and unavoidable environmental impacts. Where the lead agency concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, the lead agency may find such impacts "acceptable" and approve the proposed project modifications. The analysis in the Supplemental EIR did not identify any new or more severe significant impacts for the project modifications. Additionally, feasible mitigation measures from the 2016 EIR have been identified that would reduce all potentially significant impacts associated with implementation of the project modifications to less than significant. As such, no statement of overriding considerations has been prepared.

In addition, the Los Angeles Board of Water and Power Commissioners must also adopt a Mitigation Monitoring and Reporting Program describing the changes that were incorporated into the project modifications or made a condition of approval in order to mitigate or avoid significant effects on the environment (Cal. Pub. Res. Code Section 21081.6). The Mitigation Monitoring and Reporting Program is adopted at the time of approval of the project modifications and is designed to ensure compliance during implementation of the project modifications. Upon approval of the project modifications, the lead agency will be responsible for implementation of the Mitigation Monitoring and Reporting Program. The impact analyses contained in the Draft Supplemental EIR did not identify any new or more severe significant impacts, and no new mitigation measures that were not previously identified in the 2016 EIR would be required to implement the project modifications. As such, the Mitigation Monitoring and Reporting Program for the project modifications is the same as was adopted with the 2016 EIR for the previously approved project. The Mitigation Monitoring and Reporting Program is included as Appendix A to this Final Supplemental EIR.

1.4 Organization of this Final Supplemental EIR

This Final Supplemental EIR is organized as follows:

Chapter 1 (Introduction) provides a summary of the proposed project modifications, an overview of the CEQA environmental review process, and a description of the organization of the Final Supplemental EIR.

Chapter 2 (Errata to the Draft Supplemental EIR) provides clarifications and minor revisions that were made to the text of the Draft Supplemental EIR. Clarifications and revisions reflect changes as a result of a comment made by an agency or individual during the public review period, and do not constitute significant new information and do not change any of the conclusions of the document.

Chapter 3 (Response to Comments on the Draft Supplemental EIR) provides a list of agencies, organizations, and individuals commenting on the Draft Supplemental EIR, copies of the written and oral comments received during the Draft Supplemental EIR public comment period, and the lead agency responses to those comments.

CHAPTER 2
ERRATA TO THE DRAFT SUPPLEMENTAL EIR

The following clarification/revision is intended to update the Draft Supplemental EIR to correct a typo. This change is incorporated into the Final Supplemental EIR, to be presented to the Los Angeles Board of Water and Power Commissioners for adoption and approval of the project modifications. This change to the Draft Supplemental EIR does not represent a substantial change to the proposed project modifications that would alter the conclusions reached in the Final Supplemental EIR. The revision made to the Draft Supplemental EIR has not resulted in the identification of new significant impacts requiring mitigation measures, nor has the severity of a previously identified impact increased.

The change to the Draft Supplemental EIR is listed by page number. Text that has been removed is shown with a ~~strikethrough~~ line, while text that has been added is shown as underlined.

Page Clarification/Revision

3-1 *An editorial change has been made to correct a typo in the discussion of LA River gaging station LA14 on this page as follows:*

The flows as gaged at F300 and E285 combine to establish the flow level at **LA14** (RS 169392.4), which is a non-gaged station located in the mainstem of the LA River just downstream of the confluence of the river and Burbank Western Storm Drain and approximately 4.9 miles downstream of ~~LA300~~ F300. Between F300 and LA14, the LA River is a concrete channel.

CHAPTER 3
RESPONSE TO COMMENTS ON THE DRAFT SUPPLEMENTAL EIR

The Draft Supplemental EIR was distributed for public review on December 12, 2024, through February 24, 2025, pursuant to CEQA Guidelines Section 15105. A total of five comment letters were received. According to CEQA Guidelines Section 15088(a), the lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft Supplemental EIR and shall prepare a written response.

This chapter provides responses to written comments received during the public review period. No comments were received during the Draft Supplemental EIR public meeting, held on January 23, 2025. Written responses are presented for all comment letters received during the public review period, which are organized chronologically and then alphabetically.

Each letter has been assigned a number code, and individual comments in each letter have also been coded to facilitate responses. For example, the letter from Friends of the Los Angeles River is identified as Comment Letter 1, with the comment noted as 1-1. Copies of each comment letter are provided prior to each set of responses. Comments that present opinions about the project modifications or that discuss issues not related to the substance of the environmental analysis in the Draft Supplemental EIR are noted but, in accordance with CEQA, did not receive a detailed response.

Table 3-1
List of Written Comment Letters Received on the Draft Supplemental EIR

Letter No.	Agency/Organization	Date	Page # of Response
1	Friends of the Los Angeles River	January 31, 2025	3-3
2	California Department of Fish and Wildlife	February 3, 2025	3-5
3	Los Angeles Waterkeeper	February 3, 2025	3-7
4	California Department of Fish and Wildlife	February 24, 2025	3-22
5	Los Angeles Waterkeeper, Friends of the Los Angeles River, and Heal the Bay	February 24, 2025	3-93

From: Candice Dickens-Russell (she/her)
To: Leong, Aiden; Huynh, John
Subject: [EXTERNAL] Re: Formal Requesy for Review Period Extension
Date: Friday, January 31, 2025 4:00:04 PM

We are requesting a 30 day extension. Thank you.

On Fri, Jan 31, 2025 at 2:15 PM Candice Dickens-Russell (she/her) <candice@folar.org> wrote: 1-1

> Hello Aiden,
>
> Please note FoLAR's request for an extension for review.
>
> Thank you,
>
> Candice
>
> --

Candice Dickens-Russell
pronouns: she/her
President & CEO
570 West Avenue 26, Suite 250
Los Angeles, CA 90065
323-208-9087
email

Comment Letter 1: Friends of the Los Angeles River

Response 1-1

The commenter requests a 30-day extension to the Draft Supplemental EIR review period. CEQA Guidelines Section 15163(c) states that a supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087. Pursuant to CEQA Guidelines Section 15105(a), the public review period of a draft EIR shall not be more than 60 days except under unusual circumstances. Further, because the Draft Supplemental EIR was submitted to the State Clearinghouse for review by state agencies, a review period of at least 45 days was required. The Notice of Availability (NOA) of the Draft Supplemental EIR was released and the Draft Supplemental EIR was circulated for a 60-day public review and comment period beginning on December 12, 2024, and concluding on February 9, 2025. As such, the Draft Supplemental EIR was circulated for the maximum review period required under CEQA Guidelines Section 15105(a). In response to requests for an extension, the public review period was extended by 15 days to conclude on February 24, 2025, resulting in a 75-day public review period.

The commenter submitted additional comments within the extended public review period. Refer to Responses 5-1 through 5-27 below for responses to those comments.

From: Turner, Jennifer@Wildlife
To: Leong, Aiden
Cc: Portugal, Julisa@Wildlife
Subject: [EXTERNAL] Los Angeles Groundwater Replenishment Project (2013091023)
Date: Monday, February 3, 2025 3:25:36 PM

Hello Aiden,

In conversation with other entities who are commenting on the SEIR, it has come to our attention that there was a 30 extension of the public review period. We would like to take advantage of this extension as well. Can you confirm when the public review period will close? 2-1

CDFW is looking forward to providing comments on the SEIR. If you have any questions for us, our lead scientist for comments is Julisa Portugal, cc'd.

Sincerely,
Jenn Turner

Jennifer Turner
Senior Environmental Scientist (Supervisor)
California Department of Fish and Wildlife
South Coast Region 5
3883 Ruffin Road
San Diego, CA 92123
Office: (858) 467-2717
Mobile: (858) 539-9109

Comment Letter 2: California Department of Fish and Wildlife

Response 2-1

The commenter states that they would like to take advantage of the comment period extension and inquires as to the close of the public review period. The commenter is referred to Response 1-1 regarding the public review period extension for the Draft Supplemental EIR. As discussed in Response 1-1, in response to requests from commenters, the close of the public review period was extended by 15 days from February 9, 2025, to conclude on February 24, 2025, resulting in a 75-day public review period.

The commenter submitted additional comments within the extended public review period. Refer to Responses 4-1 through 4-20 below for responses to those comments.

From: Ben Harris
To: Leong, Aiden
Cc: Annelisa Moe; Tania Pineda Enriquez; Candice Dickens-Russell (she/her); steven appleton
Subject: [EXTERNAL] Request for Extension of Comment Period for Japanese Gardens SEIR
Date: Monday, February 3, 2025 9:03:10 AM
Attachments: image001.png

EXTERNAL EMAIL! This email was generated from a non-LADWP address. If any links exist, do not click/open on them unless you are 100% certain of the associated site or source. ALWAYS hover over the link to preview the actual URL/site and confirm its legitimacy.

Hi Aiden,

I am reaching out to request a 30-day extension of the public comment period for the Japanese Gardens SEIR, which is currently listed as Sunday February 9. Los Angeles Waterkeeper, along with my colleagues at Friends of the LA River, Heal the Bay, and LA River Kayak Safari (copied), did not receive timely notice of the release of the SEIR in December 2024, despite the fact that LA Waterkeeper, FoLAR, and Heal the Bay submitted joint comments on the Mitigated Negative Declaration issued by LASAN for the same project back in 2021. We only found out about the project last week from a different colleague of ours. Our organizations have also been impacted by responding to the massive wildfires that broke out in early January and are continuing to engage in advocacy surrounding the cleanup and recovery efforts, so we have limited capacity to provide comments this week. For these reasons, we will need more time to review the SEIR and prepare comments. We believe a 30-day extension to March 11 would be sufficient, but we would welcome any additional time you might be able to provide. 3-1

Thank you for your consideration of our request.

Best,

Ben

BENJAMIN HARRIS
Senior Staff Attorney, Regulatory Affairs & Legal Policy
ben@lawaterkeeper.org
Office: (310) 394-6162 ext. 102
Cell: (415) 233-1590
LOS ANGELES WATERKEEPER®
360 E 2nd Street Suite 250
Los Angeles, CA 90012

Comment Letter 3: Los Angeles Waterkeeper

Response 3-1

The commenter requests a 30-day extension to the Draft Supplemental EIR review period. The commenter is referred to Response 1-1 regarding the public review period extension for the Draft Supplemental EIR. As discussed in Response 1-1, in response to requests from commenters, the close of the public review period was extended by 15 days from February 9, 2025, to conclude on February 24, 2025, resulting in a 75-day public review period.

The commenter also states that the noticing for public review of the Draft Supplemental EIR was not conducted in a timely manner. The Notice of Availability (NOA) of the Draft Supplemental EIR was released and the Draft Supplemental EIR was circulated for public review and comment on December 12, 2024. CEQA Guidelines Section 15163(c) states that a supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087. CEQA Guidelines Section 15087(a) discusses the noticing requirements for public review of a Draft EIR, stating:

> Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and shall also be given by at least one of the following procedures:
>
> (1) Publication at least one time by the public agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.
>
> (2) Posting of notice by the public agency on and off the site in the area where the project is to be located.
>
> (3) Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.

Copies of the NOA, which included a link to an electronic copy of the Draft Supplemental EIR, were distributed to agencies and organizations who previously expressed interest in the project. A copy of the NOA was also published in the December 12, 2024, edition of the Los Angeles Times. The distribution of the NOA included approximately 80 relevant agencies and organizations. As such, the NOA was mailed to all agencies, organizations, and individuals who previously requested notice and the notice was published in the newspaper of largest circulation in the project vicinity, thus fulfilling the public noticing requirements pursuant to CEQA Guidelines Section 15087(a). The NOA was also filed with the Los Angeles County Clerk on December 11, 2024, and the State Clearinghouse on December 12, 2024.

Regarding the content of the NOA, CEQA Guidelines Section 15087(c), states:

> The notice shall disclose the following:
>
> (1) A brief description of the proposed project and its location.
>
> (2) The starting and ending dates for the review period during which the lead agency will receive comments. If the review period is shortened, the notice shall disclose that fact.
>
> (3) The date, time, and place of any scheduled public meetings or hearings to be held by the lead agency on the proposed project when known to the lead agency at the time of notice.
>
> (4) A list of significant environmental effects anticipated as a result of the project, to the extent which such effects are known to the lead agency at the time of the notice.
>
> (5) The address where copies of the EIR and all documents referenced in the EIR will be available for public review. This location shall be readily accessible to the public during the lead agency's normal working hours.
>
> (6) The presence of the site on any of the lists of sites enumerated under Section 65962.2 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

The NOA for the Draft Supplemental EIR included the project history; the project description; project location; a summary of the environmental impacts anticipated to result from implementation of the project modifications; the date, time, and location of the virtual public meeting; the dates of the public review period and a link to where the Draft Supplemental EIR could be reviewed; and instructions on how to provide comments. The project site is not listed on any hazardous materials sites. Therefore, the NOA included all required components pursuant to CEQA Guidelines Section 15087(c).

Therefore, the process for soliciting and collecting comments on the environmental analysis in the Draft Supplemental EIR during the public review period was conducted in accordance with the timelines and methods required under CEQA.

The commenter submitted additional comments within the extended public review period. Refer to Responses 5-1 through 5-27 below for responses to those comments.

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

February 24, 2025

Aiden Leong
Los Angeles Department of Water and Power
111 North Hope Street
Room 1044
Los Angeles, CA 90012
Aiden.Leong@ladwp.com

Subject: Supplemental Environmental Impact Report for the Los Angeles Groundwater Replenishment Project, SCH No. 2013091023, Los Angeles County, CA

Dear Aiden Leong:

The California Department of Fish and Wildlife (CDFW) reviewed the Supplemental Environmental Impact Report (SEIR) from the Los Angeles Department of Water and Power (LADWP) for the Los Angeles Groundwater Replenishment Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines[1].

Thank you for the opportunity to provide comments and recommendations regarding activities involved in the Project that may affect California fish and wildlife.

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.

4-1

PROJECT DESCRIPTION SUMMARY

Proponent: LADWP

Objective: The objective of the Project is to increase the volume of recycled purified water effluent for public consumption. To accomplish this, LADWP is proposing to install

4-2

[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.

approximately 90 linear feet of buried 16-inch diameter stainless steel pipeline to capture and redirect recycled water that flows from the Donald C. Tillman Water Reclamation Plant (DCTWRP) into the Japanese Garden Lake, back to the DCTWRP. This would allow LADWP to cease discharging water to the Los Angeles River (LA River) from the Japanese Garden Lake. Based on four years of water year data (2018-2022), the average flow reduction into the LA River is estimated to be approximately 3.9 million gallons a day (MGD). 4-2 Cont'd

Location: The Project is located between Victory Boulevard and Woodley Avenue, in Los Angeles, CA and is adjacent to the LA River. The LA River encompasses an 834 square-mile watershed. 4-3

Biological Setting: The biological setting of the Project, for the purposes of this letter, is focused on the biological resources that could be affected by the discharge flow reduction. These resources are located within the LA River downstream of the existing Japanese Garden discharge point. The LA River is flanked by the urbanized environment of the cities of Los Angeles, Burbank, Glendale, and Long Beach. The LA River flows from its headwaters in the Santa Susana Mountains eastward to the northern area of Griffith Park. Then, the LA River turns southward through the Glendale Narrows before it flows across the coastal plain and into San Pedro Bay near Long Beach where the LA River drains into the Pacific Ocean. 4-4

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.

COMMENT # 1: Water Diversion on Fish and Wildlife Resources

Issue: On average, the Project would result in an average decrease of approximately 3.9 MGD into the LA River downstream of the Japanese Garden discharge point. 4-5

Specific impact: The reduction of flows and water availability in the LA River may have significant effects and/or changes on the hydrologic regime within the immediate area and downstream of the Project location. Significant impacts to biological resources could occur, especially during dry years and/or droughts.

Why impact would occur: The SEIR does not provide sufficient analysis of the Project's potential biological impacts to allow CDFW to determine the Project's significance or need for mitigation. 4-6

Biological Resources: The LA River encompasses both concrete-lined and soft-bottom channel segments that support biological resources. Where the LA River overtops the concrete-lined 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. The LA River also provides habitat for hundreds of bird species, making these areas birding hotspots. Least Bell's vireo (*Vireo bellii pusillus*), an Endangered Species Act and California Endangered Species Act (CESA)-listed endangered species, has been documented around the Glendale Narrows area. Least Bell's vireo depends on willow (*Salix* genus) riparian habitat. The middle reach of the LA River, specifically the Glendale Narrows, also support native fish species, including southern California steelhead (*Oncorhynchus mykiss;* steelhead), a CESA-listed endangered species, (*Entosphenus tridentatus*), a California Species of Special Concern. 4-6 Cont'd

Evidence impact may be significant: Diverting water from the LA River may impact downstream biological resources, especially during relatively dry years and periods of drought. Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures are likely to result in continual and substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on sensitive and/or special-status species. 4-7

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: CDFW recommends LADWP conduct biological surveys that focus on identifying special status species presence and abundance to establish baseline conditions for the Adaptive Management Plan (AMP; refer to Mitigation Measure #4). Focused species-specific surveys should consider seasonal variations and be conducted at the appropriate times of the year and times of the day when sensitive species are active or otherwise identifiable. CDFW also recommends that avian surveys be conducted by a qualified ornithologist prior to adoption of the final environmental document to identify avian species that are present with the Project impact area. The Project should adhere to the Least Bell's Vireo Survey Guidelines (USFWS 2001). Per protocol guidelines, a final survey report (including negative findings) should be provided to U.S. Fish and Wildlife Service (USFWS) and CDFW within 45 calendar days following the completion of the survey effort. A final survey report should be submitted to USFWS and CDFW prior to any Project related ground disturbing activities and vegetation removal. 4-8

Mitigation Measure #2: CDFW recommends LADWP provide additional analysis and evaluation of potential impacts on biological resources as part of the final environmental document to establish baseline conditions for the AMP (refer to Mitigation Measure #4). A quantitative analysis comparing the existing and proposed hydrograph during a) the wet season (November through March); b) the dry season (April through October); and c) above-average and below-average water years (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). LADWP should clearly define what it would consider an above-average or below-average rainfall year.

Mitigation Measure #3: CDFW recommends phasing the discharge reduction into two or three phases over a five- to ten-year period. Phased discharge reductions will provide vegetation an opportunity to gradually adapt to the reductions. A phased reduction will also provide birds and other species time to adapt to the reduction of dry-season flow in the LA River.

Mitigation Measure #4: CDFW recommends LADWP develop an AMP that would direct LADWP to reduce or suspend water diversion if at any point the Project may impact biological resources downstream exceeding a defined threshold/trigger and to re-release pre-Project volumes of water (3.9 MGD) back into the LA River. The AMP will use the data in Mitigation Measure #1, Mitigation Measure #2, and Mitigation Measure #6 to establish baseline conditions and appropriate triggers to re-release wastewater discharges when and/or if necessary. The implementation of the AMP will ensure that quantity and quality of riparian and wetland habitat, currently supported by the upstream wastewater discharges, is maintained at baseline levels. 4-8 Cont'd

Mitigation Measure #5: CDFW recommends LADWP commit to utilizing the best available science to identify how the Project will impact the ecologically significant flows of the LA River. The California Environmental Flows Framework (CEFF) utilizes historic flow records and site-specific instream habitat analysis to quantify ecologically relevant flow characteristics (flow magnitude, frequency, duration, timing, and rate of change at discrete stream reaches). The CEFF process is currently being applied to the LA River. CDFW recommends LADWP adopt the CEFF process to inform a phased discharge operation plan and AMP.

Recommendation #1: CDFW recommends the following data and information sources: 4-9

- Stream gage data available from Los Angeles County Public Works (LACPW 2024);
- Los Angeles River Master Plan (Geosyntec et al. 2020);
- Los Angeles River California Environmental Flows (CEFF) Section A Analysis from the Pacific Ocean to the Sepulveda Basin (Stillwater Sciences 2023); and,
- Los Angeles River CEFF Study (MRCA 2025).

COMMENT # 2: HEC-RAS Hydraulic Modeling

Issue: LADWP has not provided the data source or details used to inform the HEC-RAS model. 4-10

Specific impacts: The HEC-RAS Hydraulic modeling identifies the modeling results associated with the differences in flow, water elevation, velocity, depth and top width,

but it does not identify differences in the linear feet of the LA River or other details of what data was used to inform the HEC-RAS model. 4-10 Cont'd

Why impacts would occur: The SEIR does not provide sufficient data or flow analysis to allow CDFW to determine the Project's effects on ecologically significant flows.

Evidence impacts would be significant: Diverting water from the LA River may impact biological resources downstream, especially during the dry season and/or periods of drought. Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species are likely to result in continual and substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on sensitive and/or special-status species.

Evidence impacts would be significant: Diverting water from the LA River may impact biological resources downstream, especially during the dry season and/or periods of drought. Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species are likely to result in continual and substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on sensitive and/or special-status species. 4-11

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure # 6: CDFW recommends LADWP provide the data source material used to inform the HEC-RAS model in the final environmental document. CDFW requests a map that includes modeled/predicted fluctuations in channel reduction and hydraulics that overlays plant communities and habitats for sensitive bird and wildlife species. This data is essential to inform the AMP (refer to Mitigation Measure #4) and to understand the hydrology underlying baseline habitat conditions.

COMMENT # 3: Cumulative Impacts

Issue: The Project does not consider downstream impacts to reasonably foreseeable restoration projects within the LA River watershed. Some of the planned and/or ongoing restoration projects along the LA River can be found in the link below: https://larivermasterplan.org/goals/support-healthy-connected-ecosystems/. 4-12

Specific impact: The SEIR does not analyze potential downstream impacts to reasonably foreseeable restoration projects within the LA River watershed (see Recommendation #2); some of which support steelhead passage to allow both juvenile and adult steelhead to migrate between the tributaries of the LA River and the Pacific Ocean. The Project's point of discharge is upstream of habitat for fish and wildlife. The

Project has the potential to substantially alter the hydrologic flows of the LA River, and may impact downstream restoration projects that depend on instream flows.

Why impact would occur: The SEIR does not provide sufficient analysis of the Project's potential cumulative impacts to allow CDFW to determine the Project's significance on reasonably foreseeable restoration projects.

Evidence impact would be significant: 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)). When assessing whether a cumulative effect requires a (Supplemental) Environmental Impact Report, LADWP "shall consider whether the cumulative impact is significant and whether the effects of the Project are cumulatively considerable" (CEQA Guidelines, § 15064(h)(1)). When using a threshold of significance, the LADWP should briefly explain how compliance with the threshold means that the Project's impacts are less than significant. A threshold of significance is an identifiable quantitative, qualitative, or performance level of a particular environmental effect (CEQA Guidelines, § 15064.7). Compliance with the threshold does not relieve the LADWP's obligation to consider substantial evidence indicating that the Project's environmental effects may still be significant (CEQA Guidelines, § 15064(b)(2)). A conclusion about whether cumulative impact is significant may be insufficient without an analysis describing the analytic route that LADWP traveled from evidence to action/determination. 4-12 Cont'd

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #7: CDFW recommends LADWP provide additional analysis and evaluation of potential cumulative impacts on on-going habitat recovery and restoration efforts and reasonably foreseeable future projects as part of the final environmental document.

Recommendation #2: CDFW recommends the LADWP consider the cumulative downstream impacts on the following reasonably foreseeable projects:

- Los Angeles River Ecosystem Restoration and Recreation Reach 8A Project (City of LA 2024); and,
- LA River Fish Passage and Habitat Structures Design Project (Stillwater Sciences 2022).

ADDITIONAL COMMENTS

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity 4-13

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 detected by completing and submitting CNDDB Field Survey Forms (CDFW 2020b). LADWP should ensure the data has been properly submitted, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. LADWP should provide CDFW with confirmation of data submittal. 4-13 Cont'd

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). 4-14

California Water Code Section 1211. CDFW looks forward to providing recommendations to the State Water Resources Control Board for the water right order during the wastewater change petition process for this Project. 4-15

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[2] provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms. 4-16

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[3].

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

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 4-17

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

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.) 4-17 Cont'd

CONCLUSION

CDFW appreciates the opportunity to comment on the SEIR to assist LADWP in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the LADWP has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)). 4-18

Questions regarding this letter or further coordination should be directed to Mary Ngo[4], Senior Environmental Scientist (Specialist).

Sincerely,

DocuSigned by:
Heather A. Pert
DF423498814B441...

Heather A. Pert
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Heather A. Pert, Environmental Program Manager
Baron Barrera, Senior Environmental Scientist (Supervisory)
Mayra Molina, Senior Environmental Scientist (Specialist)
Christian Romberger, Senior Environmental Scientist (Specialist)
Cindy Hailey, Staff Services Analyst
CEQA Program Coordinator – Sacramento

State Water Resources Control Board
Patricia Fernandez, Water Resource Control Engineer

National Marine Fisheries Service
Brittany Struck, Fish Biologist

U.S. Fish and Wildlife Service

[4] Phone: 562-477-0743; Email: Mary.Ngo@wildlife.ca.gov

Christine Medak, Fish and Wildlife Biologist

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

REFERENCES

[City of LA] Los Angeles City. 2024. Los Angeles River Ecosystem Restoration and Recreation Reach 8A Project. Available at: https://ceqanet.opr.ca.gov/2024020386

Geosyntec, OLIN, and Gehry Partners, LLC. 2020. LA River Master Plan. Available from: https://www.larivermasterplan.org/larmp_document

[LACPW] Los Angeles County Public Works. 2024. Index of Stream Gaging Stations. Available from: https://www.ladpw.org/wrd/runoff/index.cfm

[MRCA] Mountains Recreation Conservation Authority. 2025. Los Angeles River CEFF Study Available from: https://mrca.ca.gov/los-angeles-river/ceff-study/

Stillwater Sciences. 2023. Los Angeles River California Environmental Flows (CEFF) Section A Analysis from the Pacific Ocean to the Sepulveda Basin. Available at: Stillwater-Sciences-2023-LA-River-CEFF-Section-A-Tech-Memo-FINAL.pdf

Stillwater Sciences. 2022. LA River Fish Passage and Habitat Structures Design Project Available at: https://files.ceqanet.opr.ca.gov/295729-1/attachment/PLgHR6sgUZtqpxns56JsHpCaFG8iD6U6k9BbJ2MUKQKk_bRZUKBTUFGPWpDx8IK2Uhw8RZPrNi0SzbPa0

[USFWS] U.S. Fish and Wildlife Service. 2001. Least Bell's Vireo Survey Guidelines Available at: https://www.fws.gov/sites/default/files/documents/survey-protocol-for-least-bells-vireo.pdf

4-19

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: CDFW recommends LADWP conduct biological surveys that focus on identifying special status species presence and abundance to establish baseline conditions for the Adaptive Management Plan (AMP; refer to Mitigation Measure #4). Focused species-specific surveys should consider seasonal variations and be conducted at the appropriate times of the year and times of the day when sensitive species are active or otherwise identifiable. CDFW also recommends that avian surveys be conducted by a qualified ornithologist prior to adoption of the final environmental document to identify avian species that are present with the Project impact area. The Project should adhere to the Least Bell's Vireo Survey Guidelines (USFWS 2001). Per protocol guidelines, a final survey report (including negative findings) should be provided to U.S. Fish and Wildlife Service (USFWS) and CDFW within 45 calendar days following the completion of the survey effort. A final survey report should be submitted to USFWS and CDFW prior to any Project related ground disturbing activities and vegetation removal.	Prior to Project Activities	Designated Biologist
Mitigation Measure #2: CDFW recommends LADWP provide additional analysis and evaluation of potential impacts on biological resources as part of the final environmental document to establish baseline conditions for the AMP (refer to Mitigation Measure #4). A quantitative analysis comparing the existing and proposed hydrograph during a) the wet season (November through March); b) the dry season (April through October); and c) above-average and below-average water years (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).	Prior to adoption of final environmental document	Project Proponent

4-20

Mitigation Measure	Timing	Responsible Party
LADWP should clearly define what it would consider an above-average or below-average rainfall year.		
Mitigation Measure #3: CDFW recommends phasing the discharge reduction into two or three phases over a five- to ten-year period. Phased discharge reductions will provide vegetation an opportunity to gradually adapt to the reductions. A phased reduction will also provide birds and other species time to adapt to the reduction of dry-season flow in the LA River.	Prior to submitting wastewater change petition and prior to adoption of final environmental document	Project Proponent
Mitigation Measure #4: CDFW recommends LADWP develop an AMP that would direct LADWP to reduce or suspend water diversion if at any point the Project may impact biological resources downstream exceeding a defined threshold/trigger and to re-release pre-Project volumes of water (3.9 MGD) back into the LA River. The AMP will use the data in Mitigation Measure #1, Mitigation Measure #2, and Mitigation Measure #6 to establish baseline conditions and appropriate triggers to re-release wastewater discharges when and/or if necessary. The implementation of the AMP will ensure that quantity and quality of riparian and wetland habitat, currently supported by the upstream wastewater discharges, is maintained at baseline levels.	Prior to submitting wastewater change petition and prior to adoption of final environmental document	Project Proponent

4-20
Cont'd

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #5: CDFW recommends LADWP commit to utilizing the best available science to identify how the Project will impact the ecologically significant flows of the LA River. The California Environmental Flows Framework (CEFF) utilizes historic flow records and site-specific instream habitat analysis to quantify ecologically relevant flow characteristics (flow magnitude, frequency, duration, timing, and rate of change at discrete stream reaches). The CEFF process is currently being applied to the LA River. CDFW recommends LADWP adopt the CEFF process to inform a phased discharge operation plan and AMP.	Prior to adoption of final environmental document	Project Proponent
Recommendation #1: CDFW recommends the following data and information sources: • Stream gage data available from Los Angeles County Public Works (LACPW 2024); • Los Angeles River Master Plan (Geosyntec et al. 2020); • Los Angeles River California Environmental Flows (CEFF) Section A Analysis from the Pacific Ocean to the Sepulveda Basin (Stillwater Sciences 2023); and, • Los Angeles River CEFF Study (MRCA 2025).	Prior to adoption of final environmental document	Project Proponent

4-20
Cont'd

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #6: CDFW recommends LADWP provide the data source material used to inform the HEC-RAS model in the final environmental document. CDFW requests a map that includes modeled/predicted fluctuations in channel reduction and hydraulics that overlays plant communities and habitats for sensitive bird and wildlife species. This data is essential to inform the AMP (refer to Mitigation Measure #4) and to understand the hydrology underlying baseline habitat conditions.	Prior to adoption of final environmental document	Project Proponent
Mitigation Measure #7: CDFW recommends LADWP provide additional analysis and evaluation of potential cumulative impacts on on-going habitat recovery and restoration efforts and reasonably foreseeable future projects as part of the final environmental document.	Prior to adoption of final environmental document	Project Proponent
Recommendation #2: CDFW recommends the LADWP consider the cumulative downstream impacts on the following reasonably foreseeable projects: • Los Angeles River Ecosystem Restoration and Recreation Reach 8A Project (City of LA 2024); and, • LA River Fish Passage and Habitat Structures Design Project (Stillwater Sciences 2022).	Prior to adoption of final environmental document	Project Proponent

4-20
Cont'd

Comment Letter 4: California Department of Fish and Wildlife

Response 4-1

This comment includes introductory remarks and describes CDFW's role as a Trustee Agency under CEQA. No further response to this comment is required.

Response 4-2

This comment includes a summary of the commenter's understanding of the project modifications. The commenter states that the objective of the project [modifications] is to increase the volume of recycled purified water effluent for public consumption. To clarify the purpose of the recycled purified water, as discussed in Chapter 2, Project Description, of the Draft Supplemental EIR, the project modifications are being proposed to meet the needs of non-potable reuse customers and the groundwater replenishment program. The commenter is referred to page 2-1, Section 2.2, Proposed Project Modifications, of the Draft Supplemental EIR, which states that "the recirculation of the Japanese Garden Lake water to the DCTWRP treatment facilities provided by the project modifications would deliver a sufficient volume of recycled water influent to the [Advanced Water Purification Facility (AWPF)] to generate purified water effluent to meet the needs of non-potable reuse customers and the groundwater replenishment program, as described in the 2016 EIR."

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 4-3

The commenter states that the project is located between Victory Boulevard and Woodley Avenue in Los Angeles, CA and is adjacent to the LA River. The commenter also states that the LA River encompasses an 834 square-mile watershed. As discussed in Chapter 2, Project Description, of the Draft Supplemental EIR, construction of the project modifications would occur within paved and unpaved areas near the entrance of the Japanese Garden within the DCTWRP property. As discussed in Section 2.3, Project Location and Setting, of the Draft Supplemental EIR, the Japanese Garden occupies approximately 6.5 acres in the northwest corner of the DCTWRP property, which is located at 6100 Woodley Avenue in the Encino community of the City of Los Angeles. To clarify the location of the project site, the Japanese Garden is located approximately 0.7 miles north of the LA River. Additionally, construction and maintenance activities associated with the project modifications would occur within the DCTWRP property and within the boundaries of the Japanese Garden, and no activities would occur within or adjacent to the LA River channel.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 4-4

The commenter states that its comments are focused on the biological resources that could be affected by the discharge flow reduction. These resources are located within the LA River downstream of the existing Japanese Garden discharge point. As discussed in Chapter 4.1, Biological Resources, Section 4.1.2, Environmental Setting, on page 4.1-5 of the Draft Supplemental EIR, there are two reaches of the LA River located between the discharge point and the Pacific Ocean, including the Los Angeles reach and the Long Beach reach, in which

existing biological resources could potentially be affected by implementation of the project modifications.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 4-5

The commenter states that diverting water from the LA River may impact biological resources downstream, especially during the dry season. As explained in Chapter 3, Approach to Los Angeles River Flows Modeling, Section 3.2, Los Angeles River Dry Season Flows, on page 3-4 of the Draft Supplemental EIR, numerous years of data from LA River gaging stations have indicated that June, July, and August constitute the critical dry-season period when flows in the LA River, with exceptions during certain years, are at their lowest levels. The June through August dry period was confirmed by the Los Angeles River Environmental Flows Project (Flows Project) conducted by the Southern California Coastal Water Research Project (SCCWRP), the Colorado School of Mines, and the Council for Watershed Health in cooperation with the State Water Resources Control Board (SWRCB), the Los Angeles Regional Water Quality Control Board (LARWQCB), the City of Los Angeles Bureau of Sanitation and Environment (LASAN), and the Los Angeles Department of Water and Power (LADWP). As discussed in Chapter 3 of the Draft Supplemental EIR, the modeling for the Flows Project encompassed water year (WY) 2011 through WY 2017. SCCWRP utilized this data because it was readily available; it was not intended to be used as a baseline. After completion of the Flows Project modeling, average flows in the LA River during the June through August dry period have decreased primarily due to increased water conservation efforts from domestic, commercial, and industrial users throughout the 824 square-mile LA River watershed, leading to lower inflows to the river. Thus, average dry season flows for the Draft Supplemental EIR were determined using gage data from WY 2019 through WY 2022, which shows that flows were generally lower than the previous years encompassed in the Flows Project. As discussed on page 3-6 of the Draft Supplemental EIR, these average dry season flows for WY 2019 through WY 2022 constitute the existing condition of the LA River that serves as the basis for the analysis contained in the Draft Supplemental EIR. As such, the HEC-RAS modeling conducted for the project modifications does account for the critical dry season using the most recent gaging station data available at the time of preparation.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 4-6

The commenter states that the reduction in discharges to the LA River resulting from implementation of the proposed modifications may impact sensitive and/or special-status species. Specifically, the commenter states that the LA River provides habitat for Least Bell's vireo, which is dependent on willow riparian habitat, and that the Glendale Narrows portion of the LA River supports native fish species, including southern California steelhead. As discussed in Chapter 4.1, Biological Resources, of the Draft Supplemental EIR, a field survey/habitat assessment was conducted on July 31, 2023, and August 1, 2023. The field survey was conducted to characterize existing site conditions and assess the potential for biological resources to occur within the survey area. The survey area included the Los Angeles reach and the Long Beach reach of the LA River. Additionally, a literature search was conducted to identify special-status plant species, special-status wildlife species, and sensitive vegetation communities. The databases investigated include an eight-quadrangle search of the CNDDB, the California Inventory of Rare and

Endangered Plants (CIRP), and the USFWS online Information for Planning and Consultation (IPaC). As discussed on page 4.1-10 of the Draft Supplemental EIR, only one special-status wildlife species, double-crested cormorant (*Nannopterum auritum*), was observed during the field survey. Least Bell's vireo (*Vireo bellii pusillus)* and steelhead (*Oncorhynchus mykiss)* are discussed on page 4.1-11 of the Draft Supplemental EIR:

> Three records of least Bell's vireo (*Vireo bellii pusillus*, federally-listed endangered and State-listed endangered) from 1897, 1914, and 1922. These records generally overlay large portions of the City of Los Angeles and the northern reach of the survey area. Suitable riparian forest habitat for this species is generally absent and this species is not expected to occur in the survey area and is considered extirpated from the area…
>
> A number of special-status fish species were previously known to inhabit the LA River, including southern California Distinct Population Segment of steelhead (*Oncorhynchus mykiss*; federally listed endangered, State candidate for listing as endangered), Santa Ana sucker (*Catostomus santaanae*; federally listed threatened), arroyo chub (*Gila orcuttii*; CDFW SSC), and Santa Ana speckled dace (*Rhinichthys osculus*; CDFW SSC); however, these species are no longer present in the LA River.

The commenter also mentions Pacific lamprey (*Entosphenus tridentatus*); however, this species was not identified within the biological resources survey area during the literature and database search nor was it observed during the field survey. Additionally, according to the CDFW webpage for this species, the Pacific lamprey is mapped as possibly extirpated from the project area.[2] Furthermore, the U.S. Fish and Wildlife Service indicates that no viable populations of this species exist south of the San Luis Obispo River and the species is mapped as possibly extinct from the project area.[3] As such, the project modifications would not affect the Least Bell's vireo, southern California steelhead, or Pacific lamprey.

Response 4-7

The commenter states that the reduction in discharges to the LA River resulting from implementation of the proposed modifications may impact downstream biological resources and that impacts to sensitive and/or special-status species should be mitigated below a level of significance. Potential impacts to sensitive and special-status species resulting from changes in flows to the LA River with implementation of the project modifications are assessed under Threshold 1 in Chapter 4.1, Biological Resources, of the Draft Supplemental EIR. Several key outputs were projected using the HEC-RAS model, including projected change in river velocity, water depth, and wetted channel top width during the dry season (June, July, and August). As discussed in the operation impact analysis under Threshold 1, beginning on page 4.1-16 of the Draft Supplemental EIR, one special-status plant species, California black walnut (*Juglans californica*), and one special-status wildlife species, double-crested cormorant, were observed during the field surveys. All other special-status species identified during database searches are not expected to occur or have only low potential to occur within the survey area due to a lack of

[2] California Department of Fish and Wildlife, Species Management, Fishes, Pacific Lamprey, Figure 3: Calculated NatureServe risk rankings for Pacific Lamprey, available at: https://wildlife.ca.gov/Conservation/Fishes/Pacific-Lamprey#distribution, accessed July 25, 2025.

[3] U.S. Fish and Wildlife Service, Pacific Lamprey – Conservation Initiative California, available at: https://www.fws.gov/sites/default/files/documents/Pacific%20Lamprey%20CI%20ver2.pdf, accessed July 25, 2025.

potentially suitable habitat, as noted in the Biological Resources Assessment prepared for the project modifications, which is included as Appendix A to the Draft Supplemental EIR. Based on the results of the HEC-RAS model, the estimated reductions in depth and top width of flows within the LA River channel downstream of the Japanese Garden discharge point would be relatively small and would not noticeably change habitat conditions and species composition for California black walnut, the one special status plant species observed during the field survey. Therefore, the Draft Supplemental EIR concludes that no impact to California black walnut would occur with implementation of the project modifications, and no mitigation measures are required. Additionally, the reductions in water depth and top width would be relatively small and are not anticipated to result in substantive changes to the composition and distribution of vegetation communities occurring within the LA River, including trees and structures suitable for nesting birds and roosting bats, or foraging habitat. Therefore, the Draft Supplemental EIR concludes that impacts to special-status wildlife species would be less than significant, and no new mitigation measures are required.

Potential impacts to riparian habitat and sensitive natural communities resulting from changes in flows to the LA River with implementation of the project modifications are assessed under Threshold 2 in Chapter 4.1, Biological Resources, of the Draft Supplemental EIR. As discussed in operation impact analysis under Threshold 2, beginning on page 4.1-18 of the Draft Supplemental EIR, riparian vegetation communities native to southern California are generally adapted to seasonal fluctuations in water availability, temperature, and other factors. This adaptability is evidenced in historical changes in landforms and vegetation seasonally within the LA River within a given year and between years, depending on conditions. One sensitive natural vegetation community, Goodding's willow – red willow riparian woodland and forest (Code: 61.216.00), occurs within the survey area. The small decrease in water depth and top width resulting from implementation of the project modifications are not expected to alter the current composition of habitats within the survey area. Therefore, the Draft Supplemental EIR concludes that impacts to sensitive natural communities would be less than significant, and no new mitigation measures are required.

Response 4-8

The commenter provides a list of recommended mitigation measures, including conducting biological surveys, preparing a quantitative analysis to compare the existing and proposed hydrograph for various rainfall/water year scenarios, phased discharge reductions, development of an Adaptive Management Plan (AMP), and use the California Environmental Flow Framework (CEFF) process to inform a phased discharge operation plan and AMP. As discussed above and in the impact analyses contained in Chapter 4 of the Draft Supplemental EIR, no new or more severe significant impacts to biological resources have been identified related to the project modifications. As such, no new mitigation measures that were not previously identified in the 2016 EIR would be required to implement the project modifications, including the implementation of an AMP and supporting studies and analysis, as recommended by the commenter.

The Draft Supplemental EIR acknowledges that the LA River is subject to sometimes drastic fluctuations in flows within a given WY and between WYs, and biological resources within the LA River are generally adapted to seasonal fluctuations in water availability, temperature, and other factors. The baseline against which potential impacts of the project modifications were assessed was established through literature and database review, field surveys, and existing flow data. As discussed above, the literature and database review and field surveys documented the existing habitat and species with the potential to occur within the LA River downstream of the Japanese Garden discharge point. Existing flow data was used to establish the existing hydrological

conditions in the LA River. As discussed in Responses 4-5 above and 4-10 below, the HEC-RAS model of hydraulics in the LA River channel was developed for the existing condition using actual measured gage data from the Los Angeles County Department of Public Works (County) or the U.S. Geologic Survey (USGS) gaging stations to identify the critical dry season when flows would be at their lowest. Thus, the established baseline is appropriate as it identifies existing conditions in the LA River with regard to biological resources and flows based on field surveys noting the presence of, or potential for, any special-status species and/or habitat and using the most current flow data available at the time of preparation.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 4-9

The commenter recommends a list of data and information sources. Information about the data sources used in the Draft Supplemental EIR can be found in Section 4.1 Biological Resources as well as in Chapter 8, References. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft Supplemental EIR. No further response to this comment is required.

Response 4-10

The commenter states that the data source[s] and details used to inform the HEC-RAS model have not been provided. The commenter also states that the Draft Supplemental EIR does not provide sufficient data or flow analysis to allow CDFW to determine the project modifications' effects on flows. Additionally, the commenter states that diverting water from the LA River may impact biological resources downstream, especially during the dry season. The commenter is referred to Response 4-5 above regarding the consideration of dry season flows.

Chapter 3, Approach to Los Angeles River Flows Modeling, describes the details and data inputs used in the development of the HEC-RAS model for the project modifications. As discussed in Section 3.1, Los Angeles River Gaging Stations, beginning on page 3-1 of the Draft Supplemental EIR, several gaging stations operated by the County or the USGS are located downstream of the Japanese Garden Lake discharge point in the mainstem of the LA River or in tributaries close to their confluence with the river. These gaging stations provide a record of flow levels. The flows as recorded at the stations were used to establish the existing hydrological conditions in the LA River against which the changes in flow resulting from the project modifications were assessed. As further explained on page 3-6 of the Draft Supplemental EIR, the HEC-RAS model of hydraulics in the LA River channel was developed for both the existing condition and for a reduction in flow in the river downstream of the Japanese Garden Lake discharge point after implementation of the proposed project modifications, and this HEC-RAS model was derived from the model developed by SCCWRP for the Flows Project.

The hydraulic modeling approach for the project modifications is described in the HEC-RAS Memorandum, which is included as Appendix B to the Supplemental EIR. As discussed in Section 1.3, Summary of Modeling Approach, beginning on page 1-2 of the HEC-RAS Memorandum:

> The hydraulic model employed in this study was originally developed by the Southern California Coastal Water Research Project (SCCWRP) to support the Los Angeles River Environmental Flows project. The SCCWRP HEC-RAS model

was assembled from several existing 1D HEC-RAS models covering different parts of the river system. The various references include:

- HEC-RAS Model for Stormwater Management Plan (U.S. Army Corps of Engineers, 2004)
- HEC-RAS Model for Upper Los Angeles River and Tujunga Wash (U.S. Army Corps of Engineers, 2005)
- HEC-RAS Model for San Gabriel River, San Jose Creek, Compton Creek, Upper Rio Hondo, Coyote Creek, Verdugo Wash, Arroyo Seco' (HDR CDM, 2011)
- HEC-RAS Model for Glendale 2018 Wastewater Change Petition (Environmental Science Associates, 2018)

The SCCWRP hydraulic model, obtained in February 2021, served as the baseline hydraulic model for this analysis. The model was updated to the latest version of HEC-RAS, v6.4.1, and performed a 1D steady analysis for the affected area below the Japanese Garden Lake discharge point. The river system geometry used in the SCCWRP model was copied and used along with updated hydrologic inputs (steady flow data) as described below. Several assumptions were employed in the development of the SCCWRP model's geometry file and retained in this analysis.

The model integrated soft-bottom updates based on surveys conducted in July 2020, along with recalibrations of the Manning's roughness coefficient (n) completed in January 2021 (Stein 2021, personal communication). Certain segments of the LA River exhibit variations in the Manning's roughness coefficient (n) based on model calibration while otherwise remaining identical.

To ensure the accuracy of the channel geometry, validation was conducted using LiDAR[4] data, as-built records, and Google Earth imagery, with a particular focus on incorporating the low-flow channel. The amalgamated pre-existing models were then expanded to encompass the Sepulveda Basin and the upper Rio Hondo regions, leveraging LiDAR data. In total, the model comprises approximately 3,000 nodes, encompassing both the channelized and soft-bottomed sections of the LA River, stretching from the estuary to Sepulveda Dam, Compton Creek, and Rio Hondo up to Whittier Narrows Dam.

The existing geometry file was coupled with a new steady flow data consisting of three profiles. The first flow profile represents gage data averages, including discharge data from Los Angeles-Glendale Water Reclamation Plant (LAGWRP), for June through August for the water years 2019 to 2022. These average dry season flows for WY 2019 through WY 2022 constitute the existing condition of the LA River. The second flow profile includes reductions resulting from the diversion [of] water from the project modifications, and the third and final flow profile includes the cumulative reduction resulting from implementation of the project modifications as well as future reductions from LAGWRP.

The steady flow data consists of flow discharge inputs at the cross sections representing flow change locations. In the model, flow discharge remains constant

[4] LiDAR, which stands for Light Detection and Ranging, is a remote sensing technology used to create high-resolution models of ground elevation.

> from one flow change location to the next flow change location. All cross sections between two flow change locations will have the same input flow discharge applied.

As shown, the approach and methodology for developing the HEC-RAS model and the data inputs informing the model are described in detail in the Draft Supplemental EIR and in the HEC-RAS Memorandum included as Appendix B. This is a reasonable methodology for assessing potential downstream effects because the data inputs include the components necessary to build the linear and cross-sectional layout of the river system as well as the flow files describing the hydrologic inputs to the river system and model any changes in flows to the system.

Regarding the comment that the HEC-RAS model does not identify differences in the linear feet of the LA River, as discussed in Chapter 2, Project Description, of the Draft Supplemental EIR, the project modifications would result in the diversion of approximately 4 MGD of recycled water from the LA River. Given that there are multiple other sources of flows into the LA River both upstream and downstream of the Japanese Garden discharge point, including stormwater runoff, surface flows, continued discharges from the DCTWRP Balboa Lake and Wildlife Lake, and discharges from other Water Reclamation Plants along the LA River, the reduction of flows by approximately 4 MGD would not result in changes in the linear feet of the LA River, which extends for more than 35 miles beyond the Japanese Garden discharge point, discharging into San Pedro Bay.

Response 4-11

The commenter states that potential impacts to sensitive and/or special-status species could be significant and provides recommended mitigation measures including the provision of the data source material used to inform the HEC-RAS model and a map that includes modeled fluctuations in channel reduction and hydraulics that overlays plant communities and habitats for sensitive species. With respect to potential impacts to sensitive and/or special-status species, the commenter is referred to Responses 4-6 and 4-7above regarding analysis of potential impacts to sensitive and/or special-status species in the Draft Supplemental EIR. LADWP provided electronic copies of the HEC-RAS model and gaging station data files used to assess potential impacts related to the reduction in discharges to the LA River resulting from the project modifications to CDFW on October 29, 2025. Further, as discussed in Response 4-8 above and in the impact analyses contained in Chapter 4 of the Draft Supplemental EIR, no new or more severe significant impacts have been identified related to the project modifications. As such, no new mitigation measures that were not previously identified in the 2016 EIR would be required to implement the project modifications. No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 4-12

The commenter states that the Draft Supplemental EIR does not consider all of the reasonably foreseeable future projects in the analysis of cumulative impacts. Specifically, the commenter states that potential impacts of the project modifications to the proposed Los Angeles River Ecosystem Restoration and Recreation Reach 8A Project and the LA River Fish Passage and Habitat Structures Design Project have not been considered.

According to CEQA Guidelines Section 15130, a cumulative impact consists of an impact to the existing environment that is created as a result of the combination of the project evaluated in the

EIR together with other projects causing related impacts. In this regard, a cumulative impact does not represent an impact arising from the project modifications to other proposed projects, such as the fish passage projects, especially when these other projects are currently speculative.

The Los Angeles River Ecosystem Restoration and Recreation Reach 8A Project would involve installing fish passage measures for southern California steelhead, such as anchored boulder clusters and vegetated habitat features within an approximately 0.25-mile channelized stretch of the LA River, known as Reach 8A, near North Main Street in the Downtown area of Los Angeles. The LA River Fish Passage and Habitat Structures Design Project would involve similar installation of fish passage measures in a 4.8-mile channelized stretch of the LA River in the Downtown area of Los Angeles. Implementation of these projects is currently speculative, as neither project has identified construction schedules or funding sources.[5] Because they are speculative projects, they are not part of the current environmental baseline and would not be impacted by the cumulative effects of the project modifications and other related projects. (See *Aptos Residents Assn. v County of Santa* Cruz (2018) 20 Cal.App.5th 1039, 1051 [speculation that a significant cumulative impact could occur is insufficient]).

It should also be noted that these projects anticipate fish passage activity only during the wet season when flows in the LA River would be at their highest and fish could potentially travel upstream. During the wet season, reductions in flows resulting from the diversion of 4 MGD of water related to the project modifications would be imperceptible downstream as the flows into the LA River would be significantly higher than average from all inputs, such as stormwater flows, during this time. Additionally, as previously discussed, southern California steelhead was not observed during the field surveys for the project modifications and has not been observed in the LA River since the 1940s. Therefore, no impacts to southern California steelhead were identified in the Draft Supplemental EIR.

In relation to cumulative impacts, as discussed in Chapter 3, Approach to LA River Flows Modeling, Section 3.4, Cumulative Projects HEC-RAS Model, beginning on page 3-9 of the Draft Supplemental EIR, in addition to the proposed reduction in discharge of recycled water from DCTWRP to the LA River related to the project modifications, the SWRCB has approved a reduction in discharge to the LA River by the City of Burbank at Burbank Water Reclamation Plant (BWRP) and the City of Glendale at LAGWRP, either or both of which may contribute to a cumulative impact to the beneficial uses in the river when considered in conjunction with the proposed project modifications. These reductions are reflected in the analysis of cumulative impacts in Chapter 4 of the Draft Supplemental EIR. As discussed in Response 4-8 above and in the impact analyses contained in Chapter 4 of the Draft Supplemental EIR, no new or more severe significant cumulative impacts have been identified related to the project modifications. As such, no new mitigation measures that were not previously identified in the 2016 EIR would be required to implement the project modifications.

Other than the fish passage projects discussed above, no challenges to the cumulative analysis have been raised by the commenter, and no revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

[5] The Los Angeles River Fish Passage Projects, Q&A: Costs. Council for Watershed Health. https://www.watershedhealth.org/larw-fish-passage, accessed September 29, 2025,

Response 4-13

The commenter states that, under California Public Resources Code Section 21003(e), CEQA requires that information developed in environmental documents be incorporated into a database which may be used to make supplemental environmental determinations and, as such, requests that LADWP ensure that any data for special-status species detected during project surveys be properly submitted. The specific database to which information from environmental documents is incorporated is not stipulated in the Public Resources Code. The NOA, Draft Supplemental EIR, and the technical appendices are recorded and available on the State Clearinghouse CEQAnet database at: https://ceqanet.opr.ca.gov/2013091023/6. As such, the information developed in the Draft Supplemental EIR has been incorporated into a database and made publicly available so that they may be used to make subsequent or supplemental environmental determinations, as appropriate.

As discussed in Response 4-7 above, one special-status plant species, California black walnut, and one special-status wildlife species, double-crested cormorant, were observed during the field surveys conducted for the project modifications. Per the commenter's request, the data for these special-status species were recorded and submitted via the CNDDB Field Form.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 4-14

The commenter recommends inclusion of the mitigation measures they have identified in their comment letter into the environmental documentation for the project modifications. As discussed previously and as shown in the impact analyses in Chapter 4 of the Draft Supplemental EIR, no new significant impacts requiring mitigation were identified for implementation of the project modifications that were not previously identified in the 2016 EIR. As such, no revisions to the Mitigation Monitoring and Reporting Program from the 2016 EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 4-15

The commenter states that CDFW will provide recommendations to the SWRCB during the California Water Code Section 1211 Wastewater Change Petition process. No further response to this comment is required.

Response 4-16

The commenter reiterates that CEQA requires that information developed in environmental documents be incorporated into a database which may be used to make supplemental environmental determinations. The commenter is referred to Response 4-13 regarding the Draft Supplemental EIR's compliance with the CEQA requirements under California Public Resources Code Section 21003(e). Additionally, one sensitive native vegetation community, Goodding's willow – red willow riparian woodland and forest (Code: 61.216.00), was recorded during the field survey. Per the commenter's request, the data for this sensitive native vegetation community were recorded and submitted via CDFW's Combined Rapid Assessment and Relevè Form. No further response to this comment is required.

Response 4-17

The commenter states that payment of environmental document filing fees will be required. LADWP will pay all applicable fees and file the Notice of Determination within five days of approval of the project modifications by the Board of Water and Power Commissioners pursuant to CEQA Guidelines Section 15075. No further response to this comment is required.

Response 4-18

This comment includes closing remarks. No further response to this comment is required.

Response 4-19

The commenter lists references for their comments. No further response to this comment is required.

Response 4-20

The commenter provides an attachment with a list of their recommended mitigation measures. The commenter is referred to Responses 4-8 through 4-12 above regarding these recommendations. No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

February 24, 2025

Aiden Leong
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Sent via email to: aiden.leong@ladwp.com; jesus.gonzalez@ladwp.com; john.huynh@ladwp.com; gabriel.vargas@ladwp.com; ronald.mayuyu@lacity.org; ryan.thiha@lacity.org

RE: Supplement to the Final Environmental Impact Report (SCH No. 2013091023) for the Modifications to the Los Angeles Groundwater Replenishment Project

To the Los Angeles Department of Water and Power:

Los Angeles Waterkeeper ("LA Waterkeeper"),[1] Friends of the Los Angeles River ("FoLAR"),[2] and Heal the Bay[3] thank you for the opportunity to comment on the Supplement to the Final Environmental Report ("SEIR") for the Modifications to the Los Angeles Groundwater Replenishment Project (SCH No. 2013091023) (the "Proposed Project"). We would first like to recognize that we are on unceded Indigenous land. The Los Angeles River watershed encompasses over 800 square miles of Tongva, Chumash, Kizh, and Tataviam land.[4] We acknowledge and respect our Indigenous elders, past, present, and emerging.

We appreciate the efforts by the City of Los Angeles (the "City"), as represented by the Los Angeles Department of Water and Power ("LADWP") and the Los Angeles Department of Public Works Bureau of Sanitation and Environment ("LASAN"), to expedite the capacity for the use of recycled water (tertiary treated wastewater) for water supply through groundwater recharge. Establishing local water supply sources to offset the need to import large amounts of water from other regions is a critical effort to ensure the Los Angeles region achieves its goals and commitments for climate resilience. Nevertheless, the City, through LADWP and LASAN, is rushing ahead with the Proposed Project to recycle more wastewater at the Donald C. Tillman Water Reclamation Plant ("Tillman"), without adequate consideration of—or care for—the environmental impacts to the Los Angeles River ("LA River") and the ecosystems and recreational activities the river supports. 5-1

[1] LA Waterkeeper is a non-profit organization with almost 30 years of experience serving as Los Angeles' water watchdog, safeguarding the region's inland and coastal waters using the law, science, and community action. LA Waterkeeper fights to eliminate pollution, to achieve ecosystem health for our region's waterways, and to generate sustainable, equitable, and low-carbon local water supplies.

[2] Friends of the Los Angeles River builds capacity for communities, students, and future leaders to advocate for nature, climate, and equity on the Los Angeles River. We envision a verdant Los Angeles River that supports vulnerable communities in climate adaptation.

[3] Heal the Bay is a non-profit environmental organization with over 35 years of experience dedicated to making the coastal waters and watersheds of Greater Los Angeles safe, healthy, and clean. We use science, education, community action, and advocacy to fulfill our mission.

[4] Native Land Digital, *Our Home on Native Land*, https://native-land.ca/ (last accessed Feb. 18, 2025).

The discharge of treated water from Tillman into the LA River must continue, in order to maintain the river's current environmental conditions. The Proposed Project threatens to eliminate significant discharges of water into the river by diverting flows into the river from the Japanese Garden Lake outlet toward recycled water supply purposes without adequately evaluating the environmental impacts the Proposed Project would create. The California Environmental Quality Act ("CEQA") was established to prevent this very outcome, and therefore LADWP (as the lead agency) must revise the SEIR and circulate a new draft for public comment to address the glaring deficiencies in the environmental impacts analysis underpinning the SEIR.

More specifically, we raise the following concerns regarding the SEIR and the legal deficiencies in its analysis required by CEQA:

(I) The SEIR Does Not Adequately Analyze Potentially Significant Environmental Impacts to Biological Resources or Hydrology and Water Quality;

(II) The SEIR's Conclusion of No Significant Impacts to Recreational Beneficial Uses in the LA River Lacks Defensible Evidentiary Support;

(III) The SEIR Lacks Sufficient Mitigation Measures to Address Significant Environmental Impacts from Reduced Baseline Flows in the LA River;

(IV) Any Analysis of LA River Flow Impacts from the Proposed Project Is Incomplete Without Consideration of the California Environmental Flows Framework Process; and

(V) The SEIR Does Not Clearly Explain the Relationship between the Proposed Project and the Project Subject to LASAN's Negative Declaration from 2021.

5-2

Each of these concerns is explained further below.

I. The SEIR Does Not Adequately Analyze Potentially Significant Environmental Impacts to Biological Resources or Hydrology and Water Quality.

As the SEIR acknowledges, the original Environmental Impact Report for the Los Angeles Groundwater Replenishment Project certified in 2016 would create recycled water from wastewater influent into Tillman while "maintaining [discharged water] supplies for the Japanese Garden Lake, Lake Balboa, and the Wildlife Lake, the flows through which ultimately discharge to the LA River."[5] **Our organizations are supportive of the goal to strike a healthy balance between (1) recycled water to advance local water supply needs; and (2) preserving discharges of treated water into the LA River to maintain the river's ecological integrity, uphold habitat for critical species, and support recreational activities such as kayaking**.

5-3

Through the Proposed Project, the City now proposes to modify the 2016 project significantly. The City intends to increase the volume of wastewater influent into Tillman, which will create a greater availability of wastewater for recycled water purposes without needing to reduce discharges into the LA River.[6] However, despite this increase in influent, the City also proposes to reroute water flowing

5-4

[5] SEIR at p. 2-1.

[6] SEIR at p. 2-1.

through the Japanese Garden Lake back to the Tillman headworks facility for recycled water supply, completely eliminating any discharge from Japanese Garden Lake into the LA River.[7] Using outdated data ending in September 2022, the SEIR explains this would reduce discharges into the LA River by an average of 3.9 million gallons per day ("MGD"),[8] which LADWP estimates as a reduction in flow in the LA River by 6.19 cubic feet per second ("cfs").[9] Although the SEIR does not state the total volume of treated water collectively discharged from all sources per day, other sources not cited in the SEIR indicate that Tillman currently discharges 20 MGD on average into the LA River,[10] meaning that the Proposed Project would reduce discharges from Tillman into the river by up to 25% of current practices.[11] 5-4 cont'd

To analyze potential impacts to the LA River from such a reduced flow, LADWP developed a Hydrologic Engineering Center River Analysis System ("HEC-RAS") model from a previous model produced by the Southern California Coastal Waters Research Project ("SCCWRP") as part of the 2021 Los Angeles River Environmental Flows Project (the "Flows Project").[12] Unfortunately, the HEC-RAS model is woefully ill-equipped for the task at hand, and it cannot possibly serve as an accurate depiction of current flow conditions or estimate potential future flow impacts from the Proposed Project without more fulsome investigation and studies. Thus, the SEIR's analysis of environmental impacts to Biological Resources and to Hydrology and Water Quality, relying solely on the HEC-RAS model, is legally insufficient under CEQA, for three primary reasons. First, the HEC-RAS model does not rely on accurate data of historical flows to make determinations about the significance of the impacts on flows in the LA River after eliminating discharges into the river from Japanese Garden Lake. Second, the SEIR's HEC-RAS model does not accurately characterize the potential environmental impacts arising from the Proposed Project. Third, the SEIR fails to account for cumulative environmental impacts from 5-5 5-6

[7] SEIR at pp. 2-1 to 2-2. The SEIR claims that the City must also recycle the water flowing into Japanese Garden Lake because of decreases in baseline wastewater influent into Tillman since 2016, even though the Proposed Project will route more wastewater to Tillman. *Id.* at p. 1-1. Thus, the SEIR does not adequately explain why it is necessary to recycle all existing discharges from Japanese Garden Lake into the LA River "to meet the needs of non-potable reuse customers and the groundwater replenishment program." *Id.* at p. 2-1.

[8] SEIR at p. 2-2.

[9] SEIR at p. 4.1-5.

[10] See Los Angeles Regional Water Quality Control Board, Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for the City of Los Angeles Donald C. Tillman Water Reclamation Plant, Order No. R4-2022-0341, NPDES Permit No. CA0056227 (Jan. 24, 2023), at p. F-65, available at https://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders/docs/5695_R4-2022-0341_WDR.pdf .

[11] LADWP has separately indicated that the Los Angeles Groundwater Replenishment Project will create 25 MGD of recycled water per day for drinking supply purposes, which exceeds current average discharges into the LA River as indicated in the NDPES permit for Tillman. See LADWP, Los Angeles Groundwater Replenishment Project Fact Sheet, https://www.ladwp.com/sites/default/files/2024-09/2024_FACT_SHEET_Groundwater_Replenishment_Project_FINAL.9.19.24.pdf , at p. 2 (last visited Feb. 20, 2025).

[12] SEIR at p. 3-6; SCCWRP, *Los Angeles River Environmental Flows Project*, https://www.sccwrp.org/about/research-areas/ecohydrology/los-angeles-river-flows-project/ (last visited Feb. 17, 2025); SCCWRP, *LA River Environmental Flows Dashboard*, https://sccwrp.shinyapps.io/lar_eflows_shinyapp/ (last visited Feb. 17, 2025).

other reasonably foreseeable projects that may continue to reduce flows in the LA River downstream from the discharge locations from Tillman. 5-6 cont'd

A. The HEC-RAS Model Relies on Incorrect Historical Flow Calculations and Cannot Accurately Determine Likely Impacts from the Proposed Project on LA River Flows.

The data set relied upon in the SEIR to describe historical flow conditions in the LA River seems untethered to reality, rendering the entire environmental impact analysis in the SEIR faulty.

CEQA is designed to inform decisionmakers and the public about the potential significant environmental effects of a project. (Cal. Code Regs. Tit. 14 ("CEQA Guidelines"), § 15002(a)(1).) Such disclosure ensures that "long term protection of the environment . . . shall be the guiding criterion in public decisions." (Pub. Resources Code § 21001(d).) The EIR is the "heart" of this requirement. (*See No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84.) The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (*County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.) "The EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they—and the environment—will have to give up in order to take that journey." (*Natural Resources Defense Council v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 271.)

As a threshold matter, the description of the SEIR's methodology in calculating flow modeling using different LA River gaging stations is not clear. We do not understand why the SEIR discusses multiple "non-gaged" stations along the mainstem of the LA River,[13] and the SEIR must be revised to fully disclose the methodology used to calculate any flows at non-gaged locations so that the public can assess the calculation and provide input about whether the calculation properly considers all relevant factors. The SEIR's description of these non-gaged stations seem to be calculated as a "combination" of flows of different upstream channels and tributaries, with the assumption that those flows are additive to create an estimated (but not actually measured) total flow at the "non-gaged" location.[14] If that interpretation is correct, the non-gaged (virtual) stations LA14 and LA13 relied upon to determine historical flows in the river's mainstem were never measured as represented by the SEIR, which makes them purely hypothetical in nature. 5-7

Those non-gaged historical flows completely ignore other possible impacts to flows in between the different gaged stations, such as but not limited to multi-threaded channels; evaporation; groundwater-surface water interactions; vegetation uptake; diversions; stormwater runoff; and other factors that could contribute to a meaningfully different flow number than described. This is particularly concerning given the significant distance between the upstream gaged flow locations and the downstream non-gaged "calculated" flow locations: for LA14, "[t]he flows as gaged at F300 and E285 combine to establish the flow level at LA14 [], which is a non-gaged station located in the mainstem of the LA River . . . approximately 4.9 miles downstream of LA300"; for LA13, "[t]he flow level as calculated at LA14 and gaged at F252 combine to establish the flow level at LA13 [], which is a

[13] SEIR at p. 3-1.

[14] SEIR at p. 3-1.

non-gaged station located in the mainstem of the LA River approximately . . . 1.5 miles downstream of LA14."[15] LADWP simply cannot escape meaningful environmental impacts analysis under CEQA using undefined and virtual "calculations" of flow conditions in place of actual measurements. (*See County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 955 (CEQA requires an EIR to "focus on impacts to the existing environment, not hypothetical situations"); *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321 ("[T]he impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis . . . .").)

Even assuming there is a defensible basis to calculate mainstem channel flows through the process described in the SEIR (which there is not), the historical flow conditions identified in the SEIR for the Elysian Valley reach of the LA River, also referred to as the soft-bottom Glendale Narrows, do not match historical conditions observed by community members. The LA River is complex and highly site-specific—with ponding locations, side channels, multi-threaded and braided flow channels, side channels, and varying degrees of rapids at different sections of the soft-bottom reaches of the river. There are likely some artesian groundwater upwelling zones throughout the Glendale Narrows, which may further contribute to site-specific complexity. None of these details are discussed in any meaningful way in the SEIR, which relies on the HEC-RAS model that zooms out on the river to such a degree that the river loses any meaningful site-specific flow characteristics. (*See Dry Creek Citizens Coalition v. County of Tulare* (1990) 70 Cal.App.4th 20, 28 ("The EIR must achieve a balance between technical accuracy and public understanding.") (citing CEQA Guidelines § 15147, discussion).) A recent visit to the Glendale Narrows would reveal the true nature of the river channel, which is completely different than what is represented in the HEC-RAS model, but the SEIR relies only on modeling without any on-the-ground monitoring data to validate the modeling, which is worthless from an environmental impacts review standpoint. 5-7 cont'd

Kayaking trips down the Glendale Narrows portion of the LA River, led by LA River Kayak Safari, exemplify the disconnect between the SEIR and real conditions in the river. As discussed further below in **Section II**, kayaking requires between 18-24 inches of depth to be optimal, a depth which many portions of the Glendale Narrows maintain due to narrow multi-threaded braids in the river channel. Water depths lower than 18 inches can be viable for kayaking in certain stretches of rapids or riffles over rocky river substrates, due to increased water velocity, but lower water depths can otherwise render recreational kayaking trips difficult, if not impossible. For this reason, if the SEIR's estimates of existing water depth conditions between 2019 and 2022 were correct, LA River Kayak Safari would have been unable to take customers on kayaking trips in the LA River due to the absence of sufficient flows. That was not the case, as the company was able to conduct normal business during those years. In fact, staff of LAW and FoLAR have successfully gone kayaking with LA River Kayak Safari in the past (including signatory Benjamin Harris for LAW, who participated in a kayaking trip on July 11, 2024), indicating that our organizations have personal experience that directly contradicts the representations in the SEIR. To our knowledge, only this past summer of 2024 showed some disruptions to minimum base flows necessary to sustain kayaking trips, due to construction projects at Tillman and LAGWRP that necessitated reductions in discharges. Indeed, other evidence exists to support the conclusion that historic LA River flows, beyond the three water years between 2019 and 2022 analyzed, were seasonally 5-8

[15] SEIR at p. 3-1.

higher than presented in the SEIR,[16] due to the reduction of tributary connections during the dry season (from water conservation and/or dry weather stormwater diversions), depletions of groundwater aquifers that interfere with the groundwater-surface water connection, and other factors. 5-8 cont'd

As a result of the blatantly inaccurate HEC-RAS modeling and calculations in the SEIR, the conclusion that there would be no significant environmental impacts from the likely decrease in flows in the LA River following the cessation of discharges from Japanese Garden Lake is not only unreliable, but blatantly incorrect. The entire environmental impacts analysis in the SEIR hinges upon this calculation, and therefore the entire analysis is deficient. The City must redo its environmental review at a much greater site-specific level, while at minimum incorporating recent and accurate monitoring data at each of the gage and non-gage locations in the Glendale Narrows reach of the river discussed in the SEIR.

Luckily, the community has already initiated its own efforts to obtain more accurate and more recent data of water depth in the LA River. Since September 2024, Elysian Community Operations ("ECO"), a non-profit organization, has collected a robust data set of flow depth at different points along the Glendale Narrows and has developed a modeling tool that calibrates the temporal relationship between discharges from treatment plants upstream and flow impacts downstream. **Attachment A** contains a report documenting ECO's preliminary findings from the initial data collected, and ECO intends to continue exploring expansions of relevant data sets and analysis of the relationship between treated water discharges and river flow conditions through further phases of work. This past and ongoing data collection and analysis should aid LADWP and LASAN in understanding current and potential future flow conditions in the LA River related to the Proposed Project. But the current SEIR, relying solely on the HEC-RAS model and lacking incorporation of real data available, is simply a fictitious output of environmental conditions and environmental impacts, which is a violation of CEQA's mandate to present an accurate accounting of the environmental setting. 5-9

B. The HEC-RAS Model Developed by LADWP, and Other Assessments of the Environmental Setting, Are Insufficient to Analyze Environmental Impacts to the LA River.

Putting aside the SEIR's data and analytical issues regarding the historic flow conditions and expected flow impacts to the LA River, the modeling tools utilized to derive environmental impacts from potential changes in LA River flows are insufficient to satisfy CEQA's mandate to provide the most fulsome analysis possible of potential environmental impacts. 5-10

"The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, covering the entire project, from start to finish." (*Natural Resources Defense Council v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 271.) CEQA requires adequacy, completeness, and a good-faith effort at full disclosure of environmental impacts to ensure informed public participation and informed decision-making. (*See Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712, *reh'g denied and opinion modified* (July 20, 1990).) A

[16] See U.S. Environmental Protection Agency, Region IX, Special Case Evaluation Regarding Status of the Los Angeles River, California, as a Traditional Navigable Water (July 1, 2010), at pp. 14-21, available at https://www.spl.usace.army.mil/Portals/17/docs/regulatory/JD/NavigableWater/CA_TNW_Det/EPA_Memo_SPL-LA_River_TNW_2010-06-23.pdf?ver=Hz6wLX7WT9AkKd-cvDMZIA%3D%3D.

legally compliant EIR is one where "the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees." (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 512.) The DEIR should allow decision makers to "intelligently [take] account of environmental consequences." (CEQA Guidelines § 15151.) An EIR must determine whether potential environmental impacts satisfy an identified threshold of significance, which should be a quantitative, qualitative, or performance level. (CEQA Guidelines § 15064.7). The EIR should explain how compliance with those thresholds means that the project's impacts are less than significant, using the lead agency's "careful judgment . . . based to the extent possible on scientific and factual data." (CEQA Guidelines, §§ 15064(b)(1)-(2).)

5-10 cont'd

The SEIR admits that "[r]iverine systems are highly dynamic by nature, and numerous factors are known to influence the health and establishment of vegetation communities that inhabit these systems."[17] Despite this admission, the SEIR only relies on its rough and inaccurate HEC-RAS model (relying on the Flows Project model) to determine to what extent flows in the LA River may be reduced following the implementation of the Proposed Project. However, beyond discussing observations from two days of field studies in the summer of 2023 (almost two years ago) as a basis to characterize existing beneficial uses near different river flow gage stations,[18] the SEIR does not take the necessary next step to thoroughly analyze the potential dynamic changes to riparian habitat following even a potential small reduction in baseline flow in the river during the dry season.

The Flows Project was funded by the State Water Resources Control Board ("State Board"), with the original intent to "establish technically sound flow recommendations and an evaluation of the consequences of alternative flow scenarios for the LA River."[19] The final modeling tools developed by SCCWRP fell well short of this mark—while the Flows Project developed useful informative reports (including a review of recreational uses and flow needs along the LA River and an assessment of aquatic life use needs for the river), the ultimate modeling tools developed are not comprehensive and cannot be relied upon to determine flow criteria in the river absent further factual investigation. As Stillwater Sciences noted in a third-party review of the final Flows Project work product: "Individually, each of the [Flows Project] reports were explicit in the limitations of their scope and of their analytical approaches, which in turn should preclude their use as the sole basis for management decisions."[20] The Flows Project tools excluded consideration of the full range of existing and potential future beneficial uses, did not account for planned or potential restoration projects or other habitat enhancement work in the affected reaches of the LA River, and did not comprehensively incorporate other legal and regulatory policies that may restrict the extent to which flows may be modified in the river.[21]

5-11

[17] SEIR at p. 4.1-18.

[18] See SEIR at p. 4.1-5.

[19] State Water Resources Control Board, *Los Angeles River Flows Project*, https://www.waterboards.ca.gov/water_issues/programs/larflows.html (last visited Feb. 17, 2025).

[20] Stillwater Sciences, Decision-Making Criteria for Evaluating Minimum Baseflows in the Los Angeles River: Third-Party Review of the "Los Angeles River Environmental Flows Project" (Dec. 2021), at p. 1, available at https://assets.nationbuilder.com/wca/pages/1380/attachments/original/1653433061/Third-party_Review_of_Flows_Project_FINAL_December_2021.pdf?1653433061.

[21] *Ibid.*

Most glaringly, SCCWRP acknowledged that the Flows Project did not make any concrete recommendations about specific flow targets for any stretch of the river, and admitted that much more evaluation and analysis would be necessary to evaluate fulsome environmental impacts of changes in flows in the LA River for any future management decisions **even if the State Board were to develop flow management targets for the river (which it has not yet done)**:

> The goal of this project was to develop a set of tools that State and local water managers can use to evaluate potential effects of changes in WRP discharge and stormdrain outflows on instream flows and the potential effect on support of currently designated and possible future beneficial uses based on current channel morphology. ***The relationship between flow and beneficial uses does not account for the effect of factors such as substrate, temperature, water quality, or mechanical channel maintenance activities, and therefore flow management alone may not support the focal species even if the calculated optimal flows were to exist***. For example, actions to reduce invasive species in the LA River would be an important element of any plan aimed at supporting native species and habitats.
>
> The goal of this project was not to provide a definitive set of flow targets, but to provide tools that can be used by managers and stakeholders to evaluate potential effects of future changes in flow. Staff in the State Water Board's Division of Water Rights may use the tools developed by this study as non-binding guidance to inform the processing of future Water Code section 1211 wastewater change petitions. This may include evaluating different flow scenarios and proposed reductions due to recycling and how those changes impact beneficial uses. If the State Water Board ultimately elects to adopt flow management targets, such targets may be the subject of a future rulemaking. As part of a possible future rulemaking, the State Water Board may elect to set flow management targets that vary seasonally or be based on water year type (i.e., wet vs. dry) that could be achieved through various combinations of management actions that collectively produce the desired in-river conditions. Flow management targets developed using the tools created through this process would be one component of a larger evaluation considering all aspects of a proposed project that would ultimately set flow criteria in consideration of multiple management objectives for the LA River.
>
> Moving forward, additional work is ongoing by the study team to assess potential water quality implications of changes in discharges and effects of potential restoration actions. This study assumed no changes to the physical condition of the river; however, future phases can further explore the relationship between changes in discharge and proposed restoration actions, such as creation of in-channel pools or other refugia, changing roughness, etc. Future work will also investigate opportunities to use habitat restoration in tributaries to the LA River to offset potential adverse effects of changing flow on habitats in the mainstem of the river. Such restoration opportunities may allow for provision of beneficial uses in areas where they can be supported in a more sustainable manner and could be used to demonstrate opportunities to restore sections of the watershed to more natural conditions and support the need for local water supply and groundwater replenishment. Finally, we plan to develop a monitoring and adaptive

5-11 cont'd

management program that can be used to assess the effects of changes in discharge on instream beneficial uses.[22]

The SEIR completely disregards SCCWRP's directives about the use of the Flows Project modeling tools. There is no consideration in the SEIR about other factors such as substrate, temperature, water quality, or mechanical channel maintenance activities; there is no discussion of additional management actions that would be necessary to support desired ecosystems in the LA River following a reduction in flows from the Proposed Project; there is no discussion about how the City has attempted to fill the gap of the absence of State Board flow targets or recommendations by developing its own flow targets; and there is no discussion of how the City has supported any of SCCWRP's proposals for ongoing river management work, or whether such work has been advanced in any meaningful way. Put simply, the SEIR directly contradicts the intended use of the Flows Project as articulated by the authors themselves. 5-11 cont'd

At the same time, the SEIR completely writes off as insignificant potential major changes to the fragile riverine ecosystem in the LA River's soft-bottom stretch called the Glendale Narrows. For example, at the GLEN River Station just downstream of discharges from the Los Angeles-Glendale Water Reclamation Plant ("LAGWRP"), the SEIR notes there will be a decrease in top width of flow in the river channel by over 4 feet,[23] which is a significant decrease relative to current conditions given that the river channel is already quite narrow due to channelization and funneling of flow from surrounding vegetation and rocky features. The dismissal of reducing top width of flow cover by up to 4 feet as insignificant, without further inquiry, violates both the letter and spirit of CEQA. (*People ex rel. Bonta v. County of Lake* (2024) 105 Cal.App.5th 1222, 1231 (a lead "agency's inadequate or conclusory discussion of a potentially substantial adverse" environmental impact "constitutes a prejudicial abuse of discretion") (citing *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502).) 5-12

At other gage locations along the river, the SEIR concludes that reductions in water depth by close to 10% of modeled historical conditions[24] are not significant, which belies common sense (even assuming that the modeling and presentation of historical flows data is accurate, which it is not for reasons explained above in **Section I.A**). And in the assessment of cumulative impacts, the SEIR vacuously concludes—without further discussion or analysis—that reducing a depth of flow by 0.72 inches at the GLEN River Station, and a reduction in top water channel width of over 7 feet, is "relatively small."[25] Such an unsupported and flippant characterization cannot replace reasoned and detailed analysis of actual environmental impacts, as CEQA requires. (*Sierra Club v. County of Fresno*, 6 Cal.5th at p. 519 ("a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact") (citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515).)

[22] SCCWRP, Process and Decision Support Tools for Evaluating Flow Management Targets to Support Aquatic Life and Recreational Beneficial Uses of the Los Angeles River: *Los Angeles River Environmental Flows Project*, Technical Report #1196 (Apr. 2021), at p. 39 (emphasis added), available at https://ftp.sccwrp.org/pub/download/DOCUMENTS/TechnicalReports/1196_LARiverFlowEvaluations.pdf.

[23] SEIR at p. 4.1-19, Table 4.1-2.

[24] SEIR at p. 3-8 (noting an expected decrease in water depth at the F300 river station of 0.84 inches compared to the historical depth of 9.24 inches).

[25] SEIR at p. 4.1-24.

Contrary to the SEIR's naked conclusions, the Proposed Project ***will*** have significant impacts to the LA River's ecosystem. The SEIR's own analysis indicates that the proposed reduction of discharges from Japanese Garden Lake would lead to a decrease in water depth of up to one inch in some affected sections of the river, or over 10% of (incorrectly) calculated historical baseline flows.[26] Even slight alterations in water flow can significantly affect the LA River's biodiversity, water quality, and recreational value—but reducing already minimal flows by another inch would likely have significant impacts to the overall health of the river's current ecological system. We also note that, by LADWP's own representations about the future of the Los Angeles Groundwater Replenishment Project, it appears that LADWP intends to create up to 25 MGD of recycled water from Tillman, which is more than the 20 MGD on average currently being discharged from Tillman into the LA River.[27] For that reason, it seems clear that LADWP intends to reduce current discharges into the river by 25%, and possibly ultimately intends to reduce all discharges into the river. So the forecasting 10% reduced flows in the river from the Proposed Project may be underestimating the true impacts of the Proposed Project and the modifications to the Los Angeles Groundwater Replenishment Project. 5-12 cont'd

Most fundamentally, reducing base flows in the river will shrink available water and habitat for vegetation, which migratory birds and other species rely on as critical habitat in the inland portion of the Los Angeles region (which is otherwise surrounded by primarily impervious surfaces and human development not fit for habitat). Reduced base flows will also have consequential impacts to remaining habitat due to increased water temperature, a reduction in urban cooling (or, in other words, a worsening urban heat island effect), and worsening water quality in the river due to polluted dry-weather stormwater runoff now accounting for a greater proportion of the base flow. The SEIR glosses over each of these potential significant impacts by failing to do any analysis beyond simple HEC-RAS modeling developed from an incomplete modeling tool produced by the Flows Project. 5-13

Additionally, the SEIR's analysis of impacts related to water quality in the LA River is confusing, at best. The SEIR appears to presume that water quality of the recycled water discharges would stay the same, so there would be no water quality impacts, even though the Proposed Project subject to the environmental review under the SEIR would eliminate recycled water discharges from Japanese Garden Lake entirely. Then, in seemingly the same sentence, the SEIR discusses compliance with the General Industrial Permit, which is not explained further and does not seem to have any bearing on the Proposed Project.[28] The SEIR then seems to attribute treated water discharges as the primary 5-14

[26] SEIR at pp. 3-11, 4.1-24.

[27] See LADWP, Los Angeles Groundwater Replenishment Project Fact Sheet, https://www.ladwp.com/sites/default/files/2024-09/2024_FACT_SHEET_Groundwater_Replenishment_Project_FINAL.9.19.24.pdf , at p. 2 (last visited Feb. 20, 2025); Los Angeles Regional Water Quality Control Board, Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for the City of Los Angeles Donald C. Tillman Water Reclamation Plant, Order No. R4-2022-0341, NPDES Permit No. CA0056227 (Jan. 24, 2023), at p. F-65, available at https://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders/docs/5695_R4-2022-0341_WDR.pdf .

[28] See SEIR at p. 4.2-11 ("The water quality of the recycled water discharges would remain unchanged and would continue to meet existing RWQCB WDRs to protect water quality in the lakes and LA River Proper implementation of the SWPPP and monitoring program would ensure the approved project is in compliance with the General Industrial Permit, and water quality impacts from stormwater discharges to the LA River would be considered less than significant."); *id.* at p. 4.2-12 (discussing water quality of recycled water that will be reused following the implementation of the Advanced Water Purification Facility project).

source of pollution in the LA River during dry weather baseline flows, which may be true if the SEIR presumes the same volume of discharges from the treatment plants entering the river. But the SEIR's "analysis" misses the point about how reducing treated water discharges into the LA River will likely worsen water quality in the river because of the removal of cleaner treated water from the baseline flows, relative to more polluted urban runoff during dry weather that makes its way into the river.[29] In other words, there will be less dilution of pollution, leading to a diminution in water quality. This notion is especially true for water temperature, since temperature has a strong relationship to the volume of water in a water body. Removing water from the LA River will increase the impact of sources of discharges (including the other treatment plants that discharge downstream of Tillman), which is troubling because of the widespread evidence that wastewater treatment plants discharge water at higher temperatures than typical receiving waters.[30] (*See Kings County Farm Bureau*, 221 Cal.App.3d at p. 720 ("One of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant, assuming threatening dimensions only when considered in light of the other sources with which they interact.") (internal quotation marks and citation omitted).) The SEIR did not perform any analysis of the expected water quality conditions following a significant reduction in base flow in the LA River, which would be necessary to understand if the reduced treated water discharges would have a positive or negative impact on all relevant aspects of water quality. 5-14 cont'd

Lastly, the SEIR omits discussion of environmental impacts and flow needs for numerous native species that have been observed at the LA River's soft-bottom habitat and surrounding green space along the channel. Specifically, the Least Bell's Vireo has been observed in the Glendale Narrows and at the Rio de Los Angeles State Park,[31] but the SEIR erroneously concludes that "[s]uitable riparian forest habitat for this species is generally absent and this species is not expected to occur in the survey area and is considered extirpated from the area."[32] The reason the City has not observed any Least Bell's Vireo in the affected reaches of the LA River is, quite simply, because the City did not do adequate surveys to confirm whether the species is present—a two-day survey in the summer of 2023 is a clearly insufficient 5-15

[29] See Los Angeles Regional Water Quality Control Board, LA River Metals TMDL, Appendix A (Sept. 6, 2006), at p. 4 ("The storm drains also contribute a large percentage of the [LA River metal] loadings during dry weather because although their flows are typically low [relative to wastewater treatment plant discharges], concentrations of metals in urban runoff may be quite high."), available at https://www.waterboards.ca.gov/losangeles/board_decisions/basin_plan_amendments/technical_documents/2007-014/City%20of%20LA_Draft%20LA%20Metals%20TMDL%20IP_Appendices.pdf.

[30] See, e.g., Los Angeles Regional Water Quality Control Board, Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for the City of Los Angeles Donald C. Tillman Water Reclamation Plant, Order No. R4-2022-0341, NPDES Permit No. CA0056227 (Jan. 24, 2023), at p. 11 (noting a final temperature effluent limitation of 80 degrees and an interim temperature effluent limitation of 86 degrees, both of which are above typical ambient water temperatures and could increase LA River receiving water temperatures to a degree that could harm wildlife or ecological health), available at https://www.waterboards.ca.gov/losangeles/board_decisions/adopted_orders/docs/5695_R4-2022-0341_WDR.pdf .

[31] See, e.g., Darren Orf, *How the Arrival of an Endangered Bird Indicates What's Possible for the L.A. River*, Smithsonian Mag. (Nov. 19, 2024), https://www.smithsonianmag.com/science-nature/how-the-arrival-of-an-endangered-bird-indicates-whats-possible-for-the-la-river-180985390/ (explaining Least Bell's Vireo sightings starting in the 2010s, videos captured in the early 2020s, and fledglings observed by staff of the Audubon Center at Debs Park in 2024).

[32] SEIR at pp. 4.1-11.

basis to support the SEIR's claim that the species is not present at all. As discussed further in **Section I.C** below, the SEIR did not incorporate consideration of native species restoration projects and previous progress in restoring native habitat along the river, did not acknowledge planned future habitat connectivity and recovery efforts, and did not undertake a complete assessment of current and future potential beneficial uses related to species and habitat, as CEQA requires. 5-15 cont'd

C. The HEC-RAS Model Fails to Account for Fulsome Cumulative Impacts from the Proposed Project.

Under CEQA, an EIR is required "if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable . . . when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects." (CEQA Guidelines § 15064(h)(1).) The term "cumulative impact" is defined as the following:

> The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

(*Id.* § 15355.) Cumulatively considerable environmental effects require a mandatory finding of significance. (*Id.* § 15065(a)(3).) 5-16

"[A]n EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." (*Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 396 (as modified on rehg. denied Jan. 26, 1989).) It is well-settled that "[a] public agency is not permitted to subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole." (*Orinda Assn. v. Board of Supervisors*, (1986) 182 Cal.App.3d 1145; *see also Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.* (2001) 91 Cal.App.4th 1344.) This includes cumulative impacts which may otherwise be missed by focusing on a project segment of a larger program—the requirements of CEQA "cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial." (*Orinda Assn.*, 182 Cal.App.3d at p. 1171.)

The SEIR's cumulative impacts analysis regarding potential future reductions in discharges from the Burbank Water Reclamation Plant ("BWRP") is plainly incomplete. We disagree with the SEIR's assumption that the City of Burbank ("Burbank") has achieved its reductions in discharges outlined in its approved Section 1211 Wastewater Change Petition (WW0091), simply because the discharge from BWRP in 2022 was below the proposed MGD and cfs outlined in the approved petition.[33] Elsewhere, the SEIR admits that Tillman experienced a reduction in influent since 2016, which the SEIR believes is due

[33] SEIR at p. 3-9.

to water conservation efforts throughout the entire LA River watershed.[34] Such an assumption should be equally true for Burbank, the jurisdiction of which falls entirely within the LA River watershed, yet the SEIR provides no analysis or explanation about whether BWRP experienced similar reduced influent due to water conservation that might explain the reduction in discharges by 2022. Moreover, the State Board's order approving Burbank's Wastewater Change Petition expressly acknowledges that BWRP is entitled to continue reducing discharge gradually through 2025,[35] signifying that the SEIR's conclusion that there are no expected future reductions in discharges from BWRP is inaccurate. Rather than speculate based on historical discharge data, the City must consult with Burbank and make factual determinations regarding whether cumulative impacts are expected to occur following the Proposed Project in light of other allowable reductions in discharges from other treatment plants downstream of Tillman. Otherwise, the SEIR's determination about no significant cumulative impacts from future recycling at BWRP is conclusory and inadequate. (*People ex rel. Bonta v. County of Lake*, 105 Cal.App.5th at p. 1231; *Kings County Farm Bureau*, 221 Cal.App.3d at p. 718; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1127-28.)

5-16 cont'd

Similarly, the SEIR fails to properly analyze cumulative impacts related to future reductions in discharges from the City of Glendale ("Glendale") at LAGWRP associated with water recycling. The SEIR assumes that the proposed reductions in MGD and cfs from LAGWRP will be consistent with the Mitigated Negative Declaration prepared in 2016 for the plant's proposed recycling project, which was filed with the State Board alongside Glendale's Wastewater Change Petition (WW0097).[36] The City should not have to rely on vague "assumptions" to make these determinations—the City is a co-owner and operator of LAGWRP, so its failure to present more detailed information about the specific recycling quantities currently being removed from river discharges at its own plant appears to be an intentional omission. The City should be able to obtain clear answers from Glendale simply by picking up the phone. The SEIR does not explain any methodology or efforts made in trying to understand the potential future cumulative impacts from potential future recycling efforts at Glendale, beyond these simplistic assumptions and back-of-napkin math. That is unacceptable and inconsistent with CEQA's mandate to present complete information about cumulative impacts from related actions, especially those that are in part subject to the same lead agency's operative control. (*Cf. City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 397 (noting cumulative impacts analysis must consider "past, present and reasonably foreseeable probable future projects ***including those projects outside the control of the agency***") (emphasis added) (citations omitted).)

[34] SEIR at p. 3-5.

[35] See State Water Resources Control Board, Division of Water Rights, In the Matter of Wastewater Petitions WW0019 and WW0091 from the City of Burbank, *Order Approving Change in Place of Use, Purpose of Use, and Quantity of Discharge* (Apr. 20, 2018), at p. 2 ("This reduction will occur gradually from approval of this order until 2025."), available at https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/wastewater_petition_orders/docs/ww0091_order.pdf; City of Burbank, Wastewater Change Petition and Environmental Information for Petition, Attachment A (Feb. 6, 2017), at p. 3 ("As a result of increased demand for recycled water, Burbank is proposing to gradually increase its use of recycled water from 2,705 [acre-feet] to approximately 5,027 [acre-feet] by 2025."), available at https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/petitions/2017/ww0091_att.pdf.

[36] SEIR at p. 3-9.

Finally, the SEIR fails to consider cumulative impacts to biological resources that would arise from other City-led projects to restore sections of the LA River. The Flows Project did not consider planned or likely future restoration projects along the LA River, solely viewing the river as a static channel, which made any utility of the associated modeling tools merely a snapshot in time. There are numerous ongoing and proposed restoration actions along the river that have the potential to alter not only flows in certain reaches of the LA River, but also beneficial uses associated with those reaches. For example, the City itself is funding a fish passage project that will create safe havens for steelhead trout to travel from the Pacific Ocean to the LA River's soft-bottom habitat in the Glendale Narrows.[37] There are also extensive monitoring records and documentation of native steelhead trout in the Arroyo Seco,[38] a tributary to the LA River, which may be impacted from reduced flows in the mainstem related to future opportunities to migrate to and from the Pacific Ocean. Elsewhere along the river, the U.S. Army Corps of Engineers ("Army Corps") has been developing a long-awaited Los Angeles River Ecosystem Restoration Project to restore 11 miles of the river between Griffith Park and downtown Los Angeles, to recreate historic riparian and freshwater marsh habitat to improve wildlife populations and enhance habitat connectivity.[39] The City itself has been a leader on efforts to restore the Taylor Yard G2 parcel, which has included proposals to remove or widen the LA River concrete channel and is currently undergoing a Phase 1 project called Paseo del Rio which will include water quality components.[40] The SEIR also does not address (or even mention) potential reasonably foreseeable future projects outlined

5-17

[37] See Council for Watershed Health, *The Los Angeles River Fish Passage Projects*, https://www.watershedhealth.org/larw-fish-passage (last visited Feb. 17, 2025) (describing the Los Angeles River Fish Passage and Habitat Structures Design Project and the associated Los Angeles River Fish Passage Restoration Project, which together "examine potential ways to redesign the channel bed and banks in a 4.8-mile section of the Los Angeles River in the downtown city area . . . to provide increased flow complexity and habitat heterogeneity within a confined urban stretch of the Los Angeles River mainstem channel to enhance steelhead fish passage and migration corridors to upper tributaries (e.g., Arroyo Seco, Tujunga Creek, and others)"). The City of Los Angeles is identified as the "lead agency" for these fish passage projects. *Ibid.* But the fish passage projects are entirely omitted from discussion in the SEIR.

[38] See, e.g., Stewards of the Arroyo Seco, *Fish in the Arroyo Seco*, https://www.arroyoseco.org/fish.htm (last visited Feb. 18, 2025) (outlining observations of trout sightings in the Arroyo Seco). The California Department of Fish & Wildlife released 469 rainbow trout (steelhead) into the Arroyo Seco in 2020 following the Bobcat Fire. See Jennifer Pareti, Cal. Dept. of Fish & Wildlife, Translocation of Rainbow Trout to the Arroyo Seco from the Bobcat Fire Burn Area (Fall 2020), available at https://www.arroyoseco.org/documents/cdfwarroyo.pdf.

[39] U.S. Army Corps of Engineers, *Los Angeles River Ecosystem Restoration Project*, https://www.spl.usace.army.mil/Missions/Civil-Works/Projects-and-Studies/Los-Angeles-River-Ecosystem-Restoration/ (last visited Feb. 17, 2025).

[40] City of Los Angeles, *Paseo del Rio at Taylor Yard*, https://tayloryardriverprojects.lacity.gov/projects/paseo-del-rio-taylor-yard (last visited Feb. 17, 2025); see also *100 Acre Partnership at Taylor Yard*, https://www.100acrepartnership.org/ (last visited Feb. 17, 2025) (describing a partnership between the Mountains Recreation & Conservation Authority, the City of Los Angeles, and the California Department of Parks and Recreation to restore native habitat at Taylor Yard); *Community Taylor Yard Equity Strategy*, https://www.100acrepartnership.org/about-4 (last visited Feb. 17, 2025) (describing a collaborative effort by non-profit organizations to explore equity protections that will prevent displacement and provide enhanced community benefits following implementation of Taylor Yard restoration projects, with FoLAR playing a leading role); Cal. Dept. of Parks & Rec., *The Bowtie – Rio de Los Angeles State Park*, https://www.parks.ca.gov/?page_id=30530 (last visited Feb. 17, 2025).

in the Lower LA River Revitalization Plan from 2018,[41] the Upper LA River & Tributaries Plan from 2020,[42] or the LA River Master Plan from 2022.[43] As a key partner and supporter of river restoration work, the City is well-aware of these projects and has no excuse for ignoring them in its analysis of cumulative environmental impacts from the Proposed Project, given the potential new beneficial uses and significant environmental impacts that could arise from restricting flow to those stretches of the river. 5-17 cont'd

To summarize the above points from **Section I**, the LA River is not a monolith—it is a complex environmental setting with site-specific conditions that cannot be properly assessed through imprecise modeling tools. A proper analysis of environmental impacts from reducing baseline flows in the river requires much more investigation, studies, modeling, and detailed analysis incorporating numerous interrelated factors. The SEIR's environmental analysis is so rudimentary, imprecise, and based on numerous illogical assumptions to the point of being useless as a descriptor of the true environmental impacts of the Proposed Project. The City must revise and recirculate the SEIR to account for these intricacies, and incorporating actual flow monitoring data at each gage station or non-gage location described in the SEIR, without making high-level and generic assumptions from the Flows Project modeling that are faulty on their face. To comply with CEQA, the City must go back to the drawing board and start over. 5-18

II. The SEIR's Conclusion of No Significant Impacts to Recreational Beneficial Uses in the LA River Lacks Defensible Evidentiary Support.

Environmental review under CEQA must be supported by "substantial evidence"—in other words, if a determination or decision made in a CEQA document is not supported by substantial evidence, the lead agency committed a prejudicial abuse of discretion that violates CEQA. (Pub. Res. Code § 21168.5.) Here, even assuming the SEIR's assessment of environmental conditions in the LA River and potential flow impacts from the Proposed Project are accurate (which they are not, for reasons described in **Section I** above), the SEIR commits an obvious and egregious abuse of discretion by attempting to justify a critical determination about flow needs for recreational beneficial uses ***without any legitimate evidence whatsoever***. 5-19

When discussing potential significant impacts to Water Contact Recreation beneficial uses (REC-1), the SEIR focuses on kayaking in the Elysian Valley soft-bottom reaches of the LA River as the primary recreational activity that could be hindered by reductions in flows.[44] The SEIR acknowledges that kayaking requires a certain water depth that depends on several factors and characteristics of the waterway, and concludes that "a typical recreational kayak, such as those used on the LA River, would conservatively require 5 inches of depth to operate."[45] There is no citation in the SEIR for the conclusion that a typical kayak would require 5 inches of depth, but the previous sentence discussing factors to

[41] See Santa Monica Mountains Conservancy, *Upper Los Angeles River & Tributaries Working Group*, https://www.upperlariver.org/ (last visited Feb. 18, 2025).

[42] See County of Los Angeles, San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy, *Lower LA River*, https://lowerlariver.org/ (last visited Feb. 18, 2025).

[43] See County of Los Angeles, *LA River Master Plan*, https://larivermasterplan.org/ (last visited Feb. 18, 2025).

[44] See SEIR at pp. 4.3-4 to 4.3-5.

[45] See SEIR at p. 4.3-5.

consider for water depth requirements cites only to a non-operational website called PaddleGeek from 2020, accessed through the Archive.org wayback machine.[46]

The PaddleGeek website—or, more accurately described as a blog by some undefined person supposedly named "Chris" with no last name, no geographic location identified, and no other verifiable demographic information to confirm whether the author is a legitimate source for any kayaking representations—does not establish that a "typical" kayak would only require 5 inches of depth. Rather, the blog expressly notes that kayaking in "shallow" water requires "at least" 5 inches of water depth to be passable, and that traversing shallows requires the kayaker to "[p]addle harder to make up for the downward suction from squeezed water between the hull and bottom."[47] And the PaddleGeek blog cautions the reader to "[u]se a paddle you don't love," insinuating that the kayaking paddles would become damaged when passing through 5 inches of flow, "or consider the Hobie MirageDrive," a kayaking pedal product that obviates the need to use a paddle at all.[48]

5-19 cont'd

The PaddleGeek is not substantial evidence—it is not even evidence to support the SEIR's claim that 5 inches of water depth is sufficient for kayaking. There is nothing "conservative" about this conclusion, because it is completely wrong. Even the recreational beneficial uses report underlying the SCCWRP Flows Project acknowledged that most boating users surveyed indicated a need for at least 18 inches of water depth for a good kayaking trip, with 25 inches being optimal, while only one participant noted that kayaking was possible in 6 inches even though the outcome would be poor.[49] Results from the SCCWRP Flows Project outreach generally indicated that many portions of the Glendale Narrows are able to support kayaking at good or optimal water depths due to narrow multi-threaded braids in the river channel.[50] Thus, **the very modeling tool relied upon to predict flow impacts to recreational beneficial uses from the Proposed Project directly contradicts the representation in the SEIR that 5 inches of water depth is sufficient for kayaking**. To the extent the recreational beneficial use survey from the SCCWRP Flows Project does not constitute "substantial" evidence of the need for more than 18 inches of water depth to support kayaking (Pub. Res. Code § 21168.5.), then further studies would be necessary to determine the feasibility of kayaking at different water depths in the relevant sections of the Glendale Narrows reach of the LA River. But those studies were not conducted as part of the SEIR. Regardless, the blade on a typical kayaking paddle is over 12 inches long, meaning that only the tip of the paddle would be able to be used in the water if the SEIR were correct that 5 inches is sufficient water

[46] See SEIR at p. 4.3-5 n. 5 (citing "PaddleGeek, How to Kayak in Shallow Water, available at: https://web.archive.org/web/20210410080839/https:/paddlegeek.com/kayak-in-shallow-water/, accessed February 12, 2024.").

[47] PaddleGeek, *How to Kayak in Shallow Water*, https://web.archive.org/web/20210410080839/https:/paddlegeek.com/kayak-in-shallow-water/ (last visited Feb. 18, 2025).

[48] *Ibid.*; see also Hobie, *MirageDrive with Glide Technology & Kick-Up Fins*, https://www.hobie.com/miragedrive/ (last visited Feb. 18, 2025).

[49] See Yareli Sanchez & Eric Stein, SCCWRP, Review of Recreational Uses and Associated Flow Needs Along the Main-stem of Los Angeles River, Technical Report #1088 (Sept. 2019), at pp. 26-27, available at https://ftp.sccwrp.org/pub/download/DOCUMENTS/TechnicalReports/1088_LARiverRecreationalUses.pdf.

[50] *Id.* at p. 27 ("Though experts expressed uncertainty and difficulty in defining targets, particularly given the complexity and heterogeneity of the soft bottom portions of the River, there was strong agreement regarding the targets that were selected [of 18-24 inches being optimal and 6 inches being poor]".).

depth for kayaking. Any rational kayaker would understand that is simply not feasible as a means of propulsion. 5-19 cont'd

The representations about minimum water depth requirements for kayaking also conflicts with on-the-ground practices in the LA River. LA River Kayak Safari has been leading permitted kayaking trips in the Glendale Narrows reach of the LA River since 2013, and the organization is familiar with the multi-threaded channels, ponding areas, and other site-specific flow conditions affecting the ability to kayak along the river. LA River Kayak Safari requires a minimum of 18 inches of water depth to ensure a smooth and safe kayaking trip—while water depths lower than 18 inches can be viable for kayaking in certain stretches of rapids or riffles over rocky river substrates, due to increased water velocity, but lower water depths can otherwise render recreational kayaking trips difficult, if not impossible. Thus, 5 inches of water depth would be non-navigable based on the standard types of kayaks used. The SEIR does not discuss an assessment of what a "typical" kayak is, but the typical kayaks actually utilized by LA River Kayak Safari on the LA River are inconsistent with the representations made in the SEIR and on the PaddleGeek site. 5-20

The incorrect application of the minimum water depth to support Water Contact Recreation beneficial uses further underscores the fundamental problem with the SEIR's presentation data of historic flows in the LA River at different gage stations. If the historic flows claimed at the river stations were actually as presented in Table 4.3-1 (in the Existing (WY 2019 – WY 2022) column),[51] with a maximum of 13 inches of average water depth, then LA River Kayak Safari would not have been able to conduct kayaking trips all these years. Adding dynamic load considerations to kayaks, 13 inches of water depth would create a high likelihood of tipping and almost certain issues with kayaks and paddles scraping the substrate. For this reason, the glaring error in environmental conditions necessary to support kayaking exposes the fundamental flaws in the SEIR's entire reliance on the HEC-RAS modeling in the first place.

Finally, the deficient analysis of impacts to Water Contact Recreation beneficial uses establishes another fundamental flaw with the HEC-RAS modeling system—the absence of time-of-day considerations in flows. Since recreation is an activity that is limited to daylight hours, and restricted to four months per year in the dry season, proper analysis of impacts to recreation must consider reductions in flows at the time of the activity. The HEC-RAS model did not take account of daily variability, instead seemingly assuming a consistent average flow in the river throughout the day. The data presented in the SEIR are merely HEC-RAS forecasts of these daily average flows, without any enhanced resolution necessary to assess the true impact on kayaking.[52] In fact, discharges from Tillman, BWRP, and LAGWRP into the LA River are highly variable at different points in the day, and from year to year, making it impossible for the HEC-RAS model to forecast expected daily average flows at the appropriate times the river is used for kayaking. As such, the SEIR's analysis of potential impacts to kayaking is unreliable and insufficient to explain to the public the sacrifices that it must make to recreational beneficial uses as the "environmental price tag" for the Proposed Project. (*Natural Resources Defense Council*, 103 Cal.App.4th at p. 271.) 5-21

[51] SEIR at p. 4.3-6.

[52] SEIR at pp. 4.3-6, Tables 4.3-1 and 4.3-2.

The SEIR's analysis of the Proposed Project's potential impacts to recreational uses is illogical, and the entirety of Chapter 4.3 of the SEIR must be redone to reflect actual kayaking conditions and needs. 5-2 cont'd

III. The SEIR Lacks Sufficient Mitigation Measures to Address Significant Environmental Impacts from Reduced Baseline Flows in the LA River.

An agency may not approve or carry out a proposed project under CEQA if feasible alternatives exist that would substantially lessen its significant effects. (Pub. Res. Code §§ 21002, 21081.) When conducting environmental review, lead agencies must examine a reasonable range of alternatives that feasibly meet most of the project's basic objectives while avoiding or substantially reducing the significant effects of the project, even if these alternatives "would impede to some degree the attainment of the project objectives, or would be more costly." (CEQA Guidelines §§ 15126.6 (a)-(b).) The examination of alternatives must "include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." (CEQA Guidelines § 15126.6(d).) 5-22

Similarly for mitigation measures, an agency must impose all feasible mitigation measures to minimize significant environmental impacts of a project. (Pub. Res. Code § 21002.1(b); CEQA Guidelines § 15126.4.) An agency may not approve a project unless it first finds that "[s]pecific economic, legal, social, technological, or other considerations . . . make infeasible the mitigation measures or project alternatives identified in the final EIR." (CEQA Guidelines § 15091(a)(3); Pub. Res. Code § 21081(a)(3).) Thus, rejected mitigation measures and alternatives must be "truly infeasible." (*City of Marina v. Bd. of Trustees of the California State University* (2006) 39 Cal.4th 341, 356, 374-75 (applying same principle to analysis of legal feasibility of alternatives).)

Despite our significant concerns about the lack of adequate discussion about the environmental setting in the LA River and potential environmental impacts from reducing flows in the river—which we believe warrant rescinding the SEIR and starting over—any potential impacts from the Proposed Project can be mitigated through further efforts and mitigation measures. We recognize that completion of the Proposed Project does not necessarily mean that all quantities of water previously discharged from Japanese Garden Lake will be rerouted to Tillman on a permanent basis, with no opportunity to increase discharges in the future to account for flow needs for beneficial uses in the river. As such, we generally understand the City's desire to push forward with completing the infrastructure project underpinning the Proposed Project to increase flexibility in recycled water capabilities moving forward. Nevertheless, the project cannot be advanced without any meaningful mitigation measures that could be utilized to reduce impacts from reduced flows in the river, which can and should be developed in tandem with project implementation. Therefore, **we urge the City to develop as a mitigation measure an adaptive management system of real-time smart discharge controls that can ensure discharges from Tillman and other treatment plants can be delivered to the LA River at the right time to support all beneficial uses**. 5-23

Achieving such an adaptive management system, however, would require more robust environmental review and studies of existing and future river conditions in the Glendale Narrows, at much greater specificity than what is contained in the SEIR.

First, the City should update its assessment of the affected reaches of the LA River to incorporate site-specific hydrology considerations, which was not incorporated in the basic HEC-RAS modeling underlying the SEIR. The City must obtain a better understanding of the unique circumstances, multi-threaded braiding, and other site-specific conditions throughout the Glendale Narrows and present those conditions in environmental review under CEQA to provide the public a complete understanding of the current environmental conditions and likely impacts from the Proposed Project.

Second, after obtaining more site-specific information about the river's hydrology, the City must obtain more depth data at different times of day at critical points of the river, especially those with faster-moving flows that support kayaking. Not only is the LA River a dynamic riverine system at each point along the Glendale Narrows, but each point is a dynamic system across different points in time. The three water treatment plants discharging into the river produce varying quantities of water at different times of day, depending on the volume of wastewater influent, treatment capacities, recycled water uses, and other factors. There is also a considerable lagtime between when these plants discharge water and when increased flows are observed in the river. Given these dynamic fluctuations, it would be a mistake to presume consistent flow conditions from hour-to-hour, day-to-day, or even year-to-year as the SEIR appears to have done. Under any future water recycling scenario, the City must ensure a comprehensive understanding of how discharges from treatment plants relate to flows in the river in order to understand how to mitigate any significant impacts to the river's flows from reduced discharges. To achieve a more accurate time series forecast, we urge the City to pursue new prototypes of modeling tools that can accurately correlate discharges and flows in the LA River. Such a modeling tool is technologically available and quite achievable, and it would be a necessary centerpiece to any adaptive management strategy to ensure discharges from treatment plants support beneficial uses. 5-23 cont'd

Third, the City must commit to fish monitoring related to the ongoing fish passage studies and projects along the mainstem of the LA River, as well as monitoring for trout in the Arroyo Seco, to ensure that any reductions in flows will not interrupt fish habitat and migratory capabilities. This potential future beneficial use must be accounted for, not just in the environmental impacts analysis (which is currently absent any discussion of fish impacts), but also in adaptive management solutions and monitoring requirements to mitigate any potential significant impacts to native trout species.

Finally, the City must install ongoing real-time depth flow sensors to expand the data collection efforts undertaken through pre-existing gages cited in the SEIR. We have grave concerns that several of the gages operated by the U.S. Geological Survey and Los Angeles County are not functional, or do not capture data in real time to account for time of day and other necessary parameters. The SEIR's reliance on hypothetical calculations for flows at non-gaged locations proves the dangers of operating a larger smart management system with current data collection resources, because there is insufficient data available to understand precise flow conditions in the river. An adaptive management system will necessarily rely on ensuring there is sufficient real-time data to make appropriate management decisions promptly, so that would require the City taking a lead role to expand empirical flow data in the river.

Putting these elements together, the City would have sufficient information to design and deploy an adaptive discharge management system to achieve its water recycling goals while simultaneously protecting the ecological health and beneficial uses of the LA River. A thorough assessment will allow the City to understand existing conditions of the LA River and the granular flow impacts to the river from its treated water discharges, and additional enhancements to infrastructure could allow for greater storage of treated water to time releases when they are most critical (to the extent such additional storage

would be necessary). Storage opportunities exist at Balboa Lake, Japanese Garden Lake, and Wildlife Lake, which all could be upgraded to maintain greater capacity for water storage and establish a straightforward piping system to discharge the water into the river without much lagtime. Such a thorough assessment should have already been conducted as part of the SEIR, so the absence of such information in the SEIR renders it incomplete under CEQA.

At minimum, if the Proposed Project goes forward, the City must not reduce discharges from Tillman by a net 4 MGD all at once. After completing the construction for the project to allow for water from Japanese Garden Lake to be routed back to Tillman, he City should commit to a phased approach of how much water to divert from the river over a period of several years, to ensure that if there are significant impacts to the river's environment and beneficial uses, those impacts can be observed slowly over time and reversed if needed. Because the SEIR indicates that discharges from Japanese Garden Lake will still be possible after completion of the Proposed Project,[53] a phased approach will allow the City to embark on a robust and beneficial adaptive management system that allows expansion of wastewater recycling and avoids environmental impacts. 5-23 cont'd

Ultimately, the City must redo its CEQA analysis to establish an adaptive discharge management system as a complete and realistic form of mitigation. Through a robust system along these lines, our organizations remain optimistic that we can advance water recycling efforts at Tillman, BWRP, and LAGWRP, mitigate potential environmental impacts, improve ecological conditions and habitat connectivity, and maintain good recreation opportunities in the river for all Angelenos to enjoy.

IV. Any Analysis of LA River Flow Impacts from the Proposed Project Is Incomplete Without Consideration of the California Environmental Flows Framework Process.

Fundamentally, we strongly object to the timing of the Proposed Project and the release of the SEIR. We recognize that the City is under time pressure to maximize wastewater recycling capabilities at its treatment plants and complete new recycled water projects based on different regional and city-wide targets for water supply objectives. But those targets cannot come at the expense of necessary scientific understanding of the environmental conditions of the LA River and impacts of those projects. The City is supposedly supporting ongoing efforts to obtain a more fulsome scientific understanding of the LA River's flow conditions, flow needs, and alternative flow scenarios, and those efforts must be incorporated into the Proposed Project's environmental review for it to be deemed sufficient under CEQA. 5-24

Starting in September 2022, the Mountains & Recreation Conservation Authority ("MRCA") (along with its affiliated Santa Monica Mountains Conservancy) has funded Stillwater Sciences to undertake a comprehensive set of LA River flow recommendations through a formal process developed by the State Board, known as the California Environmental Flows Framework ("CEFF").[54] The first step

[53] SEIR at p. 2-5 (noting that "during some portions of the year, particularly during storm events when high volumes of influent to [Tillman] occur, the valve that diverts water back to the headworks facility may be closed, and the valve for the river discharge pipeline would be opened such that the Japanese Garden Lake water would flow to the river").

[54] MRCA, *Los Angeles River CEFF Study*, https://mrca.ca.gov/los-angeles-river/ceff-study/ (last visited Feb. 17, 2025); California Environmental Flows Framework Technical Team, *The California Environmental Flows Framework*, http://ceff.ucdavis.edu (2021).

of the CEFF process, called Section A, sought to identify existing management goals in the LA River watershed and reach a baseline understanding of the natural system.[55] That process was completed within two years, and the following Sections B and C recently commenced in June 2024 to solicit technical working group and public input, including from a variety of government agencies at different jurisdictions, to develop flow needs for existing and future management goals and culminate in comprehensive flow recommendations and alternative scenarios to balance competing objectives.[56] The entire CEFF process is expected to continue at least through the end of 2025 until reaching the final flow recommendations work product.[57]

The CEFF process for the LA River is expressly intended to fill the gaps from SCCWRP's Flows Project. The explicit objective is to take the next step and actually develop flow recommendations with site-specific considerations, from wide stakeholder engagement and input. Each of our organizations have participated extensively in the CEFF process, including attending regular meetings, participating in numerous technical working groups, and engaging with project leads at Stillwater Sciences. Again, our organizations acknowledge the importance of water recycling for urban sustainability and climate-resilient local water supplies, and we similarly advocate for the CEFF process to balance the need for water recycling against the necessity of preserving the LA River's current and potential future ecological health. We will continue to ensure that the flow recommendations from the CEFF process will maintain minimum flow levels that support diverse habitats and species, and support a holistic water management strategy to ensure that efforts to enhance water supply do not compromise the river's biodiversity and recreational value.

5-24 cont'd

Critically, the City (through both LADWP and LASAN) has participated in the CEFF process, and to our knowledge (and as announced in previous CEFF meetings) the City has actually provided funding to advance the work. As part of CEFF meetings, the City has indicated an intent to utilize CEFF as a fulsome scientific aid to figure out how to balance the need to recycle more wastewater at its treatment plants while preserving the ecological health and integrity of the LA River and the habitat and species relying upon minimum flows from treated water. As a result, we have been pleased with the messaging from the City during past CEFF meetings.

However, after reviewing the Proposed Project and the deficient environmental impacts analysis in the SEIR, we are beginning to be skeptical about the City's true intentions and the veracity of prior representations made during the CEFF process. If the City intends to use CEFF's flow recommendations to make more informed management decisions about the use of recycled water, surely that would include removing up to 4 MGD of discharges into the LA River from Japanese Garden Lake which could result in up to 10% reduced flows in some stretches of the river (and seemingly the possibility of recycling even more discharges going from Tillman into the LA River down the road). It borders absurdity to claim that the Proposed Project is timely when the CEFF process is still far away from being at a public engagement stage under Section C. The SEIR's environmental impacts analysis does not cite any data sets developed during the CEFF process, does not rely on any flow recommendations

[55] MRCA, *Los Angeles River CEFF Study*, https://mrca.ca.gov/los-angeles-river/ceff-study/ (last visited Feb. 17, 2025).

[56] *Ibid.*

[57] Stillwater Sciences, Welcome to the LA River California Environmental Flows Framework (CEFF) Technical Working Group (TWG): Fact Sheet (June 2024), at p. 2, available at https://mrca.ca.gov/wp-content/uploads/2024/09/LAR-CEFF-Fact-sheet.pdf.

from the CEFF process (because there are none developed yet), and otherwise does not even cite to or refer to the CEFF process even once. In effect, the depth of the SEIR's analysis is the same as if it was conducted four years ago, relying solely on the recently released of SCCWRP's Flows Project modeling tools. That is, ironically, exactly what the City attempted to do in 2021 through its environmental review of a previous iteration of the same project (as further explained below in **Section V**).

CEQA requires public agencies like LADWP to ensure that its environmental analysis stays in step with evolving scientific knowledge and state regulatory schemes. (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 504.) The entire scientific CEFF process would be pointless if the City intends to move forward with this Proposed Project in the meantime, yet that is exactly what the City is trying to do—pretend to commit to a robust scientific flow recommendations process while intending to bleed the LA River dry at the same time. We simply cannot comprehend why the City would speak out of both sides of its mouth in this manner.

The Proposed Project must incorporate data and analysis from the CEFF process in order to develop an adaptive discharge management system that can effectively balance LA River management objectives. The very existence of the CEFF process confirms that the environmental review in the SEIR is incomplete, and the City's support for the CEFF process is effectively an admission that it does not have sufficient information to make determinations about flow needs at this time. (*See Cleveland National Forest Foundation*, 2 Cal.5th at p. 504.) While ideally the City would wait until the completion of the entire CEFF process, which would produce comprehensive flow management recommendations with different alternative flow scenarios that could most effectively balance competing goals, at minimum there is new data available from the first stages of the CEFF process that must be incorporated into environmental review under CEQA. Those data sets include information about flow needs for water quality, water supply, kayaking and other recreation, and biodiversity and species, among other management goals. But merely incorporating such data is insufficient to allow the Proposed Project to move forward without an adaptive discharge management system in place. The City cannot step into the shoes of the CEFF team, technical working group members, and the general public to make its own management decisions prior to the conclusion of the CEFF process, unless those decisions can be changed to account for unforeseen conditions or impacts. 5-27 cont'd

V. The SEIR Does Not Clearly Explain the Relationship Between the Proposed Project and the Project Subject to LASAN's Negative Declaration from 2021.

As a final observation, we are unclear about the relationship between the Proposed Project and a previous iteration of a similar project to reuse treated water discharged from Japanese Garden Lake for recycled water supply. In 2021, LASAN released an Initial Study / Negative Declaration (SCH #2021120230) ("IS/ND") associated with a proposal, titled the Japanese Garden Discharge Reuse project, to cease all discharge of recycled water from Japanese Garden Lake.[58] While there are some different calculations between LASAN's IS/ND and LADWP's SEIR—notably, the IS/ND identified up to 4.3 MGD of discharges from Japanese Garden Lake that could be recycled,[59] whereas the SEIR 5-25

[58] LASAN, D.C. Tillman Water Reclamation Plant: Japanese Garden Discharge Reuse, Initial Study/Negative Declaration (Dec. 2021), available at https://files.ceqanet.opr.ca.gov/274688-1/attachment/CSi9BGWW6GSQUFzptgj8mmyZJBoF0XlSco-ruT8cru7dczcA_xg76zIytIKTH8jA7ybUZ4oh9Teua5HV0.

[59] *Id.* at p. 1-1.

reduced that number to around 3.9 MGD[60]—the overall scope of the two projects described seem to be generally the same. And the environmental analysis follows a similar path: both CEQA documents seem to rely solely on the modeling tools developed by SCCWRP's Flows Project; neither study conducted a more detailed and site-specific assessment of ecological conditions in different stretches of the LA River; neither study obtained empirical evidence of historical flow conditions; and there is little to no analysis of the potential environmental impacts of modeled reductions in LA River flows from the described projects, except for vague generalizations and unsupported conclusions that up to 10% of decreases in average flows at some locations along the river would not be significant. 5-25 cont'd

Our understanding is that these two projects are one in the same, despite some differences that reflect changing circumstances in the intervening four years regarding quantities of water that can be recycled at Tillman. Thus, we wish to reiterate our comments from the previous IS/ND commenting process, and we incorporate by reference and readopt in full our previous comment letter on the IS/ND submitted on January 29, 2022, attached to this letter as **Attachment B**. We also incorporate by reference and adopt in full similar critiques of the IS/ND made by the California Department of Fish & Wildlife ("CDFW"), which was similarly skeptical of the environmental impacts of the previous iteration of the project. CDFW's letter on the IS/ND is attached to this letter as **Attachment C**.

Our confusion about the relationship between these two nearly identical projects reaffirms the frustration that our organizations have experienced regarding the lack of consistent communication and adequate notice from LADWP and LASAN regarding this Proposed Project. The 2021 project was led by LASAN; now, the Proposed Project is led by LADWP. While our groups have been able to establish regular meetings jointly with both LASAN and LADWP staff to discuss current plans for City projects that may impact flows in the LA River, the shifting target of lead agencies has made it challenging for us to ensure that we are able to obtain relevant information about the latest developments at Tillman (including the Proposed Project). To illustrate, despite our groups submitting a comment letter on the IS/ND (**Attachment B**), we were not timely notified of the release of the SEIR through email communications on the relevant listserv for the Proposed Project, because the project was deemed as a modification to the previous LADWP project approved in 2016 (and the environmental review deemed a supplement to the previous EIR certified the same year). Our organizations only found out about the Proposed Project and the SEIR on January 27, 2025 through members of our network—not from LADWP or LASAN staff. For that reason, we missed the opportunity to attend the public meeting held on January 23, 2025. We ultimately requested a 30-day extension to the initial public comment period from February 9, 2025 (a Sunday), but instead we were only given a 15-day extension through February 25, 2025. This history of inconsistent communication regarding the Proposed Project is simply unacceptable and must be rectified moving forward, both in any revised CEQA documents and in any public outreach related to the Proposed Project. 5-26

* * * * *

In summary, the SEIR fails as an adequate environmental review document under CEQA, for numerous factual and analytical inaccuracies. There is inaccurate data used to model historic flows in the LA River, and consequently an inaccurate articulation of the flow impacts from the Proposed Project. Both the environmental impacts analysis relying on these inaccuracies, and the cumulative environmental impacts analysis, are also inaccurate. Even the discussion of flow needs for recreational 5-27

[60] SEIR at p. 2-2.

beneficial uses is inaccurate, and entirely lacking evidentiary support. Nor is there suitable mitigation to address the high likelihood of significant impacts that will result, when using an accurate understanding of the LA River's environmental setting. The SEIR plainly must be thrown out and redone from scratch to comply with the mandates of CEQA.

Environmental review for the Proposed Project must provide the public with a more accurate depiction of the Proposed Project's environmental impacts and options to mitigate those impacts through an adaptive discharge management system—which is already technologically achievable. We recognize that, because of the long timeline for construction projects, the City desires to push forward with implementing the infrastructure aspects of the Proposed Project to create opportunities to route discharges from Japanese Garden Lake back to Tillman for water supply purposes. We also understand that the infrastructure portion of the project can be completed without harming the LA River's ecological health and recreation capabilities in the short term, even before reaching a conclusive determination of how discharges from Tillman must be managed comprehensively to protect all beneficial uses in the LA River. That being said, we are gravely concerned about the lack of adequate CEQA review for the Proposed Project, and the public deserves a fulsome understanding of the scope of the project's impacts before the City rushes forward past the point of no return. The City should slow down and commit to the appropriate process, rather than tossing CEQA aside as it has done in the SEIR. 5-27 cont'd

We thank LADWP and LASAN for the opportunity to comment on the SEIR for the Modifications to the Los Angeles Groundwater Replenishment Project. We look forward to continuing our collaborative work with the City of Los Angeles to preserve, enhance, and restore the quality of water resources in the Los Angeles region for current and future generations. If you have any questions concerning these comments, please contact Benjamin Harris by email at ben@lawaterkeeper.org or by phone at (310) 394-6162 ext. 102.

Sincerely,

Benjamin Harris
Senior Staff Attorney, Regulatory Affairs & Legal Policy
Los Angeles Waterkeeper

Candice Dickens-Russell
President & CEO
Friends of the Los Angeles River

Annelisa Ehret Moe
Associate Director, Science & Policy
Heal the Bay

Datalogger deployment, Elysian Valley, river left.

LA RIVER SENSOR PROJECT SNAPSHOT REPORT OF ONGOING RESEARCH

Elysian Community Operations
Steven Appleton
Executive Director

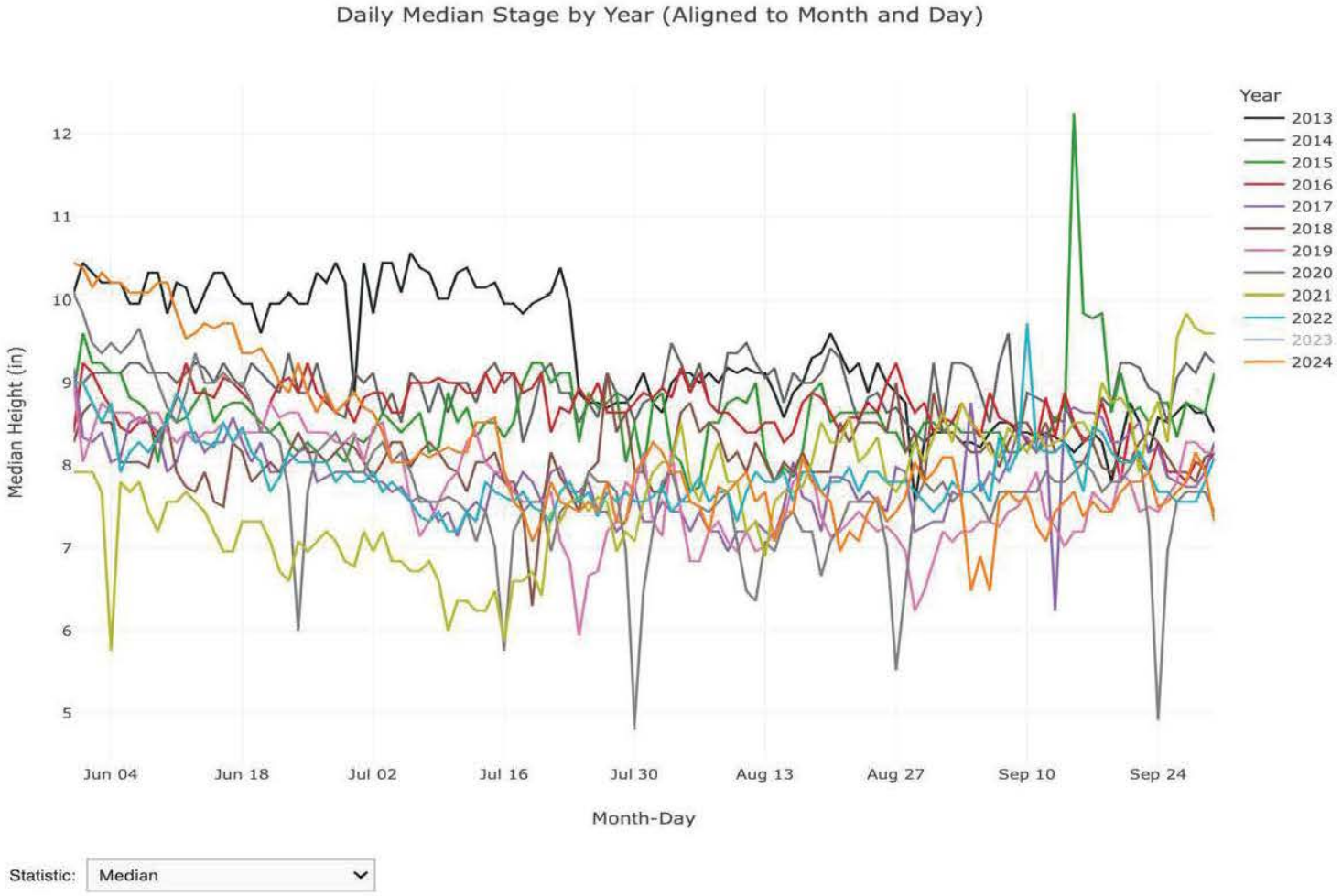
Starting in September 2024, Elysian Community Operations, a 501c3 nonprofit organization began a research project to deploy depth and temperature data logger in the Glendale Narrows section of the LA River. As part of our work, we have engaged with other NGOs, researchers, policy makers, and Public Agency staff to informally present the status of our work and seek feedback. The purpose of this document is to put into writing some of what we have shared informally and share some preliminary conclusions that may be useful during the upcoming stages of the California Environmental Flows Framework (CEFF) process.

5-28 cont'd

Steven Appleton

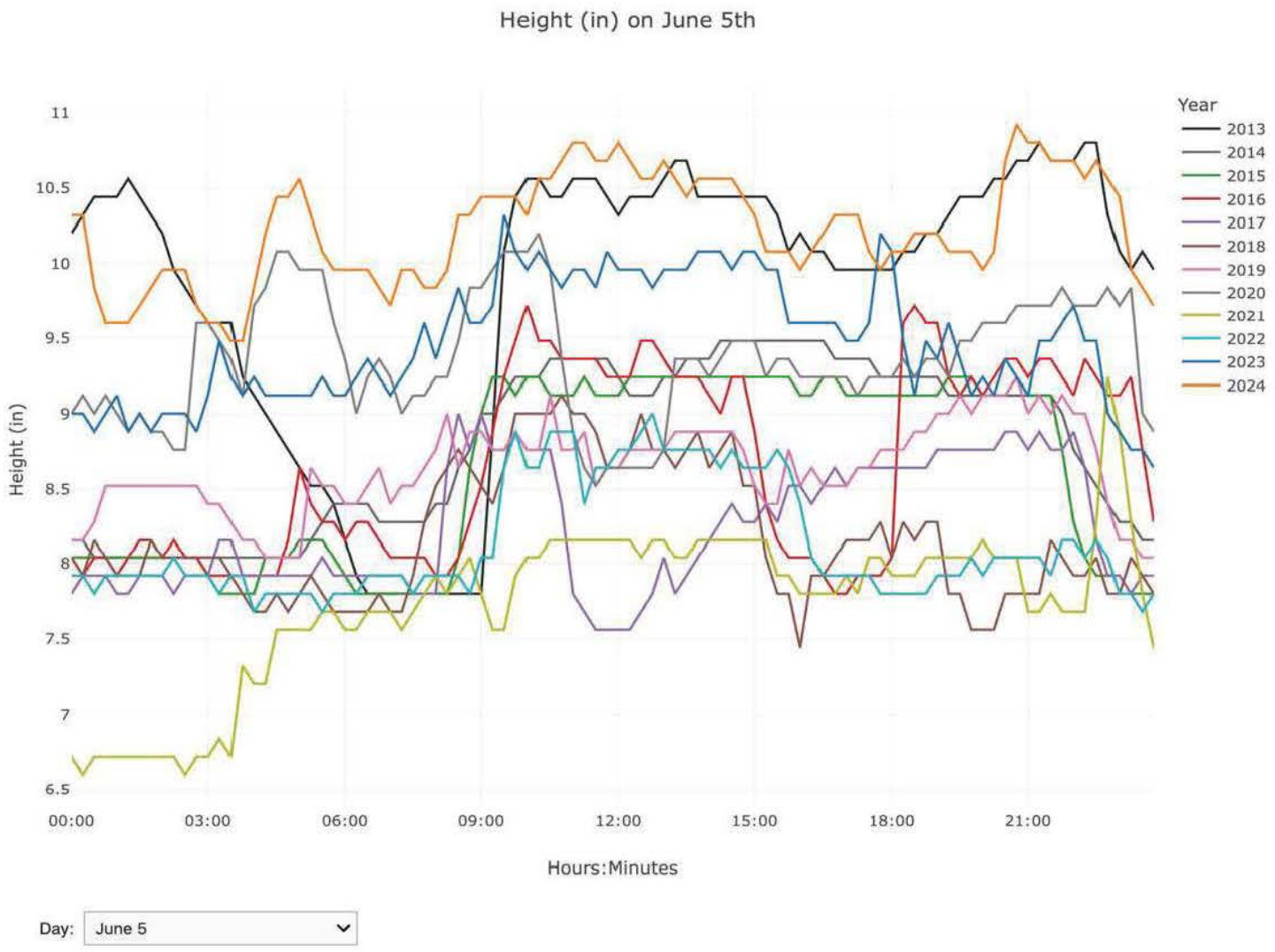
I. HISTORY OF DISCHARGES FROM DCT, 2013-2024:

The below graphs are from the USGS staff at Sepulveda Dam that we reasonably can assume represents the primary contributions from DCT, except during rains. Based on this, discharges from the Donald C. Tillman POTW to the Los Angeles River vary significantly day-to-day, year-to-year and hour to hour. Variability in discharges from DCT highlights the potential of adaptive, variable discharge controls to improve the management of treated water resources, meeting various flow criteria such as ecology, recreation, water quality, and public safety.



5-28 cont'd

As mentioned, river stage variability in summer months is primarily due to chaotic discharge patterns, not rain. The graphs on the two pages that follow show patterns for the same day but different years. This is typical



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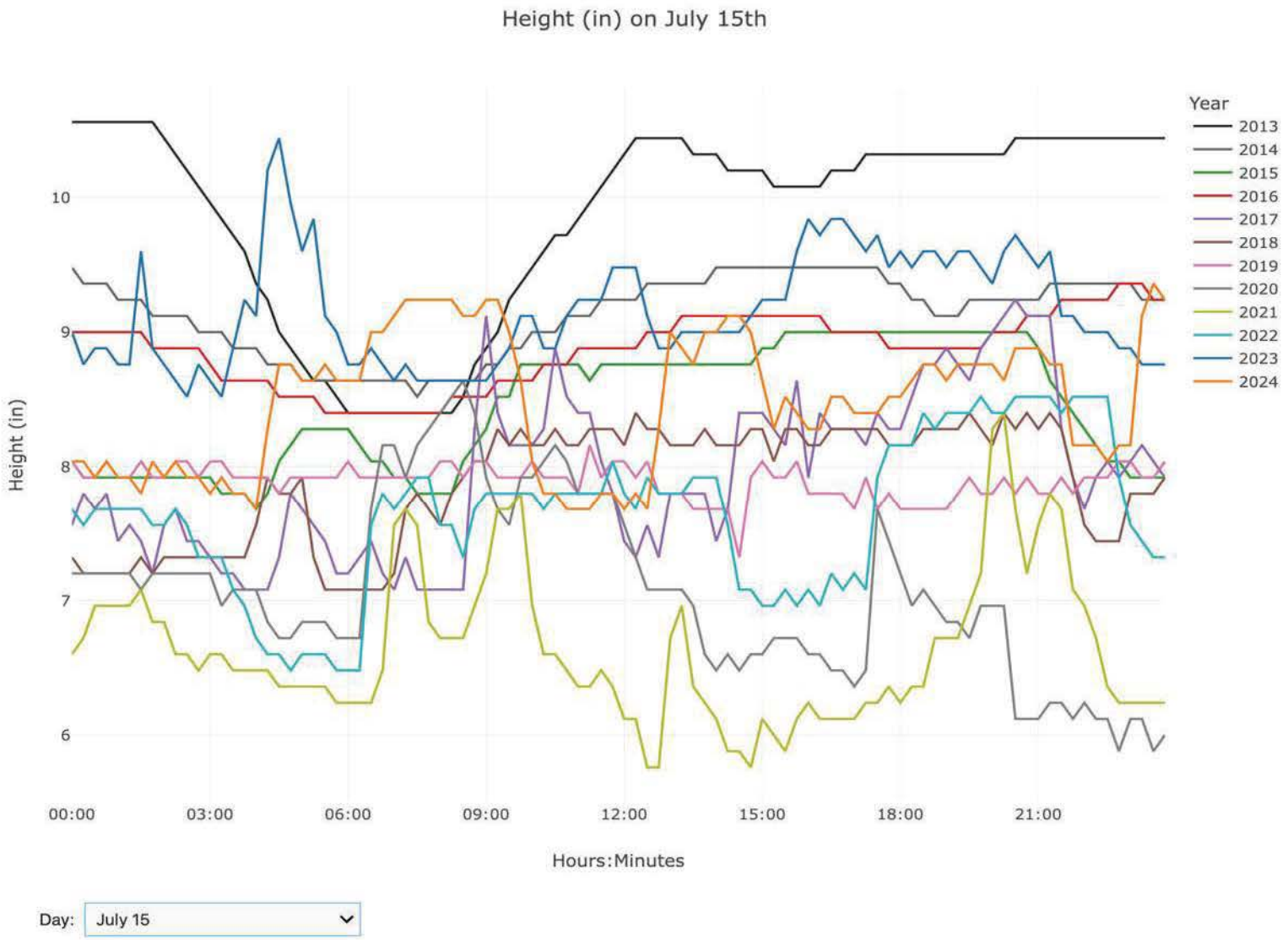


5-28 cont'd

II. FIELD DEPLOYMENT OF WATER STAGES IN THE GLENDALE NARROWS, Sept 20- present.

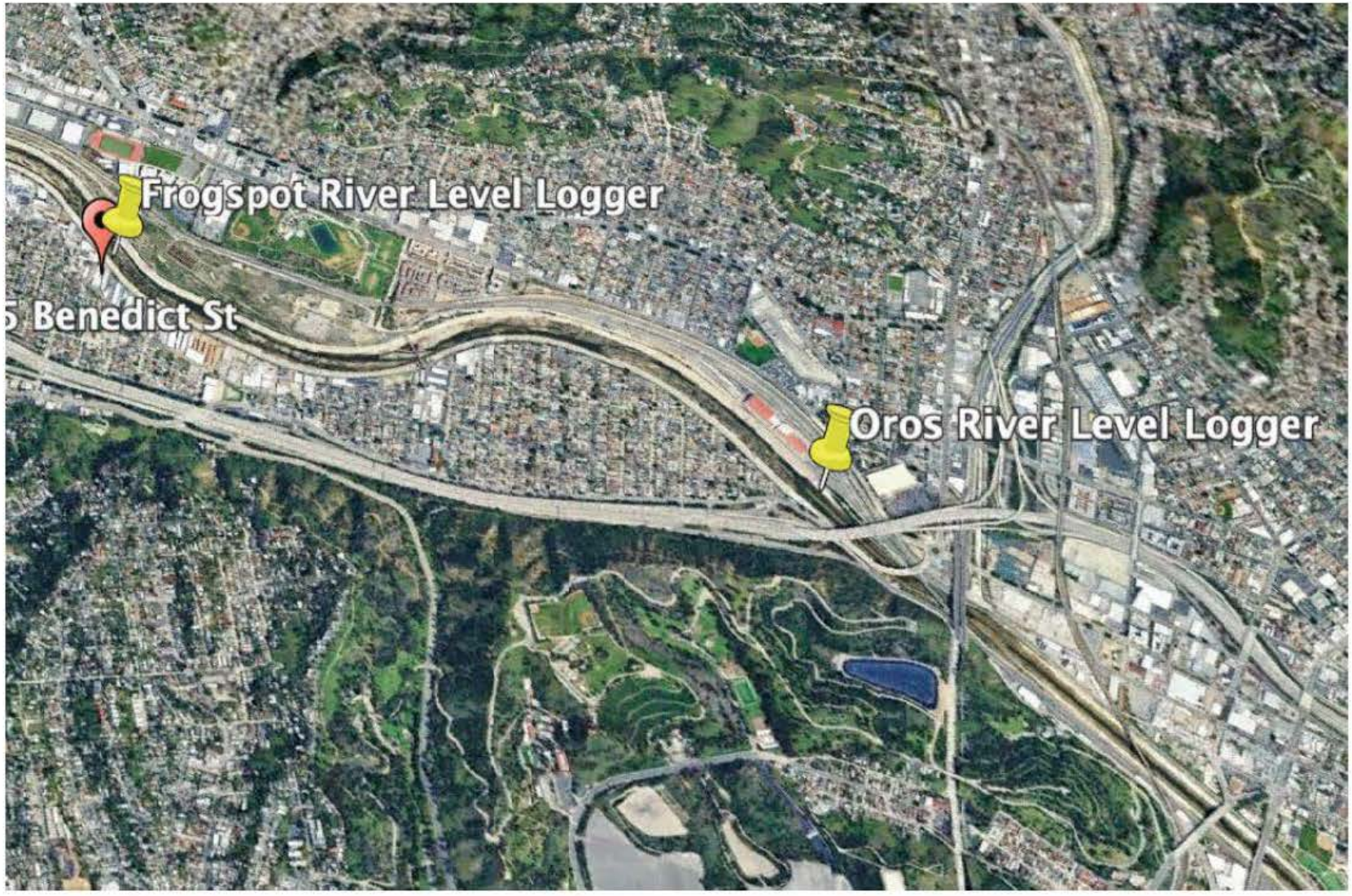
Under permit from USACE, we deployed devices to measure temperature and depth in the LA River within the Glendale Narrows in four locations noted on the below maps. Initially, the purpose was simply to fill data gaps to serve California Environmental Flows Framework process. The LA River currently has very few functioning gauging stations, a concern for policy makers and researchers attempting to rending important decisions about water management.

Upstream depth/temperature sensor locations, up and downstream of the Glendale LA POTW:

5-28
cont'd

Elysian Community Operations- Preliminary LA River Flows Research,February 15, 2025 7

Downstream depth/temperature sensor locations:



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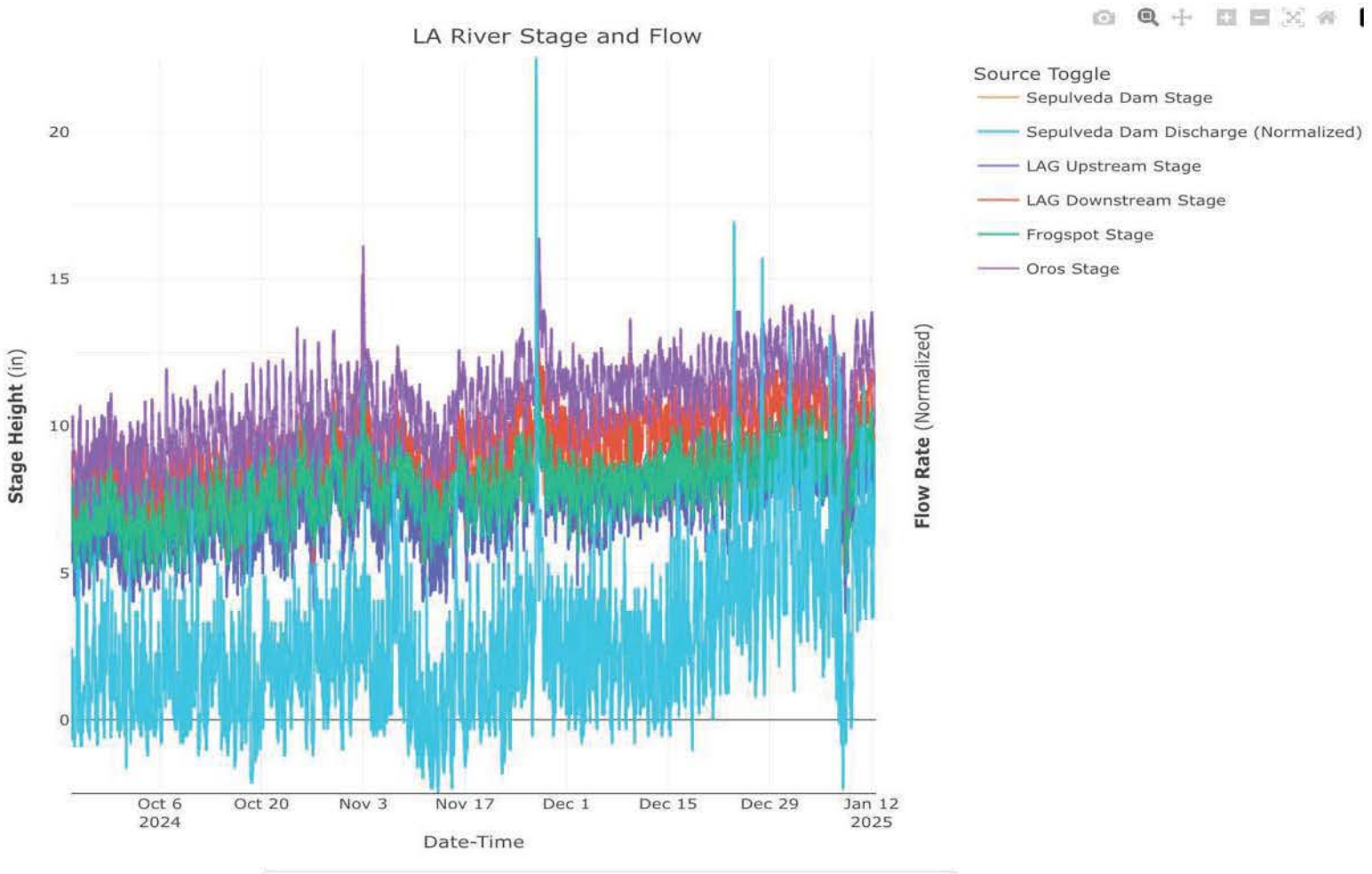
III. Analytic Tools and Explorations.

After initial work with spreadsheets, we determined that more robust tools would be required to explore the depth and temperature data. We developed programs to rapidly graph, alter and analyze data. The below is the full range of our data up to 1/12/2024, but data is still be collected and assessed. In consult with others, we will deploy additional loggers in February 2025.



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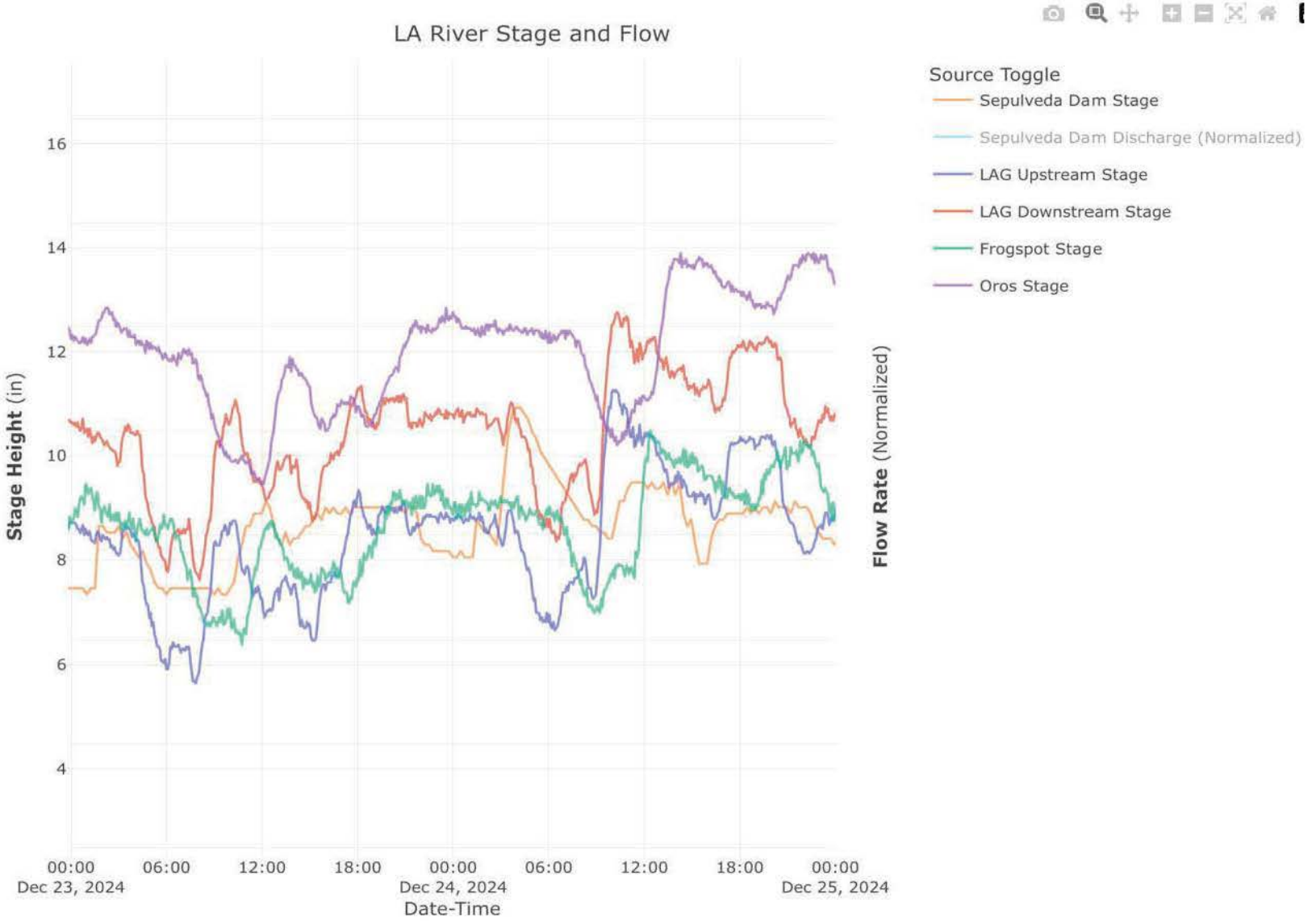
Exploring the data: With the software tools we developed, we can interact with the datasets by zooming in, shifting the time of data, modifying the amplitude and "stacking data" to normalize it in the same graph space. Zooming into this two-day window from December 2024, stage data from five sources seems chaotic.



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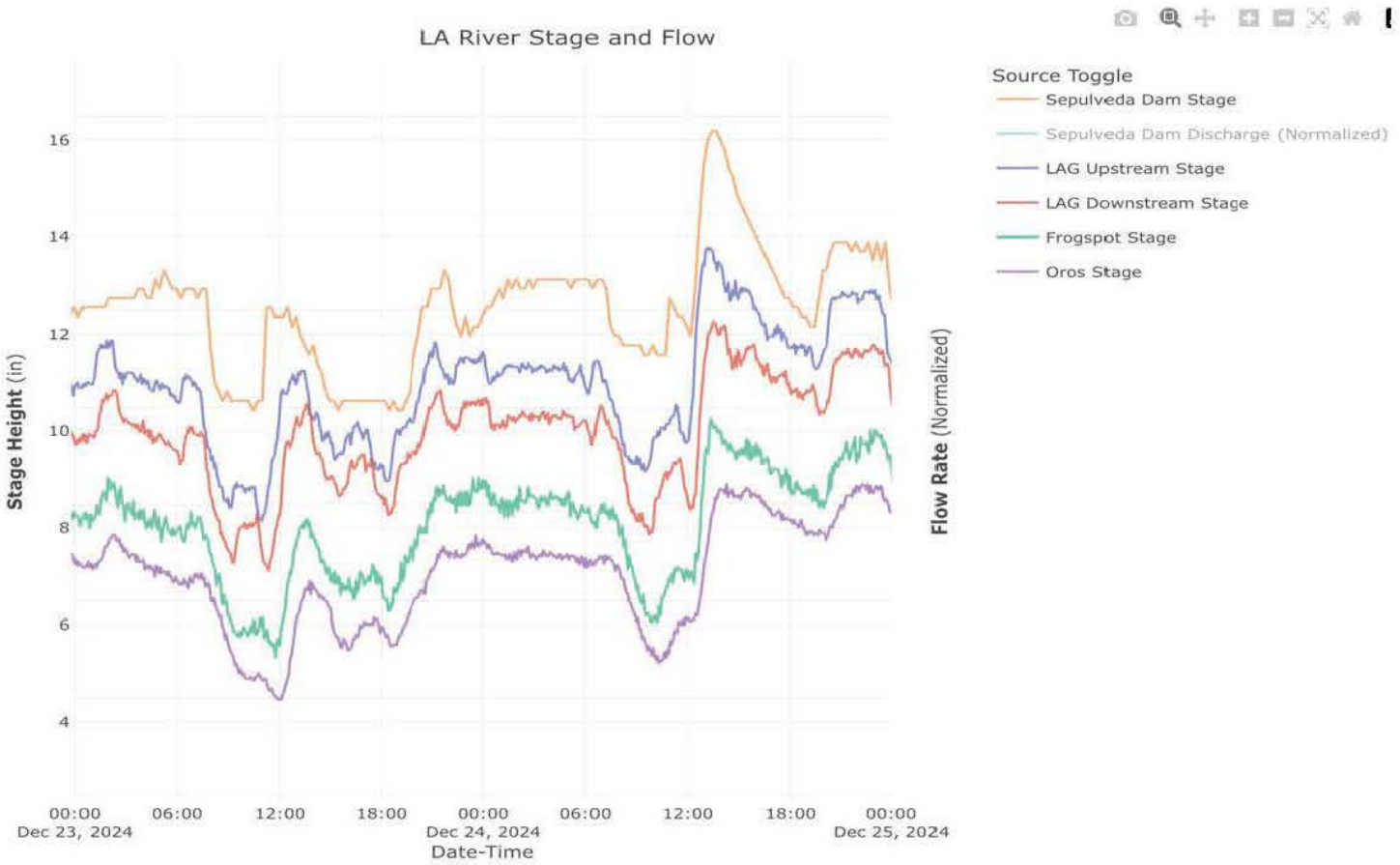
Making sense of the chaos: With our software we performed shifts on the data to make sense of the chaos. Once the data has been time-shifted, stacked etc., human visual pattern recognition skills are used to look for correlations between upstream and downstream water depths. Since the data is accurate but "uncalibrated" to any one reference point, the shape of graphs is what matters for correlations. Through this process, we can make many useful observations. For instance, we can determine the range of transit times of upstream discharges to downstream locations. (We expect to soon be able to automate such recognition, making for greater accuracy and research efficiency.) For the below graph, we were able to determine that the transit time from Sepulveda Dam to end of Elysian Valley (Oros) was around 9 hrs. and 28 minutes.



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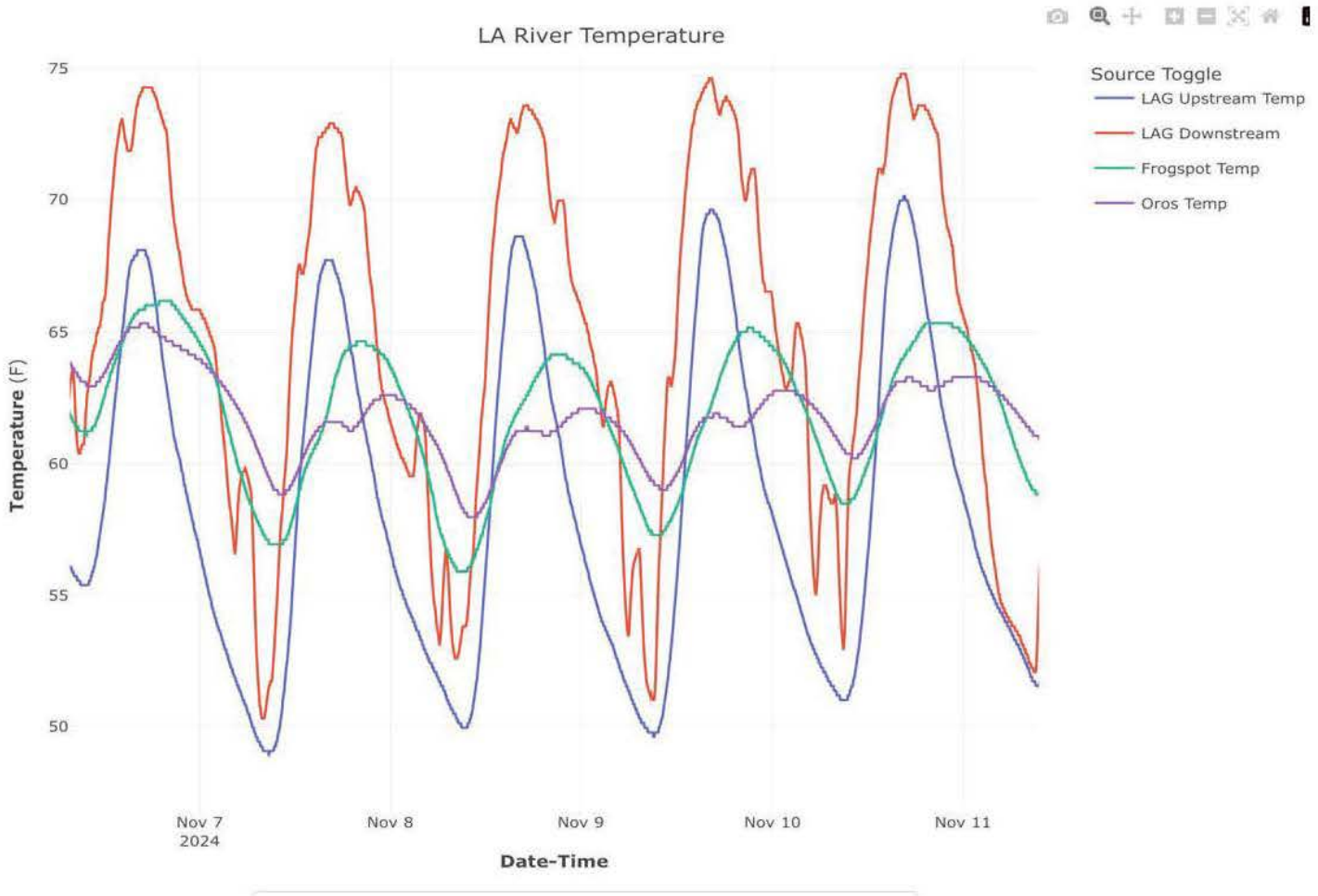
Temperature: We have also explored temperature dynamics, which is important for assessing environmental impacts of changes in discharge regimes on aquatic species. The below graph reveals that when waters from upstream of the Glendale LA facility (LAG Upstream, blue) are mixed with discharge waters from Glendale LA, the temperature of the mixed water (LAG Downstream, red), heats up substantially, often by 5-degrees F or more. As this water moves downstream into Elysian Valley (Frogspot, green and Oros, purple) the temperature spikes soften, likely due to the tempering effects of groundwater mixing, shading and vegetation. Considering how to cool discharge waters and optimize time of release may prove ecologically valuable.



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IV. SUMMARY

During the initial four months of our work (9/10/24-1/10/25), we installed and monitored equipment, shared data and research with other NGOs, researchers, and public agencies. We also researched and experimented with ways to use our data to forecast water levels and develop adaptive control systems.

Our preliminary findings include:

1. **Flow Variability:** POTW discharges exhibit variable patterns (hourly, daily, seasonal, yearly), offering significant optimization opportunities. For instance, discharge timing doesn't always align with seasonal kayaking needs, indicating potential for improved water allocation among competing demands.

2. **Time-series Correlation:** Strong correlation between upstream and downstream deployments suggests potential for forecasting upstream discharge impacts downstream, enabling adaptive, user-specified discharge regimes.

3. **Temperature Dynamics:** LA Glendale POTW discharges exceed receiving water temperatures, while downstream "soft bottom" areas in Elysian Valley show a tempering effect with less pronounced fluctuations and lower temperatures beneficial to aquatic life. When studying changes to POTW discharges it is advisable to include temperature.

4. **Limitations of HEC/RAS:** HEC-RAS has limitations in accurately modeling low-flow conditions and capturing daily, hourly, and seasonal variations. It also struggles to represent complex channel features like pools, rapids, and riffles—essential characteristics of the soft-bottom reaches of the Los Angeles River that support beneficial uses, and the rich ecological systems present in the area. Additionally, the method is of limited use for real time management of changing river conditions due to weather or long-term patterns such as sediment transport.

5. **Data Expansion Need:** Our preliminary computer programming experiments point towards data-driven “machine learning” approaches as being the most effective methods for forecasting water levels in the LA River. Continued research, including to expand the network of monitoring stations will help to more accurately assess environmental impacts of changes in Publicly Owned Treatment Works (POTW) discharge regimes. Data driven methods also hold promise for helping to implement adaptive management that is responsive to California Environmental Flows Framework (CEFF) criteria flows.

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January 29, 2022

LA Sanitation & Environment
Attention: Paul S. Cobian
1149 S. Broadway, 9th Floor RAD
Los Angeles, CA 90015

Submitted via email to: Paul.Cobian@lacity.org

Dear Paul Cobian and LA Sanitation & Environment:

On behalf of Los Angeles Waterkeeper, Heal the Bay, and Friends of the LA River, we submit the following comments on the City of Los Angeles ("City") 2022 Donald C. Tillman Reclamation Plant Japanese Garden Discharge Reuse Initial Study/Negative Declaration ("MND" or the "Project") prepared pursuant to the California Environmental Quality Act ("CEQA"). The Project includes a proposed decrease in the flow of the Los Angeles River ("LA River") by up to 4,820 acre-feet per year ("afy"), or about 4.3 million gallons per day ("MGD"), to expand the City's water recycling program by about the same volume, with the recycled water being used to recharge the San Fernando Groundwater Basin ("SFB"). During the dry season, this decrease in flow represents up to 38% of the flow in the Los Angeles River.

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We want to acknowledge from the outset that our organizations are generally very supportive of the City's ambitious efforts to expand its wastewater recycling capacity to increase local water supplies in a sustainable and energy-efficient manner. We recognize water security is one of our region's most pressing issues and applaud the City for taking strides for a secure future. Nevertheless, we are concerned that the City intends to propose wastewater recycling projects on an individual basis moving forward, on an eventual path toward achieving 100% wastewater recycling under the City's Green New Deal, without adequately considering the baseline flow needs for the LA River from a holistic perspective. **For the reasons outlined below, we urge the City to prepare an Environmental Impact Report ("EIR") for the Project in light of the significant impacts to the ecological health of the LA River and recreational opportunities along the LA River that are likely to result from reduced water flows, both from this individual Project as well as future projects contemplated at wastewater treatment facilities operated by the City, the City of Glendale, and the City of Burbank**.

The Proposed Wastewater Recycling Project, While Beneficial for Local Water Supplies, Is Likely to Have Significant Cumulative Environmental Impacts on the LA River

Ensuring that the City, and the entire Los Angeles region, has access to adequate and self-sustaining local water supplies is crucial to guarantee access to clean water for all Angelenos in the face of extreme climate change and worsening drought conditions. We want to clarify our belief that the LA River can and should be a source for significant recycled water resources now

and moving forward. The objectives and outcomes of the Project, therefore, are consistent with our organization's understanding of the important policy goals guiding the City's action.

Our concern with the Project and other wastewater recycling efforts along the LA River, however, is the unintended exacerbation of biodiversity loss and degraded ecosystems. To be clear, these are public health concerns, as well as wildlife concerns. Humans rely on ecosystem services in a myriad of ways - our food systems, vector-borne and water-borne disease control, and the quality of the air we breathe, to name a few. The MND's analysis of the foreseeable cumulative environmental impacts that may result from this Project is regrettably insufficient. The MND's own assessment of cumulative impacts for many nodes downstream of the three wastewater treatment plants for which cumulative flow reductions were considered shows over 25% reductions in minimum flows and around 15% reductions in maximum depth during minimum flow conditions for many nodes, and similarly over 15% reductions in average flows and around 10% reductions in maximum depth during minimum flow conditions. MND at 5-14–5-18. These cumulative impacts, alone, are sufficiently high as to contradict the City's determinations that no significant impacts are expected to result from the Project and other wastewater recycling efforts. As a result, there is a fair argument that there are significant cumulative impacts from the Project and other flow reduction actions that warrant the preparation of a full EIR to assess the cumulative environmental impacts in greater detail.[1]

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But as the MND acknowledges, there are several policy objectives in the LA River watershed that are likely to result in significant reductions in LA River flows from probable future projects. CEQA Guidelines § 15065(a)(3) (stating that "'cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects"). These other sources of flow reductions are insufficiently assessed in the MND, as they are merely summarily described in the background section of the cumulative impacts analysis and not applied to the actual determinations of whether significant environmental impacts are likely to result from the cumulative projects.

The categories of probable future projects that could reduce LA River flows further include the following:

- **Green New Deal**. The MND concedes that the City is working to implement the Green New Deal, which expressly intends to capture 150,000 afy of stormwater by 2035. MND at 5-3. But the MND merely concludes that it is "speculative" how reduced stormwater discharges would affect the reaches of the LA River below the Sepulveda Dam, without more, and therefore the MND excluded consideration of changes in flow as part of the hydraulic model conducted for the Project. *Id.* at 5-3–5-4. And the MND fails to discuss or consider future wastewater recycling projects in the City that would advance toward the goal to achieve 100% wastewater recycling "for beneficial reuse" by 2035—a goal that is not even mentioned directly in the MND but is explicitly included in the Green New

[1] See *San Bernardino Valley Audubon Society v. Metropolitan Water District* (1999) 71 Cal. App. 4th 382, 398-399.

Deal. City of Los Angeles, LA's Green New Deal: Sustainable City pLAn (2019), at 44.[2] As such, the MND's failure to consider future wastewater recycling proposals that would be necessary to achieve the goals set forth in the Green New Deal confirms that the cumulative impacts analysis is incomplete.

- **Los Angeles Glendale Water Reclamation Plant**. The MND acknowledges that the Los Angeles Glendale Water Reclamation Plant is authorized to reduce discharges into the LA River by 3,500 afy under a previously submitted change petition from 2018. MND at 5-2. Nevertheless, the City of Glendale's Urban Water Management Plan from 2020 notes that Glendale "has plans to continue to significantly expand its use of recycled water to new customers," including by using an additional 2,900 afy of wastewater for direct potable reuse by around 2030 and other initiatives to recycle wastewater for indirect potable reuse and groundwater infiltration.[3] Glendale's intent to commit to greater quantities of recycled wastewater amounts to a probable future project that must be considered in the cumulative impacts analysis, but the MND failed to do so.
- **Burbank Water Reclamation Plant**. The MND acknowledges that the Burbank Water Reclamation Plant is authorized to reduce wastewater discharges into the LA River by 1,610 afy by 2025. MND at 5-2–5-3. While the City of Burbank does not have the same concrete plans in place as Glendale to commit to future wastewater recycling, Burbank's Urban Water Management Plan from 2020 states an expected increase in recycled water use by 5,000 afy from the wastewater plant for potable reuse (assuming environmental feasibility).[4] Burbank's forecasted efforts to expand wastewater recycling amounts to a probable future project that must be considered in the cumulative impacts analysis, but the MND again failed to do so.
- **Stormwater discharge reductions**. The MND fails to consider other stormwater capture efforts by municipalities other than the City within the LA River watershed, as necessary to comply with municipal stormwater permit requirements.[5] Without considering this significant source of future flow reductions in the LA River, the MND's cumulative impacts analysis to justify the reduced flows from the Project is incomplete.
- **Low-Flow Diversions.** In addition to stormwater discharge reductions, the MND fails to consider diversions of dry-weather, or low, flows from the LA River watershed that are

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[2] Available at https://plan.lamayor.org/sites/default/files/pLAn_2019_final.pdf. To the extent that the City believes allowing some wastewater discharges into the LA River would qualify as a "beneficial reuse" pursuant to the Green New Deal, the City must make that determination in the MND regarding the extent of discharges that would be necessary to constitute a "beneficial reuse," before moving forward with individual wastewater recycling efforts (and reduced river discharges) on an ad hoc basis.

[3] City of Glendale, 2020 Urban Water Management Plan, at Lay Description p. 3, Section 6 p. 15. Available at https://www.glendaleca.gov/home/showpublisheddocument/62412.

[4] Burbank Water & Power, 2020 Urban Water Management Plan, Executive Summary, at 32. Available at https://www.burbankwaterandpower.com/images/administrative/downloads/BWP_2020UWMP_Final.pdf.

[5] Specific commitments for volume of stormwater capture can be found in Watershed Management Programs for the Upper Los Angeles River Watershed, the Los Angeles River Upper Reach 2 Sub-watershed, and the Lower Los Angeles River Watershed, each of which was approved by the Los Angeles Regional Board under the 2012 MS4 Permit and have been revised under the 2021 Regional MS4 Permit. A full list of the Watershed Management Programs is available at https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/watershed_management/index.html.

currently planned or under construction. The low-flow diversion projects are a regional initiative to comply with TMDL requirements. These projects divert 100% of dry-weather flows to the sanitary sewer system on tributaries to the LA River where high levels of bacteria or metals have been identified. Instead of treating on site and maintaining flow in the tributaries, the dry-weather flows are often removed from the watershed entirely through the sewer system to be treated off site. Removing perennial water sources from the LA River watershed will impact downstream native aquatic and riparian habitat and species, particularly in the dry season. The cumulative impact of removing perennial water sources from the LA River watershed should be considered along with any proposed reduction in reclaimed water discharges by the Project.

- **Silver Lake Reservoir Master Plan**. The City has recently initiated an EIR process for the Silver Lake Reservoir Complex Master Plan Project, which would involve re-designing most of the acreage of the Silver Lake Reservoir Complex to develop additional park space and amenities.[6] Although the EIR scoping materials do not suggest any connection to wastewater discharges or LA River flows, a technical appendix to the proposed project includes the proposal to use recycled water from the Glendale wastewater treatment plant to refill the Silver Lake Reservoir during dry weather conditions, which would require building a new pipe from the reservoir to existing recycled water pipelines in Griffith Park.[7] The potential use of recycled water to refill the Silver Lake Reservoir would further reduce discharges from wastewater treatment plants into the LA River, thereby impacting minimum flows during dry weather. The MND fails to mention, let alone consider, the Silver Lake Reservoir Master Plan proposal as a probable future project, rendering the cumulative impacts analysis incomplete.
- **Metabolic Water Wheel**. A recent permit issued by the State Board authorizes diversion of up to 106 afy from the LA River for use in irrigating surrounding parks via the Metabolic Water Wheel project. The MND fails to mention this probable future project as part of its cumulative impacts analysis, even though the City has already entered into a Memorandum of Agreement regarding the proposed water wheel.[8]
- **LA River Fish Passage and Habitat Structures Design Project**. The MND fails to mention or consider ongoing scientific studies to design and implement habitat structures and passages for steelhead trout populations to allow both juvenile and adult fish to migrate from the Pacific Ocean into the LA River.[9] As these studies will be instrumental steps toward enhancing migration corridors and fish habitat in the LA River, the Project must take into account the impacts of reduced river flows on these habitat

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[6] The City has established a website for the EIR process, available at https://eng.lacity.org/silver-lake-reservoir-complex-master-plan/eir.
[7] Silver Lake Reservoir Complex Master Plan, TASK II: Research & Analysis, Water Resources Report (Sept. 13, 2019), at 21-22, available at https://eng2.lacity.org/sites/g/files/wph726/f/SLRCMP%20-%20WATER%20RESOURCES%20Report.pdf.
[8] For more information about the Metabolic Water Wheel project, see https://www.metabolicstudio.org/bending-the-river.
[9] For more information about this study, see the Council for Watershed Health website at https://www.watershedhealth.org/larw-fish-passage and the Stillwater Sciences website at https://www.stillwatersci.com/portfolio/los-angeles-river-fish-passage-and-habitat-structures-design/.

projects, which may depend on the existing flow thresholds for viability. The altered LA River watershed, and in particular the channelized mainstem and major tributaries, creates a flashy hydrologic regime where storm flows rise and recede faster than a naturalized watershed. This reduces the amount of time steelhead, and other native fish, are able to migrate during each storm event compared to historical conditions and increases the need to provide additional passage opportunities during baseflow, or in between storm events, which the proposed project will reduce. A comprehensive evaluation of environmental flow minimums is necessary to ensure recovery of steelhead and other native aquatic and riparian species, which were not included in the environmental flows evaluations cited in the MND but are targeted by ongoing ecological restoration projects such as the LA River Fish Passage and Habitat Structures Design Project, among others.

Ultimately, the MND's analysis of these cumulative sources of flow reductions only provides a cursory discussion of some of the above initiatives, and entirely fails to mention the others. The MND's cumulative impacts analysis for Biological Resources assumes only that there will be planned future reductions of 4.1 cfs from the Burbank plant and 8.1 cfs from the Glendale plant (MND at 5-19), without considering the likelihood that additional flow reductions will result from future additional wastewater recycling at all three wastewater treatment plants—which, as described above, is probable to occur pursuant to urban water management plans and the City's Green New Deal. Furthermore, the cumulative impacts analysis for Hydrology and Water Quality conclusorily states that percentage changes in minimum flows between -5.3% in Reach 1 to -38.1% in Reach 3, and the percentage change in average flows from -5.3% in Reach 1 to -23.8% in Reach 3, is "not expected to substantially impact downstream water quality." MND at 5-22. These conclusions are neither adequately explained in the MND, nor do they adequately consider the cumulative effects on LA River flows from future wastewater recycling efforts by the City, Glendale, and Burbank, as well as reductions in stormwater discharges and other diversions throughout the LA River watershed that will occur as municipalities implement stormwater controls on an ongoing basis.

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In sum, the MND's analysis of cumulative impacts does not adequately consider all foreseeable wastewater recycling and stormwater capture initiatives that may further reduce LA River flows significantly beyond flow reductions contemplated by the Project, or how those cumulative flow reductions may further affect the viability of fish habitat structures and passage corridors in the LA River as currently being studied. Pursuant to CEQA Guidelines § 15065(a)(3), an EIR is required to study the cumulative impacts from these wastewater recycling and stormwater capture efforts—as currently proposed but also probable future projects required to meet long-term water supply targets—and to assess whether the reduced flows in the LA River from those cumulative projects may run afoul of preserving existing and potential beneficial uses along the LA River.

It Is Premature for the City to Commit to Piecemeal Wastewater Recycling Projects in the Absence of Minimum Flow Determinations Necessary to Support an Ecologically Healthy LA River and Associated Beneficial Uses

The MND relies heavily on the Southern California Coastal Water Research Project's ("SCCWRP") Flow Study for the LA River as a basis to conclude that the Project is not expected to have significant environmental impacts resulting from the reduction in water flows in the LA River. But the MND simultaneously acknowledges that the Flow Study can be used to "support policy development on balancing the need for local water supply and supporting beneficial uses" in the LA River. MND at 5-8. Until such an overarching policy regarding minimum LA River flows to support beneficial uses is made, the City should not continue to move forward with any additional wastewater recycling projects, beyond the proposed Project, that could result in reductions in flows below the minimum threshold supported by the Flows Study.

Understandably, the appropriate entity to be making these minimum flow determinations to support beneficial uses in the LA River is not the City. Although we commend the City's efforts to "apply our knowledge of river conditions" and Project-specific modeling using the hydraulic modeling tools developed as part of the Flow Study (MND at 5-11), the City's experience and knowledge cannot serve as a replacement for critical flow determinations that can only be made by a regulatory body with specific authority to identify present and potential beneficial uses in water bodies and ensure that water discharges into those water bodies support those beneficial uses. The State Water Resources Control Board ("State Board"), and the Los Angeles Regional Water Quality Control Board ("LA Regional Board"), are two such agencies that would be more suitable to set minimum flow targets in a manner that ensures the City, Glendale, Burbank, and other private and municipal actors within the LA River watershed do not take actions that would reduce river flows to a degree that would no longer support beneficial uses. While we do not presently take a position as to which of the State Board and the LA Regional Board should make minimum flow determinations, certainly that authority and obligation should not fall upon the City, which lacks the same expertise and holistic viewpoint regarding matters that affect the LA River as the two water boards.

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Overall, the MND's cumulative impacts analysis inaccurately characterizes the intent of the Flows Study to support the Project. The Flows Study was not intended merely to serve as a justification for individual management decisions that could further reduce LA River flows, such as wastewater recycling and associated change petitions or stormwater management programs. If this were true, the City—along with Glendale and Burbank—could proceed with ad hoc wastewater recycling initiatives on a small scale that would effectively eliminate wastewater discharges into the LA River, without ever completing an EIR or developing a minimum LA River flows policy to ensure the maintenance of existing and potential beneficial uses at each reach of the river.

Moreover, despite the completion of some flow modeling tools, the Flows Study remains ongoing, and researchers continue to assess the important question of how the completed flow modeling tools could support restoration of certain stretches of the LA River. Until

determinations are made about restoration opportunities, the City, and the public, is not fully informed of the potential beneficial uses that could be supported along each reach of the LA River. The premature nature of the Project is highlighted by the MND's conclusion that reduced flows in the LA River will not have significant environmental impacts on many stretches of the river where current flow levels may be insufficient to support Cladophora, an indicator species used to assess the viability of the river as habitat for certain migratory birds. MND at 5-20. At a time when ecological restoration of the LA River is being discussed and prioritized across multiple municipalities, legislators, regulators, and stakeholders, it is unwise to push forward with significant wastewater recycling projects that may irreversibly subvert the opportunity for future restoration efforts along significant stretches of the river. We urge the City to incorporate ecological restoration opportunities into its environmental impacts review processes for all wastewater recycling, and for the Project proposed at the Tillman plant, we strongly believe an EIR is necessary to fully understand the impacts that this quantity of wastewater recycling may have on restoration potential.

We also want to clarify that we take no substantive position regarding the results of SCWRPP's modeling efforts in the Flow Study. The Flow Study could very well show that the LA River can support all of its beneficial uses while accommodating the cumulative water recycling programs of Los Angeles, Glendale, and Burbank, at currently proposed quantities and accommodating additional wastewater recycling efforts moving forward. We sincerely hope that turns out to be true. Our concern at this time with the proposed Project is the inadequate disclosure of information in the MND on cumulative impacts of reduced flows in the LA River, and the premature timing of the Project given that neither the State Board nor the Regional Board has had the opportunity to assess the results of the Flow Study and make determinations about requisite flows to support beneficial uses. We believe it is improper to utilize the Flow Study in the manner described in the MND in the absence of definitive determinations about the requisite flows necessary to support the beneficial uses along the LA River, and certainly given that no EIR was conducted for the Project.

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In conclusion, the MND's analysis of the Flow Study to justify the Project is not a replacement for comprehensive review of the Flow Study and other watershed-level scientific data available to make clear determinations about necessary minimum flows to support existing and potential beneficial uses, including for purposes of ecological health, along the LA River. Such information is necessary, and in fact crucial, to appropriately understand whether at a minimum the currently approved, pending, and probable future municipal water reuse projects—including the Project as proposed—will have a potentially significant environmental impact on the LA River. We urge that the City conduct an EIR to explore the true impacts to the LA River from reduced flows caused by the Project.

The MND Does Not Adequately or Fully Utilize the Tools Developed by SCCWRP as Detailed and Intended in the Flows Study

The MND relies heavily on the SCCWRP Flows Study and tools, yet did not use the tools as intended or to the fullest extent, resulting in an analysis that is incomplete, particularly in regards

to cumulative impacts as described above. More specifically, we observe the following issues with the MND's discussion of the Flow Study as a basis to conclude the Project is not expected to have significant environmental impacts:

- Sensitivity curves were not utilized to examine different reuse scenarios and what the impacts would be to different model species and their associated beneficial uses.
- SCCWRP's online tool (R shiny app[10]), which is an easy to use web interface that analyzes impacts to multiple reaches and end-points with different flow scenarios, was apparently not utilized as part of the MND. As a result, cumulative impacts from other sources of flow reductions were not adequately assessed with the online tools to explore impacts of different flow reduction scenarios, which from our experience utilizing the tool, may be significant.
- The timescale of the analysis in the MND did not match up with that of the Flow Study. The MND analyzed three flow scenarios all based on data from January 2008-June 2019: minimum flow scenario (based on lowest monthly mean daily flow from various locations), average flow scenario (based on average monthly mean daily flow), and maximum flow scenario (based on highest monthly mean daily flow). In contrast, the Flow Study utilized data from 2011 to 2017 with each year and season being modeled. Because these data and analyses do not match, it is difficult for the City or the public to make conclusions about environmental impacts and cumulative impacts utilizing the sensitivity curves or online tools from SCCWRP as intended in the Flow Study.
- The City did not properly implement the Flow Study in its assessment of reduced flows to the LA River. The purpose of the Flow Study is to identify optimal flows that will allow wastewater recycling while maintaining beneficial uses. The Flow Study did not make specific recommendations for flow, but it did identify ranges of flows that will support each beneficial use. In the MND, the City does not rely on the optimal flows identified in the Flow Study for recreation, but instead creates its own definitions for recreational optimal flow. MND at 5-24.

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For these reasons, and in addition to the overall misunderstanding of the purpose of SCCWRP's Flow Study, the City's MND misapplies the Flow Study to the Project in order to justify a finding that no significant impacts will result. A full EIR is required to assess more fulsomely how the findings from the Flow Study interplay with the proposed flow reductions caused by the Project.

Data Analysis and Assessment of Environmental Impacts in the MND Is Insufficient

Beyond the tenuous reliance on the Flow Study, the MND makes multiple claims about insignificant environmental impacts, or a lack of impacts entirely, without providing supporting data or evidence. Some specific issues we identified in reviewing the MND include the following:

- The analysis in the MND is too simplistic and relies on averages, neglecting year-to-year, seasonal, and diurnal variabilities. A more creative and nuanced approach should be taken to ensure that reductions in flow will have the least amount of impacts. The Project proposes to reuse a set amount of the water from the LA River, regardless of

[10] https://sccwrp.shinyapps.io/lar_eflows_shinyapp/

season or time of day. However, habitat and recreation are highly correlated with timing and seasonality of flows so excluding those factors from the Project is a massive oversight. The models in the Flow Study allow wastewater managers to consider seasonal timing of discharges specifically so they can better maintain beneficial uses when needed. The City must explore how seasonal or daily changes in discharge can help maximize beneficial uses of the LA River and reduce impacts. We encourage different reuse alternatives to be analyzed properly in an EIR.

- The environmental impacts analysis in the MND is also too simplistic because it examines only one species threshold range at a time for specific reaches and does not examine impacts holistically as through beneficial uses or thresholds for multiple indicator species at once. As previously mentioned, the MND does not utilize the sensitivity curves that SCCWRP developed to analyze cumulative impacts to beneficial uses or multiple indicator species. For example, in the Biological Resources section (4.6), habitat modifications, in regards to impacts to a candidate, sensitive, or special status species, are assessed only by modeling flows and comparing those to Cladophora suitability ranges in the Upper Los Angeles River reach (MND at 4-42) and Lower Los Angeles River reach (MND at 4-43–4-44). For the Glendale Narrows and Estuary reaches, modeled flows are not compared to suitability ranges for any species. We request that a comprehensive analysis be completed through an EIR, analyzing multiple species through sensitivity curves analyses.
- Significance of environmental impacts was determined subjectively and not backed up by data, statistics, or other forms of evidence. The following examples are illustrative:
    - The MND relies on blanket statements of no or minor impacts with little evidence to back them up throughout the Biological Resources, Hydrology and Water Quality, and Recreation sections. The general tactic was to model the proposed changes in flow for three scenarios and then describe the changes in depth, wetted width, or flow that would result in each river section. In some cases the flow ranges were compared to habitat suitability for specific species (such as Cladophora, Willow, or Typha). For all comparisons, it was not clear what would constitute a significant or insignificant change in flow so there was no objective way to determine the scale of the impacts.
    - In Section 4.6.3, analysis of BIO(a) possible impact, the MND states that for the Glendale Narrows, there will be an expected loss in the width of the wetted channel from 0 to 5%, depending on the flow scenario and specific location (equating to up to 8.59ft in at least one area) (MND at 4-43). The MND then asserts that “[t]he reduced discharge would not cause any population of special-status species to drop below self-sustaining levels,” and therefore the environmental impacts “would be less than significant” (MND at 4-43). No citations or evidentiary support are provided for this statement, and no link has been made between the changes in wetted width and special-status species.
    - In assessing impacts to riparian habitat and other sensitive communities (Section 4.6.3 BIO(b)), proposed changes in flow are compared to habitat suitability ranges for Willow and Typha for the Glendale Narrows reach. The results show that the flow unde the lowest dry weather condition (28.5 cfs) is very close to the

5-28 cont'd

lower end of suitability for a medium and high probability of sustainability for adult survival and growth of willows (Table 4.6-2). It is not clear what the change is from the current flow and the statistical or biological significance of this change in addition to nearing the lower end of suitability ranges. For Typha, at one location (Glendale node location), the modeled lowest dry weather condition (28.5 cfs) is outside the medium probability of survival for adults and it is below the ranges for all locations for a high probability for adult survival and growth (Table 4.6-3). However, despite these concerns, the MND concludes without elaboration that impacts are less than significant for both Willow and Typha, which is unjustified. Further, the Lower LA River reach, in addition to the Glendale Narrows reach, should be analyzed more thoroughly through sensitivity analyses.

- The MND concludes that the reduced flows to the LA River will not have an impact on biological resources in the Lower LA River because the current flow is below the threshold for suitable habitat for Cladophora. MND at 4-44, 5-20. This conclusion is inaccurate as evidenced by the plants and animals that currently inhabit the Lower LA River, including Cladophora, which supports a diverse bird community. The models developed in the Flow Study are less accurate near the estuary due to the tidal influence, so those models should be applied more carefully or with clear caveats and assumptions revealed in the analysis. Because we know Cladophora exists in the Lower LA River and that it is very dependent on depth and scour, even a small change in flow could potentially have great impacts, especially if the existing flow is under suitability thresholds. The MND's unsupported logic on this subject is highly problematic, as it can be used to strip away all ecological value from the LA River simply because many reaches are not currently in a pristine condition. The argument is also not in accordance with the Flow Study, which still identifies an ecological value to flows even if optimal targets are not met.
- The MND claims that the reduced flow in the LA River will have "minor impacts" on habitat conditions and biological communities in the Los Angeles River Estuary. MND at 5-20. The MND fails to provide supporting evidence for this claim, such as an analysis of how salinity levels in the estuary will be impacted by the reduction of freshwater inputs. We request that such evidence be provided and thoroughly explained and analyzed via an EIR for the Project.

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- In the impacts analysis to wetland habitat (4.6.3, BIO(c)), we are concerned that wetland beneficial uses ("WET") are not considered or analyzed in the Biological Resources or Water Quality sections of the MND. The MND concludes that no impacts to wetlands will occur because there are no mapped wetlands in any of the reaches. However, reaches 3, 4, 5, and 6 all are designated for an existing wetland beneficial use[11] and reaches 3 and 4 are downstream from the proposed Project. We request that impacts to wetland beneficial uses from the Project be fulsomely analyzed in an EIR.

[11] See https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/basin_plan_documentation.html.

- The generic assessment of water quality impacts in the MND is inadequate. The MND did not include or analyze any water quality data, despite an abundance of data sets in existence (pages 4-87 and 5-22). The MND presents ranges of percent flow reductions for two flow scenarios for Reach 4 and the conclusion that this will have no significant impacts on water quality is based solely on the following statement: "These reductions are within the range on natural variability of water quality in the Los Angeles River, and are therefore not expected to substantially impact downstream water quality." MND at 4-87. This statement is not backed up by any evidence in the MND, and the connection between flow and water quality is not even articulated. Further, all downstream reaches (not just Reach 4) must be analyzed, and the MND must include data showing how pollutant loadings and concentrations will change given the different flow scenarios. A more thorough water quality analysis is crucial to understand how human health will be impacted both in the water recreation community and the communities that use and live within the river channel. Specifically, the water quality objectives for the existing TMDLs and beneficial uses must be assessed, including bacterial objectives for REC-1.
- The reported impacts to recreation discussed in the MND are based solely on modeled water depths, which is insufficient and fails to account for actual evidence of water depths and flows in the LA River. The City should interview recreational stakeholders as part of this Project, as well as future wastewater recycling initiatives, to verify the amount of flow necessary for recreational activities such as kayaking and fishing that are currently supported along certain reaches of the LA River. MND at 5-24. The City should also reference the optimal flows identified in the Flow Study for kayaking in these sections of the river, as the Flow Study does include analysis of recreational beneficial uses beyond ecological health. A more thorough analysis is particularly crucial for model node LA11, which is projected to be the shallowest part of the LA River Recreation Zone. Since most on-river recreation happens in summer months, we request that the City conduct an EIR to provide a complete analysis of potentially significant impacts to recreational beneficial uses while considering different flow scenarios as they pertain to different seasons.

5-28 cont'd

For the reasons listed above, the MND's analysis of specific environmental impacts is inadequate and, in any event, raises a fair argument that the Project will have significant environmental impacts. We request that an EIR be conducted to assess these potential significant impacts more fully.

The Flows Study has Limitations and Assumptions, Which Necessitate Additional Analyses in the MND

In several aspects, the MND fails to explain the basis for its reliance on the Flow Study to make certain assumptions that are unsupported by the scope of the modeling conducted as part of the Flow Study. More specifically, we believe the following issues warrant reconsideration of the MND's reliance on the Flow Study through a complete EIR:

- The MND focuses on the current conditions of the LA River, without considering the possibility of future restoration work or channel modifications such as concrete removal.

The Flow Study assumes that the physical structure of the River channel remains unchanged, and therefore the MND's sole reliance on the Flow Study for assessment of significant impacts is incomplete. As a result, and as discussed above, the MND must explicitly and thoroughly consider future river restoration scenarios in the cumulative impacts analysis. This is a major oversight, as there are multiple plans underway that will likely change the structure—and consequently flow and conditions for native species—of the LA River. The City must provide projections for how the change in flow from the Project may impact the identified planning efforts for restoration and targeted species that could be affected by the loss of restoration opportunities. Indeed, the Flow Study ecological modeling acknowledges that more detailed modeling of "specific hydraulic conditions would be necessary to support restoration efforts for species not currently supported." Species extirpated from the main stem of the LA River, such as steelhead trout, are included in ongoing planning and design projects for recovery of these species, and omitting their future habitat conditions from the MND or supporting analysis precludes their eventual recovery. A full EIR is necessary to consider LA River restoration, as proposed across various planning process, as probable future projects.

- The hydrologic, hydraulic, and ecological models used in the Flows Study have inherent uncertainties and must be acknowledged and taken into consideration. Rather, the MND does not provide a meaningful assessment of the limitations of the Flow Study, calling into question the MND's sole reliance on the Flow Study as the basis for many of its conclusions of no significant environmental impacts. A full EIR would allow the City to assess the strengths and weaknesses of the Flow Study in its analysis, while providing greater opportunity for public input regarding the same.
- As discussed above, SCCWRP's Flow Study remains ongoing, and the researchers are continuing to assess the impacts to water quality from changes in flow in the LA River and how restoration scenarios, in combination with changes in flow, might impact beneficial uses. The MND's reliance on the Flow Study discounts this important aspect of the Flow Study, and the conclusions of no significant impacts are premature without an EIR to assess the Flow Study's conclusions about restoration.

5-28 cont'd

Based on the above issues, the MND did not properly assess the Flow Study as a scientific tool with significant limitations that require further analysis, minimum flow determinations, and considerations of additional potential flow reductions in the LA River. We request that a full EIR be completed to accurately assess how the Flow Study's limitations affect the MND's conclusions about no significant environmental impacts from the Project.

The MND Lacks a Monitoring and Adaptive Management Plan

A monitoring and adaptive management plan is an integral component that is missing from the Project. This has been identified as an important tool in the Flow Study to evaluate the effects of the changes in flow on beneficial uses and to make necessary adjustments to maintain beneficial uses or correct for unanticipated consequences. SCCWRP is currently in the process of developing such an adaptive monitoring plan. A full EIR should include a thorough monitoring and adaptive management plan that will ensure no significant impacts could result from future

(foreseeable or unforeseen) changes to flow conditions, and we encourage the City to leverage the work that SCCWRP has already done to address this topic, as well as look to existing adaptive management plans employed in other waterways in the Los Angeles region (such as the nearby San Gabriel River).

Limited Public Outreach

Given the precedent-setting nature of this project, we are concerned that thorough stakeholder outreach and engagement was not conducted in an inclusive manner. The City of LA Bureau of Sanitation was part of the Stakeholder Working Group for the Flow Study[12], held over the last three years, which included numerous NGOs, kayaking companies, and other stakeholders invested in this very topic of LA River flows. It would have been prudent for the City to share the Notice of Intent and the MND with these stakeholders at a minimum when it was released, if not to the public more broadly through email alerts and other accessible forms of notification. The release and comment period for this document also coincided with the winter holidays, where many people take vacation and workplaces shut down, further limiting adequate opportunities for public review and comment. In the future, we request that the City ensure the timing of any proposed projects align with periods that would maximize public participation and input, which is the core purpose of the CEQA process.

In addition, the MND relied heavily on modeling data and other documents by SCCWRP from the Flow Study, which has not been widely publicized or made readily available to stakeholders. Some reports from the Flow Study and tools are available on SCCWRP's website[13], but these have not been widely shared through the Stakeholder Working Group led by the State Board or through other typical pathways such as the Lyris listserv. The MND only lists the SCCWRP studies as citations and does not provide hyperlinks to access these studies, inhibiting adequate public review of the MND Study. We hope that the City will ensure future projects will contain easily accessible supporting data and baseline information to allow for maximum opportunity for public review.

5-28 cont'd

Additional Specific Questions and Concerns

Finally, we point the City's attention to a few additional topics of concern in the MND:

- Depth is proposed to increase at one location (Tables 4.16-3) with the proposed project and it is not clear how this could happen with a reduction in flow. Verification of these results is needed and further explanation is warranted if they are correct.
- The City should update the scientific species name for *Hyla regilla* (page 4-27) to *Pseudacris hypochondriaca* or *regilla.*
- The Biological Resources section (4.6) should utilize and reference the 2016 report by The Nature Conservancy[14], which includes a comprehensive chapter on the "Biota of the Los Angeles River in the Elysian Valley."

[12] https://www.waterboards.ca.gov/water_issues/programs/larflows.html
[13] https://www.sccwrp.org/about/research-areas/ecohydrology/los-angeles-river-flows-project/
[14] https://www.scienceforconservation.org/assets/downloads/TNC-LARiver-Study-2016.pdf

- The descriptions of habitats in the LA River (Section 4.6.1.1, pages 4-24 -4-30) are negative and disparaging of any habitat that currently exists. While we recognize that the LA River is highly altered and the habitats are far from pristine, the small portions of habitat that currently exist have great importance for wildlife and people. It is discouraging to see the LA River portrayed so negatively by the City of Los Angeles, who has also been a great champion of celebrating what exists as well as the potential of the River to support a vibrant ecosystem that has benefits for nature and people.

* * * * *

In summary, while we continue to support the City's wastewater recycling efforts at the Tillman plant and throughout the Los Angeles region, given the concerns detailed above, we respectfully request that a full EIR be completed for the Project. Thank you for the opportunity to provide comments on the City of Los Angeles 2022 Donald C. Tillman Reclamation Plant Japanese Garden Discharge Reuse Initial Study/Negative Declaration. We look forward to continuing our collaborative work with the City on ensuring the ecological health of the LA River, as well as advancing water resilience for Los Angeles. If you have any questions concerning these comments, please contact Benjamin Harris at ben@lawaterkeeper.org. 5-28 cont'd

Sincerely,

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Los Angeles Waterkeeper

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Water Quality Scientist
Heal the Bay

Katherine Pease
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Via Electronic Mail Only

January 26, 2022

Paul Cobian
City of Los Angeles - LA Sanitation & Environment
1149 S. Broadway 9th Floor
Los Angeles, CA 90015
Paul.Cobian@lacity.org

Subject: Negative Declaration for the D.C. Tillman Water Reclamation Plant: Japanese Garden Discharge Reuse Project, SCH #2021120230, City of Los Angeles, Los Angeles County

Dear Mr. Cobian:

The California Department of Fish and Wildlife (CDFW) has reviewed a Negative Declaration (ND) from the City of Los Angeles (City) for the D.C. Tillman Water Reclamation Plant: Japanese Garden Discharge Reuse Project (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

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CDFW's 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, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (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 (Id., § 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 State fish and wildlife resources.

CDFW is also submitting comments 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, including 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, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The Project proposes to cease all discharge of recycled water (Subject Recycled Water), up to 4,820 acre-feet per year (4.5 million gallons per day), from the Japanese Garden Lake located in the Donald C. Tillman Water Reclamation Plant (WRP).

A significant majority of the Subject Recycled Water produced at the WRP is directed through a network of pipes to various water features located in the Sepulveda Basin. The flowthrough process at these various water features serves to maintain water quality and prevent fish kills, odor problems, and algae blooms. Recycled water from these water features, which include the Japanese Garden Lake, Lake Balboa, and Wildlife Lake, discharges to the Los Angeles River at various locations. Currently, discharge from the Japanese Garden Lake enters a 108-inch storm drain, which discharges downstream of the Sepulveda Dam to a concrete-lined box-channel portion of the Los Angeles River.

Under the proposed Project, Subject Recycled Water in the Japanese Garden Lake would be rerouted back to the WRP for additional treatment (Subject Advanced Treated Recycled Water). Subject Advanced Treated Recycled Water would be provided to the Los Angeles Department of Water and Power and conveyed via an existing pipeline system to recharge the San Fernando Groundwater Basin. Groundwater replenishment would be accomplished by spreading the Subject Advanced Treated Recycled Water at the existing Hansen Spreading Grounds and Pacoima Spreading Grounds, both located approximately five miles northeast of the WRP. Subsequent extraction of this groundwater from the San Fernando Groundwater Basin will offset the purchase of imported water supplies with local groundwater.

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To facilitate the Project, a new diversion facility consisting of a new valve and new pipeline would be constructed. All activity would be located within the Japanese Garden and WRP property line. The new valve would be installed at the outlet of the Japanese Garden Lake. From the new valve, approximately 80 feet of new buried pipeline would be installed to divert the Subject Recycled Water flow through to the Japanese Garden Lake back to the headworks of the WRP. Construction of the new valve is expected to take two to three months within the summer months of 2022. Construction would occur in four phases as follows:

- Phase 1: Demolish and remove existing surface or near surface improvement materials (e.g., roughly 1,200 square feet of asphalt and concrete);
- Phase 2: Excavate and support installation of the trenches for the diversion; install diversion pipeline;
- Phase 3: Install diversion pipeline including connections to the existing intake and drain pipelines, and backfilling trenches with structural backfill (approximately 30 cubic yards) and/or with stockpiled excavated materials; and,
- Phase 4: Restoration activities including replacement of concrete and asphalt surfaces and restoration of site landscaping.

Location: The WRP is located at 6100 Woodley Avenue in the Encino and Van Nuys communities of the City of Los Angeles. The WRP is located within the Sepulveda Basin, located immediately northwest of the intersection of Highway 101 and I-405. The Japanese Garden occupies about 6.5 acres in the northwest corner of the WRP.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment: Impacts on Nesting Birds

Issue: The Project's environmental document does not discuss the Project's potential to impact nesting birds.

Specific impacts: Project construction and activities during the nesting bird season could cause nesting birds to abandon their nests and a decrease in feeding frequency. This could result in loss of fertile eggs and nestlings.

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Why impacts would occur: According to eBird, there are ten bird hotspots in the Sepulveda Basin. One of these hotspots is in the Japanese Garden (*Sepulveda Basin-Japanese Garden* hotspot) (eBird 2021). At least 83 species of birds have been observed at the *Sepulveda Basin-Japanese Garden* hotspot (eBird 2021). According to page 4-8 of the ND, the Japanese Garden is described as a "heavily vegetated area…with many mature trees, ornamental plantings, and native vegetation." There is a possibility that birds may nest in the Japanese Garden. Moreover, there is a possibility that birds may nest in trees and vegetation adjacent to the Japanese Garden on the west, southwest, and east.

Any birds nesting within and adjacent to the construction of the new diversion facility could be impacted because the Project would "involve temporary effects to ornamental vegetation during construction" (ND page 4-8). Construction of the new diversion facility would overlap with the bird nesting season which typically occurs from February 1 (as early as January 1 for raptors) through August 31 in the Project region. According to Table 2.2-2 in the ND, construction would require demolition, trenching, and ground-disturbing (grading, paving, landscaping) activities facilitated by large equipment such as an excavator, loader, water truck, dump truck, crane, paver, roller, and a concrete saw. Construction would create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. In addition, nesting birds could be impacted by ambient nighttime lighting since the Project may require construction activity at night (ND page 2-6). These activities occurring near potential nests could cause birds to abandon their nests and a decrease in feeding frequency, both resulting in the loss of fertile eggs or nestlings. Accordingly, the Project would have an impact on nesting birds.

Evidence impact would be significant: Nests of all birds and raptors are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5. Fish and Game Code section 3503 states, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird." Fish and Game code section 3503.5 prohibits the take, possession, or destruction of birds-of-prey and their nests or eggs. Also, take or possession of migratory

nongame birds designated in the Federal Migratory Bird Treaty Act of 1918 is prohibited under Fish and Game Code section 3513. As such, impacts on nesting birds and raptors, either directly or indirectly through nest abandonment, reproductive suppression, or loss of occupied nesting habitat, would be a significant impact absent appropriate mitigation. Inadequate avoidance, minimization, and mitigation measures for impacts on nesting birds and raptors will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status by CDFW or U.S. Fish and Wildlife Service.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: CDFW recommends the City include an evaluation of the Project's impact on nesting birds in the ND. The ND should provide measures consistent with Mitigation Measures #1 through #3 to avoid the Project's potentially significant impacts on nesting birds to reduce potential effects to less than significant.

Mitigation Measure #1: To protect nesting birds that may occur in the Japanese Garden and areas adjacent to the construction site, construction of the new diversion facility and use of any construction-related nighttime lighting should occur between September 1 through January 31, outside of the nesting bird season.

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Mitigation Measure #2: If construction must occur during the bird nesting season, a qualified biologist should conduct a nesting bird survey no more than 7 days prior to the beginning of any ground and vegetation disturbing activities. The qualified biologist should survey all potential nesting, roosting, and perching sites within a minimum 500-foot radius from the construction site. If Project activities are delayed or suspended for more than 7 days during the nesting bird season over the estimated two to three months of construction, a qualified biologist should repeat nesting bird surveys before any activities can recommence.

Mitigation Measure #3: If nesting birds are identified, the qualified biologist should establish a no-disturbance buffer of a minimum of 300 feet around active nests. No-disturbance buffers should be increased, if necessary, to protect the nesting birds. No-disturbance buffers should be maintained until the breeding season has ended or until a qualified biologist determines that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Additional Recommendations

Recommendation #2: HEC-RAS Hydraulic Modeling

The ND relies on the results of HEC-RAS hydraulic modeling conducted for the proposed Project to evaluate the effects to biological resources. The HEC-RAS model was adapted from the Los Angeles River Environmental Flows Study (Stein et al. 2021). The HEC-RAS modeling conducted for the Project deviates from the models used in the Los Angeles River Environmental Flows Study in two aspects. First, the HEC-RAS model conducted for the proposed Project used flow data collected from a period between January 2008 through June 2019. The models used in the Los Angeles River Environmental Flows Study were based on hydrologic conditions (or baseline conditions) defined as the flows and operations (wastewater reclamation plants) that occurred during water year (WY) 2011 to 2017. Second, the HEC-RAS model conducted for the proposed Project analyzes flow based on three scenarios: lowest

monthly mean daily flow (April), highest monthly mean daily flow (January), and lowest average monthly mean daily flow (August). The Los Angeles River Environmental Flows Study analyzes flow based on two seasons: wet season (October through March) or dry season (April through September).

CDFW recommends the City provide additional clarification and justification in the ND for more complete disclosure as to how the City used HEC-RAS hydraulic modeling to evaluate the Project's effects to biological resources. CDFW recommends the City revise the ND to:

- clarify if the flow data from January 2008 through June 2019 is based on calendar year or water year (October 1 through September 30);
- explain why HEC-RAS modeling did not use hydrologic conditions consistent with the Los Angeles River Environmental Flows Study (i.e., WY 2011 to 2017);
- explain why using hydrologic conditions from January 2008 through June 2019 instead of WY 2011 to 2017 is adequate to compare baseline conditions against conditions when the Project is implemented;
- explain why HEC-RAS modeling evaluates flow based on means of all 12 months instead of flow based on means within a range of months during the wet (October through March) and dry season (April through September);
- explain if the three modeled scenarios coincide with the wet and dry season as defined in the Los Angeles River Environmental Flows Study; and,
- clarify whether the ND evaluates Project impacts on biological resources based on wet and dry season flow.

5-28 cont'd

Recommendation #3: Threshold of Significance

CDFW appreciates that the ND provides a quantitative evaluation of the Project's effects on discharge, maximum depth, and wetted perimeter along the Los Angeles River. CDFW also appreciates that the City evaluated the Project's cumulative effects on the Los Angeles River. However, it is unclear what thresholds the City used to determine that these effects on the Los Angeles River are "minor" and "not noticeable" as described in the MND, which resulted in a determination that the Project has no impact or less than significant impact on biological resources. The ND does not provide a qualitative or quantitative definition for "minor" and "not noticeable" nor does the ND explain why the criteria or threshold for "minor" and "not noticeable" are appropriate for determining the Project's level of significance. In addition, the ND does not explain if "minor" and "not noticeable" were derived from a statistical exercise comparing current and post-Project conditions.

CDFW recommends the City revise the ND to explain what defines "minor" and "not noticeable" and how these definitions were derived based on any criteria, thresholds, or statistics. A threshold of significance should be an identifiable quantitative, qualitative, or performance level (CEQA Guidelines, § 15064.7). The ND should explain how compliance with those thresholds means that the Project's impacts are less than significant [CEQA Guidelines, § 15064(b)(2)]. The ND should explain whether these thresholds have been adopted for general use by the City as part of the City's environmental review process, which must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence (CEQA Guidelines, § 15064.7). The ND explain disclose whether these thresholds have been previously adopted or recommended by other public agencies or recommended by experts (CEQA Guidelines, § 15064.7).

Recommendation #4: Minimum Threshold Requirements for Willows (*Salix* genus) and Cattail (*Typha* genus) Under Medium Probability Conditions

CDFW recommends the City provide clarification and additional discussion of the Project's impacts and cumulative impacts on riparian habitat or other sensitive communities in the Glendale Narrows stretch of the Los Angeles River. First, page 4-45 in the ND states, "flows under the average dry weather condition with the proposed Project are predicted to be 49.7 cfs and under the lowest dry weather condition to be 28.5 cfs. These predicted flows are above the thresholds that indicate support of suitable habitat for both survival and growth of cattails throughout the Glendale Narrows stretch of the Los Angeles River." According to Table 4.6-3, summer flow conditions required to provide suitable habitat for survival of cattails is 84-1,968 cfs at the LA14 reporting node and 77-568 cfs at the Glendale reporting node. The predicted flows of 49.7 cfs and 28.5 cfs are below the summer flow conditions required at the LA14 and Glendale reporting nodes. CDFW recommends the City provide additional discussion and clarification as to why predicted flows of 49.7 cfs and 28.5 cfs would not result in significant impacts on riparian habitat or other sensitive communities. In addition, CDFW recommends the City provide an evaluation of predicted wet season flows in relation to wet season flow conditions required to provide suitable habitat for survival and growth of cattails and willows.

Second, under section 5.4.4, CDFW recommends the City provide a discussion on whether the Project would have a cumulative impact on riparian habitat or other sensitive communities. The discussion should evaluate cumulative flow reductions during the wet and dry season in relation to wet and dry season flow conditions required to provide suitable habitat for survival and growth of willows and cattails.

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Finally, CDFW recommends the City clarify where/how values in Table 4.6-2 and 4.6-3 were derived and why some of the values are inconsistent with the flow conditions derived via the LA River Environmental Flows Dashboard (SCCWRP 2021). For example, using the *Flow Range Determination* tool, the dry season baseflow range for a medium probability of willow adult survival at the Glendale node is 23-355 cfs. This value differs from 23-40,590 cfs in Table 4.6-2.

Recommendation #5: Fish and Game Code Section 1602

CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated plant communities. 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[1];
- 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.

[1] "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

CDFW requires a Lake or Streambed Alteration (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources. If the Project substantially diverts or obstructs the natural flow of any river, stream, or lake, the City should notify CDFW regarding the activity pursuant to Fish and Game Code section 1602. Please visit CDFW's Lake and Streambed Alteration Program webpage for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2022).

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 City of Los Angeles and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required 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

We appreciate the opportunity to comment on the Project to assist the City of Los Angeles in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City of Los Angeles has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov or (562) 619-2230.

5-28 cont'd

Sincerely,

DocuSigned by:
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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

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5-28 cont'd

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
REC-1 Impacts on Nesting Birds	The City should include an evaluation of the Project's impact on nesting birds in the Project's CEQA document. The Project's CEQA document should provide measures consistent with Mitigation Measures #1 through #3 to avoid the Project's potentially significant impacts on nesting birds to reduce potential effects to less than significant.	Prior to finalizing/ adopting CEQA document	City of Los Angeles - LA Sanitation & Environment (City)
MM-BIO-1 Impacts on Nesting Birds	To protect nesting birds that may occur in the Japanese Garden and areas adjacent to the construction site, construction of the new diversion facility and use of any construction-related nighttime lighting shall occur between September 1 through January 31, outside of the nesting bird season.	Prior to starting Project construction and activities	City
MM-BIO-2 Impacts on Nesting Birds	If construction must occur during the bird nesting season, a qualified biologist shall conduct a nesting bird survey no more than 7 days prior to the beginning of any ground and vegetation disturbing activities. The qualified biologist shall survey all potential nesting, roosting, and perching sites within a minimum 500-foot radius from the construction site. If Project activities are delayed or suspended for more than 7 days during the nesting bird season over the estimated two to three months of construction, a qualified biologist shall repeat nesting bird surveys before any activities can recommence.	No more than 7 days prior to beginning or restarting of any ground and vegetation disturbing activities	City
MM-BIO-3 Impacts on Nesting Birds	If nesting birds are identified, the qualified biologist shall establish a no-disturbance buffer of a minimum of 300 feet around active nests. No-disturbance buffers shall be increased, if necessary, to protect the nesting birds. No-disturbance buffers shall be maintained until the breeding season has ended or until a qualified	Prior to and During Project construction and activities	City

5-28 cont'd

	biologist determines that the birds have fledged and are no longer reliant upon the nest or parental care for survival.		
REC-2 HEC-RAS Hydraulic Modeling	The City should provide additional clarification and justification in the ND for more complete disclosure as to how the City used HEC-RAS hydraulic modeling to evaluate the Project's effects to biological resources. The City should revise the ND to: • clarify if the flow data from January 2008 through June 2019 is based on calendar year or water year (October 1 through September 30); • explain why HEC-RAS modeling did not use hydrologic conditions consistent with the Los Angeles River Environmental Flows Study (i.e., WY 2011 to 2017); • explain why using hydrologic conditions from January 2008 through June 2019 instead of WY 2011 to 2017 is adequate to compare baseline conditions against conditions when the Project is implemented; • explain why HEC-RAS modeling evaluates flow based on means of all 12 months instead of flow based on means within a range of months during the wet (October through March) and dry season (April through September); • explain if the three modeled scenarios coincide with the wet and dry season as defined in the Los Angeles River Environmental Flows Study; and, • clarify whether the ND evaluates Project impacts on biological resources based on wet and dry season flow.	Prior to finalizing/ adopting CEQA document	City
REC-3- Threshold of Significance	The City should revise the Project's CEQA document to provide a discussion for what the City defines as "minor" and "not noticeable" changes to the Los Angeles River. A threshold of significance should be an identifiable quantitative, qualitative, or performance level. The Project's CEQA document should also explain how compliance with those thresholds means that the Project's impacts are less than significant. The Project's CEQA document should disclose whether these thresholds have been adopted for general use by the City as part of the City's environmental review process.	Prior to finalizing/ adopting CEQA document	City

5-28 cont'd

	The Project's CEQA document should disclose whether these thresholds have been previously adopted or recommended by other public agencies or recommended by experts.		
REC-4- Minimum Threshold Requirements for Willows (*Salix* genus) and Cattail (*Typha* genus) Under Medium Probability Conditions	The City should provide clarification and additional discussion of the Project's impacts and cumulative impacts on riparian habitat or other sensitive communities in the Glendale Narrows stretch of the Los Angeles River. The City should provide additional discussion and clarification as to why predicted flows of 49.7 cfs and 28.5 cfs would not result in significant impacts on riparian habitat or other sensitive communities. In addition, the City should provide an evaluation of predicted wet season flows in relation to wet season flow conditions required to provide suitable habitat for survival and growth of cattails and willows. The City should provide a discussion on whether the Project would have a cumulative impact on riparian habitat or other sensitive communities. The discussion should evaluate cumulative flow reductions during the wet and dry season in relation to wet and dry season flow conditions required to provide suitable habitat for survival and growth of willows and cattails. Finally, the City should clarify where/how values in Table 4.6-2 and 4.6-3 were derived and why some of the values are inconsistent with the flow conditions derived via the LA River Environmental Flows Dashboard.	Prior to finalizing/ adopting CEQA document	City
REC-5- Fish and Game Code Section 1602	If the Project substantially diverts or obstructs the natural flow of any river, stream, or lake, the City should notify CDFW regarding the activity pursuant to Fish and Game Code section 1602.	Prior to starting Project construction and activities	City

5-28 cont'd

Comment Letter 5: Los Angeles Waterkeeper, Friends of the Los Angeles River, and Heal the Bay

Response 5-1

This comment includes introductory remarks and does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft Supplemental EIR. Any specific comments on environmental impacts of the project modifications are discussed in detail below.

No further response to this comment is required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-2

The commenter states the proposed project modifications do not adequately consider environmental impacts to the LA River. The commenter states the discharge of treated water into the LA River must continue in order to maintain the river's current environmental conditions. As stated in Section 1.2, Purpose, Scope, and Legal Authority, on page 1-1, the Draft Supplemental EIR has been prepared in accordance with CEQA (California Public Resources Code § 21000, et. seq., as amended) and its implementing guidelines (State CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et. seq., 2023). The Draft Supplemental EIR involved an analysis of the potential environmental impacts that could result from implementation of the project modifications, which are analyzed and presented in Chapter 4 of the Draft Supplemental EIR. As discussed in Section 1.3, Format of the Supplemental EIR, on page 1-2 of the Draft Supplemental EIR:

> While all environmental factors that were considered in the 2016 EIR have been addressed in this Supplemental EIR in relation to the project modifications, the primary focus of the analysis is the diversion of the Japanese Garden Lake flows and the resultant decrease in discharges from DCTWRP to the LA River since this is the main change created by the project modifications when compared to the approved project. The 2016 EIR did not conduct analysis related to the LA River because no diversion of discharges from DCTWRP to the LA River were anticipated as part of the approved project. Therefore, Chapter 4, Environmental Setting and Project Impacts, of this Supplemental EIR evaluates the following environmental resources for which the project modifications were determined to have the potential for new or substantially more severe significant environmental impacts related to the change in discharge to the LA River:
>
> - Biological Resources
> - Hydrology and Water Quality
> - Recreation
>
> As discussed further in Chapter 5, Other CEQA Considerations, of this Supplemental EIR, it was determined that the project modifications would not result in new or substantially more severe impacts to the remaining environmental resource topics addressed in the 2016 EIR. Brief explanatory discussions of these environmental issues are included in Chapter 5.

As such, the Draft Supplemental EIR has adequately considered the potential environmental impacts to the LA River in accordance with the CEQA Guidelines.

The commenter also summarizes the topics of the comments provided in their letter. The commenter is referred to Responses 5-4 through 5-26 for written responses to each comment.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-3

The commenter refers to the EIR for the approved project, which was certified by the Board of Water and Power Commissioners on December 6, 2016 (2016 EIR). The commenter expresses support of the approved project's balance between utilizing recycled water to advance local water supply needs and preserving discharges into the LA River to maintain its ecological integrity, preserve critical habitat, and support recreational activities.

This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft Supplemental EIR. Therefore, no further response to this comment is provided.

Response 5-4

The commenter states that the proposed project modifications would modify the previously approved project significantly by proposing to eliminate discharge from the Japanese Garden Lake into the LA River. The commenter inaccurately characterizes the volume of influent into DCTWRP, stating that an increase in influent will create a greater availability of wastewater without needing to reduce discharges to the LA River and that, despite this increase, the project modifications would also reroute flows from the Japanese Garden Lake. As discussed on page 2-1 of the Draft Supplemental EIR, since 2016, water conservation efforts in the City have reduced the volume of wastewater influent available to DCTWRP compared to the volume anticipated during the preparation of the 2016 EIR. Therefore, the project modifications have been proposed to help increase the volume of influent to DCTWRP. The recirculation of the Japanese Garden Lake water to the DCTWRP treatment facilities provided by the project modifications would deliver a sufficient volume of recycled water influent to the AWPF to generate purified water effluent to meet the needs of non-potable reuse customers and the groundwater replenishment program. As a result of the modified project, the City would cease discharging water to the LA River from the Japanese Garden Lake. However, other discharges of recycled water would continue from the DCTWRP.

The commenter also states that proposed project modifications would reduce discharges from DCTWRP to the LA River by up to 25 percent. The volume of water that would be discharged from DCTWRP to the LA River would not be reduced by greater than the amount that currently flows through the Japanese Garden Lake (an average of approximately 4 MGD). As discussed in the Draft Supplemental EIR, the proposed project modifications would redirect 4 MGD of recycled water that flows through the Japanese Garden Lake and that currently discharges to the LA River back to the DCTWRP treatment train[6] to help maintain minimum volumes of recycled water influent for the AWPF. In that regard, reduction in discharge to the LA River with implementation of the proposed project modifications would represent a 16.7 percent reduction in flow from

[6] A treatment train is a sequence of water treatment stages where each stage is a specific treatment technology. The output of one treatment stage becomes the input for the next treatment stage.

DCTWRP to the river relative to current conditions of 24 MGD of flow to the LA River (as presented in the Draft Supplemental EIR Public Meeting Presentation dated January 23, 2025). The project modifications do not propose further reductions in flow to the LA River nor are there other projects proposed that would further reduce flows from DCTWRP to the river.

As discussed in Chapter 1, Introduction, of the Draft Supplemental EIR, because the project modifications require only minor additions and changes to the 2016 EIR, LADWP, as the lead agency under CEQA, has determined that a Supplemental EIR is the appropriate CEQA documentation for the project modifications. The purpose of a Supplemental EIR is to provide the additional information necessary to make the 2016 EIR adequate for the project as modified. Pursuant to Section 15163 of the State CEQA Guidelines, the Supplemental EIR only needs to contain information necessary to analyze the project modifications that triggered the requirement for additional environmental review. The modifications are considered a minor change to the approved project considered in the 2016 EIR because they would involve minimal construction activities, consisting of installation of approximately 90 linear feet of pipeline and diversion structures and valves within the Japanese Garden area of the DCTWRP property. Construction activities would take up to 10 working days to complete.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-5

The commenter states that the HEC-RAS model used in the Draft Supplemental EIR does not rely on accurate data of historical flows and does not accurately characterize potential environmental impacts. The commenter is referred to Response 4-10 above regarding the approach to development of the HEC-RAS model and the data inputs informing the model. As discussed in Response 4-10, the data inputs included actual measured gage data from the County and USGS gaging stations, and the HEC-RAS model of hydraulics in the LA River channel was developed for both the existing condition and for a reduction in flow in the river downstream of the Japanese Garden Lake discharge point after implementation of the proposed project modifications. The modeling and analysis prepared for the Draft Supplemental EIR accurately characterize the potential environmental impacts of this incremental reduction on discharges.

Response 5-6

The commenter states the Draft Supplemental EIR does not account for cumulative environmental impacts from other reasonably foreseeable projects. The commenter is referred to Response 4-12 regarding the analysis of cumulative impacts in the Draft Supplemental EIR. As discussed in Response 4-12, cumulative impacts are two or more individual effects which, when taken together, are cumulatively considerable or which compound or increase other environmental impacts. The project modifications' potential impacts to the LA River would result from the reduction in discharge of recycled water from DCTWRP to the LA River. The SWRCB has approved a reduction in discharge to the river by the City of Burbank at BWRP and the City of Glendale at LAGWRP, either or both of which may contribute to a cumulative impact to the beneficial uses in the river when considered in conjunction with the proposed project modifications. These reductions are reflected in the analysis of cumulative impacts in Chapter 4 of the Draft Supplemental EIR.

No other reasonably foreseeable projects are identified by the commenter; therefore, no revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-7

The commenter states the methodology in calculating the flow modeling is not clear and that the HEC-RAS model does not represent the true nature of the river channel. Specifically, the commenter states that it is not clear why the Draft Supplemental EIR discusses non-gaged stations along the LA River and that the document does not disclose the methodology used to calculate flows at non-gaged locations.

Non-gaged station data is derived from actual measurements of gaged station data, providing a reasonable and accurate method for deriving flows at various points on the LA River. As discussed in Section 3.1, Los Angeles River Gaging Station, of the Draft Supplemental EIR, several gaging stations operated by the County or USGS are located in the mainstem of the LA River or in tributaries close to their confluence with the river. These gaging stations provide a record of flow levels, both in the upper LA River (within the boundaries of the San Fernando Groundwater Basin) and the lower LA River, within the Los Angeles Basin proper, from which the river discharges into San Pedro Bay. The flows as recorded at the stations were used to establish the existing hydrological conditions in the LA River against which the changes in flow resulting from the project modifications were assessed. Data from two non-gaged stations, LA14 and LA13, were used to provide a more comprehensive picture of the flows entering the LA River near confluences with primary tributaries to the river. As discussed in the descriptions of the gaging stations and river stations beginning on page 3-1 of the Draft Supplemental EIR, BWRP discharges into the Burbank Western Storm Drain approximately 1.8 miles upstream of gaging station E285, a Los Angeles County operated gaging station located 0.4 miles upstream of the LA River. Burbank Western Storm Drain is a concrete box channel and a primary tributary to the LA River. The flows as gaged at F300 and E285 combine to establish the flow level at LA14 (RS 169392.4), which is a non-gaged station located in the mainstem of the LA River just downstream of the confluence of the river and Burbank Western Storm Drain and approximately 4.9 miles downstream of F300. Verdugo Wash is a concrete box channel and a primary tributary to the LA River. Gaging station F252 is a County operated station located in Verdugo Wash 0.4 miles upstream of the LA River. The flow level as calculated at LA14 and gaged at F252 combine to establish the flow level at LA13 (RS 161377.1), which is a non-gaged station located in the mainstem of the LA River approximately 0.2 miles downstream of the confluence of the river and Verdugo Wash and 1.5 miles downstream of LA14. As discussed in Section 3.1, the flows at the non-gaged stations are calculated from gage data, which are measured flows recorded by the County or USGS. Thus, flows from the gaging and non-gaged stations represent actual measured flow data from public agencies for nodes downstream of the Japanese Garden discharge point.

The commenter is referred to Response 4-5 and Response 4-10 above regarding the consideration of dry season flows and the approach to developing the HEC-RAS model and the data inputs, respectively informing the model. As discussed in Response 4-10, the hydraulic model employed in the analysis of the project modifications was originally developed by SCCWRP to support the Flows Project. The SCCWRP HEC-RAS model was assembled from several existing 1D HEC-RAS models covering different parts of the river system and included the gaging and non-gaged station locations identified in the Draft Supplemental EIR. As discussed in Response 4-5, the critical dry season period of June, July, and August indicated by the gage data compiled for the hydraulic analysis for the project modifications was confirmed by the Flows Project. The average gaging station data (i.e., actual measured flow data) collected for the dry

season and used in the Draft Supplemental EIR was backchecked against the modeled flows in the Flows Project model to test the validity of the data. As discussed in Section 3.2, Los Angeles River Dry Season Flows, beginning on page 3-4 of the Draft Supplemental EIR, for the period encompassed by the Flows Project, average gaging station data for June through August correspond closely with the Flows Project model, as indicated in Table 3-1 and Figure 3-2, on pages 3-4 and 3-5 of the Draft Supplemental EIR, respectively, which validates the accuracy of both the gaging stations and the model for establishing flows in the river.

The commenter states the historical flow conditions identified in the Draft Supplemental EIR for the soft-bottom Glendale Narrows area do not match historical conditions observed by community members, and as such, the HEC-RAS model does not account for on-the-ground monitoring data to validate the modeling. As discussed in Section 3.3, HEC-RAS Model, beginning on page 3-6 of the Draft Supplemental EIR, to better assess potential impacts of the flow reduction, several intermediate river stations located in soft-bottom habitat areas of the river were also selected to be included in the HEC-RAS model. These include stations located approximately midway between LA14 and LA13 (RS 165671.8) and approximately midway between LA 13 and GLEN (RS 159029.2). GLEN itself is located in a soft-bottom habitat area. In addition, three approximately equidistant nodes were selected in soft-bottom areas between GLEN and F57C (RS 149343.2, RS 142453.7, and RS 135461.4). These soft-bottom habitat areas include the Glendale Narrows portion of the river. As discussed in Response 4-10 above, the HEC-RAS model developed for the project modifications comprises approximately 3,000 nodes, encompassing both the channelized and soft-bottomed sections of the LA River, stretching from the estuary to Sepulveda Dam, Compton Creek, and Rio Hondo up to Whittier Narrows Dam. Furthermore, as discussed previously, the HEC-RAS model accounts for the critical dry season and was backchecked for accuracy of the gaging station data, which was validated against the Flows Project model. Therefore, the HEC-RAS modeling conducted for the project modifications does account for the soft-bottom portions of the LA River in the study area, including the Glendale Narrows area, using the most accurate flow data available at the time of preparation.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-8

The commenter states kayaking requires 18-24 inches of depth to be optimal but that water depths lower than 18 inches can be viable for kayaking activities. Additionally, the commenter states that if the estimates in the Draft Supplemental EIR of existing water depth conditions between 2019 and 2022 were correct, kayaking trips would not have been able to occur and that kayaking was, in fact, able to continue during those years. The commenter also states that historic LA River flows beyond WY 2019 through WY 2022 were seasonally higher than represented in the Draft Supplemental EIR.

Potential impacts to portions of the LA River where kayaking is permitted are assessed under Threshold 1 in Chapter 4.3, Recreation, beginning on page 4.3-4 of the Draft Supplemental EIR. As shown in Table 4.3-1, HEC-RAS Model Results for Proposed Project Modifications, on page 4.3-6 of the Draft Supplemental EIR, existing water depths in portions of the LA River where kayaking is allowed range from 8.52 inches to 13.56 inches. Based on the HEC-RAS model, with implementation of the project modifications, water depths in this portion of the river are anticipated to decrease by up to 0.60 inches. As discussed in Responses 4-5 and 4-10 above, the HEC-RAS modeling conducted for the project modifications represents estimated average flows during the critical dry season (June, July, August), when flows would be at their lowest, using the most recent

gaging station data available at the time of preparation. Based on the results of the HEC-RAS model, the Draft Supplemental EIR concludes that the decrease in water depth resulting from implementation of the project modifications would not substantially degrade REC-1 Water Contact Recreation, including kayaking, and the impact would be less than significant. As noted, the modeling represents average flows during the lowest flow scenario during the critical dry season months. As previously discussed, the Draft Supplemental EIR acknowledges that the LA River is subject to sometimes drastic fluctuations in flows within a given WY and between WYs. If, as reported by the commenters' observations, water depths were higher than levels modeled in the HEC-RAS based on gage data, then the water depths shown in the HEC-RAS results are conservative, and changes in water depth with implementation of the project modifications would still result in a less than significant impact to recreation consistent with the conclusions in the Draft Supplemental EIR. The commenter is also referred to Responses 5-19, 5-20, and 5-21 regarding the project modifications' potential impacts to recreational uses and kayaking.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-9

The commenter states the HEC-RAS modeling is inaccurate and as such, the determinations of the Draft Supplemental EIR are inaccurate. The commenter also states that the Elysian Community Operation (ECO) has initiated efforts to obtain more accurate and recent data of water depth in the LA River. The commenter is referred to Response 4-10 above regarding the approach to development of the HEC-RAS model and the data inputs informing the model. As further discussed in Response 5-7 above, the HEC-RAS data inputs include gage data recorded by the County or USGS, representing actual measured flow data from public agencies for nodes downstream of the Japanese Garden discharge point. As such, the HEC-RAS model uses the most accurate flow data available at the time of preparation. No revisions to the Draft Supplemental EIR are required.

The commenter also refers to Attachment A to their comment letter, which contains a report documenting ECO's preliminary findings. The attachment does not contain comments on the environmental analysis contained in the Draft Supplemental EIR. Nonetheless, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-10

The commenter states that the modeling tools utilized to assess potential environmental impacts in the Draft Supplemental EIR are insufficient. The commenter also states that the HEC-RAS model used in the analysis in the Draft Supplemental EIR is based on the Flows Project model. The commenter is referred to Response 4-10 above regarding the approach to developing the HEC-RAS model and the data inputs informing the model. As explained in Response 4-10, the HEC-RAS model was derived from the model developed by SCCWRP for the Flows Project. However, the SCCWRP model was used only as a starting point and was verified and updated for the project modifications. As noted in Response 4-10, the HEC-RAS Memorandum included as Appendix B to the Draft Supplemental EIR explains that to ensure the accuracy of the channel geometry, validation was conducted using LiDAR data, as-built records, and Google Earth imagery, with a particular focus on incorporating the low-flow channel. The amalgamated pre-existing models were then expanded to encompass the Sepulveda Basin and the upper Rio Hondo regions, appropriately leveraging the LiDAR data. The existing geometry file was coupled with a new steady flow data consisting of three profiles, including the existing condition, reductions

resulting from the diversion of water from the project modifications; and the cumulative flow reduction scenario. As such, the HEC-RAS model used in the analysis of the project modifications is not the same HEC-RAS model from the Flows Project.

The commenter also states that the Draft Supplemental EIR does not thoroughly analyze potential impacts due to dynamic changes in the river during the dry season. The commenter is referred to Response 4-5 above regarding the consideration of dry season flows.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-11

The commenter states that the modeling tools developed by SCCWRP for the Flows Project did not make recommendations regarding flow targets in the LA River. As discussed in Response 5-10, the HEC-RAS model used in the analysis of the project modifications is not the same HEC-RAS model from the Flows Project. The commenter also states that the Draft Supplemental EIR does not consider other factors, such as substrate, temperature, water quality, or mechanical channel maintenance. As discussed in Response 5-7, the HEC-RAS modeling conducted for the project modifications does account for both the channelized and soft-bottomed sections of the LA River. Regarding mechanical channel maintenance, the commenter is referred to Response 4-3, which explains that construction and maintenance activities associated with the project modifications would occur within the boundaries of the Japanese Garden within the DCTWRP property, and no activities would occur within or adjacent to the LA River channel.

Potential impacts to water quality resulting from implementation of the project modifications are assessed under Thresholds 1, 5, and 6 in Chapter 4.2, Hydrology and Water Quality, of the Draft Supplemental EIR. As discussed in the operation impact analysis under Threshold 1 on page 4.2-12 of the Draft Supplemental EIR, implementation of the proposed project modifications would decrease the amount of recycled water released from DCTWRP into the LA River. Despite this reduction in flow, the existing treatment processes and adherence to Regional Water Quality Control Board (RWQCB) waste discharge requirements (WDRs) at DCTWRP would continue as under existing conditions. The quality of the effluent from the AWPF after implementation of the project modifications would remain as described in the 2016 EIR, would be subject to the WDRs for the approved project, and would meet the standards required by Title 22. The project modifications would also comply with the General Industrial Permit, industrial SWPPP, and stormwater monitoring program. Accordingly, the project modifications would not adversely impact the beneficial uses for Municipal and Domestic Water Supply, Industrial Service Supply, or Industrial Process Supply identified for the LA River in the Basin Plan. Additionally, as discussed in the operation impact analysis under Threshold 5 on page 4.2-15 of the Draft Supplemental EIR, the project modifications would not result in any increases in runoff because the proposed pipeline would be located underground, and the amount of impervious surface area would be similar to existing conditions. Finally, as discussed in the impact analysis under Threshold 6 on page 4.2-15 of the Draft Supplemental EIR, the quality of the effluent from the AWPF after implementation of the project modifications would remain as described in the 2016 EIR and would meet the standards required by Title 22. Furthermore, as discussed in Section 4.2.2., Environmental Setting, the LARWQCB Basin Plan identifies the principal source of nitrogen compounds entering the LA River as discharges from DCTWRP, LAGWRP, and BWRP. Implementation of the project modifications would result in a 4 MGD reduction in discharge, which would equate to a decreased flow in the river, which would result in a reduction in loading for plant effluent to the LA River

system for all constituents. As such, the Draft Supplemental EIR concludes that impacts to water quality resulting from the project modifications would be less than significant.

Further, as discussed in Response 4-8 above and in the impact analyses contained in Chapter 4 of the Draft Supplemental EIR, no new or more severe significant impacts have been identified related to the project modifications. As such, no new mitigation measures that were not previously identified in the 2016 EIR would be required to implement the project modifications. No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-12

The commenter states that the decreases in top width and flow in the LA River resulting from implementation of the project modifications would result in potentially significant downstream impacts to the riverine ecosystem. The commenter is referred to Response 4-10 above regarding the approach to developing the HEC-RAS model and the data inputs informing the model. The results of the HEC-RAS modeling were used as the basis for determining potential impacts to biological resources, hydrology and water quality, and recreation. As previously discussed, based on the results of the HEC-RAS model, the estimated reductions in depth and top width of flows within the LA River channel downstream of the Japanese Garden discharge point would be relatively small and would not noticeably change habitat conditions and species composition. Measured and modeled top widths measure across the top of the river channel. However, any reductions in top width would apply not only on each side of the river channel but also to any islands within the river channel. For example, if the HEC-RES model noted a top width reduction at a certain location would be 7 feet, that would not mean that 7 feet on each bank would then be dry. Rather, a 7-foot reduction in the top width of the river would represent a maximum reduction of 3.5 feet from each side. However, if there are vegetated islands in the middle of the channel, the reduction from each bank and each side of each island would be less than 3.5 feet. As discussed in Chapter 4.1, Biological Resources, on page 4.1-19 of the Draft Supplemental EIR, vegetated islands were frequently observed throughout the soft-bottom portions of the channel. The reduction in top width due to the proposed project modifications would be expected to occur at an even distribution between bank areas, including unvegetated banks and at the margins of vegetated islands within the channel. Implementation of the project modifications would result in relatively small reductions in water column depth, top width, and velocity at the identified river station locations. As such, no significant adverse impacts to the composition and distribution of the vegetation communities occurring within the Los Angeles reach of the LA River are anticipated. Minor redistributions of the vegetation are possible, as channel banks and margins of vegetated areas become less saturated and more hospitable to sustained willow establishment, and other areas become likewise more hospitable for cattail establishment. However, redistributions of vegetation communities are common within a dynamic river system, which is subject to a wide variety of seasonal, annual, and longer duration fluctuations in water velocity and availability. Therefore, the Draft Supplemental EIR concludes that impacts to sensitive and special-status species and vegetation communities would be less than significant.

Additionally, as discussed in Response 4-8 above and in the impact analyses contained in Chapter 4 of the Draft Supplemental EIR, no new or more severe significant impacts have been identified related to the project modifications. As such, no new mitigation measures that were not previously identified in the 2016 EIR would be required to implement the project modifications.

Regarding the commenter's claim that LADWP intends to reduce current discharges into the LA River by 25 percent, the commenter is referred to Response 5-4, which describes the changes to

the volume of influent into DCTWRP and discharge flows to the LA River resulting from the proposed project modifications. As discussed in the Draft Supplemental EIR, the proposed project modifications would redirect 4 MGD of recycled water that flows through the Japanese Garden Lake and that currently discharges to the LA River back to the DCTWRP treatment train to help maintain minimum volumes of recycled water influent for the AWPF. In that regard, reduction in discharge to the LA River with implementation of the proposed project modifications would represent a 16.7 percent reduction in flow from DCTWRP to the river relative to current conditions (approximately 24 MGD). Additionally, the project modifications do not propose further reductions in flow to the LA River nor are there other plans to further reduce flows from DCTWRP to the river.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-13

The commenter states that the reduced base flow resulting from the project modifications would reduce available water and habitat for vegetation used by migratory birds and other species, and would worsen water quality due to the increased percentage of stormwater runoff. The commenter is referred to Response 4-7 regarding the assessment of potential impacts to sensitive and/or special-status species, including nesting birds, in the Draft Supplemental EIR. Regarding impacts to water quality, the commenter is referred to Response 5-11 above and Response 5-14 below. The incremental reduction in discharges is not expected to result in new or more severe impacts on habitats, water quality, migratory birds, or other special-status species within the LA River. No further response to this comment is required.

Response 5-14

The commenter states the Draft Supplemental EIR does not clearly analyze potential water quality impacts in the LA River. The commenter is referred to Response 5-11 above regarding the assessment of potential water quality impacts in the Draft Supplemental EIR. The Draft Supplemental EIR acknowledges that the proposed project modifications would decrease the amount of recycled water released from DCTWRP into the LA River. However, project modifications would therefore result in a reduced loading of nitrogen compounds and metals in the river, and the resulting changes in bacteria and nitrate concentrations would remain below their regulatory limits.

The commenter also states that the Draft Supplemental EIR appears to presume that water quality impacts of the recycled water would remain the same and that compliance with a General Industrial Permit does not appear to have a bearing on the project. Threshold 1 in Chapter 4.2-11 assesses potential impacts related to violation of water quality standards or WDRs. As discussed in Chapter 1, Introduction, of the Draft Supplemental EIR, this document has been prepared to analyze the potential environmental impacts associated with implementation of modifications to the approved project considered in the 2016 EIR. The project modifications involve installing a new approximately 90-foot pipeline and associated valves that would allow recycled water that flows from the DCTWRP through the Japanese Garden Lake to be routed from the lake outlet pipeline back to the headworks facility at DCTWRP. As discussed in the operation impact analysis under Threshold 1 on page 4.2-12 of the Draft Supplemental EIR, implementation of the proposed project modifications would decrease the amount of recycled water released from DCTWRP into the LA River. Despite this reduction in flow, the existing treatment processes and adherence to RWQCB WDRs at DCTWRP would continue as under existing conditions. The quality of the effluent from the AWPF after implementation of the project modifications would remain as

described in the 2016 EIR, would be subject to the WDRs for the approved project, and would meet the standards required by Title 22. The project modifications would also comply with the General Industrial Permit, industrial SWPPP, and stormwater monitoring program. As discussed in Response 4-3, all activities associated with the project modifications would occur within the boundaries of the Japanese Garden within the DCTWRP property. As such, WDRs applicable at the DCTWRP would also be applicable to the project modifications. Additionally, in terms of water quality, a load is the amount (mass) of a pollutant that is discharged into a water body over a given period of time. Discharges are correlated to flows. As such, the Draft Supplemental EIR describes loading of water quality constituents and how the loading would be affected by reductions in discharge and the corresponding reductions in flows to the LA River resulting from implementation of the project modifications. As discussed in the impact analysis under Threshold 6 on page 4.2-16 of the Draft Supplemental EIR, the reduced discharge resulting from the project modifications would result in a reduction in loading for plant effluent to the LA River system for all constituents.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-15

The commenter states that the Draft Supplemental EIR's discussion regarding native species within the LA River, specifically, the Least Bell's Vireo (*Vireo bellii pusillus*), is incorrect due to inadequate surveying. The commenter also asserts that Least Bell's vireo was not observed because the field surveys were inadequate. These statements are inaccurate. The assessment of potential impacts to Least Bell's vireo was not only based on the field survey/habitat assessment but also on literature of documented records of special-status species. As discussed on page 4.1-11 of the Draft Supplemental EIR, the historic records of Least Bell's vireo coincide with the project area, the most recent of which is from 1922. The commenter is referred to Responses 4-6 and 4-7 regarding the assessment of potential impacts to sensitive and/or special-status, including Least Bell's vireo, in the Draft Supplemental EIR.

The commenter also states that the Draft Supplemental EIR did not consider potential future native species restoration projects and future habitat conservation efforts, and that the Draft Supplemental EIR thus did not make a complete assessment of current and future potential beneficial uses for species and habitats. The commenter is referred to Response 4-12 regarding the analysis of cumulative impacts in the Draft Supplemental EIR. At base, CEQA may require analysis of the cumulative effects of a project combined with those effects from reasonably foreseeable future projects; it does not compel analysis of a particular project's effects on potential future projects that are speculative and/or not part of the existing physical environment. Further, as discussed above and in the impact analyses contained in Chapter 4 of the Draft Supplemental EIR, no new or more severe significant cumulative impacts have been identified related to the project modifications. As such, no new mitigation measures that were not previously identified in the 2016 EIR would be required to implement the project modifications.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-16

The commenter disagrees that the City of Burbank has achieved its reductions in discharge outlined in its approved Section 1211 Wastewater Change Petition. The commenter also states that future reductions in discharges from LAGWRP are not properly analyzed. The analysis in the

Draft Supplemental EIR of flow reductions from the approved Wastewater Change Petitions for both BWRP and LAGWRP are based on the latest available data from the approved petitions as well as gaging station data. Any reductions beyond what is approved in the Wastewater Change Petitions have not been documented or disclosed by either the City of Burbank or the City of Glendale or in any approvals granted by SWRCB and, thus, would be speculative in nature. Accordingly, such additional reductions have not been included in the analysis in the Draft Supplemental EIR. The commenter is referred to Response 4-12 regarding the analysis of cumulative impacts in the Draft Supplemental EIR. No further response to this comment is required.

Response 5-17

The commenter states the Draft Supplemental EIR does not consider cumulative impacts to biological resources due to other restoration projects for the LA River, such as the Los Angeles River Fish Passage Projects, Los Angeles River Ecosystem Restoration Project, and the future projects listed in the Lower LA River Revitalization Plan. The commenter is referred to Response 4-12 regarding the analysis of cumulative impacts in the Draft Supplemental EIR and the speculative nature of the Los Angeles River Fish Passage projects and Los Angeles River Ecosystem Restoration Project. According to CEQA Guidelines Section 15355, cumulative impacts are two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. As discussed in Response 4-12, the project modifications' potential impacts to the LA River would result from the reduction in discharge of recycled water from DCTWRP to the LA River. The SWRCB has approved a reduction in discharge to the river by the City of Burbank at BWRP and the City of Glendale at LAGWRP, either or both of which may contribute to a cumulative impact to the beneficial uses in the river when considered in conjunction with the proposed project modifications. These reductions are reflected in the analysis of cumulative impacts in Chapter 4 of the Draft Supplemental EIR. CEQA does not compel the analysis of a particular project's effects on possible future projects that are not a part of the physical environmental setting. Additionally, as discussed in Response 4-8 above and in the impact analyses contained in Chapter 4 of the Draft Supplemental EIR, no new or more severe significant cumulative impacts have been identified related to the project modifications. As such, no new mitigation measures that were not previously identified in the 2016 EIR would be required to implement the project modifications. No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-18

The commenter summarizes the preceding comments in Section I of their comment letter. The commenter is referred to Responses 5-3 through 5-17, which individually address the comments in Section I of their letter. No further response to this comment is required.

Response 5-19

The commenter states that the Draft Supplemental EIR's claim that 5 inches of water depth is sufficient for kayaking is inaccurate. There is no documented minimum water depth for kayaking. As such, the Draft Supplemental EIR used the lowest published depth to establish a minimum for context, which is the 5 inches described in Section 4.3, Recreation. Additionally, the Draft Supplemental EIR does not state that 5 inches is a typical depth for kayaking activities, rather, that 5 inches would be the conservative minimum that could support the physical structure of a typical recreational kayak. As discussed in the Draft Supplemental EIR, the LA River is a dynamic

system that experiences variability in flows due to seasonality. It is understood that seasonally low flows may affect kayaking activities; however, this does not constitute a significant impact on recreation. As stated on page 4.3-5 of the Draft Supplemental EIR, "a typical recreational kayak, such as those used on the LA River, would conservatively require 5 inches of depth to operate." As shown in Table 4.3-1, HEC-RAS Model Results for Proposed Project Modifications, on page 4.3-6 of the Draft Supplemental EIR, the water depths at RS 142453.7 and RS 135461.4, both located within the Elysian Valley Recreation Zone, with the project modifications would be 13.20 inches and 10.44 inches, respectively, resulting in a difference of -0.36 inches and -0.48 inches, respectively, compared to existing conditions. Therefore, Draft Supplemental EIR concludes that the change in water depths with the project modifications would not impact kayaking activities compared to existing conditions and would continue to support kayaking activities at a depth substantially above the minimum 5 inches. Additionally, although the HEC-RAS model used to assess changes in flows to the LA River resulting from the project modifications was derived from the model developed by SCCWRP for the Flows Project, it is not the same model as the Flows Project. As discussed in Response 4-10, the data inputs included actual measured gage data from the County and USGS gaging stations, and the HEC-RAS model of hydraulics in the LA River channel was developed for both the existing condition and for a reduction in flow in the river downstream of the Japanese Garden Lake discharge point after implementation of the proposed project modifications.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-20

The commenter states that according to the LA River Kayak Safari, a minimum of 18 inches of water depth is required to ensure a smooth and safe kayaking trip. The commenter uses this basis to state that the HEC-RAS modeling is inaccurate, as the modeled river depths would not have allowed the LA River Kayak Safari to conduct kayaking trips. The commenter is referred to Response 4-10 above regarding the approach to development of the HEC-RAS model and the data inputs informing the model. The commenter is also referred to Response 5-8 regarding water depths below 18 inches being viable for kayaking and modeled flows vs. the commenters' observations and experience regarding kayaking in the LA River during WY 19 through WY 22. The LA River is dynamic in flow, and as such, depths and flow would be expected to vary throughout the LA River depending on the section of the river and the season. The reductions in depth with the project modifications are marginal and would not render currently navigable portions of the river unsuitable for kayaking or other recreational uses.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-21

The commenter states that the HEC-RAS modeling system lacks time-of-day considerations in flows or daily variability, and states this is essential to analyze impacts to kayaking, which would be limited to daylight hours and restricted during the dry season. As stated in Appendix B, HEC-RAS Memorandum, the 1D steady analysis (steady flow meaning, one in which the conditions [velocity, pressure, and cross-section] may differ from point to point but do not change with time) was performed, and three profiles were created for analysis: (1) an existing flow profile based on gage data from the water years 2019 – 2022, (2) a project flow profile representing impacts from the project modifications, and (3) a cumulative flow profile representing reductions

from both the project modifications and future reductions from the LAGWRP. Running these profiles through the 1D steady HEC-RAS model allowed for simulation of the river's behavior under varying flow conditions. Although the HEC-RAS model utilizes averages of gage data, the averages account for daily variability. As such, the HEC-RAS model does consider flow and daily variability.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-22

The commenter refers to CEQA and the CEQA Guidelines pertaining to alternatives and mitigation measures. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft Supplemental EIR. Therefore, no further response to this comment is provided.

Response 5-23

The commenter states that potential impacts from the project modifications can be mitigated through additional mitigation measures. The commenter recommends applying an adaptive discharge management system and obtaining additional information on the LA River, such as through site-specific hydrology and depth conditions during different times of day, fish monitoring, ongoing depth flow monitoring, and phasing the proposed reductions in discharge flows. Due to the marginal reductions in discharges and finding of less than significant impacts, phasing of the proposed reductions and addition of further adaptive measures are not necessary. As shown in the impact analyses contained in Chapter 4 of the Draft Supplemental EIR, no new or more severe significant impacts have been identified for the project modifications. As such, no new mitigation measures that were not previously identified in the 2016 EIR would be required to implement the project modifications.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-24

The commenter describes the CEFF process and recommends use of this process to develop an adaptive discharge management system. As discussed in Response 4-8 above and in the impact analyses contained in Chapter 4 of the Draft Supplemental EIR, no new or more severe significant impacts have been identified related to the project modifications. As such, no new mitigation measures that were not previously identified in the 2016 EIR would be required to implement the project modifications Further, LADWP has considerable discretion in determining the appropriate existing conditions baseline, and the HEC-RAS model used in the Draft Supplemental EIR's analysis, as further detailed in Response 4-5, is supported by substantial evidence.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-25

The commenter refers to the Initial Study/Negative Declaration (IS/ND) prepared for the D.C. Tillman Water Reclamation Plant: Japanese Garden Discharge Reuse Project, and requests

clarification between the D.C. Tillman Water Reclamation Plant: Japanese Garden Discharge Reuse Project and the proposed project modifications. The commenter also refers to Attachments B and C of the comment letter, which are previous comment letters submitted on the D.C. Tillman Water Reclamation Plant: Japanese Garden Discharge Reuse Project. The D.C. Tillman Water Reclamation Plant: Japanese Garden Discharge Reuse Project, is identical to the proposed project modifications. The Japanese Garden Discharge Reuse Project was originally proposed by LASAN as a stand-alone project. Following circulation of the Draft IS/ND and based on comments received during the public review period, it was determined that additional analysis would be beneficial and that the activities described in the IS/ND actually constituted modifications to the approved Los Angeles Groundwater Replenishment Project previously analyzed in the 2016 EIR. As discussed in Chapter 1, Introduction, of the Draft Supplemental EIR, pursuant to Section 15163(a) of the State CEQA Guidelines, a lead agency shall prepare a Supplemental EIR for a previously-certified EIR when changes to the project or the circumstances under which the project is undertaken may involve new significant environmental effects not previously identified in the certified EIR and only minor additions or changes to the previous EIR would be necessary to make it adequate relative to the project under the changed situation. The commenter is referred to Response 5-2 above regarding the format and scope of the environmental analysis contained in the Draft Supplemental EIR. No revisions to the Draft Supplemental EIR are required.

The attachments do not include comments on the environmental analysis contained in the Draft Supplemental EIR. Nonetheless, they are noted for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-26

The commenter states that the noticing for public review of the Draft Supplemental EIR was not conducted in a timely manner. The commenter is referred to Response 3-1 above regarding the public noticing conducted for the Draft Supplemental EIR.

Additionally, the commenter states that they missed the opportunity to attend the public meeting held during the Draft Supplemental EIR public review period. As acknowledged by the commenter, the public review period was extended by 15 days from February 9, 2025, to conclude on February 24, 2025. As stated in the NOA and in the public meeting presentation, three methods for submitting comments were available to the public, including email, mail, or during the public meeting. Comments were collected via all available methods throughout the 75-day public comment period. As such, the public meeting was not the only opportunity to submit comments on the Draft Supplemental EIR. Additionally, the presentation given during the meetings was posted on the LADWP website following the meeting so that individuals that were not able to attend the meeting could still access the information provided at the meeting. Therefore, the process for soliciting and collecting comments on the environmental analysis in the Draft Supplemental EIR during the public review period was conducted in accordance with the timelines and methods required under CEQA.

No revisions to the Draft Supplemental EIR are required. The comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

Response 5-27

The commenter summarizes the comments contained in their letter and provides closing remarks. The commenter is referred to Responses 5-1 through 5-26 for responses to the individual comments contained in their letter. No further response to this comment is required.

Response 5-28

The commenter includes attachments to their comment letter, including a report documenting ECO's preliminary findings and two previous comment letters submitted on the D.C. Tillman Water Reclamation Plant: Japanese Garden Discharge Reuse Project. The attachments do not include comments on the environmental analysis contained in the Draft Supplemental EIR and no response is required. Nonetheless, they are noted for the record and will be forwarded to the decision-makers for their review and consideration.

Appendix A:

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

Modifications to the Los Angeles Groundwater Replenishment Project
Final Supplement to the Final Environmental Impact Report
State Clearinghouse No. 2013091023

Introduction

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines to provide for monitoring of the mitigation measures required by certification of the Modifications to the Los Angeles Groundwater Replenishment Project (project modifications) Final Supplement to the Final Environmental Impact Report (Final Supplemental EIR). Section 21081.6 of the Public Resources Code and Section 15091(d) of the CEQA Guidelines require public agencies to "adopt a reporting or monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." The lead agency must define specific reporting and/or monitoring requirements to be enforced during implementation of the project modifications prior to final approval of the project modifications.

In December 2016, the Los Angeles Board of Water and Power Commissioners certified the EIR for the Los Angeles Groundwater Replenishment Project (2016 EIR) and adopted an MMRP for the approved project. The impact analyses contained in the Draft Supplemental EIR did not identify any new or more severe significant impacts, and no new mitigation measures that were not previously identified in the 2016 EIR would be required to implement the project modifications. As such, the Mitigation Monitoring and Reporting Program for the project modifications is the same as was adopted with the 2016 EIR for the previously approved project.

The Los Angeles Department of Water and Power (LADWP) is the lead agency for the proposed project modifications and is responsible for administering and implementing the MMRP. The MMRP stipulates how all required mitigation measures are to be implemented and completed during the appropriate project phase. It also facilitates documentation necessary to verify that mitigation measures were in fact properly implemented.

Mitigation Monitoring and Reporting Program Procedures

This MMRP gives LADWP the primary responsibility for taking all actions necessary to implement the mitigation measures according to the specifications provided for each measure and for demonstrating that the action has been successfully completed. LADWP's designated environmental monitor will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to remedy problems. LADWP, at its discretion, may delegate responsibility for measure implementation and monitoring, or portions thereof, to other responsible individuals, such as a licensed contractor. Specific responsibilities for LADWP include:

- Coordination of all mitigation monitoring activities
- Management of the preparation, approval, and filing of monitoring or permit compliance reports
- Maintenance of records concerning the status of all approved mitigation measures

- Quality control assurance of field monitoring personnel
- Coordination with other agencies regarding compliance with mitigation or permit requirements
- Reviewing and recommending acceptance and certification of implementation documentation
- Acting as a contact for interested parties or surrounding property owners who wish to register complaints, observations of unsafe conditions, or environmental violations; verifying any such circumstances; and developing any necessary corrective actions

Resolution of Noncompliance Complaints

Any person or agency may file a complaint regarding noncompliance with the mitigation measures addressed in the MMRP. The complaint shall be directed to LADWP (111 North Hope Street, Room 1044, Los Angeles, CA 90012) in written form providing detailed information on the purported violation. LADWP will investigate any complaints filed to determine the validity of the complaint. If noncompliance with a mitigation measure is verified, LADWP will take the necessary action(s) to remedy the violation. The complainant will receive written confirmation indicating the results of the investigation or the final corrective action that was implemented in response to the specific noncompliance issue.

Mitigation Monitoring and Reporting Program Matrix

The MMRP is organized in a matrix format. The first column identifies the mitigation measure number. The second column identifies the mitigation measure. The third column, entitled “Time Frame for Implementation,” refers to when monitoring will occur. The timing for implementing mitigation measures and the definition of the approval process has been provided to assist LADWP staff to plan for monitoring activities. The fourth column, entitled “Responsible Monitoring Agency,” refers to the agency responsible for ensuring that the mitigation measure is implemented. The fifth column, entitled “Verification of Compliance,” has subcolumns for initials, date, and remarks. This last column will be used by the lead agency to document the person who verified that the mitigation measure was satisfactorily implemented, the date on which this verification occurred, and any other remarks. The mitigation measures in the matrix are presented by environmental issue area.

Mitigation Monitoring and Reporting Program
State Clearinghouse No. 2013091023

Los Angeles Groundwater Replenishment Project
Supplemental EIR

Mitigation Measures

Number	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
AIR QUALITY						
AQ-A	The City shall ensure that diesel-powered construction equipment greater than 50 horsepower meets the USEPA Tier 3 emission standards.	During Construction	LADWP			
BIOLOGICAL RESOURCES						
BIO-A	The following measures shall be implemented to avoid and minimize impacts to special-status species and sensitive habitats: 1. Work areas shall be clearly delineated with fencing or other boundary markers prior to the start of construction. 2. The project limits shall be clearly marked on project maps provided to the construction contractor(s) by the City, and areas outside of the project limits shall be designated as “no construction” zones. A construction manager shall be present during all construction activities to ensure that work is limited to designated project limits. 3. During construction, construction workers shall strictly limit their activities, vehicles, equipment, and construction materials to the designated construction limits. 4. During construction, all equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall	Prior to and During Construction	LADWP			

Number	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
	occur in designated areas outside of jurisdictional wetlands or waters and within the fenced project limits. Fueling of equipment shall take place within existing paved areas greater than 100 feet from water features. Contractor equipment shall be checked daily for leaks prior to operation and repaired as necessary. 5. During construction, the construction work zone shall be kept as clean of debris as possible to avoid attracting predators of sensitive wildlife. All food-related trash items shall be enclosed in sealed containers and removed daily from the construction work zone. 6. Pets of project personnel shall not be allowed on the project site during construction. 7. Disposal or temporary placement of excess fill, brush, or other debris shall be strictly prohibited in or along the banks of water features during construction. Stockpile areas shall be designated prior to the start of construction and shall be located in disturbed areas presently lacking vegetation and delineated on grading plans. 8. Prior to the start of construction, a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared to reduce the potential for accidental releases of fuel, pesticides, and other materials. This plan shall outline refueling locations, emergency response procedures, and reporting requirements. During construction, equipment for immediate cleanup shall be kept on-site. This plan shall also include erosion control measures to control surface runoff, erosion, and sedimentation					

Number	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
	outside of the project footprints.					
BIO-B	If feasible, the clearance of vegetation during construction activities shall occur outside of the nesting bird season (generally February 15 through September 15). If avoidance of construction within this time period is not feasible, the following additional measures shall be employed: 1. A pre-construction nesting survey shall be conducted by a qualified biologist within 3 days prior to the start of construction activities to determine whether active nests are present within or directly adjacent to the construction zone. All nests found shall be recorded. 2. If construction activities must occur within 300 feet of an active nest of any passerine bird or within 500 feet of an active nest of any raptor, a qualified biologist shall monitor the nest on a weekly basis and the construction activity shall be postponed until the biologist determines that the nest is no longer active. 3. If the recommended nest avoidance zone is not feasible, the qualified biologist shall determine whether an exception is possible and obtain concurrence from the appropriate resource agency before construction work can resume within the avoidance buffer zone. All work shall cease within the avoidance buffer zone until either agency concurrence is obtained or the biologist determines that the adults and young are no longer reliant on the nest site.	Prior to and During construction	LADWP			

Number	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
CULTURAL RESOURCES						
CRA-A	A qualified archaeological consultant shall conduct training of construction personnel and supervisory staff on possible archaeological resources that may be present in the area in order to establish an understanding of what to look for during ground-disturbing activities and apprise them of appropriate handling of such resources. In the event archaeological resources are encountered, the City shall be notified immediately and work in the vicinity of the discovery shall be halted until appropriate treatment of the resource is determined by a qualified archaeological Principal Investigator in accordance with the provisions of CEQA Guidelines Section 15064.5 and Section 106 of the National Historic Preservation Act. The archaeological Principal Investigator shall have the authority to redirect construction equipment and activities in the event potential archaeological resources are encountered. Work may continue on other parts of the Project while consultation and treatment are conducted. If prehistoric archaeological sites are encountered within the Project area, a trained Native American consultant shall be engaged to monitor ground-disturbing work in the area containing the Native American cultural resources. This monitoring shall occur on an as-needed basis and shall be intended to ensure that Native American concerns are taken into account during the construction process.	Prior to and During Construction	LADWP			
CR-B	If paleontological deposits are encountered during excavation, the City would contact a qualified paleontologist to evaluate and determine appropriate treatment for the resource in accordance with California Public Resource Code Section 21083.2(i). If any paleontological resources are encountered during	During Construction	LADWP			

Number	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
	ground-disturbing activities, work would be temporarily halted in the vicinity of the find and the paleontologist would be called to the Project site to examine and evaluate the resource in accordance with the provisions of CEQA. Work may continue on other parts of the Project while consultation and treatment are conducted.					
CR-C	If human remains are discovered, work in the immediate vicinity of the discovery shall immediately be suspended and the Los Angeles County Coroner shall be contacted. If the remains are deemed Native American in origin, the Coroner shall contact the Native American Heritage Commission (NAHC) and identify a Most Likely Descendant (MLD)pursuant to Public Resources Code Section 5097.98 and CCR Section 15064.5. Work may commence only after consultation and treatment have been concluded. Work may continue on other parts of the Project while consultation and treatment are conducted.	During Construction	LADWP			
NOISE						
NOI-A	For construction activities lasting more than three months in one location and within 500 feet of a sensitive receptors, temporary barriers (e.g., noise blankets) shall be placed between the equipment and sensitive receptor.	During Construction	LADWP			
NOI-B	Construction equipment shall be properly maintained and equipped with mufflers.	During Construction	LADWP			
NOI-C	Rubber-tired equipment, rather than tracked equipment, shall be used when feasible.	During Construction	LADWP			
NOI-D	Equipment shall be turned off when not in use for an excess of five minutes, except for equipment that requires idling to maintain performance.	During Construction	LADWP			

Number	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
NOI-E	A public liaison shall be appointed for project construction who would be responsible for addressing public concerns about construction activities, including excessive noise. As needed, the liaison shall determine the cause of the concern (e.g., starting too early, bad muffler) and implement measures to address the concern.	During Construction	LADWP			
NOI-F	The public shall be notified in advance of the location and dates of construction hours and activities.	Prior to Construction	LADWP			
NOI-G	Truck routes shall be limited to major arterial roads located within non-residential areas, when feasible.	During Construction	LADWP			
NOI-H	Construction activities shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m. when located within 500 feet of occupied sleeping quarters or other land uses sensitive to increased nighttime noise levels.	During Construction	LADWP			
NOI-I	The site administrator for the Japanese Garden shall be consulted to discuss construction activities associated with the warehouse that may generate high noise levels (e.g., heavy-duty equipment activity near the warehouse). If construction-related noise interferes with an event at the Japanese Garden, the activity shall be stopped until the event is over, or another construction technique is used that eliminates the noise disturbance.	Prior to and During Construction	LADWP			
NOI-J	The site administrator for the Japanese Garden shall be consulted to discuss construction activities associated with the warehouse that may generate perceptible vibration (e.g., heavy-duty equipment activity). If construction-related vibration interferes with an event at the Japanese Garden, the activity shall be stopped until the event is over, or another construction technique is used that eliminates perceptible vibration.	Prior to and During Construction	LADWP			

Number	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
TRANSPORTATION AND TRAFFIC						
TRA-A	The City, prior to the start of construction, shall coordinate with LADOT to prepare a Traffic Management Plan (TMP). The TMP shall be prepared by a registered traffic or civil engineer, as appropriate, based on City of Los Angeles permit guidelines. The TMP shall consist of traffic control plans showing striping changes, and a traffic signal plan for any signalized intersections indicating modifications to existing traffic signals and associated controllers to be adjusted during the construction phase. Methods to inform the public regarding project construction, and roadway, bike path, and pedestrian facility detours and closures shall be implemented as part of the TMP. Additional measures to be incorporated into the TMP to improve traffic flow shall include the following: a. Directional capacity (generally southbound in the morning peak hour and northbound in the evening peak hour) shall be considered in roadway closure planning where work area placement is flexible. The provision of the original one-way capacity of the affected roadway (in number of travel lanes) in the peak direction, while providing a reduced number of travel lanes for the opposite direction of traffic flow, shall be used to alleviate any potential poor level of service conditions. b. Provide continued through access via detours for vehicles and to provide for adequate pedestrian and bicycle circulation. Signed detour routes and other potential routes that drivers would utilize during the construction period would become alternate routes for a proportion of the vehicles that would otherwise travel along the corridor where construction	Prior to Construction	LADWP			

Number	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
	would be taking place. c. For the project detour routes, wayfinding signs and other relevant traffic control devices shall be placed on all major roadways into the larger area around each construction closure locations, and shall be repositioned for each construction segment (as the construction zones progress along the recycled water pipeline alignment). Wayfinding signs shall be placed at major detour decision points to keep vehicles on-track through the detour route, and shall also be placed at the next major intersection location in advance of the first detour decision point. d. Consult with Metro to minimize impacts to passenger loading areas and to minimize travel times on scheduled bus routes. All affected transit agencies shall be contacted to provide for any required modifications or temporary relocation of transit facilities.					