

To: Pasadena City Council

CC: Pasadena City Manager

From: Friends of Hahamongna

Date: 12/16/2013

Re: Pasadena City Council Meeting - 12/16/13
AGENDA ITEM 14.- SUBMITTAL OF COMMENTS TO THE COUNTY OF LOS ANGELES REGARDING THE DRAFT ENVIRONMENTAL IMPACT REPORT AND PROPOSED ALTERNATIVES FOR THE DEVIL'S GATE RESERVOIR SEDIMENT REMOVAL AND MANAGEMENT PROJECT, AND AUTHORIZE STAFF TO TAKE ADDITIONAL ACTIONS AS NECESSARY

I. Executive Summary:

Friends of Hahamongna would like to thank the Council for this opportunity to comment on the Los Angeles County Department of Public Works sediment removal project at Hahamongna Watershed Park. We have reviewed the Draft Environmental Impact Report (DEIR) and related official documents about this proposed project and related projects. One or more of us has attended all of the County presentations.

We believe that this project would result in serious environmental impacts to the surrounding communities, especially Pasadena. We would like to address these impacts as well inaccuracies and inadequacies with the DEIR and we hope our comments will be taken into consideration in the position you establish with the County on this matter.

II. Issues with the Project:

1. Project Justification and Inconsistent Information:

There are inconsistent statements in several official Los Angeles County Department of Public Works (LACDPW) documents regarding the necessary project scope, the remaining capacity in the dam, and this project's relationship to other projects in the region. It is

apparent that the justification for the project, the quantity of sediment to be removed and the excavation acreage are in dispute. Some of the official statements made are:

- Stated Dam Capacity and Removal Quantity:
 - A LACDPW presentation to the Hahamongna Watershed Park Advisory Committee (HWPAC) on 11/30/2010 (slide 26) described the original sediment quantity to be removed as 1.67 million cubic yards (mcy). The remaining capacity was stated as 1.242mcy (17%) (slide 16).
 - The amount of sediment to be removed presented to and approved by the Los Angeles Board of Supervisors in March 2011 was 1.67 mcy. (Los Angeles County Board of Supervisors Statement of Proceedings, March 1, 2011)
 - According to LADPW Sediment Management Strategic plan (2012-2032) (Table 2-1), the remaining capacity is 3.7 mcy (43%), almost 2 DDE's.
 - The Grant application to the CA Water Resources Board (March 2013) indicated that Phase V of the project, Devil's Gate Reservoir Sediment Removal and Management Project, will remove an estimated 2 mcy of sediment from the reservoir. (Page 3-11, Workplan)
 - According to the DEIR (E.S.2.2) the Devil's Gate Dam had an original storage capacity of approximately 7.42 mcy but that sediment accumulation and flows from recent post-fire storms have reduced the capacity to less than one DDE, which conflicts with the reservoir's storage capacity as stated in the Strategic Plan.
- Excavation Acreage:
 - The excavation acreage presented to HWPAC in 2010 was 50 acres (only 15 acres of willows) and would only occur in the area immediately behind the dam
 - According to the DEIR, the excavation acreage in the proposed project is 120 acres.
- Related Projects:

A Prop 1-E funds grant application was submitted by the LACDPW (March 2013) for a project titled Devil's Gate and Eaton Storm Water Flood Management Project. Two of the five phases of this project are:

- Phase IV - Devil's Gate Water Conservation Project.
 - Installing a pump to the upstream face of Devil's Gate Dam
 - Installing 27,000 feet of 30-inch reinforced concrete pipe from Devil's Gate Dam to Eaton Wash
 - Installing an outlet structure at Eaton Wash
- Phase V - Devil's Gate Reservoir Sediment Removal and Management Project
 - Removing 2 million cubic yards of sediment
 - Establishing a reservoir configuration more suitable for routine maintenance

According to the Technical Justification section of the grant application, "*The resulting new reservoir configuration will result in the ability to impound stormwater to be conveyed via the new pipeline to Eaton Wash Spreading Grounds for conservation*". This clearly ties these two projects together and establishes a dependency on the completion of the pipeline to the completion of the sediment removal. The project in the DEIR appears to be designed to facilitate and/or accommodate this pipeline to Eaton Wash but the pipeline project is not mentioned or evaluated in the DEIR. Since these two projects are described in the grant application as integrated elements of one project:

- Both will have the same lead agency and/or responsible agencies
- Both projects are in the same area
- Both scheduled to be implemented during roughly the same time frame
- The project description in the DEIR must include both phases in order to evaluate the impacts of the "whole of the project".

Further, environmental review of the pipeline phase is not scheduled until after the date by which public comments must be submitted for the sediment phase of

the project. Consequently, the public and the decision makers are deprived of the opportunity to review and comment on the cumulative environmental impacts of these two very large and costly projects. Not only does this omission appear to be segmentation, but it also raises the question whether there was a pre-commitment to the pipeline project that may have influenced the decision on the preferred/proposed sediment removal project, may have limited alternatives presented or may have limited the environmental review of the alternatives. Per CEQA Guideline 15126 "All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation."

2. County Easement and Park Ownership:

The LACDPW has clearly taken over full management of the proposed project, and is using the easement as a justification for control of the project and the Park from the sediment removal phase through to the foreseeable future. There is a question on the LACDPW's legal right to do so. (See discussion on Responsible Agencies, II-4 below)

If the proposed project or any of the proposed alternatives go forward, the City of Pasadena will not be in a position to oversee aspects of this project; adoption and supervision/management on an on-going basis of EIR mitigations; and, all current and future City Hahamongna Watershed Park Master Plan projects. Use of Hahamongna Watershed Park for the benefit of Pasadena is clearly threatened. The City may be left, intentionally, with nearly nothing further to do with Hahamongna Watershed Park. It is essential that the City thoroughly review easement contracts from 1919 and 1965 and its ownership rights to determine the following:

- Whether the project boundaries exceed the easement boundaries. This will require a survey.
- Whether the extent of the proposed project exceeds the stated rights in the easement

- Whether the easement allows for the construction of the infrastructure/equipment necessary to pump water held behind the dam into the Eaton dam pipeline.
- Whether the City will be in a position to assert implementation and management rights over all adopted EIR mitigations.
- Whether the City will be in a position to enforce its permitting authority by exercising legitimate permit and application review as well as committing to strict enforcement over all County future operations in Hahamongna arising out of the EIR or related projects.

The entity responsible for the management of the pipeline project is not clear, but the grant application to the state suggested that the sediment removal and the pipeline are actually two phases of one County project. Although, according to PWP's 2010 Pasadena Urban Water Management Plan, "***PWP plans to participate in the project funding and receive credit for a portion of the water recharged***", PWP participation in the related sediment removal component appears to be left intentionally obscure.

Hahamongna Watershed Park is all 300 acres, including the reservoir area. Up until this project, Pasadena controlled all Park planning, development and mitigation. It is our concern that the City's ownership rights of all of Hahamongna will be lost, permanently, as a result of the implementation of this project.

3. Historical Investments in Hahamongna:

The development of the HWP Master Plan was a years-long collaboration between the City and the community. The Executive Summary of the HWP Master Plan clearly states the goals and guiding principles established by the City that will control the future of Hahamongna. A stated objective of the Master Plan was to develop a sediment removal plan that would minimize the impact on the basin. According to the Guiding Principles from the Master Plan:

To balance and integrate the interrelated issues of water resources, recreation, natural resource preservation and restoration, and flood management in the Arroyo Seco.

Much time, thought and effort went into this planning process. It appears that LACDPW is planning for only one component of this principle to the detriment of all others. The County's proposed project, which permanently eliminates natural resources, habitat, wildlife, and much of the recreation is clearly in conflict with the goals and guiding principles established in the HWP Master Plan.

The Hahamongna Watershed Master Plan cost millions of dollars in City staff time and for consultants for planning and implementing project. Hundreds of citizens contributed thousands of hours toward the development of the Master Plan. Capital Improvement funds, grant funds and in some cases, private funds have been set aside for project implementation. Some of the completed or proposed projects that, with the implementation of the proposed project, will either be destroyed, rendered useless or eliminated are:

- Flint Wash Bridge restoration – This Master Plan project has been completed but, according to the LACDPW presentation, the bridge and the top of the dam will be closed for the duration of the project, possibly beyond, to accommodate the storage of trucks and equipment. This bridge and the top of the dam are integral parts of the Perimeter Trail.
- Sunset Overlook – This Master Plan project has been completed but will have no value during and after this project. The aesthetic value of the park for which Sunset Overlook was developed will no longer exist.
- Berkshire Creek Restoration – This Master Plan project is in the planning process. But, according to the proposed project map, the restoration of the natural stream is located in the excavation area. This project will not be possible if the proposed project moves forward. Some of the project alternatives may allow for the Berkshire Creek Restoration after sediment removal but the area will be significantly degraded as a result of truck traffic through the area during sediment removal.

- Perimeter Trail – This is several projects in the Master Plan, some are completed, and some are in the planning phase. The City has already received a \$789,440 in grant funding (Proposition 50) toward the completion of the Westside Perimeter Trail. For all the alternatives, sections of the Westside Perimeter Trail, especially in the south-west area of the basin, will be closed or severely impacted by noise and dust for the duration of the sediment removal project. In the proposed project, the restoration project will not be practical since sections of the trail are in the excavation area and will be cut off, in some cases, permanently. Although the Staff's recommendations state that the project will not substantially affect the City's existing facilities, recreational opportunities or HWPMP planned projects, it is clear in the DEIR that the Perimeter Trail and several other trails and access points will be closed during the project. In the case of the proposed project, portions of the Perimeter Trail are in the excavation area so the trail will be permanently lost and all projects related to restoration must be cancelled. In the Recreation Trails section (3.4) of the HWPMP, the Perimeter Trail is define as:

“an all-weather, permeable surface roadway will loop around the entire basin providing hikers and equestrians an internal recreational trail with links to connecting trails in the Angeles National Forest, the Central Arroyo, and the County-maintained trails to the east and west of the park. The Perimeter Trail will serve as a delineator, separating the stream and its associated restored habitats at the center of HWP from areas of concentrated recreation activity on the westside and water resources facilities on the east side. This delineation helps preserve the streambed and sloped banks as a wildlife corridor.” (P.3-42).

Staff recommendations related to the cross-basin trail state the “some trail re-alignment would be necessary to a cross-basin trail but the continuity of these trails could be maintained”. But, there is nowhere to place a new or “re-aligned” trail that would not be in the area protected by the Sage Council settlement which prohibits any new trails. With no northern cross-basin trail and closure of the Dam Observation Trail, there will be no means to cross from the east side to the west

side. In addition, trail closures will include trail access from La Canada Verdugo Road, the tunnel that leads to trails in the Central Arroyo and the Flint Canyon trail that provides access to the southern half of the La Canada Flintridge trail system. For the duration of the sediment removal project and during maintenance activities, there will be no way to get from the Central Arroyo trails to either the Flint Wash Bridge, the Altadena Crest Trail, the remnants of the Perimeter Trail or the Angeles National Forest.

- Establishment of riparian habitat – Implementation is not possible, especially if the proposed project moves forward.
- Establishment of willow and sycamore habitat – Implementation is not possible, especially if the proposed project moves forward.
- Establishment of several woodlands - Implementation is not possible, especially if the proposed project moves forward.
- Organizations currently using the park - Tom Sawyer Camps (TSC), the Rose Bowl Riders (RBR) club and charitable services to the community like Move A Child Higher Therapeutic Riding (MACH I) have made significant improvements to the park to support their activities. MACH I recently completed the construction of a new facility which involved significant private investment and grant monies as well as hundreds of hours of volunteer work. Tom Sawyer Camps, Rose Bowl Riders and MACH I will experience significant disruption to their operations, at least during the projected 5 year project, and maybe permanently. Relocation for these organizations is not practical.

Finally, all City funds, and investments from other entities in Hahamongna Watershed Park, including staff costs, administrative costs, capital improvements, private investments and grant monies received must be calculated and all impacted entities must be made whole by the County when all their investments in the park are disrupted and/or permanently lost.

4. Pasadena Responsible Agency Status:

The Staff Report denies that Pasadena is a Responsible Agency under the County EIR within the Easement boundaries. The convoluted arguments in the Staff Report based on the arcane wording of the easements and the assertions in the staff documents that Pasadena Hahamongna Watershed Park Master Plan projects will not be impacted (see above) are not credible. Pasadena should assert and pursue Responsible Agency status under this County EIR.

There are advantages of Responsible Agency status in the context of the County's Lead Agency status. A Responsible Agency assumes broad, important participatory consultation rights under the subject EIR, including, but not limited to, legal status to:

- Comment on shortcomings in the environmental documents
- Comment on **additional alternatives** or mitigation measures
- Request changes to the proposed project or the imposition of particular mitigation measures, and, thereafter, if requested by the County, prepare and submit a mitigation monitoring program or reporting program for those changes or mitigations measures
- And, by January 6, 2014, provide to the County performance standards for mitigation measures relating to significant impacts identified by the County, or refer the County to readily guidelines or reference documents.

It is apparent that Pasadena is a Responsible Agency under the CEQA rules because Pasadena has some discretionary authority and jurisdiction for carrying out and approving the proposed project in that:

- Pasadena owns the Park
- Pasadena has adopted and imposed over many years the provisions of and projects provided for in the Hahamongna Watershed Master Plan, a number of which will be destroyed or otherwise impacted by the proposed project

- Pasadena has invested extraordinary resources of all types in the Park, as significant amount of which will be lost as a result of the proposed project, including accepting and investing Grant funds from numerous sources
- And, Pasadena appears to have broad Permitting authority based on its ownership and applicable municipal codes over County activities arising out of the EIR, including mitigations, and the proposed Project.

III. Summary:

In summary, we urge the Council to take a strong position on this project that will defend the City's ownership of the Park, protect the City of Pasadena residents, defend the City's quality of life, preserve the City's natural treasures and insist on proper environmental review and process. We ask that you:

- Ask the LACDPW to fully correct and/or resolve all discrepancies related to the quantity of sediment to be removed, the excavation area acreage, and the remaining capacity.
- Insist that the project description include and evaluate the related pipeline project and insist on public knowledge and review.
- Have the County explain why the proposed project and all of the alternatives propose sediment removal quantities that are significantly higher than what was presented the HWPAC, and presented the Los Angeles County Board of Supervisors.
- Address the financial impacts to the City and other groups that have invested in the park and determine how the City and other groups will be made whole.
- Ensure that the City asserts and defends its full Hahamongna Watershed Park ownership rights, including Responsible Agency status under the County EIR environmental process.