

Attachment C

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Response to Comments and Mitigation Monitoring and Reporting Program

Berkshire Creek Area Improvements Project
City of Pasadena, California

SCH No. 2019059117

Prepared for | City of Pasadena Public Works Department
100 North Garfield Avenue
Pasadena, California 91101

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July 2019

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SECTION 1.0 INTRODUCTION

Pursuant to the California Environmental Quality Act (CEQA)(*California Public Resources Code* Section 21000 et. seq.) and the State CEQA Guidelines (*California Code of Regulations*, Title 14, Section 15000 et. seq.), the potential environmental effects of the Berkshire Creek Area Improvements Project (Project) proposed by the City of Pasadena Public Works Department (City) were analyzed in an Initial Study/Mitigated Negative Declaration (IS/MND), dated May 2019 (SCH No. 2019059117).

Section 15074(b) of the State CEQA Guidelines states that, prior to approving a project, the Lead Agency (City) must consider a proposed IS/MND together with any comments received during the public review process. Although CEQA does not require written responses to comments on an IS/MND, Section 2.0, Responses to Comments, of this document provides all letters and e-mails (collectively referred to as letters herein) received during IS/MND public review period and written responses to all comments received.

Section 3.0, Clarifications, of this document presents any corrections to the text, tables, figures, and/or appendices of the IS/MND generated either from responses to comments or independently by the City, as the Lead Agency.

Section 15074(d) of the State CEQA Guidelines states that, when adopting an IS/MND, the Lead Agency shall also adopt a program for reporting on or monitoring the changes that it has either required in the Project or made a condition of approval to reduce or avoid significant environmental effects. Therefore, Section 4.0, Mitigation Monitoring and Reporting Program, or MMRP, describes the mitigation program to be implemented by the City for the Project.

1.1 PUBLIC REVIEW OF THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Upon completion of the IS/MND, the public review was conducted in accordance with Sections 15072 and 15073 of the State CEQA Guidelines. In May 2019, a *Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration* was prepared and distributed to the State Office of Planning and Research, State Clearinghouse and Planning Unit (State Clearinghouse); responsible and trustee agencies; organizations and interested parties and all parties who requested notice in accordance with CEQA. The NOI was filed with the Los Angeles County Registrar-Recorder/County Clerk in the City of Norwalk. The NOI was distributed for a 30-day public review period from May 28, 2019 through June 26, 2019. A presentation on the Project, CEQA process, and findings of the IS/MND was part of the regular meeting of the Hahamongna Watershed Park Advisory Committee held at 6:00 PM on May 28, 2019, at the Pasadena City Yards, 233 West Mountain Street, 2nd Floor, Pasadena, California.

The IS/MND and NOI, or the NOI only, was provided to 55 agencies, including 8 agencies notified via the State Clearinghouse; 25 organizations or individuals; and was e-mailed to an additional 448 organizations or individuals. The NOI and IS/MND were also made available for review during regular business hours at The Permit Center, 175 North Garfield Avenue, Pasadena, California 91109; the Linda Vista Branch Library, 1281 Bryant Street, Pasadena, California, 91103; and on the City's environmental notices webpage at <https://ww5.cityofpasadena.net/planning/category/environmental-notices/>.

A total of 5 comment letters from agencies (including two letters from the State Clearinghouse) and 4 comment letters from organizations and individuals were received during the public review period. No comment letters were received after the public review period. The City's responses to comments on the IS/MND are provided in Section 2.0, Responses to Comments.

1.2 CONCLUSION OF THE CEQA PROCESS

The City has reviewed all comments received from agencies, organizations, and/or individuals to determine whether any substantial new environmental issues have been raised. Based on the evaluation in the IS/MND together with all comments received, the City has determined that no substantial new environmental issues have been raised that have not been adequately addressed in the IS/MND and/or in this Responses to Comments, Clarifications, and MMRP document. All potential impacts associated with the proposed Project were found to be less than significant with incorporation of identified mitigation measures, where applicable. Therefore, the Project would not result in any significant impacts, and an IS/MND in accordance with CEQA is the appropriate environmental document for the Project.

The City of Pasadena City Council (City Council) will consider the IS/MND together with the comments received during the public review process in their decision making. The City Council, as the decision-making body of the Lead Agency, will adopt the proposed IS/MND and approve the Project only if it finds, on the basis of the whole record before it, that there is no substantial evidence that the Project would have a significant effect on the environment and that the IS/MND reflects the Lead Agency's independent judgment and analysis.

SECTION 2.0 RESPONSES TO COMMENTS

Letters commenting on the information and analysis in the Recirculated MND were received from the following parties during the public review period:

Agencies

- State Clearinghouse and Planning Unit, June 28, 2019 (two letters on this date)
- State of California, Department of Fish and Wildlife, June 26, 2019
- State of California, Department of Transportation, June 20, 2019
- City of La Cañada Flintridge, June 26, 2019

Organizations

- Gabrieleno Band of Mission Indians-Kizh Nation, June 10, 2019

Individuals

- Rick Benfield, June 20, 2019
- Mickey Long, June 12, 2019
- Kenneth Munday, June 24, 2019

Public Meeting Comment Cards

No comments cards were submitted at the public meeting or later mailed to the City.

The City's responses to all comments are provided below. Each comment letter is included first and is bracketed in the right margin with sequential numbers (e.g., CDFW-1). Following the bracketed comment letter, the City's responses are presented in corresponding order to provide a matching numbered response on the pages following each comment letter.

2.1 STATE, REGIONAL, AND LOCAL AGENCIES

- State Clearinghouse and Planning Unit, June 28, 2019 (Two letters on this date)
- State of California, Department of Fish and Wildlife, June 26, 2019
- State of California, Department of Transportation, June 20, 2019
- City of La Cañada Flintridge, June 26, 2019



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

June 28, 2019

Brent Mauc
Pasadena, City of
100 North Garfield Avenue, 3rd Floor
Pasadena, CA 91101

Subject: Berkshire Creek Area Improvements Project
SCH#: 2019059117

Dear Brent Mauc:

SCH-1

The comment (s) on your MND was (were) received by the State Clearinghouse after the end of the state review period, which closed on 6/27/2019. Please check the CEQA database for these comments: <https://ceqanet.opr.ca.gov/2019059117/2> because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

1

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2019059117) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL 1-916-445-0613 state.clearinghouse@opr.ca.gov www.opr.ca.gov

State Clearinghouse and Planning Unit (SCH1)

June 28, 2019

SCH-1 This comment is acknowledged. The State Clearinghouse is indicating that a comment letter from a State agency was received after June 27, 2019 and is considered a late response. The referenced letter is the California Department of Transportation (DOT) letter, dated June 20, 2019 and received by the State Clearinghouse on June 28, 2019. However, while the State Clearinghouse determines the public review period based on receipt of the Notice of Completion (NOC), the City considers June 28, 2019 as the end of the public review period. The DOT letter was also submitted directly to the Lead Agency. As such, the DOT letter was not treated as a late response.



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

June 28, 2019

Brent Maue
Pasadena, City of
100 North Garfield Avenue, 3rd Floor
Pasadena, CA 91101

Subject: Berkshire Creek Area Improvements Project
SCH#: 2019059117

Dear Brent Maue:

SCH-2

The State Clearinghouse submitted the above named MND to selected state agencies for review. The review period closed on 6/27/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, please visit: <https://ceqanet.opr.ca.gov/2019059117/2> for full details about your project.

1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL 1-916-445-0613 state.clearinghouse@opr.ca.gov www.opr.ca.gov

State Clearinghouse and Planning Unit (SCH2)

June 28, 2019

SCH2-1 This comment is acknowledged. The State Clearinghouse is indicating that the City has complied with State public review requirements. Because this comment does not address the content of the IS/MND, no further response is required.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 82123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 26, 2019

Mr. Brent Maue
City of Pasadena Department of Public Works
100 North Garfield Avenue, 3rd Floor
Pasadena, CA 91101
bmaue@cityofpasadena.net

Subject: Mitigated Negative Declaration for the Berkshire Creek Area Improvements Project, City of Pasadena, Los Angeles County

Dear Mr. Maue:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Mitigated Negative Declaration (MND) for the Berkshire Creek Area Improvements Project (Project), prepared by the City of Pasadena (City). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW

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 & Game Code, §§ 711.7, subdivision (a) & 1802; Public 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 (Public 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 & Game 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 & Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

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Project Description and Summary

Objective: The proposed Project consists of approximately 0.41 acre of restoration to Berkshire Creek. Project activities include grading and contouring of the existing streambed, tree removal, removal of existing drainpipes, installation of a large box culvert, numerous check dams, and creation of an artificial streambed to accommodate for the flashy nature of stormflows in the area. The proposed engineering concept would replace the existing drainpipe with two separate drainpipes, using different sizes, lengths, angles, and outfall locations, one for low flows and one for high flows. The low flow drain would consist of approximately 49 linear feet of 24-inch-diameter reinforced concrete pipe (RCP) at a shallow grade that would outlet immediately downstream of the service road. The high flow drain would consist of approximately 45 feet of 36-inch diameter RCP at a steeper grade connecting to a two-foot-wide by five-foot-high transition structure, situated near the low flow outfall. It then connects to approximately 110 linear feet of five-foot-high by two-feet-high concrete box culvert. The box culvert would follow the existing drainage path of Berkshire Creek and outlet approximately 25 feet downstream of the proposed multi-use bridge crossing. Reinforced, embedded riprap would be installed at the high-flow outlet to reduce runoff velocity. The service road would be reconstructed once the new drainage infrastructure beneath the road is installed.

2

After installation of the high-flow box culvert, the creek bed would be raised through placement of approximately 370 cubic yards of earth material to repair the incised condition and provide slope stabilization in preparation for habitat restoration. To help reduce surface water runoff velocity that could result in erosion of restored habitat, grade control structures, or check dams, would be installed at the surface approximately every 40 feet from the low flow outlet to the end of the Berkshire Creek drainage. The check dams would have an approximately two-foot step height and be constructed of arroyo stone from an existing stockpile collected by the City. Finally, the engineering concept proposes installation of an approximate 6-foot-diameter and 50-foot-deep dry well immediately to the south and east of the Berkshire Drain that would collect and treat, prior to infiltrating, the so-called "first flush" of storm water runoff.

Location: The Project is located in Hahamongna Watershed Park (previously Oak Grove Park), along the western boundary of Devil's Gate Reservoir in the City of Pasadena, Los Angeles County. It is located immediately north of Interstate 210 and immediately east of Oak Grove Drive.

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. 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 (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

3

Comment #1: Impacts to Streams

Issue: Impacts to Berkshire Creek are subject to notification under Fish and Game code section 1600 *et seq.* According to the supporting jurisdictional delineation, about 0.41 acre of streams are likely to be impacted by Project activities.

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Specific impacts: The Project may result in the loss of streams and associated watershed function and biological diversity. Grading and construction activities will likely alter the topography, and thus the hydrology, of the Project site.

Why impacts would occur: Ground-disturbing activities from grading and filling, water diversions, and dewatering would physically remove or otherwise alter existing streams or their function and associated riparian habitat on the Project site. Downstream streams and associated biological resources beyond the Project development footprint, such as those found in the adjacent Devil's Gate Project site, may also be impacted by Project-related releases of sediment and altered watershed effects resulting from Project activities.

Evidence impacts would be significant: The Project may substantially adversely affect the existing stream pattern of the Project site through the alteration or diversion of a stream, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project.

5

Water diversions can impact flow regimes, decreasing the frequency of high flows. Prolonged low flows can cause streams to become graded and cause channels to become disconnected from floodplains (Poff et al. 1997). This process decreases available habitat for aquatic species including fish that utilize floodplains for nursery grounds. Undersized culverts and other stream crossings can also cause downstream channel erosion and tributary head-cutting, reduced magnitude and frequency of high flows, channel narrowing, and reduced formation of secondary channels and oxbows (Poff et al. 1997). Additionally, these structures can degrade water quality and associated wildlife habitats (Santucci, Jr. et al. 2005). Streams with such structures can have reduced abundance of anurans due to decreased availability of breeding habitat (Eskew et al. 2012). Based on the foregoing, Project impacts may substantially adversely affect the existing stream pattern and associated habitat of the Project site.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW has concluded that the Project may result in the alteration of streams. As a result, the Project applicant (or "entity") has submitted written Lake or Streambed (LSA) notification (Notification #1600-2019-0041-R5) to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. CDFW appreciates the early coordination with the City.

CDFW's issuance of an LSA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. However, the MND does not meet CDFW's standard at this time. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA. Any LSA agreement issued for the Project by CDFW may include additional erosion and pollution control measures protective of streambeds on and downstream of the Project.

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Mitigation Measure #2: CDFW recommends an analysis of design alternatives that mimic natural features using a combination of structural and vegetative methods to maintain natural flows on the Project site. The finished product would be analogous to a natural streambed with minimal use of concrete. The use of concrete can lead to diminished water quality via leeching, so natural designs, such as the strategic placement of boulders, are suggested as a means for managing flow velocity.

7

Mitigation Measure #3: CDFW recommends a hydrologic study, including a scour analysis, be conducted and submitted as part of an LSA notification package to evaluate the impacts of Project activities within Berkshire Creek.

Comment #2: Impacts to least Bell's vireo & southwestern Willow Flycatcher

Issue: A review of CNDDDB indicates that there are recorded observations of least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*), both state and federally endangered species, potentially onsite and in the adjacent Devil's Gate Reservoir.

Specific impacts: Impacts to least Bell's vireo and southwestern willow flycatcher could result from noise and artificial light sources related to construction and demolition activities taking place on the Project site.

Why impact would occur: Project disturbance activities could result in temporary or long-term loss of suitable nesting and foraging habitats. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

8

Noise from road use, generators, and other equipment may disrupt least Bell's vireo mating calls or songs, which could impact reproductive success (Patricelli and Blickey 2006, Halfwerk et al. 2011). Noise has been shown to reduce the density of nesting birds (Francis et al. 2009), and Bayne et al. (2008) found that songbird abundance and density was significantly reduced in areas with high levels of noise. Additionally, noise exceeding 70 dB(A) may affect feather and body growth of young birds (Kleist et al. 2018).

Artificial light may attract or disorient migrating least Bell's vireo by disrupting navigation (Ogden 1996, Longcore and Rich 2004, 2016) and may also suppress their immune system (Moore and Siopes 2000). In addition, songbirds that live in areas with artificial light often begin morning choruses during night hours (Derrickson 1988, Miller 2006, Fuller et al. 2007), which may disrupt typical breeding behaviors.

Evidence impact would be significant: Consistent with CEQA Guidelines, Section 15380, the status of the least Bell's vireo as an endangered species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA.

9

Least Bell's vireo were abundant and widespread in the U.S. until the 1950s (Grinnell and Miller 1944). By the 1960s, they were considered scarce (Monson 1960), and by 1980, there were fewer than 50 pairs remaining (Edwards 1980), although this number had increased to 2,500 by 2004 (Kus and Whitfield 2005). The primary cause of decline for this species has been the loss and alteration of riparian woodland habitats (USFWS 2006).

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Project impacts may result in substantial adverse effects, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service. Adverse impacts to least Bell's vireo may occur without implementing take avoidance surveys prior to operations, including, but not limited to, ground and vegetation disturbing activities.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends conducting focused surveys for least Bell's vireo as well as southwestern willow flycatcher. Prior to initiation of construction within or adjacent to suitable nesting habitat, a CDFW-approved biologist with experience surveying for and observing least Bell's vireo and southwestern willow flycatcher should conduct preconstruction surveys in accordance with established protocols to establish use of nesting habitat. Surveys should be conducted within and adjacent to suitable habitat, where access allows, during the nesting season (generally March 15 to July 31). If a nesting colony is found, no activity should occur within a 500-foot buffer of the colony until a qualified biologist determines and CDFW confirms that all chicks have fledged and are no longer reliant on the nest site.

9 cont.

Mitigation Measure #2: If take of least Bell's vireo or southwestern willow flycatcher would occur from Project construction or operation, a state incidental take permit (ITP) under CESA would be required for the Project. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to State-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of state-listed species.

Comment #3: Impacts to nesting birds

Issue: Page 33 – Table 5 of Biological Technical Report indicates that 0.57 acre of native vegetation and 0.23 acre of non-native or "low quality" vegetation will be impacted during Project construction. An additional 1.69 acres of coast live oak woodland will be impacted during onsite restoration efforts. On page 34, "The proposed project would result in the displacement of Public Trees, including the removal of 4 native and 81 non-native trees as part of habitat restoration efforts and vegetation removal to accommodate the proposed improvements."

Specific impacts: Construction during the breeding season of nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. The Project could also lead to the loss of foraging habitat for sensitive bird species.

10

Why impact would occur: Impacts to nesting birds could result from vegetation clearing and other ground disturbing activities. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable nesting and foraging habitats. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Evidence impact would be significant: The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation.

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Furthermore, nests of all native bird species are protected under state laws and regulations, including Fish and Game Code sections 3503 and 3503.5.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To protect nesting birds that may occur on-site, CDFW recommends that the final environmental document include a measure that no construction shall occur from February 15 through August 31 unless a qualified biologist completes a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during Project construction. The breeding habitat/nest site should be fenced and/or flagged in all directions, and this area should not be disturbed until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, and the young will no longer be impacted by the project.

10 cont.

Filing Fees

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

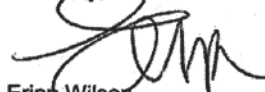
11

Conclusion

We appreciate the opportunity to comment on the project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the project. If you have any questions or comments regarding this letter, please contact Andrew Valand, Environmental Scientist, at Andrew.Valand@wildlife.ca.gov or (562) 342-2142.

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Sincerely,



Erin Wilson
Environmental Program Manager I

cc: CDFW

Victoria Tang – Los Alamitos
Andrew Valand – Los Alamitos
Kelly Schmoker – Pasadena
Audrey Kelly – Los Alamitos
Dolores Duarte – San Diego

Scott Morgan (State Clearinghouse)

Mr. Brent Maue
City of Pasadena
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State of California, Department of Fish and Wildlife (CDFW)

June 26, 2019

CDFW-1 This comment is acknowledged.

CDFW-2 This comment is acknowledged. It is noted the IS/MND description of the Berkshire Creek restoration component, beginning on page 1-3, presents some different details than summarized in this comment, as follows:

- The high flow drain would consist of 45 feet of 48-inch diameter (rather than 36-inch diameter) reinforced concrete pipe (RCP) connecting to a 7-foot diameter manhole (rather than a 2-foot-wide by 5-foot high transition structure);
- The high flow manhole connects to 170 linear feet (lf) (rather than 110 lf) of 5-foot-wide by 2-foot-high concrete box culvert;
- The box culvert would outlet approximately 50 feet (rather than 25 feet) downstream of the proposed bridge;
- An Arroyo tone apron (rather than reinforced, embedded riprap) would be placed at the high flow outlet;
- The creek bed would be raised through placement of approximately 870 cubic yards (cy) (rather than 370 cy) of earth material;
- A grade control structure with an approximate two-foot step height would be installed approximately every 20 feet (rather than every 40 feet) from the low flow outlet to the end of the Berkshire Creek drainage; and
- The previously proposed dry well was eliminated from the Project based on CDFW concerns regarding water rights expressing during the field meeting on April 2, 2019.

These changes reflect the ongoing refinement of the engineering design for Berkshire Creek subsequent to submittal of the initial application to CDFW pertaining to jurisdictional waters and associated permitting.

CDFW-3 This comment is acknowledged. Recommendations provided in the following comments have been included as part of the Project where determined to be necessary based on site-specific conditions.

CDFW-4 This comment is acknowledged. The CDFW has been notified of the Project consistent with Section 1600 et. seq. of the Fish and Game Code. It is noted the jurisdictional delineation, provided as Attachment B of Appendix B-1, Biological Technical Report, to the IS/MND, determined a total of 0.09 acre of Waters of the United States and 0.36 acre of CDFW jurisdictional waters would be impacted by Project implementation (also see page 2-35 of the IS/MND). The approximate 0.41-acre Berkshire Creek restoration area and/or disturbance area mentioned on pages 1-3, 1-4, and 1-5 refers to the total footprint of the Berkshire Creek restoration component of the Project, of which 0.36 acres is considered under CDFW jurisdiction.

CDFW-5

As discussed on page 2-65 in Section 2.10, Hydrology and Water Quality, of the IS/MND, while implementation of the Berkshire Creek restoration component of the Project would alter the course of the Berkshire Creek drainage, a primary purpose of the Project is to repair the existing condition of Berkshire Creek that currently results in substantial erosion and siltation off-site (i.e., in the Devil's Gate basin). Furthermore, once completed, storm water runoff would continue to flow from Berkshire Drain, through Berkshire Creek, and outlet into the Devil's Gate basin but absent the erosion issues that currently exist. Therefore, the IS/MND concluded the Project's implementation would have no long-term adverse effects related to the hydrology of the site.

Construction activities would alter the topography and hydrology of Berkshire Creek; however, contrary to the assertion the Project would impact on-site and downstream stream and associated biological function, implementation of the Project would improve both hydrologic function and the quality and amount of riparian habitat compared to the existing condition. In other words, the proposed Berkshire Creek restoration would repair the existing problem with storm water system capacity in this drainage, wherein there is inadequate infrastructure to convey the volume and velocity of flows from Berkshire Drain. The existing condition, rather than the proposed Project, results in substantial adverse effects on the existing stream pattern of the Project site through alteration and diversion, which in turn results in substantial erosion and siltation. Implementation of the Project would not result in the disconnection of Berkshire Creek from the Arroyo Seco floodplain, because of a reduction in flows or any other cause. As noted above, storm water runoff would continue to flow from Berkshire Drain, through Berkshire Creek, and outlet into the Devil's Gate basin (page 2-65 of the IS/MND). Finally, the rate of flows within Berkshire Creek or into the Devil's Gate basin would not change with Project implementation. The evidence provided in the second paragraph of this comment describes the existing condition, which the purpose of the proposed Project is to repair. However, the IS/MND concludes that impacts to jurisdictional resources are considered significant and MM BIO-3 is provided to ensure a performance standard of, at a minimum, equivalent biological functions and values are replaced through implementation of regulatory permit requirements. MM BIO-3 is presented below for convenient reference.

MM BIO-3 Mitigation for the loss of jurisdictional resources shall be negotiated with the resource agencies during the regulatory permitting process and shall ensure that mitigation to compensate for permanent impacts on jurisdictional resources is equivalent or superior to biological functions and values impacted by the Project. Potential mitigation options may include: (1) removal of exotic species from within the Project site or Hahamongna Watershed Park or elsewhere within the Arroyo Seco or adjacent watersheds (e.g., invasive plant or wildlife species removal); (2) payment to a mitigation bank or regional riparian enhancement program; and/or (3) restoration of riparian habitat including qualifying vegetation and trees, either on site or off site at a ratio of no less than 1:1, determined through consultation with the USACE, the RWQCB, and the CDFW. The restoration plan shall detail the methodology and performance standards, which shall be prepared in accordance with requirements specified in permits/agreements issued by the USACE, the RWQCB, and the CDFW.

In addition, prior to initiation of any Project activities affecting identified jurisdictional features, all work areas will be clearly demarcated with construction stakes and flagging. These areas will be verified by a qualified biologist familiar with the project to ensure no only permitted and approved impacts areas are disturbed.

CDFW-6 Please refer to Response CDFW-5. Consistent with the Fish and Game Code, the City has notified the CDFW of the Project and submitted an application for a Streambed Alteration Agreement, as its construction would involve activity within CDFW jurisdictional waters. In addition, the IS/MND fully discloses potential impacts to jurisdictional resources. As discussed in Response CDFW-5, the IS/MND concludes impacts to jurisdictional waters are significant and includes MM-3 to ensure a performance standard of, at a minimum, equivalent biological functions and values are replaced through implementation of regulatory permit requirements.

However, the application for regulatory permits pursuant to the Fish and Game Code for this construction activity does not correlate to a declaration of permanent impacts to hydrology and biology with Project implementation. Relevant, Project-specific evidence has not been provided that supports an assertion of significant, unmitigated impacts to streams. The IS/MND is considered adequate and its findings are supported by substantial evidence in the record. It is anticipated that the regulatory permits required from the Regional Water Quality Control Board, U.S. Army Corps of Engineers, and CDFW would have agency-specific requirements and these requirements would be a condition of the Project and included in the contractor specifications. However, as there is no evidence of a new significant environmental impact as a result of Comments CDFW-5 through CDFW-7, no new mitigation measures or other revisions to the IS/MND are necessary. Finally, the mitigation measure proposed in this comment is not actual mitigation of any impacts that may arise from the Project, and is therefore rejected.

CDFW-7 On April 19, 2019, the City provided the *Berkshire Creek Restoration Project – Hydrology Report* (Hydrology Report), provided herein as Attachment A, to CDFW. The Hydrology Report presents a design history and provides a quantitative hydrologic analysis to support the proposed concrete use within the Berkshire Creek channel. Because of the short streambed length from Berkshire Creek drain to the channel's outfall at the Devil's Gate basin combined with the high storm water runoff volumes at this location, the City eventually determined that the step pool morphology for the channel utilizing concrete grade control structures both to maintain the proposed grades and anchor the subterranean box culvert was the only viable option short of a fully armored gabion basket channel design, as discussed in the Hydrology Report. Other materials would not provide the necessary anchoring for the high flow box culvert, creating the possibility for the culvert to be undermined and washed away. The quantitative engineering and hydrologic assessment determined the existing design is as close as feasible to restoring Berkshire Creek to be "analogous to a natural streambed". Without use of concrete or other man-made, engineered structures as proposed, restoration of Berkshire Creek would revert to the existing degraded condition in the future. The extent of concrete has been minimized as much as feasible while maintaining the structural integrity of the replacement storm water infrastructure. Since the CEQA document at issue here is an MND, there is no requirement for consideration of

further Project alternatives. The recommended mitigation measures are for further study, do not propose mitigation of any Project impacts, and are therefore rejected.

CDFW-8

As discussed on page 2-32 of the IS/MND, "Eight federally and/or State-listed Threatened or Endangered (or Candidate State-listed Endangered) bird species occur in the Project region: California condor, western yellow-billed cuckoo, Swainson's hawk, southwestern willow flycatcher, least Bell's vireo, [emphasis added]bank swallow, coastal California gnatcatcher, and tricolored blackbird."

As discussed on page 2-33, "The western yellow-billed cuckoo and southwestern willow flycatcher [emphasis added] are not expected to occur because the riparian habitat on the Project site is not expansive enough for the breeding needs of these species. Therefore, Project implementation would not result in any impacts on these species and no mitigation is required."

As also discussed on page 2-23, "The riparian vegetation on the Project site is potentially suitable for least Bell's vireo. Although the extent of such habitat on the site is extremely limited, impacts to this species may be potentially significant. The Project schedule of Fall 2019 has been designed in part to avoid any potential impact on least Bell's vireo by entirely avoiding the period when this species is potentially present in the region. The balance of the year, this species returns to non-breeding grounds in central and south America. Furthermore, implementation of MM BIO-1, requiring that work activities avoid impacts to nesting birds, would ensure avoidance and reduce this impact to a less than significant level." MM BIO-1 is presented below for convenient reference.

MM BIO-1 Project construction activities (including, but not limited to, staging and disturbances to native and non-native vegetation, structures, and substrates) shall occur outside of the avian breeding season, which generally runs from February 1–August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. "Take" means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (*California Fish and Game Code*, Section 86), and includes take of eggs or young resulting from disturbances that cause abandonment of active nests.

A Biological Monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the Project footprint (i.e., the demarcated buffer); to ensure that the flagging/stakes/fencing that shall be installed by the Biologist prior to initiation of construction activity is being maintained; and to minimize the likelihood that active nests are abandoned or fail due to Project activities.

In summary, the riparian vegetation on the Project site does not support the breeding needs of the southwestern willow flycatcher; as such, it is not expected on the site. The extremely limited riparian vegetation is marginally suitable for the least Bell's vireo; however, the construction schedule for the Project avoids the bird nesting season altogether. Therefore, there would be no direct or indirect impacts to these two species and no further mitigation is necessary. Additionally, based on these facts, focused surveys for these two species are not necessary.

- CDFW-9 Please refer to Response CDFW-8. Because there is no Project-specific evidence a significant impact to southwestern willow flycatcher or least Bell's vireo would occur during Project implementation, no mitigation is required.
- CDFW-10 As discussed in Response CDFW-8, the Project construction schedule avoids the bird nesting season altogether. This is also ensured by implementation of MM BIO-1 (provided above), which requires construction to occur outside of February 1–August 31 (as early as January 1 for some raptors), and for a Biological Monitor to be present during all grubbing and clearing activities. As construction of the Project would occur outside the bird and raptor nesting season, there would be no impacts to nesting birds and no further mitigation is required.
- CDFW-11 The City will remit the appropriate CDFW filing fees, effective January 1, 2019, upon filing the Notice of Determination (NOD) with the Los Angeles County Clerk.
- CDFW-12 This comment is acknowledged.

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 7 – Office of Regional Planning
100 S. MAIN STREET, SUITE 100
LOS ANGELES, CA 90012
PHONE (213) 897-6536
FAX (213) 897-1337
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

June 20, 2019

Brent Maue, P.E.
City of Pasadena Department of Public Works
100 North Garfield Avenue, 3rd Floor
Pasadena, CA 91101

RE: Berkshire Creek Area Improvements
Project – Mitigated Negative Declaration
(MND)
SCH # 2019059117
GTS # 07-LA-2019-02522
Vic. LA-210/ PM: R21.76

DOT

Dear Mr. Chou:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for this Mitigated Negative Declaration (MND). The proposed project would improve the ecological, hydrological, and recreational conditions throughout an approximately 4.7-acre portion of the Oak Grove area of Hahamongna Watershed Park. (The Project would address the degraded conditions downstream of the Berkshire Place Storm Drain No. 12 storm drain outlet; replace asphalt with a permeable surface and native garden at the equestrian picnic area; install interpretive signage; and conduct oak woodland, riparian, and California sage scrub habitat restoration.)

1

The nearest State facility to the proposed project is Route 210. After reviewing the MND, Caltrans does not expect project approval to result in a direct adverse impact to the existing State transportation facilities.

2

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

3

If you have any questions, please contact project coordinator David Calkins, at david.calkins@dot.ca.gov, and refer to GTS # 07-LA-2019-02522.

Sincerely,

MIYA EDMONSON
IGR/CEQA Branch Chief
cc: Scott Morgan, State Clearinghouse

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

State of California, Department of Transportation (DOT)

June 20, 2019

- DOT-1 This comment is acknowledged. The summary of the Project provided in the comment letter is accurate.
- DOT-2 This comment is acknowledged.
- DOT-3 This comment is acknowledged. The City would ensure the contractor acquires all necessary permits, as required by Caltrans, to implement the Project, including a Caltrans transportation permit if applicable. Where feasible, large-size truck travel on Interstate 210 will be limited to off-peak commute periods. However, this cannot be guaranteed. As noted in Comment DOT-2, Project-related traffic will not adversely affect the Caltrans highway system.



City Council
Leonard Pieroni, Mayor
Gregory C. Brown, Mayor Pro Tem
Jonathan C. Curtis
Michael T. Davitt
Terry M. Walker

June 26, 2019

Mr. Brent Maue, P.E.
City of Pasadena Department of Public Works
100 North Garfield Avenue, 3rd Floor
Pasadena, CA 91101

Re: Public Comment on Mitigated Negative Declaration for Berkshire Creek Improvements Project

Dear Mr. Maue,

LCF

Thank you for the opportunity to comment on the above referenced project, located on a 4.7-acre portion of the Oak Grove area of the Hahmongna Watershed Park. The City is generally in support of the project, which will benefit a watershed almost entirely located within the city of La Cañada Flintridge. The City's primary concern is the cumulative impact of the proposed project, specifically as it relates to Air Quality, when considered in conjunction with the currently ongoing Devils' Gate Reservoir Sediment Removal and Management Project.

1

The City notes that the MND fails to provide adequate information regarding the potential cumulative impacts to air quality with Section 2.3 Air Quality and Section 2.22 Mandatory Findings of Significance. While there is a statement within Section 2.3(b) that acknowledges the Devil's Gate project, no information regarding the anticipated air quality impacts of Devil's Gate and the potential cumulative impact of the proposed project is provided. The discussion of cumulative impacts must reflect the severity of the impacts, as well as the likelihood of their occurrence; however, the City notes the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. As stated in CEQA, "a project may have a significant effect on the environment if the possible effects of a project are individually limited but cumulatively considerable." While the City does acknowledge that per CEQA Guidelines Section 15064(h)(4), "the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable", additional analysis is required to determine the level of potential impact with regard to air quality.

2

3

In order to mitigate potential air quality and traffic congestion impacts to staff and students within several schools within close proximity, as well as nearby residences, the City requests that the project be postponed until after the completion of the Devil's Gate project. Should the project move forward, the City would recommend the inclusion of a mitigation measures requiring the tarping of trucks in order to prevent dust, rocks and other particulate matter that would be cumulatively added to existing conditions.

4

5

One Civic Center Drive, La Cañada Flintridge, CA 91011 • (818) 790-8880 • Fax (818) 790-7536
www.lcf.ca.gov

Response to MND Berkshire Creek Improvement Project
June 26, 2019
Page 2 of 2

Should you have any questions regarding this issue, please contact Susan Koleda, Director of Community Development, or me at (818) 790-8880.

Sincerely,



Mark R. Alexander
City Manager

cc: Patrick DeChellis, Director of Public Works
Susan Koleda, Director of Community Development

City of La Cañada Flintridge (LCF)

June 26, 2019

LCF-1 This comment is acknowledged.

LCF-2 Cumulative air quality impacts are addressed in Section 2.3, Air Quality, of the IS/MND. Project-related, maximum daily construction emissions during the peak work day (i.e., most intensive combined construction activity) are shown in Table 2-4 on page 2-11 of the IS/MND; all criteria pollutant emissions are far below the respective South Coast Air Quality Management District (SCAQMD) thresholds. Project-related maximum localized emissions are shown in Table 2-5 on page 2-12; local emissions are also far below the respective SCAQMD thresholds. As discussed under Threshold 2.3b on page 2-13, consistent with SCAQMD policy, "Any projects that are found to result in less than significant impacts on a project level are not considered by the SCAQMD to be cumulatively considerable and consequently would not result in a considerable contribution to cumulative impacts."

"Since the Project-related emissions impacts were identified as less than significant, as shown in Threshold 2.3(a), construction of the Project would not result in a cumulatively considerable contribution to air quality impacts. Cumulative impacts are also less than significant and no mitigation is required" (page 2-13 of the IS/MND). In short, the construction activity of the Project, even when considering the worst-case, is so minimal that resulting emissions do not incrementally contribute to a significant cumulative impact when considered with the Devil's Gate project or any other concurrent construction activity in the immediate area.

As stated in Section 2.22, Mandatory Findings of Significance, "...all construction-related impacts would either be less than significant or mitigated to a less than significant level." While this fact alone does not substantiate a finding on cumulatively considerable impacts, additional discussion of past and present projects in the Oak Grove area as well as the Devil's Gate project is provided. As discussed on page 2-97, "The proposed Project is minor in both geographic scope and intensity of activity relative to the Devil's Gate project. In light of this and close coordination between the two agencies throughout Project implementation, the proposed Project would result in less than significant cumulative impacts when considered in connection with the effects of the Devil's Gate Dam Project. Also, Threshold 2.17(a) in Section 2.17, Transportation, of this IS/MND evaluates the potential cumulative transportation impacts from the proposed Project and the Devil's Gate project. There would be a less than significant impact and no mitigation is required."

Comment LCF-2 appears to possibly be based on the premise there would be a significant cumulative impact when any other construction activity occurs at the same time as the Devil's Gate project. However, in reality the finding of significant impact for any environmental topic pursuant to CEQA, including cumulative impacts, must be based on exceedance of a threshold. For air quality assessment, the SCAQMD has provided clear directive on how to assess cumulative impacts, and the IS/MND follows this directive in its analysis. As such, the assertion that the IS/MND fails to provide adequate information regarding potential air quality cumulative impacts both in Section 2.3 and Section 2.22 is not accurate. Also, the

assertion that no information regarding the potential cumulative impact of the Project is provided is not accurate.

LCF-3 Based on the discussion in Response LCF-2, the assertion that additional analysis is required to determine the level of potential impact with regard to air quality is unsubstantiated. The analysis presented in the IS/MND for direct and cumulative impacts is adequate and fully consistent with SCAQMD policies. See also Response LCF-2.

LCF-4 Based on detailed analyses in the IS/MND Sections 2.3, Air Quality, and 2.17, Transportation, there would be less than significant direct and cumulative air quality and traffic impacts, and no evidence has been provided in the comment letter to indicate the analyses provided in the IS/MND are inadequate.

Regarding the traffic analysis, preparation of the IS/MND included an assessment of construction traffic, including consideration of construction traffic associated with the County's Devil's Gate Reservoir project. The *Berkshire Creek Area Improvements Project Traffic Evaluation* (Traffic Evaluation) is discussed in Section 2.17, Transportation, of the IS/MND and provided as Appendix G.

On page 2-85 of the IS/MND, Table 2-21, Total Construction Trip Generation, summarizes the total construction traffic expected for all Project activities; and Table 2-22, Peak Day Construction Trip Generation, summarizes the peak day (highest) construction trip generation. To provide a worst-case, conservative scenario in the Traffic Evaluation, the IS/MND assumes that completion of the proposed components would all start together and overlap. Accordingly, the estimate of construction traffic generation assumes that the three Project components, and an initial materials delivery, would begin on the same date. The Traffic Evaluation also assumes that truck trips would be evenly spaced throughout the workday, and that all workers would arrive during the same hour in the morning and would depart in the same hour in the afternoon/evening" (page 2-84).

Table 2-22 from the IS/MND is provided below for ease of reference.

**TABLE 2-22
PEAK DAY CONSTRUCTION TRIP GENERATION**

Component	Activity	Total Trips	Work Days	Daily Trips	Peak Hour Trips
Berkshire Creek	Demolition	42	2	21	3
	Construction worker trips (per day rate only)			16	8
Equestrian Picnic Area	Demolition	36	2	18	3
	Construction worker trips (per day rate only)			10	5
Habitat Restoration	Construction worker trips (per day rate only)			24	12
Initial Materials Delivery		10	1	10	2
Peak Day Trips				99	33
Source: Psomas 2019c; Appendix G.					

“As shown in Table 2-22, the peak day construction activity is estimated to result in a total of 99 trips, including 33 trips in the peak hours. Of the peak day total trips, 49 would be truck trips and 50 would be construction worker (i.e., passenger vehicle) trips. The peak construction activity is expected to occur for about two days. For the majority of the Project’s 3-month construction period, the only daily traffic would be generated by the workers” (page 2-85).

Cumulative construction traffic is discussed beginning on page 2-85, “The Devil’s Gate project is expected to generate a maximum of approximately 425 truck trips each day. Therefore, the combination of the Devil’s Gate project and proposed Project is expected to generate approximately 525 daily trips on the peak days of the Project construction traffic, which would occur for 2 to 3 days. For the majority of the 3-month Project construction period, the cumulative Project and Devil’s Gate traffic volumes would be approximately 475 daily trips. Although the Project would contribute traffic to intersections, which are expected to have a significant impact from the Devil’s Gate project, the trips for both projects are temporary. Both construction worker and truck traffic for the proposed Project would access the site from Oak Grove Drive at the intersection with Berkshire Place. Trucks have access to I-210 less than 1,000 ft from the access location, so no construction truck trips are expected to travel through any residential areas near the Project. Further, the proposed Project would only contribute truck traffic to the impacted intersections for an estimated two work days, and for much of the Project duration, the off-site trips would be only worker trips (not truck trips). As such, the proposed Project would not contribute a cumulatively considerable volume of traffic.”

It is noted that at the time the Berkshire Creek Project would be constructed (Fall 2019), the Devil’s Gate project would not yet be running at a rate of 425 trucks per day. At present, based on the City’s coordination with the County, it is understood that approximately 300 trucks per day are being used. As such, the construction traffic generated by even the couple of worst-case days would be at or less than the maximum Devil’s Gate traffic generation (approximately 400 to 425 trips per day). Further, while one of the assumptions used in the Traffic Evaluation is that all three Project components (i.e., Berkshire Creek restoration, equestrian picnic area improvements, and habitat restoration) would begin on the same day, the equestrian picnic area lot will likely be used for staging of equipment and materials by the contractor. As such, demolition of this lot, and the estimated 18 daily trips

associated with this activity, would not occur at the same time as demolition within Berkshire Creek. However, even if all assumptions of the Traffic Evaluation did come to fruition, the IS/MND concluded the incremental contribution of construction traffic from the Project would not result in a cumulatively considerable traffic impact.

Regarding postponing the Project until after completion of the Devil's Gate project, this is based on the assertion that the action is needed to mitigate air quality and traffic congestion impacts. This assertion is unsubstantiated, and as such a change in schedule is not warranted for this reason. Further, the combined grant funding for the Project totals \$1.8 million and a portion of this expires if the construction is not completed by March 31, 2020. As such, it is not feasible to delay Project implementation, as the necessary funding is not expected to be available in the future.

LCF-5

As discussed on page 2-13 in Section 2.3, Air Quality, of the IS/MND, one of the conditions of approval to be included in contractor specifications to minimize construction-phase emissions to the maximum extent possible is "All haul trucks would either be covered (with on board tarp) or maintain at least two feet of freeboard between the top of the soil and the edge of the truck bed." This language is consistent with the SCAQMD's Rule 403. Notwithstanding there being no significant impacts related to air quality necessitating mitigation and given recent reports of uncovered trucks from the Devil's Gate site emitting particulate matter of various sizes, the City will revise the above-referenced condition of approval to be included in the contractor specifications to specify that all haul trucks shall be covered (with on board tarp) during any travel on public roads to or from the Project site. The alternative of maintaining at least two feet of freeboard between the top of the soil and the edge of the truck bed shall not be an acceptable alternative to reducing emissions of particulate matter from the haul trucks.

2.2 ORGANIZATIONS

- Gabrieleno Band of Mission Indians-Kizh Nation, June 10, 2019

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GABRIELENO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

Notice of Intent to Adopt An Initial Study/ Mitigated Negative Declaration

June 10, 2019

City of Pasadena
100 North Garfield Avenue, 3rd Floor
Pasadena, CA 91101

GBMIKN

Good Morning Brent Maue,

We have received your Notice of Intent to adopt a Negative Declaration for the Berkshire Creek Area Improvements Project in the location of the Los Angeles County. Our Tribal Government would like to be consulted if any ground disturbance will be conducted for this project.

1

Sincerely,
Gabrieleno Band of Mission Indians/Kizh Nation
(1844) 390-0787 Office

Andrew Salas, Chairman
Albert Perez, treasurer I

Nadine Salas, Vice-Chairman
Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary
Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723

www.gabrielenoindians@yahoo.com

gabrielenoindians@yahoo.com

Gabrieleno Band of Mission Indians-Kizh Nation (GBMIKN)

June 10, 2019

GBMIKN-1 As discussed on pages 2-88 and 2-89 in Section 2-18, Tribal Cultural Resources, of the IS/MND, the City initiated consultation with the Gabrieleno Band of Mission Indians-Kizh Nation, consistent with Assembly Bill (AB) 52 requirements, on March 11, 2019. The tribe communicated that the Arroyo Seco is considered a tribal cultural resource as a cultural landscape (page 2-89). Therefore, MM TCR-1 was included in the IS/MND that requires a monitor meeting the satisfaction of a Native American tribe with cultural affinity to the Gabrieleno is present during ground-disturbing activities. On May 14, 2019, the City sent an e-mail to Chairman Salas of the tribe providing the proposed MM and stating the City considers the AB 52 process for the Project complete unless feedback to the contrary is received. No response was received, and the proposed MM will be part of the Project's MMRP. The IS/MND concludes there would be less than significant impacts to tribal cultural resources with implementation of MM TCR-1.

2.3 INDIVIDUALS

- Rick Benfield, June 20, 2019
- Mickey Long, June 12, 2019
- Kenneth Munday, June 24, 2019

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From: Rick Benfield <rick@catalinaislandcamps.com>
Date: 6/20/19 3:31 PM (GMT-08:00)
To: "Maue, Brent" <bmaue@cityofpasadena.net>
Cc: 'Sarah Horner Fish' <sarah@tomsawycamps.com>, 'Guy Fish' <guy@tomsawycamps.com>
Subject: FW: Equestrian Picnic Area

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you know the content is safe.

Hi Brent,

Benfield

We were contacted yesterday by David Haxton about the Equestrian Picnic Area and the planned improvements pursuant to the Berkshire Creek Area Improvements Projects. His note is below. We wanted to reach out to confirm that we do indeed use that area for parking and feel strongly that keeping that area paved is important for the safety of our campers – in this case it's our youngest campers ages 3-5 that are in that area. We appreciate that the City is looking at using pavers, and as long as the parking area is paved in some way that will be fine with us.

1

2

If you have any questions or wish to chat about this, please feel free to reach out to me. Please reply to confirm receipt and advise if you need anything else from us to assist you.

Thanks and best,
Rick

Rick Benfield
Chief Financial Officer
Tom Sawyer & Catalina Island Camps
D: (626) 427-6020
O: (626) 794-1156 / (626) 296-4040
C: (310) 592-0078
rick@catalinaislandcamps.com

Rick Benfield (Benfield)

June 20, 2019

Benfield-1 This comment is acknowledged.

Benfield-2 This comment is acknowledged. The Project proposes reducing the size of the existing paved equestrian lot, from approximately 14,500 square feet (sf) to approximately 11,700 sf. The parking area would remain and be resurfaced with a permeable material, such as gravel, instead of asphalt (page 1-5 of the IS/MND). While the IS/MND does not discuss the use of pavers in the equestrian picnic area, it is anticipated that the gravel or other type of surface material selected will be safe for all park users.

From: Mickey Long <mlongbird@gmail.com>
Date: Wed, Jun 12, 2019 at 9:20 PM
Subject: Re: Berkshire Creek
To: Tim Brick <tim@arroyoseco.org>
Cc: Darren Dowell <dowell.darren@yahoo.com>, Mark Hunter
<mark.hunter@pasadenaaudubon.org>

Long

I read through all the Biological sections, impacts and technical appendices, and overall they look adequate as to coverage of species present or likely in the project area (minor errors noted). The project looks to restore the hydrology, contour and habitat of the Berkshire Creek and I support the use of river rock boulders for the restored creek sides and bottom. While concrete is OK in the creek bed (disguised with river rock), I would highly recommend only imbedded river rock, no concrete, placed on the sides of the creek. This allows for naturalization of vegetation over time and a much more natural appearance. The removals of all non-native trees and shrubs and the recommended plant restoration should improve the wildlife habitat along the creek and vicinity.	1 2 3
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------

I think Pasadena Audubon should draft comments for submission.
Mickey

On Fri, May 31, 2019 at 9:57 AM Tim Brick <tim@arroyoseco.org> wrote:
The Berkshire Creek Mitigated Negative Declaration has an analysis of bird, wildlife and habitat species in the southwest corner of Hahamongna Watershed Park. You may find it interesting and helpful. Comment period closes June 26. <https://ww5.cityofpasadena.net/planning/wp-content/uploads/sites/56/2019/05/Berkshire-Creek-MND.pdf?fbclid=IwAR364nWI29Y7Su6bGDBuOwVG1XZyzS6skA4iYC3URqt81rTo3X5OP4gwCDk>

<https://ww5.cityofpasadena.net/planning/wp-content/uploads/sites/56/2019/05/Berkshire-Creek-MND.pdf?fbclid=IwAR364nWI29Y7Su6bGDBuOwVG1XZyzS6skA4iYC3URqt81rTo3X5OP4gwCDk>

I would appreciate any comments you may have.

Tim

Mickey Long (Long)

June 12, 2019

- Long-1 This comment is acknowledged.
- Long-2 The design process for the Project, including consideration of site-specific hydrology, determined that concrete grade control structures that are anchored to the underground concrete box culvert is necessary to convey the volume and velocity of storm water runoff that can drain from the outlet while remaining stable over time. Without concrete structures as proposed, erosive forces would degrade the restored channel and also possibly undermine the box culvert, causing it to wash away. That said, the design is also intended to disguise the use of concrete to the maximum extent feasible. In addition to camouflaging any above-ground concrete with Arroyo Stone, "Eventually, the grade control structures would be mostly covered in silt and sand conveyed in the low-flow (i.e., surface) runoff, further improving the stabilization and naturalization of the creek" (page 1-4 of the IS/MND). It is noted that no concrete is proposed on the sides of the creek, as mentioned in this comment. The sides of the creek – the banks – would be built up with imported soil and planted with locally-appropriate native plant species.
- Long-3 This comment is acknowledged. It is noted that Pasadena Audubon did not submit a comment letter during or after the IS/MND public review period.

From: **Kenneth Munday** <kenneth_munday@yahoo.com>
Date: Mon, Jun 24, 2019 at 11:40 AM
Subject: Re: Thanks for Joining Us for the Berkshire Creek Walkthrough
To: Tim Brick <tim@arvoseco.org>

Munday

Hi Tim,

It was interesting to see what's planned for the Berkshire Creek area. I've been walking down there almost every day for the last 22 years and feel it's in my bones.

The one concern I have: there are many wild animals who's environment, having been disrupted and/ or destroyed by the Devils Gate project, are without homes and protection. Now is pup season for coyotes. Having a project like this which gets rid of all non-native species of flora seems like letting the perfect be the enemy of the good.

1

I would ask that until more trees and cover are introduced to the area, this project of taking out more trees be postponed.

2

Sincerely
Kenneth Munday

Sent from my iPhone

Kenneth Munday (Munday)

June 24, 2019

Munday-1 This comment is acknowledged. All construction activities do have potential to displace wildlife. As discussed on page 2-35 of the IS/MND, "Construction activities would create very minimal dust and noise within and adjacent to the work areas." It is noted that more intensive construction activity, and resulting noise and dust, is limited to Berkshire Creek and the equestrian picnic area. The majority of the 4.7-acre Project site would be subject only to habitat restoration activities, which generate only slightly more noise and human activity than routinely occurs in the park in the existing condition. Section 2.4, Biological Resources, of the IS/MND acknowledges that "Direct and indirect impacts, such as noise pollution and human activity, are considered adverse but less than significant since the temporary loss (i.e., inability to be used) of local movement areas during construction activities would affect a small number of individuals representing an extremely small percentage of the overall regional populations. As a result, there would not be a substantial effect on regional wildlife populations. In addition, greater opportunities for regional movement would continue to be available in the wider region and the post-Project condition would promote greater movement potential in the Project area through a greater abundance and diversity of native vegetation" (pages 2-35 and 2-36 of the IS/MND).

Regarding coyote and other animal breeding activities, it is noted the Project construction would occur from approximately September through December 2019. As such, construction activity would not overlap the principal reproductive period for most wildlife species in the region. It is acknowledged that removal of selected trees and other non-native vegetation in the Project area would temporarily limit the extent of mature habitat available for foraging, denning, and other wildlife activities. However, the IS/MND concludes that impacts to wildlife species pursuant to CEQA would be less than significant with implementation of mitigation. While the short-term effects to wildlife, though minimal, are acknowledged, the substantive long-term benefit to the quality and amount of habitat throughout the Project area is considered a worthwhile goal for the City to pursue.

Munday-2 Please refer to Response Munday-1. Also, the combined grant funding for the Project totals \$1.8 million and a portion of this expires if the construction is not completed by March 31, 2020. As such, it is not feasible to delay Project implementation, as the necessary funding is not expected to be available in the future.