

Attachment B - Response to Comments, Clarifications, and  
Mitigation, Monitoring, and Reporting Program

**Response to Comments, Clarifications, and  
Mitigation Monitoring and Reporting Program**

**Arroyo Seco Water Reuse Project**  
SCH No. 2023110605

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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 Arroyo Seco Water Reuse Project (Project) proposed by the City of Pasadena Public Works Department (Pasadena) and the City of South Pasadena Public Works Department (South Pasadena) were analyzed in an Initial Study/Mitigated Negative Declaration (IS/MND), dated November 2023 (SCH No. 2023110605). The City of Pasadena (Pasadena) is acting as CEQA Lead Agency pursuant to a Memorandum of Understanding between Pasadena and South Pasadena.

Section 15074(b) of the State CEQA Guidelines states that, prior to approving a project, the Lead Agency must consider the proposed MND together with any comments received during the public review process. Pasadena, as the Lead Agency, must adopt the proposed MND 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 MND reflects the Lead Agency's independent judgment and analysis.

Although CEQA does not require written responses to comments on an IS/MND, in Section 2.0, Responses to Comments, the City of Pasadena has provided written responses to all letters and e-mails (collectively referred to as letters herein) received during and immediately after the IS/MND public review period.

Section 3.0, Clarifications, of this document addresses a modification to the landscape concept described in the IS/MND pursuant to Section 15073.5 of the State CEQA Guidelines. All other aspects of the Project's design and construction would be the same as described in the IS/MND, including implementation of the mitigation measures presented in the IS/MND and in Section 4.0, Mitigation Monitoring and Reporting Program, of this document.

Section 15074(d) of the State CEQA Guidelines states that "when adopting a mitigated negative declaration, 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 mitigate or avoid significant environmental effects". Section 4.0, Mitigation Monitoring and Reporting Program, describes the mitigation program to be implemented by Pasadena, as the Lead Agency, for the Project.

### **1.1 PUBLIC REVIEW PROCESS**

Upon completion of the IS/MND, the public review was conducted in accordance with Sections 15072 and 15073 of the State CEQA Guidelines. In November 2023, a *Notice of Intent to Adopt a Mitigated Negative Declaration and Notice of Community Meeting for the Arroyo Seco Water Reuse Project (NOI)* was prepared and distributed to the State Office of Planning and Research, State Clearinghouse and Planning Unit (State Clearinghouse/SCH); responsible and trustee agencies; organizations and interested parties; all parties who requested notice in accordance with CEQA; and the owners and occupants of properties within 500 feet of both the San Rafael and San Pascual sites based on the latest tax assessment roll.

The NOI was distributed for a 55-day public review period<sup>1</sup> from November 22, 2023, through January 15, 2024. On November 22, 2023, the NOI was filed with the Los Angeles County Registrar-Recorder/County Clerk in the City of Norwalk, uploaded to the State Clearinghouse via CEQASubmit, and published in the Pasadena Star-News. A presentation on the Project, CEQA process, and findings of the IS/MND was held from 6:00 PM to 8:00 PM on Thursday, December 14, 2023, at La Casita Del Arroyo, 177 South Arroyo Boulevard, Pasadena, California, 91105.

The IS/MND and NOI, or the NOI only, was mailed to 55 agencies; 3 elected officials (State Senator Anthony Portantino, Los Angeles County Supervisor Kathryn Barger, and Los Angeles Councilmember Kevin de León); 478 organizations or individuals in the cities of Pasadena, South Pasadena, and Los Angeles (of these, 451 were direct mailing to properties within 500 feet of the Project sites); and 2 Native American tribes. The NOI and IS/MND (including technical appendices) were also made available for review online at Pasadena's environmental notices webpage (<https://www.cityofpasadena.net/planning/environmental-notices>) and during regular business hours at the following three locations:

- City of Pasadena Permit Center, 175 North Garfield Avenue, Pasadena, CA, 91101;
- San Rafael Branch Library, 1240 Nithsdale Road, Pasadena, CA, 91105; and
- South Pasadena Public Library, 1100 Oxley Street, South Pasadena, CA, 91030.

A total of 2 comment letters from agencies and 2 comment letters from organizations and individuals were received during and immediately after the public review period. Pasadena's responses to comments on the IS/MND are provided in Section 2.0, Responses to Comments, of this document.

## **1.2 CONCLUSION OF THE CEQA PROCESS**

Pasadena 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, Pasadena 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 and Mitigation Monitoring and Reporting Program document. All potential impacts associated with the 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 is the appropriate environmental document for the Project in accordance with CEQA and the State CEQA Guidelines.

The City of Pasadena City Council (City Council) will consider the IS/MND together with the comments received during the public review process. 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.

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<sup>1</sup> Section 15073(a) of the State CEQA Guidelines requires a 30-day public review period for an IS/MND submitted to the State Clearinghouse for review by State agencies. The City of Pasadena voluntarily extended the review period to 55 days in recognition of the end of year holidays.

## **SECTION 2.0    RESPONSES TO COMMENTS**

Written comments on the IS/MND were received from the following parties on the indicated dates:

### **Agencies**

- Los Angeles Councilmember Kevin de León, January 15, 2024
- State of California, Department of Transportation, January 16, 2024

### **Individuals**

- Priscilla Bensen, January 9, 2024 (public meeting comment card received on this date)
- Steve Crouch, January 15, 2024

Pasadena's responses to all written comments are provided beginning on the following page. Each comment letter is included first and has been divided into sequential numbered comments (e.g., Letter 1, comments 1.1, 1.2, 1.3 and so forth). Following the bracketed comment letter, the responses are presented in corresponding order to provide a matching numbered response on the pages following each comment letter.

**Letter 1**



**Kevin de León**

January 15, 2024

Christina Monde  
City of Pasadena - Department of Public Works  
100 North Garfield Avenue, 3rd Floor  
Pasadena, CA 91101

**RE: Draft Initial Study / Mitigated Negative Declaration for Arroyo Seco Water Reuse Project**

Dear Ms. Monde,

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I am writing in regards to the City of Pasadena's Draft Initial Study/Mitigated Negative Declaration. First and foremost, I am deeply concerned about the lack of engagement with the City of Los Angeles and its residents.

While the intent of improving recreation space and water quality is admirable, any project that spans over multiple jurisdictions should be a true collaboration between all agencies involved.

1

Given that the City of Los Angeles has not been outreached to as a partner for the project, I find it very concerning that there is a presumption that the City of Los Angeles has already entered into an agreement with the City of Pasadena or the City of South Pasadena with regard to this project, as is stated on page 1-16 of the report. In fact, any such agreement must be approved by the Department of Recreation and Parks Board of Recreation and Parks Commissioners. This has yet to happen and it shall not happen without outreach to and feedback from the community in the City of Los Angeles impacted by this project. One town hall style outreach meeting was conducted but it was held in Pasadena and there was little to no outreach to Angelenos prior to the event.

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Los Angeles City Hall | 200 N Main Street, Room 425, Los Angeles, CA 90012 | Phone: (213) 473-7014



Kevin de León

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In addition to the concerns regarding outreach, we want to uplift the following concerns and proposed mitigation strategies.

Air Quality

Given the proximity of construction to recreation facilities where many children and seniors, both groups known to be sensitive to particulate pollution, recreate, we propose both outreach, posted signage and coordination with the Los Angeles Department of Recreation and Parks to minimize active construction during times when children and seniors are most likely to congregate.

2

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Biological Resources

In Table 3 on page 1-8, it is stated that of the 25 trees on City of Los Angeles property, 15 will be removed, 9 of which are protected trees. It is explained below that all of these trees are coastal live oaks. Table 3 then indicates that these 15 trees will be replaced by 36 trees.

Table 13 on page 2-20, however, shows slightly different replacement ratios at the San Pascual site. Per the table, Arroyo Willows will be replaced at a ratio of 31 to 1, the Black Willow will not be replaced, the Blue Elderberry will be replaced at a 2 to 1 ratio, and Coast Live Oak and Western Sycamores will each be replaced at 3 to 1 ratios.

3

The Arroyo Seco is one of the true treasures of Northeast Los Angeles and the removal of mature trees is extremely concerning. While the project does propose tree replacements for tree removals, the replacement ratio is inadequate. We request a minimum of a 4 to 1 replacement ratio for all species including the Blue Elderberry which, despite California Department of Fish and Wildlife practices, should be treated as a tree not a shrub given its role in preventing erosion and soil pollution.

Furthermore, the city requests that all replacement trees be at least 36" box with irrigation included and planted in San Pascual Park at locations that maximize the shade each tree can provide - especially on the west side of the Arroyo Seco adjacent to San Pascual Avenue.

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**Kevin de León**

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I urge the City of Pasadena to develop a more collaborative relationship with the Arroyo Seco community on the Los Angeles side of the border as it continues to pursue this water reuse project.

4

Should you have further questions about this letter, please do not hesitate to contact Nate Hayward, my Deputy Chief of Staff, at [nate.hayward@lacity.org](mailto:nate.hayward@lacity.org) or (213) 473-7014.

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Sincerely,

A handwritten signature in black ink that reads 'Kevin de León'.

KEVIN DE LEÓN  
Councilmember, 14th District

## **Response to Comment Letter 1**

**Los Angeles Councilmember Kevin de León**  
**January 15, 2024**

**Response 1.1:** As detailed below, the City of Pasadena (Pasadena) has conducted extensive outreach and collaboration with both City of Los Angeles (Los Angeles) staff and residents. An approximate 0.53-acre portion, or about 24 percent, of the San Pascual site is Los Angeles property. Accordingly, Pasadena reached out to the City of Los Angeles Department of Recreation and Parks (RAP) to coordinate regarding the Project including, but not limited to, what type of agreement would be needed to implement the proposed improvements on the Los Angeles property.

Following is a list, in chronological order, that summarizes the outreach and communication between Pasadena and both RAP and Los Angeles-area residents:

- October 22, 2021: Pasadena received letter of support for the Project from RAP signed by Assistant General Manager Cathie Santo Domingo and Superintendent Darryl Ford. The letter discusses the need to establish a long-term agreement.
- Feb 18, 2022: Pasadena reached out to Darryl Ford to acknowledge Los Angeles property within Project site and to start working on an agreement to allow use of that property. Pasadena stated, “As we have discussed in the past, we would like the City of L.A. involved from the beginning to hash out the issues we had noted with regard to the work that will be performed on the portion of land owned by your city”.
- March 10, 2022: Design kick off meeting at Pasadena City Hall attended by Senior Management Analyst Meghan Luera, Management Assistant Ligaya Khennavong, and Secretary Shi Anderson of RAP. These Los Angeles staff also received the draft and final meeting minutes via e-mail.
- March 24, 2022: Site walk attended by Meghan Luera and two other RAP staff.
- May 2022: RAP determined that a lease agreement would be the appropriate vehicle for the construction and maintenance of proposed improvements in the portion of the San Pascual site in Los Angeles – please note this is *not* part of San Pascual Park, which is across the Arroyo Seco Channel from and west of the San Pascual site. Also, the first public outreach meeting was held at the La Casita del Arroyo in Pasadena. This event was advertised on social media and in the local newspaper.
- April 2023: The second community outreach meeting was held. A mailer was distributed to all properties within a 500-foot radius of the Project sites, among other parties (e.g., agencies, organizations). For the San Pascual site, the assessor data provided a total of 200 addresses within the 500-foot radius, of which 98 were Los Angeles addresses. This meeting was held at the South Pasadena Community Room, less than 1 mile from the Los Angeles residents located to the north and west of the San Pascual site.
- September 2023: Pasadena received draft lease agreement from RAP; Pasadena and RAP staff were in frequent communication from March 2022 through receipt of the draft agreement. This tentative agreement continues to be negotiated with understanding among the parties that such agreement will be reached in due course. At the time the

IS/MND was prepared, it was thought this agreement was imminent; however, it has taken longer to finalize than anticipated.

- November 22, 2023: Notice of Intent (NOI), which served as a notice of public review period for IS/MND and notice of a community meeting was distributed to the 500-foot radius mailing list that includes 98 Los Angeles addresses. Several regional agencies located and active in Los Angeles (e.g., Metrolink, Metropolitan Water District, Northeast Trees) were noticed in addition to the following Los Angeles agencies/offices:
  - City of Los Angeles Planning Department,
  - Office of the City (Los Angeles) Attorney Steven H. Hong,
  - Office of Councilmember Kevin de León, and
  - Los Angeles Conservancy.
- December 14, 2023: The community meeting advertised on the NOI was held for the IS/MND; based on the sign-in sheet, one person from Los Angeles attended. The meeting was held at La Casita del Arroyo in the Arroyo Seco, less than 1.5 miles from the Los Angeles residents located to the north and west of the San Pascual site.
- As discussed at the meeting for the IS/MND, another community meeting will be held in the future before construction of the Project begins. A mailer for this meeting will be distributed to properties within 500 feet of the Project site, among other parties (e.g., agencies, organizations).

The following is a list of all RAP staff that have been involved in or otherwise aware of this Project through e-mail communications and/or meetings with Pasadena and/or internal communications since at least mid-2021:

- Cathie Santo Domingo–Assistant General Manager,
- Darryl Ford–Superintendent,
- Shi Anderson–Secretary,
- Ligaya Khennavong–Management Assistant,
- David Lee–Management Assistant,
- Meghan Luera–Senior Management Analyst 1,
- Elena Maggioni–Environmental Supervisor,
- Ajmal Noorzayee–Management Analyst,
- Craig Raines–Landscape Architect II,
- Rick Tonthat–Senior Management Analyst II, and
- Angela Wang–Management Assistant.

Additionally, pursuant to the Safe Clean Water Program grant funding, initiated with an application in 2020, the members of the Upper Los Angeles River Watershed Area Steering Committee (ULAR WASC, WASC) have been aware of the Project. The ULAR WASC includes seven City of Los Angeles employees and/or commissioners (identified in bold below), accounting for 43 percent of this WASC.

- Paul Shadmani, Los Angeles County Flood Control District (Agency);

- **Delon Kwan, Los Angeles Department of Water and Power (Agency);**
- **Jesus Gonzalez, Los Angeles Department of Water and Power (Agency);**
- **Ida Meisami-Fard, Los Angeles Sanitation & Environment (Agency);**
- **Cathie Santo Domingo, Los Angeles Recreation & Parks (Agency);**
- Ernesto Pantoja, Laborers Local 300 (Community);
- Miguel Luna, Urban Semillas (Community);
- Max Liles, Michael Baker International (Community);
- Veronica Padilla-Campos, Pacoima Beautiful (Community);
- Kris Markarian, Pasadena (Municipal);
- Patrick DeChellis, La Cañada Flintridge (Municipal);
- **Teresa Villegas, Los Angeles (Municipal);**
- **Karo Torossian, Los Angeles (Municipal);**
- **Rafael Prieto, Los Angeles (Municipal);**
- Mark Lombos, Los Angeles County (Municipal); and
- Kenneth Jones, San Fernando (Municipal).

The ULAR WASC not only vetted the Project as committee members but also with respect to effects on their own communities or service areas. The WASC are tasked with reviewing quarterly reports submitted by grantees as part of Safe Clean Water Program requirements and have addressed the Project when part of WASC meeting agendas. No members of the ULAR WASC have ever reported, commented, or otherwise suggested that Pasadena is not adhering to the outreach and engagement guidelines pursuant to the Safe Clean Water Program in the over three years the Project has been active in the Program.

Via the ULAR WASC, there is Los Angeles representation from not only RAP but the Los Angeles Department of Water and Power, Los Angeles Board of Public Works, Los Angeles Bureau of Sanitation, Office of the Chief Legislative Analyst, and/or Los Angeles City Council (Council District 2). It is noted that both the Chair and Vice Chair of the committee represent City of Los Angeles. The persons listed above do not include committee member alternates, which include other Los Angeles representatives. Additionally, the Safe Clean Water Program is also governed by a Regional Oversight Committee and Scoring Committee, which also include representatives from City of Los Angeles. Finally, the Administrative Oversight Committee was established by the Los Angeles City Council, codified in Section 8.328 et. seq. of the City of Los Angeles Municipal Code, and consists of the Mayor, the City Administrative Officer, and the Chief Legislative Analyst.

Regarding outreach as part of the CEQA process, the City of Pasadena met and exceeded CEQA noticing requirements pursuant to Section 15072 et. seq. of the State CEQA Guidelines to ensure there was informed decision-making and public participation. Specifically, Pasadena both published in a newspaper (Pasadena Star-News) and did a direct mailing—when only one form of noticing is required. Regarding the direct mailing, CEQA only requires mailing to contiguous properties if direct mailing is a method selected for noticing. Pasadena mailed the NOI directly to properties within 500 feet of the Project sites (which included almost 100 Los Angeles addressees). Finally, the City held a public meeting during the public review period focused on the CEQA process, which is not required for an MND. These actions fulfill CEQA’s purpose to enable the public to participate meaningfully in the environmental review and analysis of any potential environmental effects. It is noted that no City of Los Angeles residents or other land uses would be “impacted” by the Project, as stated in this comment. This is established in the IS/MND and is supported by substantial evidence in the record. On the contrary, the Project would improve

and expand accessible green space in the Lower Arroyo Seco while also substantially improving surface water quality, groundwater infiltration, and potable water conservation.

As a point of clarification, Los Angeles' role in the development and implementation of this Project is necessarily different than that of South Pasadena. Whereas Pasadena and South Pasadena are jointly responsible for overseeing all facets of design, construction, and maintenance of the Project, Los Angeles' role pertains to consideration of a use agreement. The role of an agency processing an easement, agreement, or similar tool is not typically on par with that of the primary applicant(s). For instance, as discussed in the IS/MND, a use and maintenance agreement with Los Angeles County Flood Control District (LACFCD) will be required to access and maintain the facilities within LACFCD's jurisdiction being affected by the Project. LACFCD also would not be involved in the Project's day-to-day management and decision-making.

Pasadena and South Pasadena have taken the lead and have provided direct (i.e., municipal) funding in support of grant funding applications and related technical documentation, Project design and development, public and agency outreach, environmental review, permitting, and overall implementation management. Pasadena and South Pasadena will also be responsible for long-term maintenance of the Project. The Los Angeles portion of the site is proposed to be improved at no cost to the City of Los Angeles, and Los Angeles residents in the area will equally be able to enjoy the proposed amenities.

As shown above, the City of Pasadena collaborated with City of Los Angeles staff at RAP early and often in good faith and has met all reasonable expectations for coordination with another jurisdiction regarding a use agreement. Further, several other Los Angeles representatives have been fully aware of the Project since at least Fall 2020 as part of the Safe Clean Water Program. Pasadena has, at a minimum, met all requirements for direct outreach to the surrounding community pursuant to both the Safe Clean Water Program and CEQA.

The above discussion demonstrates there has been an ample and diverse array of City of Los Angeles representatives aware of and involved in the progress of the Project for several years. Pasadena is not aware of Los Angeles' processes to engage and inform its communities; however, based on the extent of Los Angeles' representation over the course of the Project's development it should be reasonable to expect this information is widely known to relevant Los Angeles staff and communities. The assertions of "lack of engagement", "that the City of Los Angeles has not been outreached to...", and "there was little to no outreach to Angelenos" prior to the public meeting for the CEQA process on December 14, 2023, are based on unsupported assumptions and are unsubstantiated. No changes to the IS/MND are necessary; the comments are noted for the administrative record and will be provided to the decision-makers.

**Response 1.2:** Construction-phase air quality impacts are addressed in Section 2.3, Air Quality, of the IS/MND. As discussed on page 2-10 (emphasis added in underline):

***"Sensitive Receptors***

Sensitive receptors include, but are not limited to, children, the elderly, persons with preexisting respiratory or cardiovascular illness, and athletes and others who engage in frequent exercise. The nearest sensitive receptors are park users in the Lower Arroyo Seco that would intermittently be present in the vicinity of either BMP [best management practice] site or the water harvester location. The nearest off-site sensitive receptor to the San Rafael site is a residence on the hilltop approximately 100 feet to the north of the site near the South San Rafael Avenue and Laguna Road intersection at an elevation of approximately 40 feet above the

site. The nearest off-site sensitive receptors to the San Pascual site are the residences located across San Pascual Avenue approximately 60 ft to the north at the nearest points and approximately 120 ft to the northwest at the nearest points.”

Therefore, park users in the vicinity of both Project sites were expressly considered in the air quality analysis. Criteria air pollutants emissions from the maximum daily construction activity were quantified using the California Air Resources Board-approved model and were compared to the applicable South Coast Air Quality Management District (SCAQMD) thresholds (see Table 10 “Estimated Maximum Daily Regional Construction Emissions” on page 2-13 and Table 11 “Construction-Phase Localized Significance Threshold Emissions on page 2-14 of the IS/MND). As shown in Table 10 and stated on page 2-12, “construction mass daily emissions would be far below the SCAQMD thresholds for all criteria air pollutants.” Specifically, maximum daily regional emissions ranged from approximately 0.6 percent to 16.0 percent of the respective SCAQMD thresholds. In addition to the mass daily emissions thresholds established by the SCAQMD, short-term local impacts to nearby sensitive receptors from on-site emissions of NO<sub>2</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> are examined based on SCAQMD’s localized significance threshold (LST) methodology. As shown in Table 11 and stated on page 2-13, “localized emissions for all criteria pollutants from construction of the Project would be below their respective screening thresholds.” As stated on page 2-13, the LST methodology is based on emissions at a distance of 25 meters (82 feet) or closer to a receptor and receptors located further away than this would be exposed to less air pollutants. San Pascual Park is located at least 100 feet to the west (i.e., across the Arroyo Seco Channel) at the closest points between the two land uses.

In conclusion, the IS/MND analysis establishes there would be less than significant impacts related to construction-related air quality emissions and no adverse effects on sensitive receptors in the area based on the anticipated construction scenario. No evidence has been presented that substantiates the assertion that sensitive receptors in nearby recreation facilities would be adversely affected due to proximity to construction activity. Accordingly, no mitigation is required for construction-related air quality emissions, including but not limited to outreach, posted signage, and coordination with RAP to minimize active construction during times when children and seniors are most likely to congregate.

**Response 1.3:** The summary of the information presented in Table 3 on page 1-8 of the IS/MND regarding trees on Los Angeles property in the first paragraph of this comment is generally accurate. However, here is no statement in the paragraphs below Table 3 regarding the tree species. The first mention of coast live oak (*Quercus agrifolia*) as an individual tree species (i.e., not part of a vegetation community) is in Table 13 on page 2-20 in Section 2.4, Biological Resources, of the IS/MND. As shown, a total of eight coast live oak trees would be removed at the San Pascual site; it is noted this reflects the site as a whole and without regard for jurisdiction.

The interpretation of replacement ratios for removed trees based on Table 13, as provided in the second paragraph of this comment, is inaccurate. The data in Table 13 is focused on the San Pascual site as a whole and without regard to jurisdiction. Therefore, the data in the “Quantity Proposed to be Planted” column reflects a combination of South Pasadena and Los Angeles replacement quantities based on application of each city’s tree ordinance.

Regarding tree removals and replacement, as stated in multiple locations in the IS/MND, the tree surveys and determination of tree replacement requirements was conducted consistent with each city’s tree ordinance. As detailed on page 2-28 of the IS/MND,

“Los Angeles regulates trees that are designated as “protected trees” as defined by Section 17.02 of the Los Angeles Municipal Code, hereafter referred to as the Los Angeles Tree Ordinance. This category includes all native oak trees, Southern California black walnuts, western sycamores, California bay laurels, toyon (*Heteromeles arbutifolia*), and blue elderberry (*Sambucus nigra* ssp. *caerulea*) that have a minimum trunk dbh of 4 inches. Additionally, Los Angeles requires that all non-protected trees with a minimum dbh of 8 inches are documented. A total of 9 trees would be removed or encroached upon that fall under Los Angeles’ jurisdiction, as summarized in Table 20, Tree Proposed for Removal Protected by the Los Angeles Tree Ordinance.”

A total nine protected trees, including four coast live oaks and five blue elderberries (*Sambucus nigra* ssp. *caerulea*), have been identified within Los Angeles’ jurisdiction that would be removed or encroached on. Note that blue elderberry has been addressed as a tree consistent with Los Angeles’ tree ordinance.

As stated in the IS/MND, the Project was designed to maximize avoidance of trees, particularly native and/or protected species. Of the 166 existing trees within the San Pascual site, only 36 protected trees—approximately 21.7 percent—are proposed for removal (see Table 3). As discussed, the existing trees being removed at the San Pascual site that are not protected under a tree ordinance (100 trees) are all both non-native and invasive species. At the San Pascual site, based on the replacement ratios consistent with each city’s ordinance, the Project would plant approximately 3.7 times (133) the number of protected trees removed (36). When considering the 30 existing trees that would remain, there would be a net total of 163 trees at this location. Moreover, all replacement trees would be native species and the Project would install new native understory that is currently absent at both sites (page 2-20). Therefore, the Project would represent a substantial improvement in habitat value and biodiversity at these two sites along the Arroyo Seco.

As a point of clarification, the San Pascual site referenced in the IS/MND is not San Pascual Park. As shown on Exhibit 2, Aerial Photograph, of the IS/MND, the San Pascual site is separate from and to the east of San Pascual Park across the Arroyo Seco Channel. No part of the Project would involve San Pascual Park either directly or indirectly. As stated on pages 1-9 and 2-21, “...all required tree replacements to fully meet each agency’s requirements would be planted and would be located within the San Rafael and San Pascual sites”. The replacement trees for the nine protected trees proposed for removal on Los Angeles property would consist of 15-gallon specimens, consistent with Los Angeles’ tree ordinance, and would be located on the San Pascual site.

In conclusion, the IS/MND analysis establishes there would be less than significant impacts related to tree removals proposed as part of the Project. To reduce impacts to trees to be protected in place during construction, the Project would implement mitigation measure (MM) BIO-2 that defines the process to protect trees to be preserved on-site during the construction process. However, no mitigation is required for tree removals that would be replaced consistent with each city’s tree ordinance as there would be no significant impact through compliance with regulatory requirements. No evidence has been presented that substantiates the request for increased replacement ratios, increased size of replacement tree at planting, or installing trees and irrigation off-site at San Pascual Park as a function of the environmental analysis pursuant to CEQA. It is noted that from an arboriculture perspective, planting a larger tree specimen is not necessarily better and can often have disadvantages regarding the health and longevity of that tree. No changes to the IS/MND are necessary; however, the comments are noted for the administrative record and will be provided to the decision-makers.

**Response 1.4:** As discussed in detail under Response 1.1 above, the City of Pasadena collaborated with City of Los Angeles staff at RAP early and often in good faith and has met all reasonable expectations for coordination with another jurisdiction regarding a use agreement. Further, several other Los Angeles representatives have been aware of the Project since at least Fall 2020 as part of the Safe Clean Water Program. As noted above, Pasadena has, at a minimum, met all requirements for direct outreach to the surrounding community pursuant to both the Safe Clean Water Program and CEQA. There has been an ample and diverse array of City of Los Angeles representatives aware of and involved in the progress of the Project for several years. Pasadena will continue this collaboration with Los Angeles staff and the local community as the Project moves through implementation.

This comment related to the commenter's contact information is acknowledged. The comment does not address the content or adequacy of the IS/MND under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers.



STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, Governor

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 7  
100 S. MAIN STREET, MS 16  
LOS ANGELES, CA 90012  
PHONE (213) 266-3574  
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*Making Conservation  
a California Way of Life*

January 16, 2024

Christina Monde,  
Senior Planner  
City of Pasadena  
100 North Garfield Avenue  
Pasadena, CA 91101

RE: Arroyo Seco Water Reuse Project–  
Mitigated Negative Declaration (MND)  
SCH #2023110605  
GTS #07-LA-2023-04383  
Vic. LA Multiple

Dear Christina Monde,

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Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The Proposed Project concerns the Arroyo Seco Channel near State Route 110. It includes two regional stormwater capture and treatment facilities, also called BMPs, located within existing underutilized open space areas in Pasadena and South Pasadena. The Project would provide water quality benefits for multiple jurisdictions within the 5,005-acre drainage area of the two BMP sites consisting primarily of residential, commercial, industrial, and transportation land uses.

1

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After reviewing the MND, Caltrans has the following comments:

Regarding active transportation, the Arroyo Seco Water Reuse Project Draft MND states there will be no impact on land use and planning. A Traffic Evaluation was prepared by a consultant to assess the impact on transportation, and it was determined that there is a less than significant impact where no mitigation is required. Caltrans acknowledges the findings of the Draft MND and recognizes that the cities of Pasadena and South Pasadena concur with the guiding principles found in their General Plans with the proposal of this Project.

2

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“Provide a safe and reliable transportation network that serves all people and respects the environment”

Christina Monde  
January 16, 2024  
Page 2

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As the MND does not state any additions to parking spaces provided, the Proposed Project would likely not result in a significant increase in Vehicle Miles Traveled (VMT). In developing policies to support non-vehicular transportation modes as detailed in the Mobility Element of the City of Pasadena's General Plan, Caltrans recommends directing resources towards alternative forms of transportation within the Lower Arroyo Seco. Existing bicycle facilities should be preserved, and pedestrian and bicyclist exposure to vehicles should be reduced through elements of physical design or programming to alert visitors. Caltrans' targets of tripling trips made by bicycle, doubling trips made by walking and public transit, and a 15% reduction in statewide VMT can be achieved through collaborative improvements to the state-wide transportation network. 3

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Additionally, 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. Caltrans recommends large size truck trips be limited to off-peak commute periods. 4

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If you have any questions, please contact project coordinator Anthony Higgins, at [anthony.higgins@dot.ca.gov](mailto:anthony.higgins@dot.ca.gov) and refer to GTS #07-LA-2023-04383.

Sincerely,

*Frances Duong* 5

Frances Duong  
Acting LDR/CEQA Branch Chief

email: State Clearinghouse

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*"Provide a safe and reliable transportation network that serves all people and respects the environment"*

## **Response to Comment Letter 2**

**California Department of Transportation, District 7**  
**January 16, 2024**

**Response 2.1:** This comment is acknowledged. The summary of the Project provided in the comment letter is accurate.

**Response 2.2:** This comment is acknowledged. No changes to the IS/MND are necessary; however, the comments are noted for the administrative record and will be provided to the decision-makers for review and consideration.

**Response 2.3:** It is correct that the Project does not propose any new parking spaces, as the Project is not anticipated to directly increase the use of the Lower Arroyo Seco area as a destination. It is expected that existing users of the Arroyo Seco area would use the proposed Project features, as they are similar passive and active recreation features existing in the area (page 2-72 of the IS/MND). The Project would support some of the alternative transportation policies in Pasadena's Mobility Element, as it would improve ease of access and safety of alternative transportation (pedestrian only) as well as equestrian use within the Lower Arroyo Seco, including in the cities of South Pasadena and Pasadena (page 2-72 of the IS/MND). Bicyclists are prohibited on unpaved trails in the Arroyo Seco. No changes to the IS/MND are necessary; however, the comments are noted for the administrative record and will be provided to the decision-makers for review and consideration.

**Response 2.4:** This comment is acknowledged. Pasadena 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 State Route 134 will be limited to off-peak commute periods; however, this cannot be guaranteed due to consideration of timing of certain activities at an adjacent equestrian facility as well as unforeseen complications during the construction period.

**Response 2.5:** This comment related to the commenter's contact information is acknowledged. The comment does not address the content or adequacy of the IS/MND under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

Letter 3



COMMENT SHEET  
Arroyo Seco Water Reuse Project  
Mitigated Negative Declaration Community Meeting  
December 14, 2023



Name Priscilla Benson Phone 626 798-5110

Address 885 W Mariposa St Altadena 91001 Email pcbenson@att.net

Comment: I attended your 14 Dec 2023 presentation + thought it was well-done + informative. 1

One item of particular interest to me was the necessary removal of trees - specifically, <sup>that are</sup> 42<sup>v</sup> protected species.

Has anyone investigated the possibility of harvesting urban lumber from these 42 trees? As lumber, live oak is marginally useful but others, such as sycamore + walnut, produce very lovely lumber. This lumber could be used to construct benches, archways, interpretive signs, etc. Even if the lumber is not used in this project but stored for future use it is not going into a landfill. 2

In order to effectively harvest urban lumber it is imperative that the tree is cut down in a certain manner with the trunk left as a long, 8'-10' ~~to~~ single piece and any substantial branches also left as long as possible.

There are several local people working to keep urban trees out of the landfill lines. Here are a few, with their phone #'s. (Rich Benson is my husband) Angel City Lumber (Jeff Perry) 213 373 1651 Pete Harnisch 626 945 3176 Rich Benson 626 429 9721 or 626 798 5110 Dave Corbin 626 862 4829. Yours, Priscilla Benson

Please return comment sheets during the Community Meeting or mail to City of Pasadena Department of Public Works, 100 North Garfield Avenue, Suite N306, Pasadena, CA 91101 by January 15, 2024.

### **Response to Comment Letter 3**

**Priscilla Bensen**  
**January 9, 2024**

**Response 3.1:** This comment related to the commenter's meeting attendance is acknowledged. The comment does not address the content or adequacy of the IS/MND under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

**Response 3.2:** In the past, Pasadena has removed trees – either due to a project or the health and safety of an individual tree – and has saved the material to be used for seating, trail markers, mulch, or other uses. This practice has limitations based on tree species, condition, and health (i.e., tree diseases) as well as practical limitations on transporting and storing a large volume of heavy, bulky materials. While a plan to use the trees removed from the Arroyo Seco Water Reuse Project has not yet been established, as part of the continuing Project implementation process the City of Pasadena is committed to further exploring this issue.

After receipt of this comment, Mr. Wesley Reutimann from the Pasadena Unified School District (PUSD), who is currently serving as the Chair of the San Rafael Elementary Outdoor Education/Greening Committee, reached out to Pasadena (Project Manager Christina Monde) regarding planned greening programs at PUSD schools and the possibility of setting aside trees from the Project for processing at Angel City Lumber. Based on this conversation, Ms. Monde consulted with Pasadena staff in the Public Works Department and the Parks, Recreation, and Community Services Department. Based on this coordination, it was agreed that Pasadena would be able to donate lumber generated during Project construction for processing at Angel City Lumber in support of PUSD's greening program; however, the logistics and costs of transporting of the lumber from the Project site to the mill would be the responsibility of PUSD due to both Project schedule and financial limitations. At this time, no plan with San Rafael Elementary has been formalized; however, discussions will continue to try to establish a feasible plan for all involved parties.

The comment does not address the content or adequacy of the IS/MND under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record and will be provided to the decision-makers for review and consideration.

**Letter 4**

**From:** Steve Crouch <>  
**Sent:** Monday, January 15, 2024 4:38 PM  
**To:** Monde, Christina <[cmonde@cityofpasadena.net](mailto:cmonde@cityofpasadena.net)>  
**Cc:** Maue, Brent <[bmaue@cityofpasadena.net](mailto:bmaue@cityofpasadena.net)>  
**Subject:** Arroyo Seco Water Reuse Project

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We have a number of concerns.

Our concerns have mainly to do with the South Pasadena site.

As residents of Los Angeles, and closer to the proposed project than the vast majority of South Pasadena residents, we feel that we have been ignored in the planning process. The project had been in the works for over 2 years before Los Angeles residents were made aware of it. South Pasadena residents by contrast were afforded 2 community meetings (5/26/22 and 4/27/23) in which to offer input.

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1

We do not have a clear picture of how the water conduit under the San Pascual Bridge will be handled. The trail under the bridge must remain open, there is no safe alternative.

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2

We have questions about a fair if not equitable distribution of the water that is to be saved for the golf course.

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3

Most importantly, we are concerned that the de facto wildlife refuge and wetland that currently exist at the San Pascual site will be compromised if it is overdeveloped as a recreational venue. The avian wildlife already have too few places where they can feel safe and secure. We oppose the open botanical garden concept with an encircling path.

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4

Finally, and this pertains to the Pasadena portion of the project, we would like the trail on the west side of the river to be reopened and reconnected from the San Pascual Bridge to north of the landslide (which is just to the south of the Los Angeles-Pasadena border). It has been closed for nearly 10 years and is missed by many.

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5

Thank You,  
Steve Crouch  
Los Angeles resident

## **Response to Comment Letter 4**

**Steve Crouch**  
**January 15, 2024**

**Response 4.1:** As discussed in detail under Response 1.1 under Response to Comment Letter 1 in this document, the City of Pasadena (Pasadena) has conducted extensive outreach and collaboration with both City of Los Angeles (Los Angeles) staff and residents through several different avenues. The Project is a joint effort between Pasadena and South Pasadena, with Pasadena having the lead role. Regarding outreach as part of the California Environmental Quality Act (CEQA) process, Pasadena has met and exceeded CEQA noticing requirements pursuant to Section 15072 et. seq. of the State CEQA Guidelines to ensure there was informed decision-making and public participation.

Regarding the statement that South Pasadena residents were afforded two community meetings prior to Los Angeles residents being aware of the Project after being in process for over two years, it is interpreted this timeframe refers to prior to the December 2023 meeting during the public review period for the Initial Study/Mitigated Negative Declaration (IS/MND). As a point of clarification, the community meetings were not limited to South Pasadena residents, as demonstrated in the following discussion.

From Response 1.1 under Response to Comment Letter 1 in this document:

- May 2022: City of Los Angeles Department of Recreation and Parks (RAP) determined that a lease agreement would be the appropriate vehicle for the construction and maintenance of proposed improvements in the portion of the San Pascual site in Los Angeles – please note this is *not* part of San Pascual Park, which is across the Arroyo Seco Channel from and west of the San Pascual site. Also, the first public outreach meeting was held at the La Casita del Arroyo in Pasadena. This event was advertised on social media and in the local newspaper.
- April 2023: The second community outreach meeting was held. A mailer was distributed to all properties within a 500-foot radius of the Project sites, among other parties (e.g., agencies, organizations). For the San Pascual site, the assessor data provided a total of 200 addresses within the 500-foot radius, of which 98 were Los Angeles addresses. This meeting was held at the South Pasadena Community Room, less than 1 mile from the Los Angeles residents located to the north and west of the San Pascual site.
- November 22, 2023: Notice of Intent (NOI), which served as a notice of public review period for IS/MND and notice of a community meeting was distributed to the 500-foot radius mailing list that includes 98 Los Angeles addresses. Several regional agencies located and active in Los Angeles (e.g., Metrolink, Metropolitan Water District, Northeast Trees) were noticed in addition to the following Los Angeles agencies/offices:
  - City of Los Angeles Planning Department,
  - Office of the City (Los Angeles) Attorney Steven H. Hong,
  - Office of Councilmember Kevin de León, and
  - Los Angeles Conservancy.

- December 14, 2023: The community meeting advertised on the NOI was held for the IS/MND; based on the sign-in sheet, one person from Los Angeles attended. The meeting was held at La Casita del Arroyo in the Arroyo Seco, less than 1.5 miles from the Los Angeles residents located to the north and west of the San Pascual site.
- As discussed at the meeting for the IS/MND, another community meeting will be held in the future before construction of the Project begins. A mailer for this meeting will be distributed to properties within 500 feet of the Project site, among other parties (e.g., agencies, organizations).

As shown, City of Los Angeles residents in the vicinity of the Project were noticed for the April 2023 and December 2023 community meetings using the same process as for Pasadena and South Pasadena residents in the Project vicinity because the mailing list component of the outreach process was developed based on location relative to the sites, not city of residence.

To reiterate the above discussion, there has been an ample and diverse array of City of Los Angeles representatives aware of and involved in the progress of the Project for several years. Pasadena is not aware of Los Angeles' processes to engage and inform its communities; however, based on the extent of Los Angeles' representation over the course of the Project's development it should be reasonable to expect this information is widely known to relevant Los Angeles staff and communities. As noted above, Pasadena has, at a minimum, met all requirements for direct outreach to the surrounding community pursuant to both the Safe Clean Water Program and CEQA. Pasadena will continue this collaboration with Los Angeles staff and the local community as the Project moves through implementation. The assertion that Los Angeles residents "have been ignored in the planning process" by City of Pasadena is based on unsupported assumptions and is unsubstantiated. No changes to the IS/MND are necessary; the comment is noted for the administrative record and will be provided to the decision-makers.

**Response 4.2:** As discussed on page 1-10 of the IS/MND, "The San Pascual BMP would divert dry weather flows and stormwater from the Arroyo Seco Channel (LACFCD's Concrete Conduit Section 2) at an existing diversion structure that already directs flows into the San Pascual site". It is assumed this is what is being referred to by "water conduit under the San Pascual Bridge". This diversion structure is comprised of an existing inlet and drainpipe and were constructed as part of the former and no longer operable treatment wetland at this location. The existing diversion infrastructure would be reused to direct runoff into a new pretreatment unit and headwall. This existing infrastructure is outside the proposed disturbance footprint for the San Pascual site where demolition, excavation, and construction activities are proposed. There is no proposed demolition or other construction activity proposed in the area of the existing diversion structure.

As discussed on pages 1-14 and 2-71 of the IS/MND, "At least a single lane for vehicular traffic along Stoney Drive at the San Pascual site as well as a safe detour for equestrian and pedestrian traffic would be available at all times throughout the construction period". All trails nearby both sites would be kept open as much as possible except when work must be done on or near a trail and would be potentially dangerous for passerby. A safe detour would be available for all temporary closures of established trails. No changes to the IS/MND are necessary; the comment is noted for the administrative record and will be provided to the decision-makers.

**Response 4.3:** As summarized in Table 4, Average Annual Performance of the San Pascual BMP [Best Management Practice], shown on page 1-12 of the IS/MND, the San Pascual facility is anticipated to treat an average of 534 acre-feet (af) per year of runoff and a water supply benefit of 320 af, which includes an estimated 30 af per year of irrigation water for the Arroyo Seco Golf Course to reduce demand on potable water supplies and an estimated 258 af per year of



groundwater recharge. In other words, less than 10 percent of the modeled water supply benefit for the San Pascual facility would be reused for irrigation at a South Pasadena public golf course. The question regarding “fair if not equitable distribution” of the water reused for irrigation at the Golf Course is interpreted to be because a facility in South Pasadena would receive a water reuse benefit as part of the Project but Los Angeles would not although a portion of the San Pascual site includes Los Angeles property.

As a point of clarification, Pasadena and South Pasadena have taken the lead and have provided direct (i.e., municipal) funding in support of grant funding applications and related technical documentation, Project design and development, public and agency outreach, environmental review, permitting, and overall implementation management. Pasadena and South Pasadena will also be responsible for long-term maintenance of the Project. The Los Angeles portion of the site is proposed to be improved at no cost to the City of Los Angeles, and Los Angeles residents in the area will equally be able to enjoy the proposed amenities.

An approximate 0.53-acre portion, or about 24 percent, of the San Pascual site is Los Angeles property. Accordingly, Pasadena reached out to the City of Los Angeles Department of Recreation and Parks (RAP) early in the Project development process to coordinate regarding the proposed improvements on Los Angeles property. As discussed in Response 1.1, in October 2021, Pasadena received letter of support for the Project from RAP and this letter discusses the need to establish a long-term agreement. Los Angeles RAP has provided a draft lease agreement, and this agreement continues to be negotiated with understanding among the parties that such agreement will be reached in due course.

As discussed in Response 1.1, Los Angeles’ role in the development and implementation of this Project is necessarily different than that of South Pasadena. Whereas Pasadena and South Pasadena are jointly responsible for overseeing all facets of design, construction, and maintenance of the Project, Los Angeles’ role pertains to consideration of a use agreement. The role of an agency processing an easement, agreement, or similar tool is not typically on par with that of the primary applicant(s), in this case the cities of Pasadena and South Pasadena. For instance, as discussed in the IS/MND, a use and maintenance agreement with LACFCD will be required to access and maintain the proposed facilities within LACFCD’s jurisdiction. However, LACFCD would not anticipate receiving an “in kind” or other type of water conservation benefit as part of issuing a use and maintenance agreement.

The reuse of a portion of the water diverted through the San Pascual facility to reduce potable water demand at the Arroyo Seco Golf Course, which as a public course is open to all including Los Angeles residents and visitors, is fully and appropriately within the purview a primary Project applicant and funding partner. Moreover, reducing potable water demand, or any other water conservation effort, in one jurisdiction does not benefit only that jurisdiction but benefits surrounding areas and the region as a whole. No changes to the IS/MND are necessary; the comment is noted for the administrative record and will be provided to the decision-makers.

**Response 4.4:** The San Pascual site is a former treatment wetland location that is no longer functional, but it is not established as a “wildlife refuge”.

The Project’s impacts to existing vegetation types on the sites as well as special status wildlife and wildlife movement is provided in Section 2.4, Biological Resources, of the IS/MND. The San Pascual site is lacking in understory vegetation among the trees and large shrubs (page 2-20 of the IS/MND). As discussed on page 2-20, “Understory vegetation, in combination with trees and large shrubs, is an important component of habitat and its presence creates higher habitat quality than a similar acreage with no or minimal understory coverage. This is because a habitat area

with multiple layers (i.e., heights) of vegetation provides a greater number and diversity of food sources and increased cover, perching, foraging, and nesting opportunities. This is in part due to the provision of a higher number of ecological niches resulting in a greater number and diversity of animal species that would utilize the site. Additionally, because the proposed plant palette is comprised of solely native species, the resulting habitat would also better support native wildlife species that have specific, specialized habitat requirements”.

As discussed in the IS/MND, the Project was designed to maximize avoidance of trees, particularly native and/or protected species. Of the 166 existing trees within the San Pascual site, only 36 protected trees—approximately 21.7 percent—are proposed for removal (see Table 3 on page 1-8). As discussed, the existing trees being removed at the San Pascual site that are not protected (100 trees) are all both non-native and invasive species. At the San Pascual site, based on the replacement ratios consistent with each city’s tree ordinance, the Project would plant approximately 3.7 times (133) the number of protected trees removed (36). When considering the 30 existing trees that would remain, there would be a net total of 163 trees at this location. Moreover, all replacement trees would be native species and the Project would install new native understory that is currently absent at both sites (page 2-20). Therefore, the Project would represent a substantial improvement in functional habitat values at these two sites along the Arroyo Seco compared to the existing conditions.

The IS/MND concludes that construction and operation of the Project would result in no impacts on special status wildlife species; less than significant impacts to trees, riparian habitat, and/ or other special status vegetation communities; and less than significant impacts on wildlife movement pursuant to CEQA and no mitigation is required. Mitigation measure (MM) BIO-3 and MM BIO-4 (see Table 1 in Section 4.0 of this document) would be required to protect nesting birds and raptors and roosting bats as part of tree removal activities. With implementation of MMs BIO-3 and BIO-4, the IS/MND concluded that potential impacts to these biological resources would be reduced to a less than significant level.

As disclosed on page 1-12 of the Draft IS/MND, “The Project would also provide new pathways to and around both basins as stabilized DG trails (refer to Exhibits 12 through 14 [of the IS/MND])”; and “The Project would expand public access for passive recreation opportunities throughout the San Pascual site”. This intended use of the San Pascual site was therefore considered in the biological resources analysis presented in Section 2.4 of the IS/MND and supported by the *Biological Resources Assessment for the Arroyo Seco Water Reuse Project in the Cities of Pasadena, South Pasadena, and Los Angeles, California* provided as Appendix B to the IS/MND.

Throughout the Arroyo Seco, a wide variety of bird species readily populate both natural open space areas and parks with many built features and a high public presence. As the proposed habitat value of the San Pascual site would be substantially greater than the existing condition, as detailed in the IS/MND, and the Project proposes only increased accessibility for passive recreation opportunities (such as bird watching), the assertion that implementation of the San Pascual BMP would adversely affect birds if the site is “overdeveloped as a recreational venue” is unsupported by evidence. This comment expressing opposition of the San Pascual site design is acknowledged but does not provide a specific concern or question regarding the adequacy of the biological resources analysis in the IS/MND. No changes to the IS/MND are necessary; the comment is noted for the administrative record and will be provided to the decision-makers.

**Response 4.5:** This comment expressing support for reopening and reconnecting a trail between the two Project sites that has been closed due to a landslide is acknowledged. Trail improvements beyond the boundaries of the two sites (San Rafael and San Pascual) are not included in this Project and its CEQA documentation.

It is noted that the west side of the Arroyo Seco Channel “from the San Pascual Bridge to the north of the landslide (which is just to the south of the Los Angeles-Pasadena border)” is within Los Angeles’ jurisdiction and may also abut and/or overlap LACFCD’s right-of-way. These would be the agencies with oversight over the area described in the comment.

The comment does not address the content or adequacy of the IS/MND under CEQA or the State CEQA Guidelines; however, the comment is noted for the administrative record.

## SECTION 3.0 DRAFT IS/MND CLARIFICATIONS

### 3.1 REVISIONS TO THE IS/MND

The following text revisions are made to the Arroyo Seco Water Reuse Project IS/MND dated November 2023. Revisions to the text are noted with underline (for added text) or ~~strikeout~~ type (for deleted text).

Section 15073.5 of the State CEQA Guidelines describes the triggers for recirculation of an IS/MND prior to its adoption. Specifically, Section 15073.5(a) states:

- (a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.
- (b) A “substantial revision” of the negative declaration shall mean:
  - (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
  - (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.
- (c) Recirculation is not required under the following circumstances:
  - (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
  - (2) New project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects.
  - (3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
  - (4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declarations.

The revisions to the IS/MND provided below are solely text edits that correct typographical errors but do not change the analysis or conclusions of the previously circulated document. There are no revisions associated with the response to comments submitted on the IS/MND. None of these revisions reflect a determination of a new or more significant environmental impact than disclosed in the IS/MND, nor reflect a substantial revision to the IS/MND. Accordingly, no recirculation of the IS/MND pursuant to Section 15073.5 of the State CEQA Guidelines is required due to incorporation of the following revisions.

**Table 20 on page 2-29 in Section 2.4, Biological Resources**

**TABLE 1  
TREES PROPOSED FOR REMOVAL PROTECTED  
BY THE LOS ANGELES TREE ORDINANCE**

Tree No.	Tree Species	# Main Trunks	DBH (in)	Sum of Trunk DBH (in)	Height (ft)	Canopy Diameter (ft)	Health Rating	Aesthetic Rating
326	coast live oak <i>Quercus agrifolia</i>	1	20.3	20.3	30	30	5	4
327	blue elderberry <i>Sambucus nigra ssp. caerulea</i>	2	3.0, 1.5	4.5	15	12	4	3
328	blue elderberry <i>Sambucus nigra ssp. caerulea</i>	3	5.4, 5.3, 2.3	13.0	15	10	3	3
335	coast live oak <i>Quercus agrifolia</i> <del>blue elderberry <i>Sambucus nigra ssp. caerulea</i></del>	1	8.2	8.2	18	12	4	4
340	blue elderberry <i>Sambucus nigra ssp. caerulea</i>	1	13.2	13.2	12	15	3	3
341	blue elderberry <i>Sambucus nigra ssp. caerulea</i>	5	4.5, 4.2, 3.0, 2.0, 2.0	15.7	15	10	3	2
342	blue elderberry <i>Sambucus nigra ssp. caerulea</i>	9	4.2, 4.2, 3.0, 1.5, 1.5, 1.0, 1.0, 1.0, 1.0	18.4	15	10	3	2
343	coast live oak <i>Quercus agrifolia</i> <del>blue elderberry <i>Sambucus nigra ssp. caerulea</i></del>	1	15.0	15.0	35	18	4	4
344	coast live oak <i>Quercus agrifolia</i> <del>blue elderberry <i>Sambucus nigra ssp. caerulea</i></del>	2	4.1, 3.6	7.7	18	10	4	3

Aesthetics/Health Rating: 1=Very Poor, 2=Poor, 3=Fair, 4=Good, and 5=Excellent  
DBH: diameter at breast height; in: inches; ft: feet  
Source: Psomas 2023a. Appendix B.

**3.2 REVIEW OF MODIFIED LANDSCAPE CONCEPT**

Subsequent to circulation of the IS/MND, the City of Pasadena learned that an inventory of surplus seeds and propagated container plants of local genetic origin (i.e., sourced from the Arroyo Seco and nearby tributaries of the Upper Los Angeles River Watershed) were available and could be used as part of the Project. These materials were produced under contract for three recent habitat restoration projects that Pasadena has implemented in other portions of the Arroyo Seco. For these types of contracts, additional seeds and plants are held and maintained by the vendor to address plant loss or other causes of reduced plant coverage in the period after installation. In late Winter 2024, the surplus materials were determined to be unneeded because of better than expected performance on these restoration sites.

Using native plants and seeds of local genetic origin is the ideal scenario when a goal of the landscape component is to improve habitat quality, which is one of the Project’s goals. However,

substantial lead time of between one and two years, or more, prior to installation is typically required to collect and/or propagate the target species. Defining the target species as well as quantities and container sizes for propagation is in turn based on knowledge of the proposed site design, which adds to the overall lead time. For the Arroyo Seco Water Reuse Project, this amount of lead time would have been infeasible to include at the outset of the Project due to multiple schedule constraints, including but not limited to the State Water Resources Control Board's mandate for Pasadena to address water quality at the San Rafael Creek outfall and various grant funding deadlines and milestones.

The unexpected availability of local origin plants and seeds in a range of site-appropriate species held by the contracting vendors from past Arroyo Seco habitat restoration projects meant the lead time to supply installation-ready plants for the Project would be substantially reduced and was determined to be feasible. Therefore, Pasadena decided to have the landscape concept modified to take advantage of the surplus plant and seed stock within the context of the same site design as presented in the IS/MND.

The proposed changes, described further below in Section 3.2, will include a revised plant palette and defining site preparation and planting methodologies for seeds, understory plants, and most of the replacement trees to be consistent with habitat restoration projects elsewhere in the Arroyo Seco. As with the other habitat restoration projects, the modified landscape concept would be consistent with the *Arroyo Seco Master Plan*. All other aspects of the Project's design and construction would be the same as described in the IS/MND, including implementation of the mitigation measures presented in the IS/MND and in Section 4.0, Mitigation Monitoring and Reporting Program, of this document. The length of the construction schedule (approximately 17 months) and phasing described in the IS/MND would be the same. Operation and maintenance of the Project would also be the same.

The proposed changes to the landscape concept, consisting of a revised plant palette and planting approach resulting in an even greater improvement in habitat quality from existing conditions and within the same site design addressed in the IS/MND, represents a very minor adjustment to the Project. As demonstrated by the analysis presented below, the modified landscape concept would not represent a "substantial revision" as defined under Section 15073.5(b) of the State CEQA Guidelines. There would be no change in the significance of any environmental impacts identified in the IS/MND dated November 2023, nor would new mitigation measures or other revisions to the Project be required because of the modified landscape concept proposed by the City of Pasadena. Therefore, recirculation of the IS/MND is not necessary. Nonetheless, the following additional description and analysis of the modified landscape concept is provided by Pasadena in the interest of transparency and full disclosure.

### **Description of Modified Landscape Concept**

The proposed modifications to the landscape concept will not alter the overall site design and general siting of different vegetation communities as designed by the Project landscape architect. All proposed hardscape elements of the landscape concept and their construction details, including circulation patterns, reclaimed wood log benches, post-and-rail fencing, concrete seatwalls, and informational signs, will remain as discussed in the IS/MND and presented in public meetings. The proposed trail improvements at both the San Rafael and San Pascual sites will remain the same as described in the IS/MND. Specifically, as described on page 1-10 of the IS/MND, "The Project would improve the section of Arroyo Seco Trail along the length of the San Rafael site and provide new pathways to and around the treatment wetlands as stabilized decomposed granite (DG) trails (refer to Exhibits 7 through 9 [of the IS/MND])". As described on page 1-12 of the IS/MND, "The Project would improve the existing pedestrian/equestrian trail

along the eastern side of the site, which is the sole existing recreation feature at the San Pascual site. The Project would also provide new pathways to and around both basins as stabilized DG trails (refer to Exhibits 12 through 14 [of the IS/MND]). As noted above, all other aspects of the Project's design and construction will be the same as described in the IS/MND.

The modifications will focus on (1) revising the plant palette to take advantage of the high diversity of site-appropriate native shrub and groundcover (i.e., understory) species available from the past Arroyo Seco restoration projects; and (2) refining the site preparation and planting methodologies to suit the updated landscape approach and be consistent with habitat restoration projects elsewhere in the Arroyo Seco. Similarly, the construction specifications will be reviewed and adjustments to materials and/or methods for items such as soil preparation and treatments, mulching, and erosion control will be suggested to ensure they are consistent with the existing habitat restoration projects.

Same as the Project, the modified landscape concept will plant a minimum of 193 native trees and would comply with the number and species replacement requirements of Pasadena's, South Pasadena's, and Los Angeles' respective tree ordinances. Los Angeles' tree ordinance requires that at least 4 replacement trees with a minimum 15-gallon container size are planted for each protected tree removed as described in Section 46.02 of the Los Angeles Municipal Code. Protected tree and shrub species that will be removed for implementation of the Project will include 4 coast live oaks and 5 blue elderberries. The replacement requirement for these removals would consist of 16 trees (use of protected tree species required) and 20 shrubs (use of protected shrub species required). The modified landscape concept will include planting of 16 trees and 20 shrubs in a minimum 15-gallon pot size consisting of Los Angeles-protected species.

For protected trees to be removed in Pasadena and South Pasadena, the modified landscape concept will include replacement trees established through the direct sowing of seeds and/or the planting of newly germinated seedlings. This tree planting method is consistent with that used in the successful habitat restoration projects elsewhere in the Arroyo Seco. This method reflects arboriculture and restoration ecology best practices when the goal is to establish a healthy woodland habitat with reduced incidence of individual tree mortality during maturation. It is noted that the larger container sizes described in these cities' tree ordinances typically apply to replacement of street trees or others in an urban setting, in active public parks, on private property, or in new land use developments. However, planting of native species from large containers is not the preferred method of establishing trees in natural open space areas, for the reasons described below.

There are many advantages of planting native trees using seeds or small seedlings as opposed to larger nursery-grown container plants. Some of the major advantages observed include:

- (1) superior long-term growth, health, and survival performance; increased resilience to drought, fire, and wind events; and reduced duration of artificial irrigation due to enhanced root development;
- (2) the ability to ensure the use of materials of known, local, genetic origin;
- (3) reduced time frame for planning, collection, and propagation using genetically local materials compared to time necessary to grow a larger container size;
- (4) increased potential for resistance to disease and climate change due to genetic plasticity, wherein some plants within a population may respond relatively better to environmental pressures and project-specific procurement can capture this diversity from field sources; and

- (5) reduced potential for the dispersal of serious plant pathogens that can be traced to some nurseries.

These advantages have been consistently confirmed by scientific studies and ongoing restoration projects in the region (CNPS 2015; H.T. Harvey & Associates and Genomeadvisors Inc. 2020; McCreary 2020; Miller 2011; Swiecki and Bernhardt 2001, 2017; Young and Evans 2005).

In addition to the ecological advantages of establishing trees from seeds or seedlings, the cost of this method is typically far less than larger container plantings. The scientific evidence coupled with reduced costs compared to planting larger container specimens, support the proposed methodology of planting the majority of native tree replacements as seeds or seedlings to establish resilient, healthy woodlands for the long term. For all the reasons described, the modified landscape approach will further enhance the functional value and long-term health and sustainability of the newly created open spaces.

### **Analysis of Modified Landscape Concept**

Implementation of the modified landscape concept would involve minimal alteration of the construction scenario described in the IS/MND. The primary change that would potentially affect the findings of the IS/MND would be a reduced amount of earthmoving and use of large construction equipment to move and install plant materials, especially trees, compared to the Project as proposed. The layouts and proposed infrastructure as well as final elevations, topography, and drainage pattern of the sites would remain the same as presented in the IS/MND. As noted above, all other aspects of the Project's design and construction would be the same as described in the IS/MND, including implementation of the mitigation measures presented in the IS/MND and in Section 4.0 of this document. The length of the construction schedule (approximately 17 months) and phasing described in the IS/MND would be the same; and operation and maintenance of the Project would also be the same.

Based on this, implementation of the modified landscape concept would have no effect on the analysis of agriculture and forestry resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, transportation, utilities and service systems, or wildfire.

As discussed on page 2-2 in Section 2.1, Aesthetics, of the IS/MND, "Tree removals could create visual breaks in the tree canopy while new native trees grow to an average size, which can require between approximately 10 to 20 years, depending on the tree species installed (e.g., willows grow much faster than oaks) and site-specific weather conditions in the future. In the interim, views in and of portions of the San Rafael and San Pascual sites would be altered by intermittent canopy openings, immature trees and/or shrubs/understory vegetation, and changes to existing built features". As noted above, for protected trees to be removed in Pasadena and South Pasadena, the modified landscape concept will include replacement trees established through the direct sowing of seeds and/or the planting of newly germinated seedlings. Planting trees as seeds and seedlings instead of larger container plants would change the initial visual conditions on the sites from what was assumed in the IS/MND. However, evidence from restoration sites in the Arroyo Seco and elsewhere in the region indicates that trees established with the proposed methods can and often do grow relatively quickly in the initial years after planting, depending on species and site-specific soil, weather, and other in-situ conditions. Regardless of this, the general range of 10 to 20 years stated in the IS/MND for newly planted trees to grow to sizes adequate to reclaim some of the tree canopy openings from removed trees remains accurate. Consistent with the findings of the IS/MND, although there would be short-term changes in views, the long-term



change in views is considered a beneficial impact of the Project. There would be no changes to the analysis of aesthetics.

The need for less heavy equipment operation during construction would slightly reduce the air quality and greenhouse gas emissions, fuel (energy) use, and noise generation when compared to the estimated effects quantified based on the Project's construction scenario. As such, there would be no changes to the analysis of air quality, greenhouse gas emissions, energy, and noise from the modified landscape concept.

Less overall ground disturbance would be necessary during planting, particularly of trees, and this may reduce adverse effects to nearby roots of trees being protected in place, burrowing wildlife, and other biological resources present in the subsurface. As detailed above, the availability of a wide diversity of plants and seeds of local genetic origin that are suitable for the site would enable the Project to further improve the habitat functions and values for native wildlife species in the region compared to the existing conditions. The revised plant palette would continue to include shrub and groundcover species as an understory at the San Pascual site that are "appropriate for a coast live oak-western sycamore woodland as well as riparian-related species" (page 2-20 of the IS/MND). As such, there would be no changes to the analysis of biological resources from the modified landscape concept.

Less overall ground disturbance may reduce the potential to encounter unknown archaeological or tribal cultural resources. As such, there would be no changes to the analysis of cultural and tribal cultural resources from the modified landscape concept.

As stated above and demonstrated by the discussion above, the modified landscape concept is not a "substantial revision" as defined under Section 15073.5(b) of the State CEQA Guidelines. There would be no change in the significance of any identified environmental impacts, nor would new mitigation measures or other revisions to the Project be required. Therefore, recirculation of the IS/MND is not necessary and no further documentation is required under CEQA.

## **References**

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## **SECTION 4.0    MITIGATION MONITORING AND REPORTING PROGRAM**

Section 21081.6 of CEQA and Section 15097 of the State CEQA Guidelines require a public agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) for ensuring the implementation of required mitigation measures to reduce or avoid significant environmental effects as identified in the IS/MND. The specific reporting and/or monitoring requirements that will be enforced during Project implementation shall be adopted simultaneously with Project approval by the responsible decision-making body (Pasadena City Council).

The MMRP for the Arroyo Seco Water Reuse Project, presented in Table 1 starting on the following page, consists of Mitigation Measures (MMs) identified in the IS/MND that are required for Project implementation. The MMs for the Project are listed in the first column, the timing of each mitigation measure's implementation is in the second column, the party(ies) responsible for implementing all or a part of the mitigation is in the third column, and the party with primary responsibility for monitoring and enforcing compliance is in the fourth column (i.e., the Lead Agency).

**TABLE 2**  
**ARROYO SECO WATER REUSES PROJECT MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Timing	Implementation Responsibility	Enforcement Responsibility
<b>Biological Resources</b>			
<p><b>MM BIO-1 Biological Monitoring.</b> Prior to initiation of Project construction activities, a qualified Biologist shall ensure the limits of construction are clearly marked in the field in the vicinity of natural resources, such as the California black walnut situated near the San Rafael site and jurisdictional drainages, to avoid impacts to special status natural resources being protected in place during construction. Field marking shall include 4-foot high, orange, construction safety fencing (snow fencing) staked at sufficient intervals to prevent failure. Safety fencing shall be maintained throughout the construction phase by the Contractor and replaced or moved as needed. The biologist shall monitor work activities on the first day of construction, during all vegetation removal, and on an as-needed basis thereafter.</p>	<ul style="list-style-type: none"> <li>• Prior to construction activity</li> <li>• During first day of construction and all vegetation removal, and then as needed</li> </ul>	<ul style="list-style-type: none"> <li>• Construction Contractor</li> <li>• Pasadena Department of Public Works</li> <li>• Qualified Biologist</li> </ul>	Pasadena Department of Public Works
<p><b>MM BIO-2 Trees.</b> All trees to be preserved on-site during the construction process shall have the following measures implemented:</p> <ul style="list-style-type: none"> <li>• Prior to initiation of construction activities, protective fencing shall be placed around the critical root zone (five feet outside the outer canopy) of all trees that are in the Project construction area and are intended to remain in place. No ground disturbance or storage of construction materials should occur within the critical root zone during construction.</li> <li>• A Certified Arborist shall be retained to monitor construction activities of any ground disturbance planned within or adjacent to the critical root zone for any tree to be preserved during construction.</li> </ul>	<ul style="list-style-type: none"> <li>• Prior to construction activity</li> <li>• During any ground disturbance within or adjacent to root zone</li> </ul>	<ul style="list-style-type: none"> <li>• Construction Contractor</li> <li>• Pasadena Department of Public Works</li> <li>• Certified Arborist</li> </ul>	Pasadena Department of Public Works
<p><b>MM BIO-3 Nesting Birds/Raptors.</b> The Project shall be conducted in compliance with the conditions set forth in the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code with methods approved by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to protect active bird/raptor nests. To avoid impacts on active nests for common and special status birds and raptors, no vegetation removal or ground-disturbing activities shall occur during avian breeding season which generally runs from February 1 through September 15 (as early as January 1 for some raptors). The applicant shall schedule vegetation clearing during the non-breeding season (i.e., September 16 to December 31) to the extent feasible. If Project timing requires that vegetation clearing occur between February 1 and September 15, the applicant or its designee shall retain a qualified Biologist to conduct a pre-construction survey for nesting birds and raptors. The pre-construction survey shall be conducted by a qualified Biologist within three days prior to vegetation clearing. The pre-construction nesting bird survey area shall include the Project impact area (i.e., disturbance footprint) plus a 250-foot buffer to search for nesting birds and a 500-foot</p>	<ul style="list-style-type: none"> <li>• Prior to construction activity (scheduling to avoid impact)</li> <li>• During all vegetation clearing and ground disturbing activities between February 1 and September 15</li> </ul>	<ul style="list-style-type: none"> <li>• Construction Contractor</li> <li>• Pasadena Department of Public Works</li> <li>• Qualified Biologist</li> </ul>	Pasadena Department of Public Works

**TABLE 2**  
**ARROYO SECO WATER REUSES PROJECT MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Timing	Implementation Responsibility	Enforcement Responsibility
<p>buffer to search for nesting raptors. If no active nests are found, no further mitigation would be required.</p> <p>If an active nest is located in the pre-construction nesting bird survey area, the Biologist shall delineate an appropriate buffer to protect the nest based on the sensitivity of the species. A minimum 300-foot no disturbance buffer shall be used around each active bird nest. A protective buffer of 500 feet shall be used to protect nesting raptors and 0.5 mile for special status species (e.g., California Endangered Species Act [CESA]-listed), if feasible. If appropriate, a smaller buffer may be considered around active nests that are not considered special status species (e.g., CESA-listed). Adjustments to the buffer size may be based on site topography, existing disturbance, sensitivity of the individuals (established by observing the individuals at the nest), and the type of construction activity. Personnel working on the Project, including all contractors working on site, shall be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. No construction activities shall be allowed in the designated buffer until the Biologist determines that nesting activity has ended. Construction may proceed within the buffer once the Biologist determines that nesting activity has ceased (i.e., fledglings have left the nest or the nest has failed). The designated buffer will be clearly marked in the field and will be mapped as Environmentally Sensitive Areas (ESAs) on construction plans.</p> <p>Prior to the initiation of construction activities, an email summary of the results shall be submitted to the City of Pasadena with a map of any active nests found and their designated buffers. Construction shall be allowed to proceed if appropriate buffer distances are employed for all active nests. The Biologist shall then prepare a formal Letter Report describing methods used, results of the survey, recommended buffers, and/or justification for buffer reductions. The Letter Report shall be submitted to the City of Pasadena within one week of completion of the survey. If an active nest is observed during the survey, the Letter Report shall include a map showing the designated protective buffer.</p>			
<p><b>MM BIO-4 Bats.</b> A two-step tree removal process shall be implemented to prevent bat mortality. Prior to tree removal, a qualified biologist shall conduct a pre-construction bat habitat assessment. If the tree potentially supports roosting bats, at the direction of the biologist, some level of disturbance (such as trimming of lower branches of trees) shall be applied three days prior to removal to allow bats to escape. The trees shall be removed on day three (i.e., there shall be no less or more than two nights between initial disturbance and the tree removal). On each of the three days of the tree removal</p>	<ul style="list-style-type: none"> <li>• Prior to any tree removal</li> </ul>	<ul style="list-style-type: none"> <li>• Construction Contractor</li> <li>• Pasadena Department of Public Works</li> <li>• Qualified Biologist</li> </ul>	<p>Pasadena Department of Public Works</p>

**TABLE 2**  
**ARROYO SECO WATER REUSES PROJECT MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Timing	Implementation Responsibility	Enforcement Responsibility
process, the tree to be removed will be visually inspected by a qualified biologist to confirm no bats are roosting immediately prior to removal.			
<b>Cultural Resources</b>			
<p><b>MM CUL-1</b> Prior to the initiation of any earthmoving activity in which native soil is disturbed, the City shall be responsible for retaining a qualified Archaeologist to observe grading activities and to salvage and catalogue archaeological resources, as necessary. The Archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the City or its designee, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of any discovered artifacts as appropriate. If archaeological resources are found to be significant pursuant to Section 15064.5 of the State CEQA Guidelines, the Archaeologist shall determine appropriate actions, in cooperation with the City or its designee, for exploration and/or recovery. The Archaeologist shall also prepare a report of findings. The report shall include the period of inspection, an analysis of any artifacts found, and the present repository of the artifacts. The Archaeologist shall prepare excavated material to the point of identification and curation. The City or its designee shall pay curatorial fees associated with the cost of curation.</p>	<ul style="list-style-type: none"> <li>• Prior to initiation of native soil disturbance</li> <li>• At pre-grade conference</li> <li>• During grading activities</li> </ul>	<ul style="list-style-type: none"> <li>• Construction Contractor</li> <li>• Pasadena Department of Public Works</li> <li>• Qualified Archaeologist</li> </ul>	<p>Pasadena Department of Public Works</p>

**TABLE 2**  
**ARROYO SECO WATER REUSES PROJECT MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Timing	Implementation Responsibility	Enforcement Responsibility
<b>Geology and Soils (Paleontological Resources)</b>			
<p><b>MM GEO-1</b> In the event that paleontological resources are inadvertently unearthed during excavation activities at the San Rafael and San Pascual sites, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery and the contractor shall contact the City immediately. The contractor shall retain a qualified professional paleontologist to evaluate the significance of the find, and in consultation with the City, determine an appropriate course of action. If the paleontological resources are found to be significant, the paleontologist, in consultation with the City, shall determine appropriate actions for exploration and salvage. After the find has been appropriately avoided or mitigated, work in the area may resume.</p>	<ul style="list-style-type: none"> <li>• During grading activities if potential paleontological resource (fossil) is encountered</li> </ul>	<ul style="list-style-type: none"> <li>• Construction Contractor</li> <li>• Pasadena Department of Public Works</li> <li>• Qualified Paleontologist (if needed)</li> </ul>	<p>Pasadena Department of Public Works</p>

**TABLE 2**  
**ARROYO SECO WATER REUSES PROJECT MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Timing	Implementation Responsibility	Enforcement Responsibility
<b>Tribal Cultural Resources</b>			
<p><b>TCR-1</b> Retain a Native American Monitor Prior to Commencement of Ground Disturbing Activities:</p> <p>Prior to the commencement of any ground disturbing activities at the two project sites, the project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The tribal monitor will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the tribe as activities that may include demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching within the Project areas.</p> <p>The tribal monitor will complete daily monitoring logs that will provide descriptions of the day's activities, including type of construction activities performed, location of activities, soil types, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the project sites are completed, or when the tribal monitor has indicated that all upcoming ground-disturbing activities at the project sites have little to no potential for impacting Tribal Cultural Resources. Copies of the monitor logs will be provided to the lead agency upon written request to the consulting tribe.</p>	<ul style="list-style-type: none"> <li>• Prior to ground disturbance</li> <li>• During ground disturbing activities</li> </ul>	<ul style="list-style-type: none"> <li>• Construction Contractor</li> <li>• Pasadena Department of Public Works</li> <li>• Tribal Monitor</li> </ul>	Pasadena Department of Public Works
<p><b>TCR-2</b> Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial):</p> <p>Upon discovery of any Tribal Cultural Resources, all construction activities shall cease in the immediate vicinity of the discovery (not less than the surrounding 50 feet) and shall not resume until the find can be assessed. All Tribal Cultural Resources unearthed by Project activities shall be evaluated by the tribal monitor and a qualified Archaeologist if one is present. If the resources are Native American in origin, the consulting tribe will retain it/them in the form and/or manner the tribe deems appropriate, for educational, cultural, and/or historic purposes.</p>	<ul style="list-style-type: none"> <li>• During grading activities if potential tribal cultural resource is encountered</li> </ul>	<ul style="list-style-type: none"> <li>• Construction Contractor</li> <li>• Pasadena Department of Public Works</li> <li>• Tribal Monitor</li> <li>• Qualified Archaeologist (if present)</li> </ul>	Pasadena Department of Public Works
<p><b>TCR-3</b> Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects:</p> <p>If human remains and/or grave goods are discovered or recognized at the Project sites, all ground disturbance shall immediately cease, and the County coroner shall be notified per Public Resources Code Section 5097.98, and Health &amp; Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Work may continue in other parts of the Project sites while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). Preservation in place (i.e., avoidance) is the preferred manner of</p>	<ul style="list-style-type: none"> <li>• During grading activities if human remains and/or grave goods are encountered</li> </ul>	<ul style="list-style-type: none"> <li>• Construction Contractor</li> <li>• Pasadena Department of Public Works</li> <li>• Tribal Monitor</li> <li>• County Coroner</li> </ul>	Pasadena Department of Public Works



**TABLE 2**  
**ARROYO SECO WATER REUSES PROJECT MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Timing	Implementation Responsibility	Enforcement Responsibility
<p>treatment for human remains and/or burial goods. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any discovery of human remains/burial goods that are Native American in origin shall be kept confidential to prevent further disturbance.</p> <p>Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.</p>			

