

Attachment D – Response to Public Comments on Eaton Wash IS/MND

Commenter	Comment Summary	Response to Comment	Action Taken
Agencies			
CDFW	MND does not address potential presence of Crotch's bumble bee or provide measures to reduce impacts; suggests mitigation measures for Crotch's bumble bee	MND sufficiently addresses Crotch's bumble bee impacts; MM-BIO-1 includes a pre-construction survey for CBB; suggested MMs/protocol surveys are not necessary for CEQA purposes.	None needed
	Suggests revisions to MM-BIO-3 for avian nest impacts (clarifications on buffer/avoidance area)	Suggested revision is acceptable. Suggested MM revisions do not affect project requirements and could provide additional wildlife protections.	Incorporated requested revisions in final IS/MND
	Suggests revisions to MM-BIO-5 extending monitoring period for oak tree planting from 5 to 10 years	Suggested revision is acceptable. Additional annual monitoring inspections will provide valuable information.	Incorporated requested revisions in final IS/MND
Caltrans	Concurs with findings in Transportation section; applicant to ensure construction-related traffic does not adversely impact State Highway operations	Non-comment; no response needed.	None needed
LARWQCB	Downstream hydro/water quality impacts: MND does not analyze impacts on downstream waters, particularly impacts from flow reduction on habitat and water quality	Downstream Eaton Spreading Ground intercepts all dry weather flows from Pasadena, thus impacts from diverted water on downstream habitat not expected by project. IS/MND has been revised to reflect water quality improvements identified in the PDR, emphasizing the project's lack of adverse downstream impact.	Incorporated language to address downstream water quality and habitat impacts from project.
	Alternatives: MND should consider project alternatives that would minimize impacts; Regional Board policy is that "diversion projects intended to address upstream discharges should be undertaken as a last resort to comply with receiving water limitations"; present an alternatives analysis to demonstrate how the chosen project is the Least Environmentally Damaging Practicable Alternative (LEDPA)	CEQA does not require MNDs to include alternatives analysis (only EIRs); LEDPA is a requirement of Army Corps Clean Water Act 404 permits; this topic/requirement can be addressed in the permitting process, does not warrant revision of the IS/MND.	None needed

	Mitigation: compensatory mitigation for impacts to water quality and beneficial uses should be proposed in the MND	Compensatory impacts are only required if a significant impact is identified – none were identified.	None needed
Individuals			
Mark Denne	Email asking about the nature of mitigations proposed and if the project would increase the height of the fencing on the SW corner of the Del Mar BI bridge	No response needed in the IS/MND, CEQA mitigation is included in the MND; fencing is not a mitigation measure and isn't applicable to our project.	Dawn responded directly to community member.
Ken Kules (word)	Downstream hydro/water quality: MND does not evaluate downstream impacts in broader hydrologic system; should consider impacts on downstream recharge (Main San Gabriel Basin recharge system via Eaton Spreading Basin; Central Basin recharge system via Rio Hondo Spreading Grounds);	Similar to the LARWQB comment; but offers additional detail.	Incorporated language to address downstream water quality and habitat impacts from project.
	Legal framework for diversion: MND doesn't identify legal framework under which proposed surface diversion would occur; MND does not analyze consistency with the adjudicated framework governing Raymond Basin (does the City have the right to divert this water); does not evaluate how different potential legal bases for diversion would affect project operations; does not provide an adequate basis to assess project's regulatory approvals; does not state whether the project requires water rights approvals under jurisdiction of the State Water Resources Control Board	Not an environmental impact issue, a legal regulatory framework comment. Not required in IS/MND.	Project applications to the USACE (408, 404), LARWQCB (401), CDFW and LA County have been submitted. These Agencies are the legal authority who decide if impacts to the downstream water quality, habitat and water rights are allowable.

	Downstream hydro/water quality: MND does not provide sufficient evidence to evaluate downstream hydrologic impacts because project's hydrologic info (diversion timing, expected capture-flow rates and duration, or estimated annual diversion volumes) is not provided	Similar to the LARWQB comment	Incorporated language to address downstream water quality and habitat impacts from project.
	Construction traffic: MND fails to provide analysis of haul routes, trip frequency, and duration of hauling activity in relation to specific land use surrounding the site and combined effects on these land uses; IS/MND acknowledges the potential for construction traffic effects but does not provide data or analysis demonstrating that such impacts would be minor. Instead, the discussion references the City's haul permit process without identifying enforceable standards or demonstrating that the permit would address the specific constraints	MND provides appropriate discussion of haul traffic and related impacts for CEQA purposes; this is an urban area that experiences heavy daily traffic and in which construction traffic is not an uncommon occurrence; in this context CEQA does not require a granular analysis of construction traffic. MND states, "The full extent of the material haul route or routes would be determined by the contractor and the City Public Works Department once a disposal site has been identified. It is anticipated that the local route would follow East Del Mar Boulevard to access Sierra Madre Boulevard (which is a designated City truck route) to connect to I-210, which is a designated state truck route (City of Pasadena 2016)."	None needed
	Construction traffic: Concern with MND's reliance on future discretionary process without identifying haul routes, operational limits, etc defers LTS determination	Specifying exact haul route is not needed for appropriate CEQA analysis of this topic, see above; approval of traffic-control plan is not a discretionary action under CEQA	None needed
	Construction traffic: Requests quantification of total daily peak construction truck trips; analysis of available haul routes and roadways capacity, safety, and land use compatibility along these routes; substantial evidence demonstrating LTS determination or incorporation of specific, enforceable MMs	See above	None needed

	supported by objective performance standards		
	Downstream hydro/water quality: MND does not provide a sufficient analysis of the quality of water to be diverted and how pollutant loading in the Eaton Wash channel would be reduced and therefore does not support a conclusion that the project goal will be achieved (related to hydro question about violating water quality standards or degrading surface or groundwater quality)	Questions about the purpose of the project; WQ data requested in the comment is not required for CEQA environmental impact analysis. Preliminary Design Report (PDR) online discusses water quality compliance requirements in the Eaton Wash, Rio Hondo and LA Rivers.	None needed
	Project operation/treatment vs discharge: MND fails to define/quantify operational basis for “relative use of infiltration versus mechanical treatment and discharge”; therefore, MND does not contain substantial evidence that water quality and related impacts would be less than significant. MND does not quantify expected infiltration rates, does not identify infiltration capacity, and does not evaluate the proportion of flows that would be infiltrated versus mechanically treated and discharged under typical or peak conditions.	Not necessary for CEQA impact analysis. We are not proposing to discharge new/additional pollutants to the channel or groundwater, which would be subject to environmental impact analysis. PDR online discusses geotechnical information and the design alternatives that were proposed to the City and the final design chosen.	None needed
	Tech studies omitted from MND: MND references technical studies that are not included in the document or otherwise made available for public review	PDR and geotech study are part of the public record and can be made available but are not required to be published with the MND. Technical documents cited are available online at the project website: bit.ly/EatonWashProject	None needed
Ken Kules (PDF)	Project operation/treatment vs discharge: MND fails to define key operational parameters governing	Same comment from Word doc, rephrased with additional detail. Project Operations and Maintenance	None needed

	diversion frequency, duration, and infiltration loading, resulting in an unbounded project scenario for evaluating hydrologic and geotechnical impacts; IS/MND does not provide a stable, finite, and accurate project description	(O&M) Plan and PDR and online for public review at the project website: bit.ly/EatonWashProject	
	Project operation/treatment vs discharge: Omitted operational criteria [from the PD] are material because they directly govern: volume, rate, and persistence of recharge; frequency and duration of repeated wetting cycles; reservoir recovery time between diversion events; groundwater mound potential; the extent of lateral migration of infiltrated water; frequency and magnitude of treated discharges to Eaton Wash	Same comment from Word doc, rephrased with additional detail	None needed
	Project engineering/geotech design: MND does not evaluate whether recurring infiltration could alter subsurface conditions adjacent to the channel wall or embankment (increased soil moisture, seepage gradients, altered drainage conditions; increased lateral pressures; implications for long-term structural performance, maintenance, or service life	Same comment from Word doc, rephrased with additional detail. Project O&M Plan and PDR and online for public review at the project website: bit.ly/EatonWashProject	None needed
	Agency stakeholder input: MND does not discuss whether consultation occurred with relevant public agencies interested in Eaton Wash infrastructure structure; accurate disclosure of the project's physical relationship to Eaton Wash	Not an environmental impact issue, a legal regulatory framework comment. Not required in IS/MND. Project applications to the USACE (408, 404), LARWQCB (401), CDFW and LA County have been submitted. These Agencies are the legal authority who decide if impacts to the downstream water quality, habitat and water rights are allowable.	None needed

	infrastructure is necessary for meaningful interagency review		
Lauren Siegel	Design/project purpose: project could restrict percolation to Raymond Basin, reconsider need for below-ground gallery to support downstream ecosystems	Similar to Kules comments; no new/additional topics that would not be covered by those responses. Project applications to the USACE (408, 404), LARWQCB (401), CDFW and LA County have been submitted. These Agencies are the legal authority who decide if impacts to the downstream water quality, habitat and water rights are allowable.	None needed
	Construction impacts: suggests a transportation and dust-control plan are needed and repurposing excavated soil to minimize community disruptions	MND provides appropriate discussion of haul traffic and related impacts for CEQA purposes; SWPPP will be developed by the contractor and must adhere to PMC requirements for Construction Best Management Practices (BMPs)	None needed
	O&M costs: City should identify O&M responsibilities and costs	Not a requirement of CEQA. Project O&M Plan and PDR and online for public review at the project website: bit.ly/EatonWashProject	None needed
	Design/project purpose: City should prioritize nature-based solutions, need for clear public communication	City is implementing different types of solutions to meet their MS4 obligations; including nature-based and infrastructure-based projects; this project includes bioswale and native planting area, 3.5 acres of new passive park space, permeable pavers, and other elements of nature-based solutions and other elements of nature-based solutions to address surface runoff and treatment.	None needed