

FINAL INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

Van Norman Complex
Routine Operation and Maintenance Program

(STATE CLEARINGHOUSE NO. 2019119023)

PREPARED BY



Environmental Affairs
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WITH ASSISTANCE FROM

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1. FINAL IS/MND & ERRATA

The Final Initial Study / Mitigated Negative Declaration (IS/MND) is an informational document intended to disclose the environmental consequences of approving and implementing the Van Norman Complex Routine Operation and Maintenance Program (proposed project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA) as outlined below. The Los Angeles Department of Water and Power (LADWP) is the lead agency under CEQA.

Public Review Period

The IS/MND for the proposed project was distributed on November 7, 2019, for public review pursuant to CEQA. The public review period concluded on December 23, 2019. The IS/MND was distributed to interested or involved public agencies and organizations for review. Additionally, a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was mailed to addresses adjacent to and within the vicinity of the project. The NOI was filed with the city and county clerks, and the IS/MND was made available for general public review at the LADWP Environmental Affairs Division (111 North Hope Avenue, Room 1044, Los Angeles, California 90012). In addition, an electronic version of the Draft IS/MND was made available on the LADWP website at: <http://www.ladwp.com/envnotices>.

During the public review period, three comment letters were received. Responses to comments that address environmental issues in the IS/MND are included in this Final IS/MND in Section 5.0. LADWP has also prepared a mitigation monitoring and reporting program (MMRP) pursuant to CEQA Guidelines, Section 15074(d), which requires that a lead or responsible agency adopt a mitigation monitoring plan when approving or carrying out a project when an MND identifies measures to mitigate or avoid significant environmental effects. The MMRP constitutes Section 6.0 of the Final IS/MND.

CEQA Guidelines Regarding Recirculation

Pursuant to CEQA Guidelines, Section 15073.5, the lead agency is required to recirculate an IS/MND when the document is substantially revised after public notice of its availability but prior to its adoption. A substantial revision is identified as follows: (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 significant and new measures or revisions must be required.

LADWP has determined that based on CEQA Guidelines Section 15073.5, recirculation of the IS/MND prior to adoption is not required. This conclusion is based on the fact that no new, avoidable significant effects have been identified, no new mitigation measures were added, and the text of the document has not been substantially revised in a manner requiring recirculation. While minor changes have been made to the document in this Final IS/MND, LADWP has evaluated these changes and has determined that none of these changes would alter the impact conclusions

in the IS/MND or otherwise warrant recirculation. The changes that have been made to the document subsequent to its publication in November 2019 are shown in the Errata table below:

Final IS/MND Errata

Final IS/MND Location (section, page no.)	Revision (change shown in <i>strikeout/underline text</i>)	Explanation																												
Appendix B, Section 2.3	<p>The study area was methodically surveyed on foot to ensure 100% visual coverage for special-status plant and wildlife species, and all resources were identified and inventoried during the field surveys. Biologist Tracy K. Park surveyed all suitable habitat for potential special-status species. <u>The potential for special-status plant and wildlife species to occur within the study area was evaluated based on the vegetation communities, soils present, and surrounding features.</u></p>	<p>The tribal cultural resources discussion in the Draft IS/MND provided a generic summary of tribal consultation. Additional detail has since been added to the tribal cultural resources discussion to clarify which tribes specifically responded to LADWP's notification letters and to describe how one tribe deferred to another for consultation.</p>																												
Appendix B, Section 2.3.1	<p>Table 1. Reconnaissance Survey Details and Conditions</p> <table border="1" data-bbox="362 1150 1170 1373"> <thead> <tr> <th>Date</th> <th>Time</th> <th>Personnel</th> <th>Survey Type</th> <th>Survey Area</th> <th>Pass Number</th> <th>Survey Conditions (temperature, skies, wind)</th> </tr> </thead> <tbody> <tr> <td>5/2/2018</td> <td>0815–1500</td> <td>TKP</td> <td>General biological survey, vegetation mapping, and habitat assessments</td> <td>Study Area</td> <td>N/A</td> <td>59°F–65°F; 3–5 mph winds; 95%–100% cc</td> </tr> <tr> <td>5/3/2018</td> <td>1300–1645</td> <td>TKP</td> <td>General biological survey</td> <td>Study Area</td> <td>N/A</td> <td>77°F; 3–5 mph winds; 1%–5% cc</td> </tr> <tr> <td>8/7/2018</td> <td>0800–1540</td> <td>BAS, TKP</td> <td>Vegetation mapping – Ground-Truthing</td> <td>Study Area and VNC Site</td> <td>N/A</td> <td>82°F–101°F; 1–2 mph winds; 0% cc</td> </tr> </tbody> </table> <p>Personnel: TKP = Tracy K. Park; BAS = Britney A. Strittmater Notes: N/A = not applicable; °F = degrees Fahrenheit; mph = miles per hour; cc = cloud cover.</p>	Date	Time	Personnel	Survey Type	Survey Area	Pass Number	Survey Conditions (temperature, skies, wind)	5/2/2018	0815–1500	TKP	General biological survey, vegetation mapping, and habitat assessments	Study Area	N/A	59°F–65°F; 3–5 mph winds; 95%–100% cc	5/3/2018	1300–1645	TKP	General biological survey	Study Area	N/A	77°F; 3–5 mph winds; 1%–5% cc	8/7/2018	0800–1540	BAS, TKP	Vegetation mapping – Ground-Truthing	Study Area and VNC Site	N/A	82°F–101°F; 1–2 mph winds; 0% cc	<p>To provide additional clarification with respect to the biological reconnaissance survey methodology.</p>
Date	Time	Personnel	Survey Type	Survey Area	Pass Number	Survey Conditions (temperature, skies, wind)																								
5/2/2018	0815–1500	TKP	General biological survey, vegetation mapping, and habitat assessments	Study Area	N/A	59°F–65°F; 3–5 mph winds; 95%–100% cc																								
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The revisions shown above add specificity to information provided in the Draft IS/MND but do not show that a new significant impact would occur or that a previously identified significant impact would increase in severity. No new impacts have been identified, no impact conclusions have changed, and no new mitigation measures are required. For these reasons, the revisions shown above represent clarification and amplification of information provided in the Draft IS/MND and do not warrant recirculation of the IS/MND for public review pursuant to CEQA Guidelines Section 15073.5.

No changes have been made subsequent to the release of the Draft IS/MND for public review, aside from the revisions shown above and the addition of Chapter 3 (Response to Comments and Comment Letters) and Chapter 4 (Mitigation Monitoring Program).

Record of Proceedings

The documents and other materials that constitute the record of proceedings upon which LADWP's project approval is based are located at the address below:

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

The LADWP's Environmental Affairs office is the custodian of such documents and other materials that constitute the record of proceedings. The location of and custodian of the documents or other materials that constitute the record of proceedings for the proposed project is provided in compliance with CEQA Guidelines Section 15074(c).

2. PREVIOUSLY PUBLISHED DRAFT IS/MND (NOT INCLUDED)

3. RESPONSE TO COMMENTS AND COMMENT LETTERS

INTRODUCTION

The Los Angeles Department of Water and Power (LADWP) prepared a Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for its proposed Van Norman Complex Routine Operation and Maintenance Program (project) and made the Draft IS/MND available for public comment for 47 days from November 7, 2019, to December 23, 2019. LADWP distributed the Draft IS/MND to interested or involved public agencies, organizations, and individuals for review. It also made the Draft IS/MND available for general public review at the San Fernando Library (217 North Maclay Avenue, San Fernando, California 91340), the Sylmar Branch Library (14561 Polk Street, Sylmar, California 91342), the Granada Hills Branch Library (10640 Petit Avenue, Granada Hills, California 91344), and at the LADWP John Ferraro Building (111 North Hope Street, Room 1044, Los Angeles, California). In addition, LADWP posted the Draft IS/MND online at <http://www.ladwp.com/envnotices>.

During the public review period, LADWP received three comment letters. The agencies and individuals who provided substantive written comments on the environmental issues addressed in the Draft IS/MND are listed in Table 1. Individual comments within each communication are numbered so comments can be cross-referenced with responses. Comment letters received during the public review period are included in Attachment A of this Final IS/MND.

Table 1. Comment Letters

Comment Letter	Date of Letter	Commenter	Response Nos.
A	November 18, 2019	California Department of Transportation <i>Signed: Alan Lin, IGR/CEQA Branch Chief</i>	A-1
B	December 17, 2019	County of Los Angeles Fire Department <i>Signed: Michael Y. Takeshita, Acting Chief, Forestry Division, Prevention Services Bureau</i>	B-1 through B-3
C	December 23, 2019	California Department of Fish and Wildlife, South Coast Region <i>Signed: Erinn Wilson, Environmental Program Manager</i>	C-1 through C-3

Although the California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.) do not require a lead agency to provide written responses to comments received on an IS/MND, the lead agency may do so voluntarily.

LADWP’s responses to the comments on the Draft IS/MND are included below and represent a good-faith reasoned effort to address the environmental issues identified by the comments. Pursuant to CEQA Guidelines Section 15074(b), decision makers will consider the proposed IS/MND together with the comments received during the public review process.

Response to Comment Letter A

Alan Lin, Acting IGR/CEQA Branch Chief
California Department of Transportation
November 18, 2019

- A-1 This comment provides a synopsis of the proposed project from the Draft IS/MND and does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft IS/MND. LADWP acknowledges the comment as an introduction to comments that follow. No further response is required or necessary.
- A-2 This comment commends the City of Los Angeles for adopting a vehicle miles traveled (VMT) metric for use in analyzing transportation and greenhouse gas emission impacts. The comment also encourages LADWP to make every attempt to reduce VMT associated with the proposed project and suggests resources that may assist LADWP in reducing VMT. LADWP acknowledges the importance of reducing VMT and will implement VMT-reduction strategies as feasible and appropriate. LADWP notes also that the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), as discussed in Draft IS/MND Section 3.17, Transportation. The proposed project would generate occasional maintenance-related trips that would contribute a maximum of 28 daily trips. These trips would not cause a substantial increase in daily VMT.
- A-3 This comment states that a California Department of Transportation (Caltrans) transportation permit is required for transporting heavy construction equipment and/or materials via oversized transport vehicles on state highways. The commenter also recommends limiting large truck trips to off-peak commute periods.

LADWP acknowledges Caltrans' requirements for transporting heavy construction equipment and/or materials via oversized transport vehicles on state highways and recommendation to limit large truck trips to off-peak commute periods. LADWP does not anticipate that any oversized transport vehicles will be used during construction. However, if it becomes necessary for LADWP to use such vehicles, LADWP will do so in conformance with applicable Caltrans requirements. Any required permits would be obtained by LADWP, its construction contractor, or equipment owners who are responsible for transporting the equipment. LADWP will make every effort to schedule truck trips during off-peak commute periods to the extent feasible and practicable. The marginal daily truck trips for this maintenance work will be only periodic, temporary, and extraordinarily limited (e.g., a maximum of xxx per peak hour per day). Thus, the proposed project would have no individually significant nor cumulatively considerable impact on regional traffic or roadways.

- A-4 This comment states that stormwater runoff is a sensitive issue for Los Angeles County and emphasizes the importance of designing the proposed project to discharge clean runoff water. LADWP acknowledges the importance of responsibly and sustainably managing stormwater discharges. As stated in Draft IS/MND Section 3.19, Utilities and Service Systems, the purpose of the proposed project is to provide routine maintenance and vegetation management at existing water conveyance and storage facilities at the Van Norman Complex to ensure that the facilities are functioning properly. The proposed project would not create or contribute runoff water in excess of the capacity of the existing stormwater drainage systems and would, in fact, improve LADWP's ability to utilize the facilities at the Van Norman Complex (VNC) to manage stormwater flows. Additionally, as discussed in Draft IS/MND Section 3.10, Hydrology and Water Quality, LADWP would implement avoidance and minimization measures, such as the deployment of sediment and runoff control measures, to ensure that the proposed project would not result in increased levels of pollutants or turbidity in downstream waters.
- A-5 This comment states that a Caltrans encroachment permit will be required if any management and/or maintenance activities would encroach on or near the Caltrans right-of-way. LADWP will coordinate with Caltrans and will obtain all necessary permits should management and/or maintenance activities require encroachment into the Caltrans right-of-way. At present, LADWP does not anticipate encroaching on any Caltrans right-of-way.

Response to Comment Letter B

Michael Y. Takeshita, Acting Chief,
Forestry Division, Prevention Services Bureau
County of Los Angeles Fire Department
December 17, 2019

B-1 This comment states that the project area is entirely within the City of Los Angeles, which is not a part of the emergency response area of the Los Angeles County Fire Department (LACFD). As such, the Planning Division and the Land Development Division of the LACFD have no comments regarding the proposed project. No further response is required or necessary.

B-2 This comment states that the project area is entirely within the City of Los Angeles. As such, the City of Los Angeles Fire Department has jurisdiction concerning the proposed project and will provide conditions for the proposed project. LADWP concurs that the proposed project is within the jurisdiction of the City of Los Angeles Fire Department (LAFD) emergency response area. LADWP notified the LAFD of the proposed project and provided it with a Notice of Intent to Adopt a Mitigated Negative Declaration. LADWP has not received comments regarding the proposed project from the LAFD to date. Should the LAFD wish to discuss conditions for the proposed project, LADWP will make every effort to coordinate with the LAFD. Additionally, as discussed in Section 3.15, Public Services, of the Draft IS/MND, LADWP has procedures in place to minimize the risk of fire during project activities. These procedures include fire safety measures in compliance with California Fire Code Chapter 33. Gasoline-powered or diesel-powered machinery used during maintenance would be equipped with standard exhaust controls and muffling devices that also act as spark arrestors. Fire containment and extinguishing equipment would be available and accessible during maintenance activities. The maintenance crew is trained in the use of the fire suppression equipment and is not permitted to idle vehicles on the job site when they are not in use. Additionally, vegetation mowing and fuel modification activities that would be conducted as part of the proposed maintenance activities would reduce the potential for brush fires within the project area. Therefore, as discussed in the Draft IS/MND, LADWP anticipates that potential impacts related to fire and wildfire have been reduced to below a level of significance.

Additionally, the comment states that the project area is located in close proximity to the jurisdiction area of the LACFD, but states that the proposed project is unlikely to have an impact that necessitates a comment concerning general requirements from the LAFCD Land Development Unit. The comment also provides contact information should LADWP have further questions regarding subdivision, water systems, or access. LADWP has noted that the proposed project is not within LACFD's emergency response area and notes that LACFD does not have specific comments or concerns relative to the proposed project.

- B-3 This comment lists the statutory responsibilities of the LACFD Forestry Division. The comment states that potential impacts in the categories of erosion control, watershed management, rare and endangered species, vegetation, fuel modification in Very High Fire Hazard Severity Zones, archaeological and cultural resources, and the County Oak Tree Ordinance should be addressed. The comment further states that under the Los Angeles County Oak Tree Ordinance, a permit is required to cut, destroy, remove, relocate, inflict damage, or encroach into the protected zone of any tree of the oak genus that is 25 inches or more in circumference, as measured 4.5 feet above mean natural grade. The comment states that if oak trees are known to exist in the project area, further field studies should be conducted to determine the presence of oak species in the project area.

Potential impacts in the environmental categories listed by the Forestry Division were covered in the Draft IS/MND. Erosion is discussed in Section 3.6, Energy; water and water quality is discussed in 3.10, Hydrology and Water Quality; special-status species, oak trees, and vegetation are discussed in Section 3.4, Biological Resources; fire hazards are discussed in Section 3.9, Hazards and Hazardous Materials and 3.20, Wildfire; and archaeological and cultural resources are discussed in Section 3.5, Cultural Resources. No significant, unavoidable impacts were identified in these categories.

Section 3.4(e) specifically discusses whether the proposed project would conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The discussion covers the City of Los Angeles Protected Tree Ordinance. The Los Angeles County Oak Tree Ordinance applies to unincorporated areas of the County. The proposed project would take place entirely within the City of Los Angeles and therefore would not be subject to the Los Angeles County Oak Tree Ordinance. However, the proposed project would be subject to the City of Los Angeles Protected Tree Ordinance and would be required to comply with the tree protection provisions of the ordinance. As identified in Section 3.4, no city-protected trees would be directly impacted by the proposed project.

- B-4 This comment states that the Health Hazardous Materials Division of the LACFD has no comments regarding the proposed project. This comment also provides contact information for the LACFD. No further response is required or necessary

Response to Comment Letter C

Erinn Wilson, Environmental Program Manger
California Department of Fish and Wildlife, South Coast Region
December 23, 2019

- C-1 This comment states that the California Department of Fish and Wildlife (CDFW) received a Draft IS/MND from LADWP for the project. This comment is an introductory comment. No further response is required or necessary
- C-2 This comment states CDFW's role. This comment provides background information and does not raise an environmental issue within the meaning of the CEQA. The comment is noted for the record, and no response is required or necessary.
- C-3 This comment summarizes general details about the proposed project, including project proponent, objective, location, and operation and maintenance activities. The comment restates information contained in the Draft IS/MND and does not raise an environmental issue within the meaning of CEQA. The comment is noted for the record, and no response is required or necessary.
- C-4 This comment states that CDFW offers the following comments and recommendations to assist LADWP in adequately identifying and/or mitigating the project's significant or potentially significant direct and indirect impacts on fish and wildlife resources. The comment is an introduction to comments that follow. No further response is required or necessary.
- C-5 This comment states that the Draft IS/MND should provide more information to support the project-specific and cumulative analyses to clearly demonstrate that the extent of proposed impacts are necessary to accomplish the project objectives and that all feasible minimization and avoidance measures for sensitive habitat and wildlife have been included in the project. For example, the commenter states that classifying permanent, repeated impacts or habitat modification as "temporary" and mitigating at a 1:1 ratio does not appear to meet the California Endangered Species Act (CESA) threshold.

The extent of proposed impacts (i.e., maintenance activities) are necessary to accomplish the project objectives, which include (1) protecting the VNC from flooding, (2) reducing public safety risk to downstream neighborhoods, (3) eliminating the possibility of contaminating the water supply, and (4) meeting the U.S. Environmental Protection Agency's Long Term 2 Enhanced Surface Water Treatment Rule. Maintenance of the stormwater control facilities throughout the VNC, including removal of accumulated debris and sediment and trimming of overgrown vegetation, is required on a regular or as-needed basis in order to meet the above-mentioned goals. The Upper and Middle Debris Basins function to collect large deposits of sediment from stormwater runoff. The various channels within the VNC re-route stormwater

around the Los Angeles Reservoir and associated water supply facilities, through the Lower San Fernando Detention Basin, under the Lower San Fernando Dam, and into the San Fernando Creek. These facilities protect LADWP's water and power system property within the VNC, provide flood protection, and ensure safe, clean drinking water. Therefore, proposed maintenance activities within the VNC are necessary to accomplish project objectives.

Furthermore, the Draft IS/MND provides feasible measures to avoid, minimize, or mitigate any adverse impacts to sensitive habitats and fish and wildlife resources during the proposed maintenance activities (refer to Draft IS/MND, Section 3.4, pages 39 to 40).

Maintenance activities are defined as "temporary" for those facilities where maintenance would be conducted only every 3 years and vegetation would have the opportunity to regenerate in between maintenance events. Additionally, to avoid and minimize impacts at the Upper and Middle Debris Basins, sediments and debris within the low-flow channel will be removed in three phases, thus allowing for habitat recovery in excavated areas while other areas have yet to be excavated. Long-term maintenance of the debris basins will maintain the channel's purpose, which is to settle sediment and vegetation debris resulting from natural erosion from the surrounding terrain. This sedimentation activity will improve the water quality runoff entering Bull Creek downstream. Furthermore, the existing riparian vegetation outside of the low-flow channel will not be impacted. Within the blue elderberry stands near the Middle Debris Basin, maintenance would be limited to hand pruning of the lower limbs, as needed, and maintenance of the understory. These maintenance activities would result in the regeneration of the community in between maintenance events and would therefore result in only temporary impacts. Other more frequent repeated impacts resulting in habitat modification were classified as permanent, as described below.

Impacts identified as permanent to the vegetation community would not permanently eliminate streambeds and associated hydrologic functions and values. As such, maintenance activities would not alter other aquatic functions and values, as compared to development projects where resources are completely removed and hydrology forever altered. The proposed maintenance areas would retain native soils and hydrologic conditions, and vegetation would regenerate between maintenance activities, providing ongoing functions and values such as groundwater recharge, removal of contaminants and sediment, and move-through habitat for wildlife. For these reasons, LADWP concludes that the proposed project would reduce impacts to less than significant, and the mitigation ratios are appropriate for the proposed project.¹

¹ Note that mitigation under CEQA includes any measure that avoids, minimizes, rectifies, reduces, or compensates for the impact "by replacing or providing substitute resources or environments" (14 CCR 15370). That mitigation, in turn, need not completely reduce or compensate for the loss. (See *Environmental Council of Sacramento v. City of Sacramento* [2006] 142 Cal.App.4th 1018, 1041 [mitigation under CEQA need not "fully mitigate" the impact]; *Save Panoche Valley v. San Benito County* [2013] 217 Cal.App.4th 503, 528–529

C-6 This comment states that the Draft IS/MND includes specific acreages for removing “overgrown vegetation” and sediment. However, the comment states that the Draft IS/MND does not include supporting hydrology and geomorphology assessments to validate these impacts as (1) necessary, (2) including a site-specific minimum frequency of project actions, and (3) the best option to complete project goals and objectives while avoiding sensitive biological resources to maximum extent feasible. The comment further states that without providing proper hydrology and geomorphology studies to support the necessity of the proposed maintenance activity in meeting specific flow and sediment accumulation targets for review, the Draft IS/MND does not clearly demonstrate that the extent of proposed impacts are needed to meet the project goals and objectives. The Draft IS/MND generalized goal of restoring the original design conditions does not consider the vast amount of changes that occurred in the tributary watershed in the preceding 100 years.

See **Response to Comment C-5** above related to project goals, objectives, and necessity for implementation.

Regarding the need for further hydrology and geomorphology assessments, LADWP does not believe further hydrology studies are needed. Nevertheless, per CDFW’s request, LADWP completed further hydrology studies for the Upper Debris Basin, Middle Debris Basin, and Lower San Fernando Detention Basin, and provided the reports to CDFW as part of the SAA Notification process. The results of these studies confirm that the proposed maintenance activities would not have an adverse impact on water availability, flow regime, channel characteristics, or flood recurrence intervals.

As a threshold matter, LADWP has identified a level of maintenance that is relatively low and minimized so as to undertake only that necessary to maintain the function of the stormwater system and protect the integrity of the Los Angeles Reservoir. Regarding hydrologic assessments, LADWP has developed a maintenance program based on the best available hydrologic studies available, as described below, in combination with years of staff experience, to ensure facilities are maintained in a manner that will protect public safety, protect the dams within the VNC, and avoid standing water resulting in vector control concerns, while at the same time minimizing effects on habitats and wildlife. LADWP completed a hydrologic study in 2013 to evaluate flows and stormwater routings in and around the VNC drainage area for the proposed Los Angeles Reservoir Water Quality Improvement Project (LARWQIP) and the Van Norman Complex Master Plan (LADWP 2013). The study assessed the hydrologic performance of the existing and proposed flood control facilities at the VNC. It also provided the flow conditions necessary to design the hydraulic structures within the VNC under different storm events for the LARWQIP and any other projects that could occur at the VNC. This analysis reviewed previous hydrologic studies completed for the VNC, which included studies completed in 2003 and 1971.

[measures may reduce and minimize, but need not avoid impact altogether]; *Banning Ranch Conservancy v. City of Newport Beach* [2012] 211 Cal.App.4th 1209, 1233 [“mitigation need not account for every square foot of impacted habitat to be adequate”]. Here, again, even habitat permanently impacted would continue to retain value as habitats within the VNC, and therefore the mitigation ratios for permanent loss are appropriate.

In 2003, LADWP retained Northwest Hydraulic Consultant (NHC) to perform a hydrologic study for the VNC watershed and to investigate different stormwater routing options for the LARWQIP. Subsequently, NHC updated their study in 2005 and 2009 and summarized their findings in report titled Van Norman Complex Existing Conditions Hydrology Draft Final Report, dated February 2009 (NHC 2009). The NHC study used the watershed developed in the 1971/1972 LADWP study with modifications to reflect the land development and parcel changes in the last three decades.

LADWP completed the 1971 study for the Los Angeles Dam. The study defined the watershed draining into the VNC and the detailed flood routing and conveyance system in and around the VNC. The watershed boundary and stormwater conveyance system defined in the 1971 study became the basis for the subsequent hydrology studies conducted for the watershed. LADWP updated the 1971 study in 1972 using a Probable Maximum Precipitation storm based on the criteria presented in the U.S. Department of Commerce report titled Hydrometeorological Report No. 36 (HMR 36) – Interim Report – Probable Maximum Precipitation in California.

- C-7 This comment states CESA-listed species, sensitive vegetation communities, streams, and wetland features have been documented within the project boundary. The comment further states that the Van Norman Basin contains regionally important nesting habitat for both migratory birds and CESA-listed bird breeding habitat (e.g., least Bell’s vireo [*Vireo bellii pusillus*] and southwestern willow flycatcher [*Empidonax traillii extimus*]), and that the VNC builds stepping-stones of riparian habitat that provide a valuable area to allow fledglings to expand and migrate to new areas. According to the comment, loss of this habitat from project activities could affect the lifecycle of migratory and resident species and should be considered regionally significant. With limited in-kind opportunities available locally to offset the specific impacts and provide functional replacements in the same watershed, mitigating out of the region would not reduce impacts to a point where clearly no significant effects to sensitive habitat or species would occur. Therefore, the comment states that impacts to sensitive vegetation communities should be considered regionally significant.

A review of known least Bell’s vireo location data points from California Natural Diversity Database and U.S. Fish and Wildlife Service (USFWS) databases reveals that relatively few least Bell’s vireo occur here compared to other locations (e.g., Hansen Dam Recreation Center in Lake View Terrace, nearly 5 miles to the east, and Sepulveda Dam Recreation Area near Highway 101, approximately 7 miles to the south, have considerably more individuals). Southwestern willow flycatcher is considered to be almost extirpated from the Los Angeles basin (Allen et al. 2016) with the nearest documented occurrence being 5.2 miles southeast of the project area according to the USFWS databases. While the VNC area supports a locally significant amount of habitat, the area is completely surrounded by dense urban development to the west, south, and east, so stepping-stone habitat benefits are limited. Additionally, because there are few recorded least Bell’s vireo in this area, this would not be considered to support a “regionally significant” area or population. “Region” does not typically refer to a local area, but rather a larger area that incorporates several local areas.

The analysis of habitat impacts and preservation for special-status species provided in the biological technical report was completed according to the impact location plus a 500-foot study buffer (Study Area; Page 1 of the biological technical report). However, the entire VNC was mapped for vegetation communities and there is more habitat available for species than is described within the impact analysis section. The VNC supports approximately 45 acres of total riparian habitat suitable for least Bell’s vireo and/or southwestern willow flycatcher (see Table 2). Of those 45 acres, only 2.8 acres or 6% would be permanently removed as a result of maintenance activities. An additional 8 acres would have only temporary impacts due to maintenance activities; however, approximately 33% would be subject to maintenance at a time, on a 3-year cycle, and maintenance would occur during the non-breeding season when individuals are in their neo-tropical autumn and winter habitats. Further, temporal impacts would be timed to allow habitat to recover, limiting such temporal impacts to approximately 2.6 acres.

These impacts would spread over approximately 11 different habitat areas, as opposed to one contiguous location; thus, it is highly unlikely that any single potential territory would be abandoned. Therefore, maintenance activities could potentially result in the loss of approximately 5.5 acres of riparian habitat at one time; however, approximately 40 acres of intact riparian habitat would remain available to riparian birds across the VNC. The habitat that would remain could support between 8 and 20 territorial males (based on Kus 2002), if fully occupied. Additionally, maintenance activities within the VNC would result in various successional stages of vegetation, which is beneficial to least Bell’s vireo, as they prefer early- to mid-successional riparian habitat (Kus 2002) for nesting purposes. This schedule would allow the VNC to continue to provide vegetation for nesting and foraging, and thus allow the VNC to continue to support successful breeding populations. Therefore, the project activities would not substantially affect lifecycle of migratory or resident species, including CESA-listed species.

With regard to biological resources and providing functional replacements in the same watershed, off-site preservation of habitat is a common and accepted means of mitigating a project’s impacts on endangered species. (*Preserve Wild Santee v. City of Santee* [2012] 210 Cal.App.4th 260, 278 [loss of habitat mitigated by conservation of other habitat at a one-to-one ratio]; *California Native Plant Society v. City of Rancho Cordova* [2009] 172 Cal.App.4th 603, 610–611, 614–626; *Endangered Habitats League, Inc. v. County of Orange* [2005] 131 Cal.App.4th 777, 794 [mitigation by “off-site preservation of similar habitat”].)

Table 2. Suitable Habitat for Least Bell’s Vireo and Southwestern Willow Flycatcher within Van Norman Complex

Least Bell’s Vireo and Southwestern Willow Flycatcher Suitable Habitats — Vegetation Communities	Additional Acres within Van Norman Complex	Acres Avoided Within Study Area	Acres of Permanent Impact in Study Area	Acres of Temporary Impact in Study Area	Total Acres
Arroyo willow thickets	0.47	0.11	0.10	0.36	1.05
Arroyo willow/mulefat	0.82	—	—	—	0.82

Table 2. Suitable Habitat for Least Bell’s Vireo and Southwestern Willow Flycatcher within Van Norman Complex

Least Bell’s Vireo and Southwestern Willow Flycatcher Suitable Habitats — Vegetation Communities	Additional Acres within Van Norman Complex	Acres Avoided Within Study Area	Acres of Permanent Impact in Study Area	Acres of Temporary Impact in Study Area	Total Acres
Black willow thickets	5.28	—	—	—	5.28
Blue elderberry	0.10	4.29	—	—	4.39
Disturbed blue elderberry	4.60	—	—	—	4.60
Disturbed mulefat thickets	0.93	—	—	—	0.93
Fremont cottonwood forest	2.90	—	0.01	3.66	6.57
Fremont cottonwood/sandbar willow		—	0.15	—	0.15
Mulefat thickets	0.31	2.44	—	0.69	3.44
Red willow thickets	3.47	0.06	0.48	2.30	6.32
Red willow-arroyo willow		—	0.78	—	0.78
Red willow-arroyo willow/mulefat	5.61	2.44	1.30	0.37	9.71
Sandbar willow	0.37	0.11	—	0.68	1.16
Grand Total	24.87	9.44	2.82	8.06	45.19

C-8 This comment states the Draft IS/MND should clearly demonstrate that the extent and magnitude of proposed impacts to sensitive species (including CESA-listed species), sensitive vegetation communities, wetlands, and state jurisdictional waters are needed to achieve the project goals and objectives and that the revisions in the project plans would avoid/mitigate effects to a point where clearly no significant effects would occur.

See **Response to Comment C-5**.

C-9 This comment states CDFW recommends the following mitigation measure be added to the Draft IS/MND: Conduct hydrology and geomorphology studies to verify hydrological conditions and volume/rate of sediment deposition expected at the VNC and where this sediment would be located. This study should include an analysis of various methods to capture sediment before it reaches sensitive biological resources, recommendations based on data gathered including sediment accumulation rates for frequency of cleanouts, and analysis of vegetation to determine if it needs to be thinned or cleared to meet target hydraulic flow and flood prevention volume needs.

See **Response to Comment C-6**.

- C-10 This comment states CDFW recommends the following mitigation measure be added to the Draft IS/MND: Propose a range of methods to achieve project goals and objectives while reducing impacts to biological resources, such as allowing one side of channels and half of basins to remain permanently vegetated and not to be subject to maintenance activities. This meets the need to facilitate a certain flow/volume of water and removal of sediment, and provides meaningful avoidance of biological resources.

The project includes measures to minimize impacts to riparian habitat and associated species including conducting maintenance outside the avian breeding season and conducting maintenance every three years. Additionally, to avoid and minimize impacts at the Upper and Middle Debris Basins, sediments and debris within the low-flow channel will be removed in three phases, thus allowing for habitat recovery in excavated areas while other areas have yet to be excavated. Furthermore, within the Upper and Middle Debris Basins, the project is following the maintenance authorized in existing SAA 1600-2004-0268-R5. In these two facilities, maintenance outside of the low-flow channel would be limited to removal of dead trees, tree limbs, downed vegetation and the trimming of branches, leaving existing riparian habitat intact. Selective vegetation removal would occur only where overgrown vegetation interferes with the right-of-way easement with the high-voltage transmission lines; access roads, or is a fire hazard.

- C-11 This comment states CDFW recommends that impacts to any stream, lake, or wetland be avoided, minimized, and mitigated at a ratio of no less than 3:1. This accounts for habitat supporting CESA-listed and federal Endangered Species Act (FESA)–listed bird species, the large impact acreage and significance of loss of this volume of habitat, rarity ranking, ongoing permanent disturbance of habitat, and temporal/spatial loss of mitigation in the watershed.

See **Response to Comment C-5**. Areas of permanent and marginal impact as proposed would be relatively small, and include periodic rotation so as to avoid significant impacts to special-status species (including bird species listed under CESA and FESA).

- C-12 This comment states CDFW recommends that any habitat counting towards avoidance in the VNC be placed under a biological conservation easement with a qualified conservation entity and managed with the objective to help offset the project-induced qualitative and quantitative losses of wildlife habitat values. Furthermore, management issues should be addressed including, but not limited to, restriction on access, invasive species control, species and habitat monitoring and management programs, control of illegal dumping, water pollution, habitat restoration, and increased human intrusion.

The proposed project includes mitigating for permanent impacts through purchase of credits at an approved bank or in-lieu fee program. These mitigation areas would be under the necessary conservation easements and managed with a qualified conservation entity. Areas within the VNC that are avoided or part of ongoing and periodic maintenance activities are not included in the proposed mitigation program. Placement of these

areas in a conservation easement is not a requirement of the mitigation program and would be contrary to the goals and objectives of the VNC.

The entire VNC is fenced and restricted to public access; therefore, management issues such as restriction of access, invasive species control, species and habitat monitoring programs, control of illegal dumping, water pollution, habitat restoration, and increased human intrusion are not applicable.

- C-13 This comment states that the Draft IS/MND concludes the project “would not result in impacts” due to impacts being classified as temporary or due to concluding the existing habitat is disturbed; therefore, acreages for these resources are not included in the impact assessment. For example, the Draft IS/MND states “maintenance activities within blue elderberry stands would be limited to hand pruning of the lower limbs of the trees and maintenance of the understory. Therefore, maintenance activities within 4.3 acres of blue elderberry stands would not result in impacts to this community.” CDFW considers alteration of the understory and pruning vegetation as impacts to that community. Additionally, the Draft IS/MND does not appear to include an additional 3.51 acres of impacts to blue elderberry stands labeled as “disturbed,” and therefore significantly underestimates the total impact acreage to sensitive habitat. CDFW believes the correct acreage of impact to blue elderberry stands is 7.9 acres.

Pruning, if less than 20% of the tree’s crown, would result in no impacts to the health of the tree. As the pruning would be limited to lower limbs, it would not result in any overall impacts to the trees’ health or the community as a whole. Regarding the understory of the community, as stated in Draft IS/MND, Appendix B, page 13, the blue elderberry stands that occur along the Middle Debris Basin, where proposed maintenance activities would occur, include an understory comprised of non-native vegetation including red brome (*Bromus madritensis* ssp. *rubens*), shortpod mustard (*Hirschfeldia incana*), castorbean (*Ricinus communis*), black mustard (*Brassica nigra*), and tree tobacco (*Nicotiana glauca*). Proposed maintenance activities to the non-native understory would not affect the functions and values of this community and would instead provide opportunities for native regrowth, allowing for a higher quality of diversity in the community’s species composition. In addition, per Draft IS/MND, Section 3.4, page 45, monitoring would be conducted to confirm that timing limitations within the special-status communities (including the 4.3 acres of blue elderberry stands) would be implemented as outlined in the Draft IS/MND project description and avoidance and minimization measures. Therefore, maintenance of this area as prescribed would not alter the functions and values of the community and would not result in an impact requiring mitigation.

Finally, the Draft IS/MND accurately reports the correct acreage of blue elderberry stands located within the proposed maintenance areas. As stated within Draft IS/MND, Appendix B, page 13, the 3.51 acres of disturbed blue elderberry stands occur within the buffer of the study area, outside of potential work areas, and therefore would not be impacted by the project. Therefore, the Draft IS/MND presents the correct

acreage, 4.3 acres, of proposed maintenance activities (i.e., pruning of lower limbs and maintenance of the understory) occurring within blue elderberry stands.

- C-14 This comment states that the Draft IS/MND classifies impacting vegetation communities every 3 years as a temporary impact. CDFW considers continuous manipulations and maintenance of any part of a vegetation community a permanent impact, unless the vegetation community can demonstrate complete recovery within all vegetation layers for species richness, abundance, age class, distribution, cover, and canopy cover.

Riparian vegetation communities have been demonstrated to regenerate rapidly, and 3 years is typically adequate time for these communities to recover such that they are providing the pre-activity functions and values, including habitat for least Bell's vireo.² As described under **Responses to Comments C-7** and **C-10**, maintenance would be conducted in such a manner that there would be no substantial loss of least Bell's vireo and other bird breeding habitat at any one time, and maintenance would contribute to providing varied successional stages of riparian habitat. Because maintenance activities would not result in substantial loss of functions and values provided by these communities and would be conducted in a manner to minimize temporal loss, LADWP has determined that maintenance activities would result in temporary impacts as described in the Draft IS/MND.

- C-15 This comment states Draft IS/MND, page 45, states, "loss of special-status vegetation communities is potentially significant; however, the special-status communities overlap with suitable least Bell's vireo habitat and/or CDFW jurisdictional streambeds that would be mitigated through implementation of MM-BIO-1 and MM-BIO-2, respectively." CDFW states compliance with future permits that may or may not contain mitigation adequate to mitigate in-kind, sensitive natural communities is not adequate for determining if the impacts to sensitive vegetation communities are being fully mitigated.

Draft IS/MND, Section 3.4, provides adequate mitigation for impacts to special-status communities. Impacts to special-status communities are summarized in Draft IS/MND, Section 3.4, Table 3-6, page 45. This table also shows that all impacts to special-status communities overlap with least Bell's vireo habitat and/or CDFW jurisdictional streams impacts. Mitigation measures MM-BIO-1 and MM-BIO-2 state that mitigation would be conducted at a 1:1 ratio and would include a combination of preservation, enhancement, and/or creation through purchase of credits at an approved in-lieu fee program or mitigation bank, or an agency-approved permittee responsible mitigation project. Due to special-status communities overlapping with least Bell's vireo habitat and/or CDFW jurisdictional streams, and the mitigation measures for these resources providing

^{2.2} Properly supported, (hydrology, soils, climate) willow scrub and mulefat can grow to mature height within 3 years if properly maintained (Fraser, pers. comm. 2020). One example is a restoration project completed for work done in an existing channel for improving flood conveyance. Restoration included arroyo will scrub and mulefat thickets. The site achieved all year five performance standards in year three (Dudek 2019)

specific mitigation requirements, mitigation for impacts to special-status communities is disclosed and thorough and provides adequate information for determining if impacts are being fully mitigated.

- C-16 This comment states that without accurate assessments and disclosure of all impacts in the Draft IS/MND and a clear commitment to mitigate for the specific vegetation communities impacted, CDFW cannot offer meaningful avoidance, minimization, or mitigation measures for the project impacts to biological resources.

The Draft IS/MND assesses and discloses all impacts—including specific acreages and frequency of temporary impacts—and provides commitments to mitigation for impacts to specific vegetation communities.

See **Responses to Comments C-15** and **C-23**.

- C-17 This comment states that CDFW considers sensitive habitats regardless of their disturbance level and that if a vegetation community meets the membership criteria for an alliance, it is considered part of that alliance. The comment further states the disturbance level of a vegetation alliance is factored in when analyzing mitigation requirements, and if an alliance is more disturbed, the mitigation should include establishing, at a minimum, the same or better quality of the alliance that was impacted. Riparian understory vegetation has been shown to achieve high biomass, substantially contributing to terrestrial primary production, nutrient cycling, soil formation, and habitat for adult stages of aquatic insects. According to the comment, removal of understory vegetation has been shown to increase soil temperatures, decrease soil respiration, and alter overstory canopy.

See **Response to Comment C-13** regarding disturbed blue elderberry stands that are not within the proposed maintenance areas and the composition of the understory of blue elderberry stands. The disturbance level and ongoing functions and values of habitats within the VNC are relevant to an assessment of the significance of impacts and the appropriate mitigation needed to lessen those impacts to a less-than-significant level.

- C-18 This comment states CDFW recommends that all ongoing maintenance impacts to vegetation and sensitive plants and animals should be considered permanent impacts and mitigated at a minimum ratio of 3:1.

See **Response to Comment C-5**. Given the baseline condition of the VNC, the temporary and marginal nature of the maintenance activity, and the amount of vegetation and habitat that will remain untouched or allowed to recover, the mitigation ratio is appropriate and distinguishable from projects with more significant and more permanent impacts.

- C-19 This comment states that CDFW considers vegetation communities with ranks of S1–S3 to be sensitive vegetation communities that should be addressed in CEQA. If avoidance is not feasible, CDFW recommends mitigation at a ratio of no less than 5:1 for impacts to S3 ranked communities and 7:1 for S2 communities.

Any proposed mitigation should be covered under a conservation easement and should include a long-term management plan that ensures funding to manage the mitigation land in perpetuity.

The Draft IS/MND does address sensitive vegetation communities under CEQA. The Draft IS/MND, Section 3.4(b), page 44, states special-status vegetation communities include those that are designated by CDFW as a rank of S1, S2, or S3. In addition, communities that are regulated by CDFW under Sections 1600–1616 of the California Fish and Game Code and/or communities that provide suitable habitat for special-status species may also be considered special status species under CEQA. The Draft IS/MND, Table 3-6, pages 44 to 45, summarizes impacts to sensitive vegetation communities. Communities identified as S1, S2, or S3 include Fremont cottonwood/sandbar willow, red willow thickets, red willow–arroyo willow association, and red willow–arroyo willow/mulefat thickets association. The IS/MND classified impacts that could remove vegetation as permanent impacts; however, these impacts would not permanently develop the habitat. Maintenance activities would not substantially alter the functions and values, as compared to development projects where resources are completely removed. Maintenance in riparian communities would be conducted every 3 years and the proposed maintenance areas would retain native soils, hydrological functions, and vegetation would regenerate between maintenance events, providing ongoing functions and values such as groundwater recharge, contaminant removal, sediment sequestration, and move-through habitat for wildlife. For these reasons, LADWP concludes the proposed project would reduce impacts to less than significant and the mitigation ratios are appropriate for the proposed project.³

- C-20 This comment states that biological surveys over 3 days for a total of 25 person-hours do not appear adequate to accurately analyze impacts or determine mitigation for a 1,340-acre facility and do not appear adequate to determine presence/absence for rare, CESA-listed plants or animals or to conduct CDFW-recommended sensitive vegetation community protocols. Without accurate assessments and disclosure of all impacts and a clear commitment to mitigate for specific vegetation communities impacted, CDFW cannot offer meaningful avoidance, minimization, or mitigation measures for the project impacts to biological resources. CDFW is also concerned that botanical resources that may be affected by the project have not been adequately identified because botanical surveys were done in 3 days at the same time as general biological surveys and vegetation mapping on a 1,340-acre site. The amount of time a botanist spent conducting botanical surveys

³ Note that mitigation under CEQA includes any measure that avoids, minimizes, rectifies, reduces, or compensates for the impact “by replacing or providing substitute resources or environments” (14 CCR 15370). That mitigation, in turn, need not completely reduce or compensate for the loss. (See *Environmental Council of Sacramento v. City of Sacramento* [2006] 142 Cal.App.4th 1018, 1041 [mitigation under CEQA need not “fully mitigate” the impact]; *Save Panoche Valley v. San Benito County* [2013] 217 Cal.App.4th 503, 528–529 [measures may reduce and minimize, but need not avoid impact altogether]; *Banning Ranch Conservancy v. City of Newport Beach* [2012] 211 Cal.App.4th 1209, 1233 [“mitigation need not account for every square foot of impacted habitat to be adequate”].) Here, again, even habitat permanently impacted would continue to retain value to habitats within the VNC, and therefore the mitigation ratios for permanent loss are appropriate.

is not clear, as 10 hours to cover 1,340 acres, a rate of 134-acres an hour, is considered significantly below the average time it would take most biologists to accomplish these tasks over this acreage. Therefore, CDFW recommends botanical surveys following CDFW protocol be conducted prior to vegetation management activities for full disclosure of botanical resources that may be impacted by the project.

The Draft IS/MND, Appendix B, Section 1, page 1, states LADWP owns and operates the VNC, a 1,340-acre industrial complex. This section further defines the study area as consisting of the proposed maintenance work areas within the facilities and a 500-foot buffer around the work areas, for a total of 753.44 acres (refer to Draft IS/MND, Appendix B, Table 4). The Draft IS/MND, Appendix B, Section 2.3.1, page 2, states vegetation communities and land uses within the *study area* (not the entire VNC as stated by the comment) were mapped in the field. Section 2.3.1, page 3, further clarifies that vegetation communities were also mapped within the entire VNC plus a 100-foot buffer and that this was conducted through a combination of desktop mapping using aerial photographs, the vegetation mapping completed for the study area, and a field visit to ground-truth the desktop mapping. The VNC contains numerous access roads throughout the study area and high-topographic elevation points, providing adequate vantage points to view large portions of the study area at once. Therefore, 25 person-hours, which includes ground-truthing, is adequate to accurately analyze impacts or determine mitigation for the 753.44-acre study area. LADWP modified language in Draft IS/MND, Appendix B, Section 2.3.1, Table 1, to provide additional clarification with respect to vegetation mapping of the study area and that of the VNC. Additions are shown in underline text in the table below.

In addition to the field work completed for this project, the biological technical letter report incorporated results of other studies conducted within the VNC. Results of LAR UV and VNC Corrosion Control Station projects' special-status species focused surveys completed in 2017 were reviewed, and vegetation mapping data from these projects were incorporated, where applicable, as described in the biological technical letter report.

Additionally, as part of its standard practice, LADWP conducts pre-activity surveys in areas with native vegetation and will document the type and total area of natural vegetation removed prior to the start of maintenance activities.

Please see response to comment C-21, C-22, and C-23 for further details regarding focused plant and wildlife surveys.

Table 1. Reconnaissance Survey Details and Conditions

Date	Time	Personnel	Survey Type	Survey Area	Pass Number	Survey Conditions (temperature, skies, wind)
5/2/2018	0815–1500	TKP	General biological survey, vegetation mapping, and habitat assessments	<u>Study Area</u>	N/A	59°F–65°F; 3–5 mph winds; 95%–100% cc
5/3/2018	1300–1645	TKP	General biological survey	<u>Study Area</u>	N/A	77°F; 3–5 mph winds; 1%–5% cc
8/7/2018	0800–1540	BAS, TKP	Vegetation mapping = <u>Ground-Truthing</u>	<u>Study Area and VNC Site</u>	N/A	82°F–101°F; 1–2 mph winds; 0% cc

Personnel: TKP = Tracy K. Park; BAS = Britney A. Strittmater

Notes: N/A = not applicable; °F = degrees Fahrenheit; mph = miles per hour; cc = cloud cover.

C-21 This comment states that CDFW is also concerned that botanical resources that may be affected by the project have not been adequately identified because botanical surveys were done in 3 days, at the same time as general biological surveys and vegetation mapping, on a 1,340-acre site. The amount of time a botanist spent conducting botanical surveys is not clear, as 10 hours to cover 1,340 acres, a rate of 134 acres an hour, is considered significantly below the average time it would take most biologists to accomplish these tasks over this acreage. Therefore, CDFW recommends botanical surveys following CDFW protocol be conducted prior to vegetation management activities for full disclosure of botanical resources that may be impacted by the project.

The Draft IS/MND, Appendix B, Section 2.3, page 3, states general plant and wildlife surveys, vegetation mapping, habitat assessments for special-status species, and focused surveys for coastal California gnatcatcher (*Poliophtila californica californica*), least Bell’s Vireo, and southwestern willow flycatcher were conducted. As stated in the Draft IS/MND, Appendix B, Section 2.3, the purpose of the reconnaissance survey was to map vegetation communities occurring within the study area and to determine presence and likelihood of occurrence of any special-status plant or wildlife species based on the presence/absence of suitable habitat and other natural history elements that might predict their occurrence. Furthermore, the Draft IS/MND, Appendix B, Section 3.5, page 19, states that all special-status plant species identified in the literature review were determined to either have a low potential to occur or were not expected to occur based on an assessment of habitat within the study area; therefore, no focused special-status plant surveys were conducted or warranted in 2018. The Draft IS/MND, Appendix B, Section 3.5, page 19, further states that biological technical letter reports have been completed for other projects within the VNC, including for the LAR UV Plant and the VNC Corrosion Control Station Project, which included a focused special-status plant survey conducted in 2017. The focused plant surveys did not identify

any special-status plant species, and the results of this survey were used in analyzing potential presence and likelihood of occurrence based on current baseline conditions observed during the 2018 reconnaissance surveys.

LADWP has modified language within the Draft IS/MND and Appendix B, Section 2.3, page 3, to provide additional clarification with respect to the biological reconnaissance survey methodology. Additions are shown in underline, and deletions are shown in ~~strikeout~~ text.

The study area was ~~methodically~~ surveyed on foot ~~to ensure 100% visual coverage for special-status plant and wildlife species~~, and all resources were identified and inventoried during the field surveys. Biologist Tracy K. Park surveyed all suitable habitat for potential special-status species. The potential for special-status plant and wildlife species to occur within the study area was evaluated based on the vegetation communities, soils present, and surrounding features.

C-22 This comment states that the project will impact habitat occupied by least Bell's vireo and habitat previously known to support southwestern willow flycatcher and coastal California gnatcatcher. The comment further states the Van Norman Complex: Southwestern Willow Flycatcher and Least Bell's Vireo 45-Day Survey Report states positive survey results for both least Bell's Vireo and southwestern willow flycatcher in both Yarnell Basin and the Lower San Fernando Storm Water Basin. Additionally, the comment states the Draft IS/MND considers brittle bush habitat as unsuitable for coastal California gnatcatcher; however, at an on-site meeting on January 20, 2016, USFWS and CDFW staff positively identified a coastal California gnatcatcher within the VNC and near Yarnell Basin within a monoculture of *Encelia farinosa*. California Species of Special Concern should be included in an analysis of project impacts. Based on a records search by CDFW, there are no CESA permits for southwestern willow flycatcher and/or least Bell's vireo on record for previous impacts to either Lower San Fernando Storm Water Basin or the Yarnell Basin. CDFW recommends these impacts be considered in the cumulative impact assessment for this project. The level of recent disturbance to habitat supporting these CESA-listed species, coupled with additional habitat manipulation and loss, may cumulatively result in completed abandonment of the site by these species.

As discussed in **Response to Comment C-23**, CEQA generally measures the significance of particular impacts against the physical environmental conditions in the vicinity of the project—that is, the “baseline”—existing at the time the notice of preparation is published, or, if no notice is published, at the time environmental analysis begins. Focused protocol level presence/absence surveys were conducted for southwestern willow flycatcher, least Bell's vireo, and coastal California gnatcatcher in 2018 within the study area. No federally protected or state-protected southwestern willow flycatcher were observed within the study area. One migrant willow flycatcher (*Empidonax traillii*; full species) was observed singing within red willow–arroyo willow/mulefat thicket habitat in the Yarnell Debris Basin on May 30, 2018. Willow flycatcher was not detected during any other survey passes. In accordance with the survey protocol, a single early season detection of this species indicates a migrant subspecies and not the listed subspecies southwestern willow flycatcher.

Protocol-level presence/absence surveys were completed for least Bell’s vireo within the study area in 2018. Three facilities within the VNC are considered occupied based on repeated observations of vireo across survey passes: the Middle Debris Basin, Lower San Fernando Detention Basin, and Yarnell Debris Basin. As described in more detail in **Response to Comment C-23**, take of least Bell’s vireo is not expected due to avoidance and minimization measures implemented during maintenance activities.

As described in more detail in **Response to Comment C-23**, southwestern willow flycatcher were not documented in the project area during focused surveys, and there are no historical occurrences documented within the project area; therefore, take of this species would not occur a result of the project.

This site is not currently occupied by coastal California gnatcatcher as determined by focused surveys and the site there have been no documented occurrences within the project area; therefore, the project would not result in abandonment of the area by the species nor result in take of the species. With regard to the comment about suitable habitat within the area being documented, the Draft IS/MND, Appendix B, Attachment A (Focused Survey Reports), includes 73.1 acres of brittle bush alliance as potentially suitable habitat for coastal California gnatcatcher, and this acreage was included in the focused survey area in 2018. (See Table 3 below for a more comprehensive table of what suitable gnatcatcher habitats will be affected by the project.) Not knowing the biologists’ experience with the species, the coastal California gnatcatcher observation by USFWS and CDFW staff on January 20, 2016, could have been a juvenile searching for a territory, another individual moving through the area, or a blue-gray gnatcatcher. Winter is the time when the migratory blue-gray gnatcatcher is moving through Southern California. They closely resemble coastal California gnatcatcher and can issue many similar sounds, though not the classic “mew” call. Additionally, in January it is highly unlikely that male gnatcatchers would have their black cap yet, so all gnatcatchers (California and blue-grey) would largely be very similar in appearance. To determine the baseline conditions in the project area, focused surveys were conducted in 2018 in accordance with appropriate USFWS survey protocols; the surveys were negative. Additionally, the Draft IS/MND, Appendix B, Section 2.1, page 2, states special-status species analyzed for this project include species that are a CDFW Species of Special Concern. A list of Species of Special Concern analyzed are included in Appendix B, Attachment F (Special-Status Wildlife Species Potential to Occur).

Table 3. Suitable Coastal California Gnatcatcher Habitat within Van Norman Complex

Row Labels	Additional Acres of California Gnatcatcher Habitat Available Within the Van Norman Complex	Acres of No Impact within 500-foot Study Area	Acres of Permanent Impact within 500-foot Study Area	Acres of Temporary Impact within 500-foot Study Area	Total Acres
Brittle bush scrub	156.25	2.84	0.75	4.88	164.73
Brittle bush scrub-California sagebrush scrub	2.16	—	—	—	2.16

Table 3. Suitable Coastal California Gnatcatcher Habitat within Van Norman Complex

Row Labels	Additional Acres of California Gnatcatcher Habitat Available Within the Van Norman Complex	Acres of No Impact within 500-foot Study Area	Acres of Permanent Impact within 500-foot Study Area	Acres of Temporary Impact within 500-foot Study Area	Total Acres
California buckwheat scrub	9.88	—	0.19	—	10.07
California sagebrush scrub	9.24	—	0.04	—	9.28
California sagebrush scrub-Black sage scrub	2.20	—	—	—	2.20
California sagebrush scrub-California buckwheat scrub	14.84	—	—	—	14.84
Coyote brush scrub	4.70	—	—	—	4.70
Disturbed brittle bush scrub	0.28	—	—	—	0.28
Grand Total	199.55	2.84	0.98	4.88	208.26

C-23 This comment states that the Draft IS/MND states that there is a potential for take of least Bell’s vireo; however, if the vegetation removal occurs outside of the breeding season, take would not occur. CDFW further states the site has recently been known to support California gnatcatcher and southwestern willow flycatcher. While the 2018 surveys conducted did not detect either species, the habitat is documented to previously support these species. CDFW states the impact analysis should acknowledge this fact and consider on-site areas suitable, previously occupied habitat. Additionally, the Draft IS/MND appears to discount large areas of the project area as not suitable for California gnatcatcher including small monocultures of *Encelia farinosa*, which is where CDFW and USFWS biologists observed California gnatcatcher in 2016. This comment states impacts to CESA- and FESA-listed birds could result from vegetation clearing and other ground-disturbing activities, and project maintenance could include incidental loss of habitat affecting breeding success or otherwise lead to site abandonment. Least Bell’s vireo routinely display high site fidelity, and thus, impacts to known occupied habitat at any time of the year can result in a direct impact to this species’ annual nesting cycle. Inadequate avoidance, minimization, and mitigation measures for impacts to these listed species will result in the project continuing to have a substantial adverse direct, indirect, and cumulate effect, directly or through habitat modifications. The comment further states relying on future surveys, the preparation of future management plans, or mitigation by obtaining permits are considered deferred mitigation under CEQA. Therefore, in order to analyze if a project may have a significant effect on

the environment, the project-related impacts, including survey results for species that occur in the entire project footprint, need to be disclosed during the public comment period.

CEQA generally measures the significance of particular impacts against the physical environmental conditions in the vicinity of the project—i.e., the “baseline”—existing at the time the notice of preparation is published, or, if no notice is published, at the time environmental analysis begins (14 CCR 15125(a); *Communities for a Better Environment. v. South Coast Quality Management Dist.* [2010] 48 Cal.4th 310, 327–328). Furthermore, “take” under California Fish and Game Code Section 2081 does not encompass the disturbance or removal of habitat alone—it must involve mortality. (*Environmental Council of Sacramento v. City of Sacramento* [2006] 142 Cal.App.4th 1018, 1040 [removal of foraging and nesting habitat for Swainson’s hawk did not necessarily involve “take” under the California Fish and Game Code].) Breeding southwestern willow flycatcher are considered almost extirpated from Los Angeles County (Allen et al. 2016); however, a breeding individual was documented approximately 5.2 miles southeast of the project area at Hansen Dam (USFWS 2018). No federally protected or state-protected southwestern willow flycatcher have been documented within the study area. One migrant willow flycatcher (*Empidonax traillii*; full species) was observed in the study area on May 30, 2018. Willow flycatcher was not detected during any other survey passes. In accordance with the survey protocol, a single early season detection of this species indicates a migrant subspecies and not the listed subspecies southwestern willow flycatcher. The study area, therefore, is not considered to be occupied by southwestern willow flycatcher. With respect to least Bell’s vireo, there is suitable and occupied habitat for this species within the study area. However, periodic vegetation removal in the non-nesting season is not expected to result in any mortality (or take) of this species. Please see **Responses to Comments C-7** and **C-22** for more details regarding least Bell’s vireo and coastal California gnatcatcher within the project area. There is abundant suitable habitat available for least Bell’s vireo. The possible gnatcatcher siting in 2016 has not been verified and at best is evidence of a migrant. Additionally, the previously observed gnatcatcher location is not affected by intended maintenance—it is greater than 500 feet from the maintenance area. As indicated, focused surveys for coastal California gnatcatcher and southwestern willow flycatcher were negative using accepted USFWS protocols. While suitable least Bell’s vireo habitat will be impacted, the assessment was that this was a significant impact and mitigation would be required (see Draft IS/MND Appendix B, Biological Technical Report, Section 5).

Lastly, the Draft IS/MND does not simply defer mitigation to future surveys, management plans, or permits, but instead provides concrete and enforceable measures—MM-BIO-1 and MM-BIO-2, as well as AMM-BIO-1 through AMM-BIO-7—that help minimize, avoid, and/or mitigate impacts to biological resources (including sensitive habitats, species, and CDFW jurisdictional streams). The fact that these measures also require that LADWP secure certain permits (if needed) is a well-accepted approach to ensuring appropriate mitigation under CEQA.

- C-24 This comment states that CDFW recommends the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from CDFW may include an Incidental Take Permit or a consistency determination in certain circumstances, among other options.

The Draft IS/MND addresses that the project proponent shall seek appropriate take authorization if impacts are unavoidable (refer to Draft IS/MND, page 43, MM-BIO-1). MM-BIO-1 states that prior to removal or disturbance of suitable and/or occupied least Bell's vireo habitat, and presuming there is risk of take under federal or state law, LADWP shall consult with CDFW and USFWS on implementation of this mitigation measure and other minimization and avoidance measures as necessary to avoid take. If take is unavoidable, LADWP shall secure the appropriate incidental take authorization or permit under Section 7 of FESA and Section 2081 of CESA. Any measures determined to be necessary through Section 7 or Section 2081 shall be implemented.

- C-25 This comment states the Draft IS/MND needs to demonstrate that impacts to biological resources have been avoided, minimized, and reduced to a point where clearly no significant effects would occur. CDFW recommends LADWP conduct an analysis of feasible locations and habitat management strategies for the project that are not in occupied least Bell's vireo or recently occupied southwestern willow flycatcher and/or coastal California gnatcatcher habitat.

As stated clearly in the project description (see Draft IS/MND Sections 1.1 and 2.4), the intent of the project is to maintain very specific and critical facilities in the VNC. A 500-foot study area buffer was applied around these facilities, but none are negotiable or flexible—maintenance of all are required to protect the VNC property, reduce public safety risk from potential flooding, and ensure safe, clean potable water supply for the City of Los Angeles. Therefore, absolute avoidance of the location is not feasible; however, avoidance temporally of the impact is possible and was implemented (see Draft IS/MND Appendix B and Section 2.4). Minimization was accomplished by performing longer-term rotational maintenance at a maximum rate of once every 3 years.

- C-26 This comment states the Draft IS/MND needs to demonstrate impacts to biological resources have been avoided, minimized, and reduced to a point where clearly no significant effects would occur. CDFW recommends LADWP conduct an analysis of the cumulative effects to least Bell's vireo, southwestern willow flycatcher, and coastal California gnatcatcher from the various projects that have occurred and will continue to occur in and around the VNC. This analysis should disclose previous impacts to habitat occupied by least Bell's vireo, southwestern willow flycatcher, and coastal California gnatcatcher habitat that were not subject to any CEQA review or permitting review by CDFW or USFWS.

Please see **Response to Comment C-7** regarding cumulative effects to least Bell's vireo and coastal California gnatcatcher. Southwestern willow flycatcher has not been documented within the project area, and impacts to this species are not expected as a result of the project. As described in **Response to Comment C-7**, maintenance activities would result in the loss of approximately 5.5 acres of riparian habitat at one time and provide approximately 40 acres of intact riparian habitat available to riparian birds that is distributed across the VNC. The habitat that would remain could support between 8 and 20 territorial males (based on Kus 2002), if fully occupied. As described in **Response to Comment C-22**, there are approximately 208 acres of suitable habitat for coastal California gnatcatcher within the VNC, of which approximately 1 acre would be permanently impacted by maintenance activities, and approximately 5 acres would be temporarily impacted. This composes less than 2.4% of available habitat within the

VNC. Therefore, maintenance activities within the VNC would not result in cumulatively considerable impacts to least Bell's vireo, southwestern willow flycatcher, or coastal California gnatcatcher.

- C-27 This comment states that CDFW recommends a long-term habitat monitoring and restoration plan be developed for the VNC that includes a cowbird trapping program and invasive species removal program to reduce impacts to least Bell's vireo, southwestern willow flycatcher, and coastal California gnatcatcher habitat.

For CEQA purposes, the mitigation measures are commensurate with the level of impact anticipated. As described in the biological technical report (Draft IS/MND Appendix B, Section 5), permanently impacted habitat will be replaced at a minimum 1:1 ratio. Management would be timed in such a way as to minimize temporal losses and maintain various successional stages of habitat within the VNC. Additionally, management of vegetation in the other areas will result in the removal of a number of invasive weedy species and will maintain them under control throughout the life of this program. Finally, coordination with CDFW and USFWS is required if impacts to listed species are anticipated. Therefore, any additional species management activities would be required at that time, should activities that would impact listed species arise.

- C-28 This comment states that that any special-status species or natural communities detected during project surveys should be reported to the California Natural Diversity Database. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft IS/MND. The comment is noted for the record, and no response is required or necessary.
- C-29 This comment states that the project would have an impact on fish and/or wildlife, and assessment of filling fees is necessary and required in order for the underlying project approval to be operative, vested, and final. The lead agency will submit applicable fees upon filing of the Notice of Determination. The comment is noted for the record, and no response is required or necessary.
- C-30 This comment states that CDFW appreciates the opportunity to comment on the Draft IS/MND to assist the LADWP in adequately identifying and mitigating project-related direct and cumulative impacts on biological resources. The comment is a conclusion statement. No response is required or necessary.

4. MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration take affirmative steps to determine that approved mitigation measures are implemented subsequent to project approval. This Mitigation Monitoring and Reporting Program has been developed in compliance with CEQA to ensure that the Los Angeles Department of Water and Power (LADWP), as lead agency, implements the mitigation measures and the avoidance and minimization measures identified within the Van Norman Complex Routine Operation and Maintenance Program Initial Study and Mitigated Negative Declaration.

This Mitigation and Monitoring Program includes the following information:

- A list of mitigation measures and avoidance and minimization measures;
- The party responsible for implementing or monitoring the mitigation measures and avoidance and minimization measures;
- The timing for implementation of the mitigation measures and avoidance and minimization measures; and
- The date of completion of monitoring the mitigation measures and avoidance and minimization measures.

MITIGATION MEASURES AND AVOIDANCE & MINIMIZATION MEASURES

Number	Mitigation Measure or Avoidance and Minimization Measure	Time Frame for Implementation	Responsible Monitoring Agency	Verification of Compliance		
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<i>Biological Resources</i>						
AMM-BIO-1	<p>Resource Protection</p> <p>Designated Biologist. A Designated Biologist shall monitor all ground or vegetation disturbing activities within the drainage channels and basins in the VNC. The Designated Biologist shall be knowledgeable and experienced in the biology and natural history of local fish and wildlife resources and able to identify those resources present at the VNC. The Designated Biologist shall work with the construction manager to halt or redirect any activity to order any reasonable measure to avoid or minimize impacts to fish and wildlife resources.</p> <p>Leave Wildlife Unharmd. The Designated Biologist shall be present during all vegetation-removal and rough grading activities to monitor for non-listed, special-status, and/or common ground-dwelling vertebrates encountered in the path of project-related activities. The Designated Biologist shall make every effort to relocate the species out of harm's way to the extent feasible by doing one of the following:</p> <ol style="list-style-type: none"> 1) Utilize shovel, rake, or similar hand tool to gently re-direct the animal out of work area; 2) Install silt fence or other exclusionary fencing to prevent species from re-entering disturbance area; or 3) If the Designated Biologist has the appropriate handling permits, he/she may capture/relocate species to appropriate habitat outside the disturbance area. <p>The Designated Biologist shall work with the construction manager to temporarily halt or redirect construction activities until the species is determined to be out of harm's way. Any</p>	Prior to and during project work	Los Angeles Department of Water and Power			

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	<p>exclusionary devices shall be checked by a biological monitor on a weekly basis to check/ensure continued exclusionary device effectiveness.</p> <p>Bird Breeding/Nesting Period. LADWP shall make every effort to conduct project activities outside of the bird breeding/nesting season from February 1 to September 15 to avoid impacts to breeding/nesting birds. If work cannot be avoided, then the Designated Biologist shall conduct two focused surveys for breeding/nesting birds no earlier than 3 days prior to the beginning of project-related activities. If any nests are found, the Designated Biologist shall implement a default 300 foot minimum avoidance buffer for all passerine birds and 500 foot minimum avoidance buffer for all raptor species. The breeding habitat/nest site shall be fenced and/or flagged in all directions, and this area shall not be disturbed until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, and the young will no longer be impacted by the project.</p> <p>Preconstruction Surveys. The Designated Biologist shall conduct a pre-construction general biological survey for species of concern, including western spadefoot toad, likely to be found in the area or using the area to forage during the proposed construction activities. The surveys shall be conducted within one week prior to start of work. Survey limits shall be determined by the Designated Biologist and shall include all areas within the project footprint. Should any species of concern be found, the LADWP shall develop and implement a plan for the protection of these species.</p>					
AMM-BIO-2	<p><u>Habitat Protection</u> Demarcate Work Area Boundary. In consultation with the Designated Biologist, LADWP shall demarcate the outer</p>	During project work	Los Angeles Department of Water and Power			

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	<p>perimeter of the work area to prevent damage to adjacent habitat and to provide visual orientation to its limits. Marking shall be in place during all periods of operation. All persons employed or otherwise working on the project site shall be instructed about the restrictions that the marking represents. LADWP shall remove all temporary flagging, fencing, and/or barriers from the project site and vicinity of the stream upon completion of project activities.</p> <p>Hours of Operation and Lighting. LADWP's maintenance and construction activities shall take place during daylight hours only. No night work or lights are authorized.</p>					
AMM-BIO-3	<p>Placement of In-stream Structures Stranded Aquatic Life. When water is present, the Designated Biologist shall check daily for stranded aquatic life until the water level no longer support aquatic organisms. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest body of water adjacent to the work site.</p> <p>Unauthorized Materials. Any materials placed in seasonally dry portions of a stream that could be washed downstream or could be deleterious to aquatic life shall be removed prior to inundation by high flows.</p> <p>Excavation Spoils. No castings or spoil from the excavation operations shall be placed on the stream side of the Project site. Spoil storage sites shall not be located within a stream, where spoils can be washed back into a stream, or where it will cover aquatic or riparian vegetation.</p>	During project work	Los Angeles Department of Water and Power			
AMM-BIO-4	<p><u>Turbidity and Siltation</u></p>	During project work	Los Angeles Department of Water and Power			

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	<p>Erosion Control Measures. LADWP shall utilize erosion control measures as specified in the Storm Water Pollution Plan (SWPPP) or Best Management Plan (BMP) prepared by LADWP's Wastewater group Qualified Stormwater Developer (QSD) throughout all phases of operation where sediment runoff from exposed slopes threatens to enter a river, stream, or lake. Any type of erosion control blanket or other product should not use plastic and shall be weed-free to the extent possible. If netting is to be used, it should be flexible (e.g., "soft" hemp) so that snakes or other animals do not become trapped in the netting.</p> <p>Sediment and Runoff Control. Sediment from project-related activities shall not be placed in seasonally dry portions of the stream where it might likely be washed into the stream or inundated by high flows, or where it is likely to have a negative impact on emergent native vegetation, or where it is likely to have a negative impact on native trees. Preparation shall be made so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.</p> <p>Contaminated Site Water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a flowing stream, dry ephemeral stream or into storm drains. Such water shall be settled, filtered, or otherwise treated prior to discharge back into the water body.</p> <p>Minimize Turbidity and Siltation. LADWP shall take precautions to minimize turbidity/siltation during construction and post-construction periods as specified in the SWPPP or BMP Plan. Precautions should include, but are not limited to: pre-construction planning to identify site-specific turbidity and siltation minimization measures and best management erosion</p>					

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	control practices; best management erosion control practices during project activity; and settling, filtering, or otherwise treating silty and turbid water prior to discharge into a stream or storm drain.					
AMM-BIO-5	Equipment and Access Staging and Vehicle Storage. Staging/storage areas for equipment and materials shall be located outside of the stream in an area specified in the SWPPP or BMP Plan.	During project work	Los Angeles Department of Water and Power			
AMM-BIO-6	Pollution, Litter, and Cleanup Operating Equipment and Vehicle Leaks. Any equipment or vehicles driven and/or operated within or adjacent to the ephemeral drainage shall be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat. All refueling and maintenance of equipment and vehicles shall be at least 150 feet from any aquatic habitat, wetland area, water body, or ephemeral drainages. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the stream, lake or ephemeral drainage shall have measures in place to prevent any leaks or seeps from entering the waterway. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill/leak. Clean up equipment such as extra boom, absorbent pads, skimmers, shall be accessible during the project-related activities. Pollutants and Debris. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, construction waste, cement or concrete or washings thereof, asphalt, paint, oil or other petroleum products or any other substances which could be hazardous to aquatic life, or other organic or earthen material from any logging, construction, or other associated Project-related activity shall be allowed to contaminate the soil and/or enter into or placed where	During project work	Los Angeles Department of Water and Power			

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	<p>it may be washed by rainfall or runoff into, any stream/channel/culvert/ditch. Any of these materials, placed within or where they may enter a stream/channel/culvert/ditch, by LADWP or any party working under contract, or with the permission of LADWP, shall be removed immediately. When Project-related activities are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.</p> <p>Pollution Compliance. LADWP shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the LADWP to ensure compliance.</p> <p>Trash Receptacles. LADWP shall install and use fully covered trash receptacles with secure lids (wildlife proof) that contain all food, food scrapes, food wrappers, beverage containers and other miscellaneous trash generated by work force personnel. Following construction, all trash and construction debris shall be removed from the project site.</p> <p>Remove Temporary Flagging, Fencing, and Barriers. LADWP shall remove all temporary flagging, fencing, and/or barriers from the project site and vicinity of the stream upon completion of project activities.</p>					
AMM-BIO-7	<p>Exotic Species Removal and Control LADWP shall also perform exotic species removal and control as defined by the following measures.</p> <p>Remove Invasive Vegetation by Hand. Whenever practicable, invasive species shall be removed by hand or by hand-operated power tools rather than by chemical means. Where chemical control of non-native vegetation is deemed necessary within the bed, bank, or channel of the stream and there is a possibility that the herbicides could contact water, LADWP shall employ only</p>	During project work	Los Angeles Department of Water and Power			

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	<p>those herbicides that are approved for aquatic use. If surfactants are required, they should be restricted to non-ionic chemicals that are approved for aquatic use. All herbicide use conditions for mixing, application and clean-up shall conform to all applicable federal, State, and local regulations. Any application of herbicide shall be done by a licensed or certified applicator in accordance with all applicable, federal, state, and local. Herbicides shall be used only for selective treatment of non-native vegetation identified as invasive by California Invasive Plant Council..</p> <p>Invasive Plant Control/Eradication. To minimize the spread of invasive plant species to uninfested areas within and outside of the project site, LADWP shall implement control and eradication activities prior to the initiation of ground-disturbing activities. LADWP shall utilize control and eradication methods that are specific to the target species, avoid the spread and proliferation of other invasive plant species, and minimize damage to and/or removal of native plant species. All nonnative and invasive plants controlled or eradicated at the project site shall be removed and disposed of in a manner that prevents the introduction and establishment of those species to new areas.</p> <p>Invasive Species. LADWP shall conduct project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one project site and/or watershed to another. Prevention Best Management Practices (BMPs) and guidelines for invasive plants can be found on the California Invasive Plant Council's website at: http://www.cal-ipc.org/ip/prevention/index.php and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: http://www.protectyourwaters.net/.</p>					

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	<p>Inspection of Project Equipment. LADWP shall inspect all vehicles, tools, waders and boots, and other project-related equipment and remove all visible soil/mud, plant materials, and animal remnants prior to entering and exiting the stream and/or between each use in different watersheds.</p> <p>Decontamination of Project Equipment. LADWP shall decontaminate all tools, waders and boots, and other equipment that will enter the streambed and make contact with water or wetted soils prior to entering and after exiting the stream. If decontamination for aquatic invasive animal species is applicable, LADWP shall decontaminate project gear and equipment utilizing one of three methods: drying, using a hot water soak, or freezing, as appropriate to the type of gear or equipment. For all methods, LADWP should begin the decontamination process by thoroughly scrubbing equipment, paying close attention to small crevices such as boot laces, seams, net corners, etc., with a stiff-bristled brush to remove all organisms. To decontaminate by drying, LADWP should allow equipment to dry thoroughly (i.e., until there is a complete absence of water), preferably in the sun, for a minimum of 48 hours. To decontaminate using a hot water soak, LADWP shall immerse equipment in 140°F or hotter water and soak for a minimum of 5 minutes. To decontaminate by freezing, LADWP shall place equipment in a freezer 32°F or colder for a minimum of 8 hours. Repeat decontamination is required only if the equipment and clothing is removed from the site, used within a different watersheds, and returned to the project site.</p> <p>Decontamination of Vehicles and Equipment. If decontamination for aquatic invasive animal species is applicable, LADWP shall decontaminate vehicles and other project-related equipment too large to immerse in a hot water bath by pressure washing with hot water a minimum of 140°F at</p>					

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	<p>the point of contact or 155°F at the nozzle. Additionally, LADWP shall flush watercraft engines and all areas that could contain standing water (e.g. storage compartments) for a minimum of 10 minutes. Following the hot water wash, LADWP shall dry all vehicles, watercraft, and other large equipment as thoroughly as possible.</p> <p>Decontamination Sites. If decontamination for aquatic invasive animal species is applicable, LADWP shall perform decontamination of vehicles, watercraft, and other project gear and equipment in a designated location where runoff can be contained and not allowed to pass into drainage areas and other sensitive habitat areas.</p>					
MM-BIO-1	<p>Removal or disturbance of habitat suitable for least Bell's vireo shall be conducted outside the typical nesting period for this species (approximately March 15 through August 15). Mitigation for permanent impacts to habitat shall be at a ratio of 1:1, or as otherwise determined by applicable resource agency permits. Mitigation shall be a combination of habitat preservation, enhancement, and/or creation through purchase of credits at an approved in-lieu fee program or mitigation bank, or an agency approved permittee responsible mitigation project.</p> <p>Prior to removal or disturbance of suitable and/or occupied least Bell's vireo habitat, and presuming there is risk of "take" under federal or state law, LADWP shall consult with CDFW and USFWS on implementation of this MM-BIO-1 and other minimization and avoid measures as necessary to avoid "take." If "take" is unavoidable, LADWP shall secure the appropriate incidental take authorization or permit under Section 7 of the federal Endangered Species Act and Section 2081 of the California Endangered Species Act. Any measures determined</p>	During project work	Los Angeles Department of Water and Power			

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	to be necessary through the Section 7 or Section 2081 shall be implemented.					
MM-BIO-2	In consultation with the U.S. Army Corps of Engineers, the Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW), LADWP shall acquire the appropriate permits and approvals (i.e., Section 404 permit [U.S. Army Corps of Engineers], Section 401 permit [RWQCB], Streambed Alteration Agreement [CDFW]) to address potential temporary and/or permanent impacts to jurisdictional waters if it is deemed required by any of these agencies. Compensatory mitigation for temporary and/or permanent impacts shall be implemented at a minimum ratio of 1:1 and as mutually agreed upon by the Resource Agencies and LADWP, and would include a combination of preservation, enhancement, and/or creation through purchase of credits at an approved in-lieu fee program or mitigation bank, or an agency-approved permittee responsible mitigation project. Either of these options would result in no net loss of jurisdictional aquatic resources.	Prior to commencement of project work	Los Angeles Department of Water and Power			
<i>Cultural Resources</i>						
MM-CUL-1	A qualified archaeologist shall attend the maintenance activity kick-off meeting to coordinate with the Los Angeles Department of Water and Power (LADWP) and the construction foreman to allow for brief inspection of initial ground disturbance within 50 feet of previously recorded archaeological site boundaries. The goal of this meeting will be to determine if more intensive archaeological monitoring is required.	Prior to project work	Los Angeles Department of Water and Power			
MM-CUL-2	To reduce potential impacts to unanticipated cultural resources during project implementation, all construction personnel should undergo Worker Environmental Awareness Program (WEAP) training to ensure that any unanticipated archaeological discoveries are treated appropriately. The WEAP training will	Prior to project work	Los Angeles Department of Water and Power			

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	provide specific details on the kinds of archaeological materials that may be identified during project implementation.					
MM-CUL-3	In the event that archaeological resources (sites, features, or artifacts) are exposed during the maintenance and operation activities for the proposed project, all activities occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find under the California Environmental Quality Act (CEQA) (14 CCR 15064.5(f); California Public Resources Code Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted.	During project work	Los Angeles Department of Water and Power			
<i>Geology and Soils</i>						
MM-GEO-1	In the event that paleontological resources (e.g., fossils) are unearthed during project earthmoving, the area of discovery shall be roped off with a 50-foot radius buffer. A qualified paleontologist shall be retained to assess the find and provide appropriate mitigation. Once documentation and collection of the find is completed, the qualified paleontologist will remove the rope and allow ground disturbance to recommence in the area of the find. The paleontologist shall prepare a Paleontological Resources Impact Mitigation Program for the proposed project. The Paleontological Resources Impact Mitigation Program shall be consistent with the 2010 guidelines of the Society of Vertebrate Paleontology.	During project work	Los Angeles Department of Water and Power			
<i>Hazards and Hazardous Materials</i>						

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	7. Procedures for notification and reporting, including internal management and agencies (e.g., local fire department, Certified Unified Program Agency, US Environmental Protection Agency), as needed.					
<i>Tribal Cultural Resources</i>						
MM-TCR-1	To reduce potential impacts to unanticipated tribal cultural resources (TCRs) during project implementation, maintenance personnel shall undergo Worker Environmental Awareness Program (WEAP) training to ensure that any unanticipated TCR discoveries are treated appropriately. The WEAP training will provide specific details on the kinds of Native American cultural resources that may be identified during ground-disturbing activities.	During project work	Los Angeles Department of Water and Power			
MM-TCR-2	While no tribal cultural resources (TCRs) have been identified that may be affected by the project, the following approach for the inadvertent discovery of TCRs has been prepared to ensure there are no impacts to unanticipated resources. Should a potential TCR be encountered during maintenance activities, all work in the immediate vicinity of the discovery (within 50-feet) shall cease, LADWP shall be notified, and a qualified archaeologist meeting Secretary of Interior standards shall assess the find. LADWP will notify Native American tribes consulting under Assembly Bill (AB) 52. If the potential resource is archaeological in nature, appropriate management requirements shall be implemented as outlined in MM-CUL-2.	During project work	Los Angeles Department of Water and Power			
MM-TRC-3	If LADWP determines that the potential resource is a TCR (as defined by PRC, Section 21074), tribes consulting under AB 52 shall be provided a reasonable period of time, typically 5 days from the date that a new discovery is made, to conduct a site visit and make recommendations regarding future ground disturbance activities as well as the treatment and disposition of	During project work	Los Angeles Department of Water and Power			

Number	Mitigation Measure or Avoidance and Minimization Measure	Time Frame for Implementation	Responsible Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
	any discovered TCRs. Depending on the nature of the resource and tribal recommendations, review by a qualified archaeologist may be required. Implementation of proposed recommendations will be made based on the determination of LADWP that the approach is reasonable and feasible. The preferred mitigation is to avoid impacts to TCRs, but if that is not feasible, a mitigation and treatment plan will be developed in consultation with the consulting tribes. Work on the other areas of the project site outside of the buffered area may continue during this assessment period. All activities shall be conducted in accordance with regulatory requirements.					
MM-TRC-4	If significant Native American cultural resources are discovered during operations and maintenance and avoidance cannot be ensured, a qualified archaeologist shall be retained to develop a Cultural Resources Treatment Plan, the drafts of which shall be provided to the interested tribe(s) for review and comment. All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment Plan shall be monitored by a Native American monitor. LADWP shall, in good faith, consult with the interested tribe(s) on the disposition and treatment of any artifacts or other cultural materials encountered during the project.	During project work	Los Angeles Department of Water and Power			

5 REFERENCES

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