



July 31, 2020

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**RE: Comments on Arroyo Seco Canyon Project Draft Environmental Impact Report (DEIR), Initial Study and Scoping Document**

Dear Ms. Ventura:

Thank you for the opportunity to comment on the Draft EIR for the Arroyo Seco Canyon Project. Per CEQA Statutes and Guidelines, the Draft EIR must clearly and accurately describe the proposed project, existing conditions, related projects, adopted policies, plans, and programs, project-specific and cumulative impacts, mitigation measures, alternatives, and level of significance after mitigation clearly and concisely so that the public can easily understand the project objectives, proposed project, and measures to avoid impacts without misunderstandings. Based on an intimate understanding of the City of Pasadena's adopted plans and policies as well as related projects, programs, and policies, we find it difficult to follow how the proposed project, objectives, impacts, and conclusions, as currently drafted in the DEIR create a truly integrated water resource project that minimizes and avoids impacts to the Arroyo Seco.

Once water agencies were allowed to exploit local and distant water sources without any regard for the destruction of fish, birds, wildlife and other natural resources. Not any more. If water agencies want to achieve their beneficial goals, they must minimize their negative impacts and protect natural resources. Environmental legislation and policy as well as a plethora of court cases require water agencies to be good stewards of nature and to develop programs in an integrated way that includes conservation, habitat, wildlife flood protection, water quality and public recreation as part of their programs. It's called Integrated Water Resources Management.

PWP needs to acknowledge the role it has played in the destruction of habitat and wildlife in the Arroyo Seco with its water facilities, fish barriers, and careless operations,

We support water conservation and better management of local water supplies, however, it must be done with the utmost care to the threatened and endangered species in the Arroyo and with an innovative design that maximizes opportunities for water reuse/water supply while enhancing stream flow management and protection of the stream zone. Given the fluvial geomorphic and climate change-related forces affecting the Arroyo Seco (i.e., high flows, fires, large sediment flows, rapid braiding and changes to stream zone/floodplain, natural percolation and floodplain management will yield far greater benefits to PWP water supply with minimal operations and management, compared to existing and proposed stream diversion and percolation basins.

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The Arroyo Seco Foundation (ASF) initiated an environmentally sensitive Arroyo Seco Canyon Project twelve years ago with Pasadena Water and Power and the City of Pasadena Public Works Department. We were awarded a \$3.3 million grant through California's Integrated Water Management Program to fund the water and environmental improvements, but when the lawsuit was filed in 2015, Pasadena Water & Power unilaterally ended our participation and lost the \$3.3 million state grant for non-performance. In 2017 Judge Fruin ordered Pasadena to do a complete Environmental Impact Report to evaluate the impact of the proposed project's increased water diversions on downstream habitat. PWP, however, has now reshaped the project in a strictly utilitarian way that neglects the science of good water management and environmental stewardship. This proposed project in the DEIR has eliminated the major environmental benefits of the previous project. ASF is concerned that this project will degrade stream and habitat for native fish in the Arroyo and thwart federal, state and local efforts (i.e., National Marine Fisheries Service, CDFW, USACE, State Wildlife Conservation Board, ASF, and many other partners) for trout and native fish restoration in the Arroyo Seco and the Los Angeles River watershed. Especially when viewed in light of Los Angeles County's destruction of 50 acres of riparian habitat in the Upper Arroyo Seco basin, ASCP will further degrade the natural character of Hahamongna, our region's most precious environmental treasure. ASCP will expand the current 14 spreading basins in Hahamongna with six more basins even though they are rarely filled with water and destroy precious habitat at the critical mouth of the Arroyo Seco as it descends from the mountains.

There are two major elements of PWP's current project, and both are deeply flawed:

1. Diversion and Intake "improvements" - The project does not make allowances for a proper environmental flow (continuous and uninhibited minimum stream flows) for native fish. Instead the "improved" facilities will only allow fish passage when the stream flow is more than 25 cubic feet per second (cfs), an infrequent occurrence. A far better approach and one grounded in CA water law would provide for a small continuous (no barriers to upstream and downstream passage) environmental flow (perhaps 3 cfs) particularly during the Spring to sustain downstream habitat and fish and other aquatic species and their habitat.
2. PWP already has extensive spreading basins that are supposed to facilitate percolation of stream flow into the underlying groundwater basin. The basins replace high value alluvial scrub and riparian habitat and tend to silt up and compact, reducing their effectiveness. They are not an efficient mechanism for water conservation and percolation. A natural stream would do a better job of allowing the water to percolate into the groundwater basin. Now Pasadena wants to add six new spreading basins even though the current basins are only fully utilized ever twenty years or so. It's an extremely expensive project, both financially and biologically, and PWP's ultimate and inadequate justification is that they do not want to consider changing the Raymond Basin adjudication.

We are especially concerned that the Arroyo Seco Canyon Project will hinder and thwart restoration of fish and native species in the Arroyo Seco.

While we are very critical of the DEIR under review, we strongly support the goal of better managing local water resources but insist that it must be done in a sustainable and

environmentally-sensitive way. We want to work together with PWP to shape a program that will achieve our mutual goals and that future generations will be proud of. Please, let's get together and do that.

Sincerely yours,

Tim Brick  
Managing Director  
Arroyo Seco Foundation

ASF Comments

<p><b>Section 6.3 Alternatives</b></p>	<p>EIR Section 6.3 Alternatives is a key section in the DEIR position on the Raymond Basin Judgment for capturing 25 cfs water right through more percolation basins as opposed to natural stream zone. The DEIR claims at the stream cannot percolate so they need percolation basins, a ridiculous assertion given that the percolation basins are contained in the alluvial streamzone. Concerns about changing the Raymond Basin judgment do not justify rejecting the natural stream percolation approach recommended by several comments in the initial scoping s infeasible.</p>
<p><b>Related Projects</b></p>	<p>The DEIR fails to analyze the related and cumulative impacts of other projects including the LA River Fish Passage Project, USACE Arroyo Seco Ecosystem Study, Devil’s Gate Dam Sediment Program</p>
<p><b>Page 24/ES-8 Table ES-1 Summary Environmental Impacts and Mitigation Measures. Adverse effect on special species.</b></p>	<p>DEIR does not address trout or other aquatic species (chub, Arroyo toad), likely because their surveys did not find these species (Page 181/4.2-10)</p> <p>The DEIR fails to consider the well-documented historic presence of steelhead and native trout in the Arroyo Seco.</p> <p>Kerwin Russell, the author of a January 2020 Southwest Resource Management Association (SRMA) report on “Native Fish Occurrence in Angeles National Forest Creeks and Streams,“ reports that he personally observed two rainbow trout in the upper Arroyo in 2017. His report also documents the presence of rainbow trout and Arroyo Chub in 2010 as well as conditions in nearby watersheds.</p> <p>Please find attached the SRMA report.</p>
<p><b>Page 102/3-2 Section 3.1.1 Area 2: Diversion and Intake Replacement</b></p>	<p>DEIR first claims there are no fish or other species of concern. Then it claims that under existing conditions fish are abandoned and perish due to stranding in the reaches downstream of the diversion, such as Devil’s Gate Reservoir, when in fact fish have generally not been able to pass by PWP’s diversion facilities and many have been chopped up at the intake because PWP currently sucks up the total flow of the stream when it is below 25 cfs and will continue to do so after the ASCP program.</p> <p>The DEIR states that PWPs feel it is appropriate to prevent downstream migration with a fish screen at the intake and a roughened channel to allow upstream migration. This approach makes it clear that their chief concern is with fish being transported down in to the spreading grounds via the intake and diversion. They view downstream migration in the Arroyo Seco mainstem as “undesirable” due to “unsuitability of Devil’s Gate Dam habitat”</p>

	<p>(page 207/4.2-35), so preventing downstream passage by capturing all low flows and screening fish from the intake, the DEIR contends, is a positive.</p> <p>The design includes a large area of “engineered stream material” downstream of the diversion facilities. This approach has negative impacts on fish and habitat that are not evaluated by the DEIR. Fish and aquatic species need natural habitat and not grouted rocks or other types of channelization. We believe PWP should emphasize natural hydrology rather the engineered experiments that have been so damaging in the last one hundred years.</p> <p>Moreover, the DEIR does not analyze Devil’s Gate habitat in light of LA County’s sediment removal program or the potential for downstream restoration south of Devil’s Gate Dam which is being studied by the USACE Arroyo Seco Ecosystem study and other restoration programs.</p>
<p><b>Page 103/3-3 Long-Term Operational Activities.</b></p>	<p>The DEIR acknowledges that the new facilities will systematically divert all flows up to 25 cfs, similar to existing conditions, where almost all low flow is diverted, but with greater capacity. In a dazzling gap of logic and analysis, the DEIR claims that because existing conditions already consume the streamflow the increased diversion will have no long-term impacts to drainage patterns, alteration of the course of a stream, etc. without any documentation or analysis. This also seems contrary to Judge Fruin’s order to thoroughly evaluate the impacts of increased diversions on downstream conditions.</p>
<p><b>Page 103-3-3 and 104/3-4 Long-Term Operational Activities of the Diversion and Intake Replacement.</b></p>	<p>The DEIR asserts that PWP will provide modifications to the diversion and intake structures if steelhead return to the Arroyo Seco, but it does not specify what those modifications would be. The DEIR indicates that in the future, if passage was allowed beyond Devil’s Gate, steelhead would be able to pass downstream, but this would only occur at high flows.</p> <p>CA Fish and Game Code 5937, however, does not only protect steelhead but all fish and aquatic species. PWP is bound to observe it now and not just if and when steelhead passage can be achieved.</p> <p>We are also concerned that the four-foot drop at the structure is potentially a barrier to other small species.</p>
<p><b>Page 205/4.2-33 CDFW Coordination and Page 206/4.2-34</b></p>	<p>It is not enough to promise to allow for future use of the stream corridor for fish and aquatic species when the historical presence and current sightings document their current presence.</p>

<p><b>Future Conditions of Fish</b></p>	
<p><b>Protection for Fish and Habitat</b></p>	<p>The DEIR defensively ignores the historical presence of steelhead trout, rainbow trout and other fish and aquatic species in the Arroyo. PWP personnel are aware that their diversion facilities have occasionally sucked up and chopped up fish in the past. The document also ignores recent documented sightings of fish in the Arroyo Seco and the importance of the Arroyo Seco stream for the restoration of the Southern Steelhead, a goal of the National Oceanic and Atmospheric Agency.</p> <p>It is disingenuous and unprofessional to claim that there are no fish in the stream when their only survey was conducted on October 14, 2019 in the driest period of the year when the stream flow was only .3 cf.</p> <p>Instead of ignoring fish and aquatic species, PWP needs to acknowledge the role that its facilities and diversions have played in the destruction of local fish and aquatic species and their habitat. PWP has littered the Arroyo Seco with numerous barriers, sucked up the entire flow of the stream and chopped fish up in their diversion facilities. PWP needs to accept responsibility for their lack of care for fish and habitat and implement steps to plan and operate its facilities in a more environmentally responsible way. PWP should become a steward of all natural resources in the Arroyo Seco.</p> <p>PWP has a responsibility to be good stewards of natural resources including the biological resources of the Arroyo Seco. There can be little doubt that their facilities have played a major role in degrading conditions for fish and aquatic species. It is disgraceful that they would now pretend ignorance of their historic presence or of their importance of the Arroyo Seco stream for current and future restoration efforts.</p>
<p><b>Fish Restoration Programs</b></p>	<p>While the Arroyo Seco was once a thriving steelhead stream and fishers’ haven, recent years have been hard on the fish. Dams and other human barriers have greatly inhibited their ability to move up and down the stream. After the Station Fire in 2009 and the extended drought since then, few native fish have been spotted in the Arroyo, but that does not prove that all fish have been extirpated.</p> <p>The Arroyo Seco Foundation (ASF) is working with agencies and stakeholders to improve conditions for native fish and other species in the Arroyo and in the Los Angeles River. In downtown Los Angeles at the confluence of the Arroyo Seco and the Los Angeles River there is a very exciting project sponsored by the California Wildlife Conservation Board (WCB) that is examining how to create</p>

	<p>adequate conditions for native fish in the Los Angeles River. The Arroyo Seco is key to that and to the National Oceanic and Atmospheric Administration’s southern steelhead recovery program.</p> <p>See Mark Capelli’s presentation on the LA River and Arroyo Seco steelhead recovery actions as well as the LA River Fish Passage and Habitat Structures Design presentation and Project Description funded by WCB and the City of Los Angeles.</p>
<b>p. 173 Fish Survey</b>	<p>Please provide us with the focused fish survey conducted on October 14, 2019 by Dudek.</p> <p>It should be noted that the date, at the end of a long, dry summer, is the worst time of year to conduct a bona fide fish survey in the Arroyo. The streamflow in the Arroyo that day was less than .3cfs. Of course there weren’t any fish in the stream.</p> <p>PWP should be embarrassed to be relying on such shoddy efforts.</p>
<b>MM-Bio-7 – Habitat Linkages and Wildlife Corridors</b>	<p>The DEIR fails to consider downstream restoration in the Arroyo Seco including in the Hahamongna basin and below Devil’s Gate Dam and assumes that fish that pass by the diversion will be stranded.</p> <p>Fish and Game Code Sections 5901 and 5937 do not refer only to steelhead but include all fish, so it is inadequate to promise future alterations in design and operation only if steelhead are restored to the Arroyo Seco Stream.</p>
<b>4-2-3 Special Status Species – Southern Steelhead</b>	<p>After conducting a “focused fish survey” in the driest week of the year and stating that there are no fish in the Arroyo, the DEIR asserts without any documentation regarding steelhead, “Population within Arroyo Seco are from historic stocking of hatchery-raised rainbow trout by CDFW.” CDFW did stock hatchery trout in the Arroyo many years ago, but native trout have remained present in the stream.</p>
<b>4-2-3 Special Status Species – Vireo bellii pusillus</b>	<p>DEIR states “Low probability to occur,” but a nesting species has recently been documented a few hundred yards south of the study area in the Hahamongna basin. The pair gave birth to four fledglings in May and June of this year.</p>
<b>Cam Swift’s Statement</b>	<p>ASF has great respect for Cam Swift and has worked with him in the past to restore Arroyo Chub in the Central Arroyo near the Rose Bowl in 2008. His statement about fish conditions contained in the NHC Technical Report and the Draft Basis of Design, however, is not well-informed. This must be because he moved to Georgia many years ago. His statements about recent native fish occurrence in the Arroyo Seco in recent years are not based on his personal professional observation but on informal emails from two officials who actually are enthusiastic about the potential for fish restoration</p>

	<p>in the Arroyo Seco. He also fails to consider the extensive work the US Army Corps of Engineers has been doing in their Arroyo Seco Ecosystem Study, which evaluates restoration of native fish and aquatic species and related habitat below Devil’s Gate Dam down to the Los Angeles River. He also fails to mention the current Los Angeles River Fish Passage Program, a very substantial study of how to create conditions for native fish in a 4.8 mile stretch of the Los Angeles River. This stretch begins near the Confluence of the Arroyo Seco. The study, which is conducted by the Council for Watershed Health, supported by the CA Wildlife Conservation Board, the City of Los Angeles, LA County and numerous other agencies and stakeholders, makes it clear how important Arroyo Seco restoration is to provide the habitat, sediment, and native fish to make that project successful.</p> <p>One of the officials Swift mentions, Marc Capelli, Recovery Manager of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, in a presentation on “Native Fish in the Los Angeles River – Their Status and Prospects” at the LA River Fish Forum in 2018 specifically discussed the importance of the Arroyo Seco for the NOAA’s steelhead recovery goals. Cf. Attached presentations.</p>
<p><b>Bad Faith Assertions</b></p>	<p>In several places the DEIR states that PWP will divert all water in the Arroyo stream up to 25 cfs and that this does not represent a change from current operations. However, 25 cfs, we all learned in school, is more than 18 cfs.</p> <p>The DEIR promises that fish passage will occur when stream flows exceed PWP’s 25 cfs water rights claim. Of course it will. PWP will not divert water at flows above the 25 cfs level because they are restricted by their water right from doing so and because such high flows are turbid and would degrade percolation in the spreading basins. The irony of the situation is that PWP does not divert water during storms. The environmental flows required by the Fish and Game code are intended to provide a minimum flow to allow fish to survive during dry periods on the stream.</p>
<p><b>25 cfs or 32 cfs</b></p>	<p>It is noteworthy that the planning calculations for the failed Negative Declaration for this project issued in 2015 were generally based on diverting 32 cubic feet per second (cfs), but the DEIR changes the desired diversion to 25 cfs without indicating the reason for the change or the effects on design, hydrology, biological impacts and other factors in previous planning document and claims.</p> <p>Without adequate documentation, the DEIR states that the new facilities will produce 1,000 acre feet a year of yield, similar to the</p>

	<p>results promised in the 2015 Negative Declaration even though that negative declaration used the 32 cfs benefit for their calculation.</p>
<p><b>The Environmentally Superior Alternative</b></p>	<p>There is a better way to improve water resources while protecting the rare nature of Hahamongna. ASF recommends a revised ASCP program that includes:</p> <ul style="list-style-type: none"> <li>• a minimum environmental flow for fish and aquatic species of 3 cfs in the Spring;</li> <li>• utilizing natural stream hydrology with no "engineered" stream material,</li> <li>• using a living river and natural stream hydrology to allow the water to percolate into the groundwater basin rather than spreading basins, and</li> <li>• Partner and align with NMFS, CDFW, USACE, RWQCB, WCB, County, City of Los Angeles, SCCWRP, ASF, CWH, and many others who are actively restoring habitat and fish passage for steelhead and other aquatic species. There is significant momentum and funding available for fish passage and habitat enhancement projects like this PWP project to create a sustainable model for integrated water and habitat design. Please don't miss the opportunity to work in a collaborative manner with the many agencies, funders, and partners/advocates who will champion this project with you..</li> </ul>
<p><b>Deficiencies of Spreading Basins</b></p>	<p>The efficiency of spreading basins depends on site conditions and other factors. A sandy alluvial plain or streamzone, such as that found in the Hahamongna basin, is ideal for allowing water to percolate into groundwater. Soil testing conducted by Converse Consulting et.al. indicates that there are other areas of the Hahamongna basin that will do a far better job of percolating water. A percolation rate of 2.75 listed is not at all good.</p> <p>The DEIR quotes from the 2000 Philip Williams &amp; Associates study: "The accumulation of fine sediment particles in the percolation ponds tends to reduce percolation rates over time. Measures are taken to prevent this, such as not diverting water to the ponds during high sediment transport flood events. Furthermore the ponds are excavated approximately annually to remove fine sediments and restore hydraulic conductivity of the soils. However, despite these efforts at minimizing fine sediment accumulation, the hydraulic conductivity of the ponds remains orders of magnitude lower than in other nearby areas of the basin (Converse Consultants West, 1995)."</p> <p>ASF believes that the use of a living stream for groundwater percolation would lead to improved overall percolation and benefits</p>

	<p>for all the Raymond Basin entities as well as for the public at large. PWP’s selfish fear of changing the Raymond Basin judgment should not be allowed to prevent better management of water resources or the consideration a stream-based spreading program as an alternative to study. This DEIR, however, dismisses suggestions of this alternative made during the scoping study and does not give serious consideration to them. That’s very narrow-minded and disappointing.</p> <p>The DEIR also fails to evaluate many substantial detriments of large percolation ponds such as those found in Hahamongna:</p> <ul style="list-style-type: none"> <li>• rapid evaporation,</li> <li>• continual leakage,</li> <li>• compaction leading to hydrophobic conditions,</li> <li>• spreading invasive species throughout the area,</li> <li>• fostering mosquitoes and other pest insects, and</li> <li>• extensive ongoing maintenance requirements.</li> </ul>
<p><b>Designing Spreading Basins for Wildlife</b></p>	<p>If spreading basins are to be used for percolation, there are steps that can be taken to increase their benefits to nature and wildlife. A group of four California environmental groups issued a report earlier this year on “Building multibenefit recharge basins” that outlines steps that can be taken to improve the environmental benefits associated with groundwater basins. The document is attached.</p>
<p><b>Fails to Make the Case for Expansion</b></p>	<p>The DEIR fails to make the case for expansion of the spreading basins. The current spreading basins have occupied the precious alluvial scrub zone at the mouth of the Arroyo since the late 1940s, but rarely are the 14 basins fully filled to capture stormwater. Veteran Arroyo watchers remember that the basins have only been fully utilized twice in the last thirty years.</p> <p>The Final EIR should include documentation of the history of the use of the spreading basins and indicate the frequency of use.</p> <p>What sense does it make to expand inefficient spreading basins that will be empty 98+% of the time when the water will naturally sink through the alluvium into the groundwater basin beneath?</p>
<p><b>Benefits of Alluvial Canyons and Natural Hydrology</b></p>	<p>The Arroyo Seco is an alluvial canyon filled with sand and gravel that has washed down from the mountains. This is the prime recharge area for the Raymond Basin aquifer that underlies Pasadena. Its natural character and composition, which make it ideal to percolate water into the groundwater basin as it has for several million years, make it far superior to biologically sterile, hydrophobic spreading basins that are plagued by evaporation, mosquitos, algae and soil compaction.</p>
<p><b>Failure to Follow Judge Fruin’s Order</b></p>	<p>In 2017 Superior Court Judge Richard L. Fruin chastised PWP for inadequacies in their initial environmental document, the negative declaration presented in 2015. He ordered PWP to complete a full</p>

	<p>environmental impact report that considers alternatives and evaluates the impacts of increased stream diversion on downstream habitat in the Hahamongna basin.</p> <p>The DEIR, now under review, fails to evaluate the cumulative impacts of their project and the County’s massive sediment excavation project that is just downstream of the proposed project.</p>
<p><b>Cost Benefit</b></p>	<p>Unlike the Negative Declaration, the DEIR does not contain information about the project costs. We realize that cost is not a necessary factor to be considered in CEQA documents, but it is critical for good public policy to evaluate the costs of projects and their relationship to the benefits achieved.</p> <p>The DEIR does not provide documentation that the promised 1,000-acre feet yield of the project is justified by the large cost involved.</p>

Attachments

- “Native Fish in the Los Angeles River – Their Status and Prospects”, Mark Capelli
- “Building multibenefit recharge basins,” Environmental Defense Fund, Sustainable Conservation, et. al.
- “Native Fish Occurrence in Angeles National Forest Creeks and Streams”, Southwest Resource Management Association (SRMA).
- LAR\_Fish\_Passage Design Community Engagement Slides.pdf
- Arroyo Seco Fish Restoration Program Outline
- Pasadena Public Works Support for Fish Study
- Pasadena Water & Power Support Letter for Fish Study