



Comments of Stewards of the Arroyo Seco on the Draft Environmental Impact Report for the Arroyo Seco Water Reuse Project (ASWRP), SCH No. 2023110605

Stewards of the Arroyo Seco submits these comments on the Draft Environmental Impact Report for the Arroyo Seco Water Reuse Project. Stewards supports genuine watershed restoration, pollution prevention, stream naturalization, habitat recovery, environmental justice, and nature-based water quality solutions for the Arroyo Seco and its tributaries. Unfortunately, the proposed project and the DEIR fall short of those standards and of regulatory requirements.

The Stewards of the Arroyo Seco is a community-based organization of activists and advocates dedicated to protecting and restoring the Arroyo Seco. Several of our officials and activists have a track record of forty years or more, including the Low-Flow Stream project in the Lower Arroyo in the 1990s, the establishment of Hahamongna Watershed Park (1993) the Central Arroyo Seco Stream Restoration Program (2008), the USACE/LA County Arroyo Seco Ecosystem Program (2005-2017, the Sediment Management Program at Hahamongna (2011-2020), the expansion of the San Gabriel Mountains National Monument (2024), and several habitat restoration programs throughout the Arroyo Seco.

The DEIR presents the ASWRP as a water-quality, stream-restoration, groundwater-recharge, and nature-based project. In substance, however, the project is primarily an engineered diversion, treatment, and infiltration system that would disturb sensitive parkland, remove mature habitat, impose impacts on a disadvantaged and already burdened community near the San Pascual site, fail to prioritize pollution source reduction on San Rafael Creek, and avoid serious consideration of less damaging alternatives.

The DEIR should be revised and recirculated. At a minimum, the revised DEIR must evaluate a true nature-based and source-reduction alternative; fully analyze San Rafael Creek as a living tributary rather than a treatment conveyance; address environmental justice impacts to the San Pascual neighborhood; respect the Kizh Nation's request for avoidance of sacred and culturally sensitive lands; and evaluate the project against the updated Upper Los Angeles River Load Reduction Strategy Adaptation framework rather than relying on outdated assumptions.

I. The DEIR Fails to Apply the Updated Load Reduction Strategy Adaptation Framework

The DEIR's water quality rationale relies heavily on the premise that the project is necessary to meet bacteria-reduction obligations under the Upper Los Angeles River watershed program. But the DEIR does not adequately evaluate the project under the more recent [ULAR Load Reduction Strategy Adaptation framework](#).

That omission is fundamental. The Adaptation Strategy reflects a shift away from simply building large structural treatment projects at previously identified outfalls and toward a more strategic, evidence-based approach focused on actual health risk, current monitoring data, high-priority catchments, and source abatement. The DEIR does not disclose that the project's target outfall (AS-41) is now listed as a low priority dry weather flow program under the updated LRS adaptation framework, whether San Rafael Creek pollution sources can be addressed more effectively upstream, or whether source controls would achieve bacterial reductions with fewer environmental impacts.

This is not a minor technical issue. It affects the project's need, project objectives, alternatives, mitigation, and the claimed balance of benefits and harms. If the outfalls or dry-weather flows targeted by the project are no longer high priority under the updated strategy, the DEIR's justification for removing mature vegetation, disturbing sensitive land, impairing existing park use, and constructing long-term infrastructure is substantially weakened.

The revised DEIR must disclose and analyze:

1. how the project performs under the updated Load Reduction Strategy Adaptation framework;
2. that AS-41 and related San Rafael Creek pollution sources no longer remain high-priority targets;
3. whether source reduction, stable clean-up, illicit discharge control, sewer-leak detection, pet waste control, equestrian best management practices, trash control, and green infrastructure would provide equal or greater water quality benefit;
4. whether the project is still justified if dry-weather bacteria loads can be reduced more effectively at the sources;
5. the most recent water quality testing of San Rafael Creek and AS-42, and
6. Whether the project's Safe Clean Water Program funding case remains valid under the newer adaptive-management standard.

A revised DEIR cannot simply rely on the original Load Reduction Strategy from 2016 as though policy, science, monitoring, and prioritization have not changed.

II. The DEIR Fails to Prioritize Pollution Source Reduction on San Rafael Creek

San Rafael Creek is not merely a drainage ditch or a convenient conveyance for polluted flows. It is one of the most important remaining tributary features in the lower Arroyo Seco system. The DEIR should treat San Rafael Creek as a stream corridor with ecological, hydrological, cultural, and restoration value. Instead, the DEIR largely treats the creek as a pollution delivery mechanism to be intercepted by engineered facilities.

That approach reverses the proper watershed logic. If bacteria, nutrients, trash, metals, or other pollutants are entering San Rafael Creek, the first question should be: where are they coming from, and how can they be prevented from entering the creek in the first place? The DEIR does not adequately answer that question or document recent testing.

The project appears to rely on end-of-pipe or near-end-of-pipe treatment rather than source control. That is a major weakness. Pollution prevention at the source is generally more durable, less destructive, less maintenance-intensive, and more consistent with watershed restoration than constructing large treatment basins in sensitive open space.

The revised DEIR must evaluate a San Rafael Creek Source Reduction Alternative. That alternative should include, at a minimum:

1. identification and monitoring of bacteria hotspots in the San Rafael Creek subwatershed;
2. microbial source tracking to determine whether bacterial sources are human, pet, equestrian, wildlife, sewer-related, irrigation-related, or other;
3. inspection and correction of sewer leaks, cross-connections, illicit discharges, and dry-weather nuisance flows;
4. equestrian and stable best management practices, including manure management, runoff control, covered storage, and drainage improvements;
5. pet waste stations, enforcement, public education, and maintenance;
6. trash capture and illegal dumping prevention upstream of the project site;
7. distributed bioswales, vegetated swales, infiltration strips, and small-scale green infrastructure on public rights-of-way and institutional properties;
8. restoration of the creek corridor using native riparian vegetation, bank stabilization, and habitat enhancement rather than concrete-lined or artificially lined treatment cells; and
9. adaptive monitoring to verify whether source reduction achieves bacteria and water quality goals before destructive structural facilities are built.

The DEIR should not assume that a regional structural facility is the preferred solution before studying whether San Rafael Creek can be cleaned by stopping pollution at its source.

It has long been clear that Johnston Lake on San Rafael is a probable cause of biological contaminants. In previous comments and at the EIR Scoping meeting, we have identified the lake, but Pasadena officials stated that they could not do anything about it because the lake is private land. We have recently learned that this May, the Brookmere Homeowners Association and the Johnston Lake residents installed a water treatment system that uses nanobubbles of oxygen to reduce algae and biological contamination. This is an outstanding example of the proper approach to pollutions control. Treat the pollution at the source. We salute the Brookmere Homeowners Association responsible actions and recommend that City of Pasadena should be working cooperatively with the association.

III. The Project Is Not a Genuine Stream Restoration Project or Nature-Based Solution

The DEIR repeatedly characterizes the project as providing restoration, habitat, and nature-based benefits. Proponents call it a “stream restoration” project. That characterization is misleading because the DEIR does not clearly distinguish between genuine ecological restoration and engineered treatment infrastructure with landscaping.

A stream restoration project restores stream processes: hydrologic connectivity, riparian function, habitat structure, floodplain interaction, native vegetation, sediment movement, wildlife movement, and ecological resilience. A nature-based solution works with natural systems and prioritizes watershed function, soil, vegetation, infiltration, source control, and living stream corridors.

The proposed project does not meet that standard. It would construct engineered diversion and treatment facilities, lined artificial basins, filtration systems, maintenance-intensive wetlands, pumps, intake structures, access roads and maintenance areas, and other infrastructure. Replacing a living creek or parkland ecosystem with engineered water-quality facilities and then landscaping around them does not make the project a nature-based solution.

The DEIR must be revised to stop using the terms "nature-based" and "stream restoration" as substitutes for analysis. If the City intends to claim that the project is nature-based, the revised DEIR must explain:

1. which project elements are truly nature-based;
2. which elements are grey infrastructure;
3. whether the treatment wetlands are natural wetlands or engineered treatment cells;
4. whether the basins are lined or unlined;
5. how much existing habitat would be removed before any replacement planting matures;
6. How long it would take replacement trees and vegetation to provide equivalent shade, habitat, carbon storage, pollutant filtration, and noise/light buffering;

7. whether the project would impair future naturalization of the Arroyo Seco channel or San Rafael Creek;
8. whether the diversion and treatment facilities would create new barriers to fish and wildlife; and
9. Whether less engineered alternatives would achieve water quality objectives with fewer impacts.

A project, such as the ASWRP, should not receive the policy and funding advantages of a nature-based solution if its primary function is engineered capture, treatment, diversion, and maintenance. The Safe Clean Water Program should reconsider any past approvals or funding pledges that have been made regarding ASWRP.

IV. The DEIR Mischaracterizes the Project as Stormwater Capture While Virtually All of the Project Would Only Treat Dry-Weather Flow

The DEIR and project descriptions variously refer to stormwater capture, dry-weather flow diversion, groundwater recharge, treatment wetlands, and reuse. This creates confusion about what the project actually does and which impacts and benefits are being claimed.

The project is primarily designed to capture and treat dry-weather flows to meet bacteria compliance, so it should not be sold to the public as a stormwater capture project. Dry-weather urban runoff and stormwater are not the same. They have different sources, flows, pollutant profiles, regulatory drivers, and alternatives. A project designed around dry-weather bacteria compliance should be evaluated against alternatives such as dry-weather pollution source reduction and creek restoration using bioremediation and nature-based techniques.

The revised DEIR must provide a stable and consistent project description that answers:

1. how much water would be diverted during dry weather;
2. how much water would be diverted during wet weather;
3. whether wet-weather storm flows would be captured, bypassed, retained, infiltrated, or reused;
4. how much water would be removed from the Arroyo Seco channel under existing conditions versus project conditions;
5. how much water would be used for golf course and parkland irrigation and would discharges be tested and treated;
6. whether that irrigation use represents an existing diversion or a new/expanded diversion;
7. whether the project would reduce downstream flows that support habitat, stream function, or future channel naturalization;
8. whether the San Pascual diversion would provide adequate fish passage flow in the Arroyo channel, and
9. Whether claimed stormwater benefits are supported by substantial evidence.

The public and decision-makers cannot evaluate the project's impacts if the DEIR blurs the line between stormwater capture, dry-weather diversion, groundwater percolation, water reuse, and treatment infrastructure.

V. The DEIR Does Not Demonstrate Compliance with City of Pasadena Planning Policies

The Draft Environmental Impact Report for the ASWRP fails to demonstrate that the proposed project is consistent with the City of Pasadena's adopted planning policies for the Arroyo Seco. In particular, the project conflicts with the restoration objectives of the Pasadena Lower Arroyo Master Plan and with the habitat-protection policies of the City's General Plan.

Pasadena Lower Arroyo Master Plan

The Pasadena Lower Arroyo Master Plan establishes a clear policy direction: the City should pursue restoration of the Arroyo Seco and work toward modification or removal of the existing concrete flood-control channel.

The approved recommendations include:

- **Recommendation 3-4:** "Work aggressively with the Los Angeles County Department of Public Works to investigate the feasibility of, and advocate for, the modification/removal of the concrete channel."
- **Recommendation 3-5:** "The feasibility of modifying the concrete channel will be pursued aggressively with the County, U.S. Army Corps of Engineers, and other involved stakeholders."

These policies do not merely call for preservation of existing conditions. They direct Pasadena to work affirmatively and aggressively toward modifying or removing the concrete channel and restoring more natural conditions in the Arroyo Seco.

The proposed project should therefore be evaluated against the question of whether it advances, obstructs, or forecloses future channel modification and ecological restoration. Infrastructure placed within or immediately adjacent to the channel, including diversion structures, pipelines, pumps, treatment facilities, access routes, and other permanent facilities, could make future channel removal or modification more difficult, costly, or politically impractical.

The DEIR does not adequately analyze this potential conflict. Nor does it explain how the project has been designed to preserve opportunities for future channel modification, creek daylighting, floodplain reconnection, habitat restoration, or implementation of the Lower Arroyo Master Plan. Without such an analysis, the DEIR and Pasadena officials cannot

reasonably conclude that the project is consistent with Pasadena's adopted planning policies.

Pasadena General Plan: Wildlife Habitat and Corridors

The DEIR also conflicts with the City of Pasadena General Plan's policies concerning wildlife habitat and movement corridors.

The DEIR asserts that the project site, although located along the Arroyo Seco, "does not function as a critical or regionally important wildlife movement corridor for native species, nor is it expected to provide essential connectivity between larger blocks of intact habitat" (DEIR, p. 3.3-9).

This conclusion is unsupported. The DEIR does not identify camera-trap studies, systematic wildlife surveys, movement data, connectivity modeling, or other documentary evidence sufficient to establish that the site does not function as a wildlife corridor. The absence of documented observations is not evidence that wildlife movement does not occur, particularly within a river and stream corridor that connects major areas of open space.

More importantly, the DEIR's conclusion contradicts Pasadena's own General Plan. The *City of Pasadena General Plan Update: Open Space and Conservation Element* specifically identifies the Arroyo Seco in its discussion of "wildlife habitats and corridors." The General Plan commits Pasadena to:

"Identify, protect and expand wildlife corridors and habitat areas on public, private properties, Eaton Canyon and the Arroyo Seco."
(*Open Space and Conservation Element*, p. 30, 2012.)

The DEIR cannot dismiss the project area as lacking regional importance without reconciling that conclusion with the General Plan's explicit identification of the Arroyo Seco as a wildlife corridor to be protected and expanded. At minimum, the DEIR must explain why the General Plan's corridor designation allegedly does not apply to this portion of the Arroyo Seco and provide substantial evidence supporting that interpretation.

The regional importance of the corridor is further supported by conservation planning that maps the Arroyo Seco as an important connection between the San Gabriel Mountains and large open-space areas in northeast Los Angeles and downtown Los Angeles. This broader landscape connection is identified in the large-scale conservation project described by Zellmer and Goto in "Urban wildlife corridors: building bridges for wildlife and people," *Frontiers in Sustainable Cities* (2022).

Required Revisions

The Final EIR should include a thorough analysis of the project's consistency with the Lower Arroyo Master Plan and the General Plan. That analysis should:

- Evaluate whether the proposed infrastructure would interfere with future modification or removal of the concrete channel.
- Explain how the project preserves opportunities for stream restoration, floodplain reconnection, habitat expansion, and wildlife movement.
- Provide substantial evidence supporting any claim that the project area does not function as a wildlife corridor.
- Analyze the Arroyo Seco as part of a larger regional habitat-connectivity system rather than as two small isolated project sites.
- Identify and adopt feasible alternatives or design modifications that would avoid conflicts with adopted restoration and conservation policies.

Unless these deficiencies are corrected, the DEIR does not provide an adequate basis for finding the ASWRP consistent with the City of Pasadena's adopted plans and policies.

VI. The DEIR Fails to Listen to and Protect the Disadvantaged San Pascual Community

The San Pascual neighborhood adjacent to the San Pascual site is not an abstract receptor on a technical map. It is a real community already burdened by freeway-adjacent air pollution, lack of park equity, heat-island effects, limited open space, and cumulative urban impacts. The DEIR fails to treat that community with the care required by CEQA, environmental justice principles, and basic fairness.

The San Pascual site provides shade, informal recreation, habitat, cooling, dog walking, neighborhood respite, and a rare experience of nature for nearby residents. The project would remove mature trees and vegetation, restrict access to usable open space, introduce construction noise and dust, increase truck traffic, alter lighting and noise buffering, and impose long-term maintenance and operational impacts. These burdens would fall heavily on a community that did not create the upstream pollution problem and has repeatedly asked for a less destructive solution.

The DEIR's inadequate public process compounds the problem. The affected Los Angeles community has not received the same meaningful access to information, meetings, and participation as the project proponents and agencies. Spanish-speaking residents have not been provided full and equal access to project documents, technical information, and public meetings. The DEIR does not adequately analyze whether the San Pascual neighborhood qualifies as a disadvantaged or environmentally burdened community, nor does it evaluate the project's impacts through an environmental justice lens.

The revised DEIR must include a full environmental justice analysis addressing:

1. demographic and socioeconomic characteristics of the San Pascual neighborhood;
2. existing freeway-related air pollution and public health burdens;
3. existing park access and open-space deficits;
4. heat-island and shade impacts from mature tree removal;
5. construction dust, diesel emissions, truck routes, and noise impacts on nearby residents;
6. loss of usable informal recreation area;
7. language access and public participation failures;
8. whether the project shifts regional water quality burdens onto a disadvantaged community;
9. whether less burdensome source-control alternatives are feasible; and
10. whether the project would worsen existing inequities in access to safe, shaded, natural parkland.

The DEIR should not treat the San Pascual community as collateral damage for a project designed to satisfy regional compliance objectives. Environmental justice requires pollution prevention, burden reduction, meaningful participation, and protection of existing community-serving green space.

VII. The DEIR Fails to Respect Kizh Sacred Lands and Tribal Cultural Resources

The project area lies within a culturally sensitive landscape associated with the Gabrieleño Band of Mission Indians-Kizh Nation. The DEIR acknowledges Tribal Cultural Resource issues but does not adequately address the central concern raised by the Kizh Nation: the avoidance of a sacred and culturally sensitive area.

Monitoring during construction is not the same as avoidance. Procedures for discovery of cultural resources or human remains are not the same as respecting sacred lands before they are disturbed. Mitigation that allows ground disturbance to proceed until something is found does not adequately protect a place that a Tribe has already identified as culturally, spiritually, and ecologically significant.

The revised DEIR must address:

1. Whether consultation with the Kizh Nation has actually concluded in accordance with CEQA;
2. whether the Tribe agreed that the proposed mitigation is adequate;
3. whether avoidance was considered as a mitigation measure or an alternative;
4. whether project redesign could avoid culturally sensitive areas;

5. whether a source-reduction alternative would avoid or reduce disturbance of sacred lands;
6. whether the ecological corridor itself has cultural significance;
7. whether cumulative disturbance of the Arroyo Seco corridor, including currently planned projects of the cities of South Pasadena and Pasadena, has been adequately considered; and
8. whether Pasadena and South Pasadena have treated Tribal concerns as substantive land-protection concerns rather than procedural monitoring issues.

A revised DEIR must take the Kizh Nation's request for avoidance seriously and must not reduce Tribal consultation to construction monitoring.

VIII. The DEIR Fails to Analyze a Reasonable Range of Alternatives

The alternatives analysis is one of the DEIR's central failures. The DEIR defines the project objectives so narrowly that alternatives focused on pollution prevention, San Rafael Creek restoration, Arroyo Seco channel naturalization, and the protection of San Pascual Park are effectively screened out.

That approach is inconsistent with CEQA's purpose. An EIR must evaluate alternatives that could feasibly attain most basic project objectives while reducing significant impacts. Alternatives do not need to meet every project objective, especially if the objectives have been written to favor the proposed project.

The revised DEIR must evaluate at least the following alternatives:

1. San Rafael Creek Source Reduction Alternative.

This alternative would focus on identifying and eliminating bacteria and pollutant sources upstream in the San Rafael Creek watershed before polluted flows reach the project area and restoring the historic natural wetlands at the Confluence with the Arroyo Seco stream.

2. True Nature-Based Watershed Alternative.

This alternative would use distributed green infrastructure, bioswales, natural wetlands, native riparian restoration, soil infiltration, and non-structural source controls instead of large, engineered treatment basins and plumbing.

3. San Pascual Park Avoidance Alternative.

This alternative would avoid the San Pascual site and protect existing mature trees, shaded open space, informal recreation, and neighborhood-serving parkland. It would provide for the removal of invasive species and enhancement to the native habitat that currently exists there.

4. Kizh Sacred Lands Avoidance Alternative.

This alternative would redesign or relocate project elements to totally avoid culturally sensitive areas identified by the Gabrieleño Kizh Nation.

5. Arroyo Seco and San Rafael Creek Naturalization Alternative.

This alternative would prioritize long-term restoration of stream function, channel naturalization, tributary reconnection, riparian habitat, and ecological continuity in the Arroyo Seco rather than installing industrial infrastructure that could preclude future stream and habitat restoration.

6. Reduced Project Alternative.

This alternative would limit construction to the least damaging, most clearly justified components following an updated LRS Adaptation review and source-control analysis. The analysis should consider other Arroyo Seco inputs that would provide greater pollution reduction potential. Stream and wildlife benefits would be considered and compared to the current proposal to achieve the most promising results.

7. No Project / Enhanced Source Control Alternative.

This alternative would compare the proposed project to an adaptive management program comprising monitoring, source control, enforcement, outreach, smaller-scale green infrastructure, and low-impact development techniques.

The DEIR's alternatives can and should be combined to achieve maximum results. They should not be designed to fail. The revised DEIR must evaluate alternatives that directly address the community's and Stewards' central concern: cleaning the water by stopping pollution at its source, not by sacrificing mature habitat, community parkland, and culturally sensitive lands.

IX. The DEIR Fails to Give Equal and Site-Specific Attention to the San Rafael and San Pascual Sites

The project involves two distinct places with different impacts and different values. The DEIR does not adequately analyze them as such.

At San Rafael, the key issue is the treatment of San Rafael Creek. The DEIR must analyze whether the project restores the creek or converts it into infrastructure; whether pollution can be reduced at the source; whether equestrian, residential, wildlife, and creek-corridor impacts are significant; and whether San Rafael Creek can be restored as a natural tributary to the Arroyo Seco.

At San Pascual, the key issues are environmental justice and the loss of community-serving green space. The DEIR must analyze the project's disproportionate burden on the adjacent San Pascual neighborhood, including loss of mature trees, shade, open space, habitat, informal recreation, noise buffering, light buffering, and neighborhood respite.

The revised DEIR must not use claimed benefits at one site to obscure harms at the other. Nor may it protect San Rafael project elements from serious alternatives analysis while

shifting the alternatives burden to San Pascual. Both sites require full site-specific analysis, and the combined project requires cumulative review.

X. We Support Ken Kules' Technical and Structural Analysis

The Stewards of the Arroyo Seco recognize the outstanding technical analysis that engineer Ken Kules has submitted as comments for the DEIR and include his conclusions about its suitability.

A. The DEIR Does Not Adequately Evaluate Potentially Significant Impacts

The DEIR fails to evaluate:

- groundwater mounding
- hydrostatic impacts to the Arroyo Seco flood-control channel
- structural issues and weaknesses of the flood channel
- groundwater-quality degradation
- infiltration performance under saturated conditions
- diversion-related water-right issues
- cumulative impacts associated with reasonably foreseeable related projects

Because these issues affect the fundamental analytical assumptions underlying the DEIR's impact conclusions, the current analysis is incomplete and unsupported regarding determination of significance of impacts and recirculation may be required if the FEIR relies on substantial new information, revised operational assumptions, or new technical analyses necessary to address the deficiencies identified above.

B. Responsible Agencies Should Not Rely on the DEIR Until These Issues Are Adequately Addressed

Responsible Agencies, including the Los Angeles County Flood Control District, Los Angeles Regional Water Quality Control Board, State Water Resources Control Board, the US Army Corps of Engineers, and California Department of Fish and Wildlife, should not rely on the DEIR or issue approvals or permits for the proposed project unless and until these issues are adequately analyzed and addressed in the FEIR.

C. The FEIR Must Provide Good-Faith, Factually Supported Responses

CEQA Guidelines section 15088 requires the Lead Agency to evaluate and respond in good faith to significant environmental issues raised during the public comment process. Conclusory statements unsupported by factual information are insufficient. Because these comments identify specific operational inconsistencies, analytical omissions, and

technical deficiencies supported by citations to the DEIR, appendices, public records, published guidance, and observed field conditions, the FEIR responses should specifically address each factual and technical issue raised herein and identify the substantial evidence relied upon in support of any contrary conclusions.

XI – The DEIR Fails to Establish Any Lawful Water Right for Diversion, Storage, and Golf-Course Irrigation

The Draft EIR does not establish that Pasadena, South Pasadena, or any project participant possesses a valid water right authorizing the proposed diversion, storage, and use of Arroyo Seco flows for irrigation of the Arroyo Seco Golf Course or surrounding parkland. This is a fundamental omission because the project's feasibility, environmental effects, and range of lawful alternatives depend on whether the proposed water diversion and use can legally occur.

The project would divert water from the Arroyo Seco Channel, convey it to the San Pascual facility, treat it, store a portion of it, and later deliver it for irrigation of South Pasadena's Arroyo Seco Golf Course and nearby parkland. Pasadena's project description expressly states that treated runoff would be diverted from the channel, undergo additional treatment, and be "stored and reused" for golf-course irrigation. Yet the DEIR does not identify a permit, license, decree, riparian entitlement, pre-1914 appropriative right, or other legal authority authorizing this diversion, storage, and use.

A. The DEIR Cannot Simply Assume a Riparian Right

A riparian right does not automatically authorize every use of water on property located near a stream. The State Water Resources Control Board explains that riparian rights generally permit a landowner to use a correlative share of the natural flow passing riparian property. Riparian rights do not authorize diversion to storage in a reservoir for later dry-season use, nor do they authorize use on nonriparian land.

The proposed project appears to involve precisely the type of storage and delayed irrigation use that cannot be justified solely through a riparian claim. Water would be captured, treated, placed in storage, and subsequently delivered to the golf course according to irrigation demand rather than being used contemporaneously as natural flow passes the property.

The DEIR must therefore disclose:

1. The precise legal basis for the claimed water right;
2. The owner of that right;
3. The authorized point of diversion;

4. The authorized place and purpose of use;
5. Impacts on downstream parties
6. The maximum diversion rate and annual quantity;
7. Whether storage is authorized;
8. Whether the golf course and all irrigated parkland are legally riparian to the Arroyo Seco;
9. Whether any claimed riparian parcel has been severed or subdivided from the stream;
10. Whether the right applies to the water proposed for capture, including imported water, municipal discharges, urban runoff, treated runoff, and natural streamflow; and
11. Whether the proposed project changes the point of diversion, place of use, purpose of use, season of diversion, or method of diversion associated with any existing right.

Without this information, neither decision-makers nor the public can determine whether the irrigation component is legally feasible.

B. The Arroyo Seco's Fully Appropriated Status Must Be Addressed

The Arroyo Seco is within a stream system designated as fully appropriated by the State Water Board. A fully appropriated stream system is one in which the Board has determined that insufficient water is available for new water-right applications. The Board generally cannot accept a new application within a designated system unless the applicable declaration allows it or the declaration is first revised. The designation also extends to hydraulically connected upstream sources under the conditions established by the Board.

The DEIR must identify the specific fully appropriated stream declaration applicable to the project reach, including any seasonal limitations or exceptions. It must then explain whether the proposed diversion and storage would require a new appropriative right or a change to an existing right.

The fact that a diversion structure may have existed historically does not by itself establish a valid right to continue, expand, relocate, mechanize, store, or change the use of diverted water. Nor does prior physical diversion establish that the proposed project may divert water at a new facility, place it in storage, or dedicate it to a new or expanded irrigation supply.

If Pasadena or South Pasadena relies on a pre-1914 appropriative right, the DEIR must provide the documentation establishing the origin, priority date, continuous beneficial use,

authorized quantity, point of diversion, place of use, and absence of abandonment or forfeiture. If the cities rely on a post-1914 right, the DEIR must identify the State Water Board permit or license and demonstrate that the project conforms to its terms.

C. The DEIR Omits Historical Diversion and Reporting Information

The DEIR also fails to disclose how much water South Pasadena has historically diverted from the Arroyo Seco for golf-course or park irrigation. It provides no reliable annual diversion record, no monthly data, no description of the measurement method, and no accounting of the amount actually applied to the golf course.

This information is directly relevant to the project baseline, project objectives, alternatives, and potential impacts. The DEIR cannot evaluate whether the project would continue an existing level of diversion, substantially increase diversion, extend the diversion season, or convert intermittent diversion into a more reliable irrigation supply without disclosing historical diversion quantities.

California law generally requires persons or organizations diverting surface water to report their diversion and use to the State Water Board. Annual reports must include beneficial uses and monthly diversion quantities. Water Code section 5101 also generally requires a diverter using surface water after December 31, 1965, to file a Statement of Water Diversion and Use unless a stated exemption applies. An initial statement does not itself establish a valid water right, and annual supplemental reporting is required thereafter.

Available information indicates that South Pasadena has not consistently filed annual reports documenting the amount diverted for golf-course irrigation. Pasadena and/or South Pasadena must verify this issue through the State Water Board's records rather than leaving it unresolved. The Final EIR should include or cite:

- All Statements of Water Diversion and Use;
- All annual or supplemental diversion reports;
- All permits, licenses, registrations, decrees, or claimed pre-1914 rights;
- Monthly and annual diversion measurements;
- The identity and location of every historical and proposed diversion point;
- The irrigated acreage and annual irrigation demand; and
- Any correspondence with the State Water Board concerning reporting, enforcement, or the validity of the claimed right.

If no reports were filed, the EIR must disclose that fact, explain why the cities believe an exemption applies, and avoid treating unverified historical diversion as a lawful or established baseline condition.

D. The DEIR Does Not Analyze Effects on Fish Passage and Downstream Beneficial Uses

The proposed project is designed to remove dry-weather flow from the San Rafael Creek and the Arroyo Seco Channel. Reducing or interrupting streamflow may affect aquatic habitat, water temperature, dissolved oxygen, habitat connectivity, fish passage, wildlife use, riparian vegetation, downstream water quality, recreation, and other public-trust and beneficial uses.

These effects are particularly important because the project proposes to divert water for irrigation rather than allowing it to remain in the Arroyo Seco and continue downstream toward the Los Angeles River. The State Water Board recognizes fish and wildlife protection, habitat enhancement, recreation, and aesthetic enjoyment as beneficial uses of water, alongside irrigation and municipal uses.

The DEIR must quantify, by month and under representative dry, normal, and wet conditions:

- Existing streamflow at the diversion point;
- Historical diversion quantities;
- Proposed diversion quantities;
- The amount and duration of flow remaining downstream;
- The frequency of zero-flow or disconnected-flow conditions;
- Effects on fish passage and aquatic habitat;
- Effects on downstream water quality and beneficial uses; and
- The cumulative effects of this diversion together with other upstream diversions, dams, spreading operations, and water-management projects.

A conclusion that fish are not presently documented at the project site does not eliminate the need for this analysis. Fish passage and habitat restoration depend on preserving or restoring hydrologic connectivity, including flows through reaches that are currently degraded or channelized.

E. The Irrigation Component May Be Legally Infeasible

CEQA requires an EIR to present an accurate, stable, and complete project description and to evaluate a reasonable range of feasible alternatives. A project component that depends on an unidentified, unverified, or unavailable water right cannot simply be assumed feasible.

Before approving the project, Pasadena and South Pasadena must obtain a formal determination from the State Water Board or otherwise provide substantial evidence establishing that the proposed diversion, storage, and irrigation use are authorized. The Final EIR should not defer this central issue until after project approval.

If no valid right authorizes storage and golf-course irrigation, that component must be removed from the project and the environmental analysis revised accordingly.

F. A Better Alternative: Reduce Irrigation Demand Rather Than Divert Arroyo Seco Flows

Pasadena and South Pasadena should evaluate an alternative that does not divert Arroyo Seco flows for golf-course and park irrigation. Instead, the cities should meet irrigation needs by:

- Reducing irrigated turf acreage;
- Replacing nonessential turf with native and climate-appropriate landscaping;
- Improving irrigation efficiency and leak detection;
- Using weather-based irrigation controls;
- Improving soil moisture retention;
- Capturing precipitation and runoff generated on the golf-course and park properties;
- Reusing water already lawfully available within municipal systems; and
- Redesigning the golf course to operate with a substantially smaller irrigation demand.

This demand-reduction alternative would avoid the unresolved water-right issue, protect downstream flows and beneficial uses, reduce infrastructure and energy requirements, and better advance the stated environmental objectives of the project.

Requested Revision

Pasadena and South Pasadena should revise and recirculate the DEIR to:

1. Identify and document the precise water right authorizing every proposed diversion, storage operation, and place of use;
2. Disclose all historical diversion and annual reporting records;
3. Quantify past and proposed diversions in acre-feet per year and by month;

4. Analyze effects on fish passage, aquatic habitat, downstream flows, and other beneficial uses;
5. Obtain confirmation from the State Water Board concerning the legal authority for the proposed diversion and storage;
6. Remove golf-course irrigation from the project if no valid right exists; and
7. Fully evaluate a demand-reduction and on-site runoff-capture alternative that leaves Arroyo Seco flows in the stream.

Until these matters are addressed, the DEIR does not provide sufficient information to support a finding that the project is legally feasible or that its hydrological and biological impacts would be less than significant.

XII - The DEIR Fails to Adequately Survey, Disclose, Analyze, and Mitigate Impacts to Native Fish and Wildlife, Including Native Rainbow Trout / Southern California Steelhead

Stewards of the Arroyo Seco submits this comment to address the DEIR's inadequate analysis of native fish and wildlife, including native rainbow trout, the resident freshwater form of Southern California Steelhead (*Oncorhynchus mykiss*, Arroyo Chub (*Gila orcutti*), and other fish and aquatic species.

The DEIR's biological analysis is deficient because it assumes, without adequate survey evidence, that native fish habitat is absent from the project area and that any rainbow trout that may occur in the Arroyo Seco stream zone are merely "non-native, historically stocked" fish. That assumption is unsupported, outdated, and inconsistent with historical and recent observations and agency data showing a substantial native rainbow trout and Arroyo chub population in the Arroyo Seco watershed.

On page 3.3-8, the DEIR states:

"During storm events and/or releases from Devil's Gate Dam located approximately 4.5 miles upstream of the survey area, fish may pass through the Arroyo Seco. No native fish breeding habitat occurs in the survey area. Fish species that may occur include, but are not limited to, common species such as the non-native, historically stocked, rainbow trout (*Oncorhynchus mykiss*); green sunfish (*Lepomis cyanellus*); and western mosquitofish (*Gambusia affinis*)."

This statement is inadequate for several reasons.

First, the DEIR does not document that proper focused fish surveys were conducted in the Arroyo Seco stream zone, San Rafael Creek, the San Rafael Confluence, or the San

Pascual wetland area. A general biological reconnaissance is insufficient to rule out potential use by native fish, particularly where the project is located in a coastal watershed with known upstream presence of *Oncorhynchus mykiss* and connectivity to the Los Angeles River and the Pacific Ocean.

Second, the DEIR improperly assumes that rainbow trout in the Arroyo Seco are "non-native, historically stocked" fish. The DEIR provides no genetic analysis, survey evidence, stocking history analysis, agency consultation record, or other substantial evidence to support that conclusion. The unsupported characterization of rainbow trout as non-native has serious consequences because it allows the DEIR to discount potential impacts to native rainbow trout and Southern California steelhead habitat.

Third, the DEIR fails to recognize that the Arroyo Seco is a coastal stream system. San Rafael and San Pascual are both part of the Arroyo Seco stream corridor, which flows into the Los Angeles River and ultimately to the Pacific Ocean. The project area is therefore part of a larger watershed context relevant to endangered Southern California steelhead recovery, fish passage, refugia, habitat connectivity, and future stream restoration.

Fourth, recent evidence contradicts the DEIR's assumption that native fish issues can be dismissed. In July 2025, the California Department of Fish and Wildlife conducted a survey of rainbow trout in the Arroyo Seco mountain watershed. The survey estimated that 3,815 rainbow trout were present there. On June 5, 2026, an angler observed nine rainbow trout near the Colorado Street Bridge, approximately 1.2 miles upstream of the San Rafael Confluence and San Pascual wetland sites. That observation has been recorded in the California Natural Diversity Database. These recent observations demonstrate that the Arroyo Seco supports rainbow trout and that trout can occur substantially closer to the project area than the DEIR acknowledges. In addition to these observations, Clara Solis has videotaped the presence of two unidentified species of fish in the San Pascual wetland. She has submitted a copy of that video as part of her submittal to the DEIR review process. In recent decades Arroyo Chub (*Gila orcutti*), another Southern California native fish, have also been present in the area between the Holly Street Bridge and the Colorado Street Bridge, not far from the two project sites.



Rainbow Trout found on June 5, 2026 near the Colorado Street Bridge in the Arroyo Seco

The DEIR must be revised to address this evidence directly. It cannot rely on unsupported assumptions that trout or other species are absent, merely transient, non-native, or ecologically irrelevant.

A. Native Rainbow Trout and Southern California Steelhead Require Careful Analysis

Southern California steelhead are the anadromous form of *Oncorhynchus mykiss*. Resident rainbow trout and anadromous steelhead are part of the same species complex and can be closely related components of the same watershed population. The freshwater resident form can be important to the persistence, genetic diversity, and recovery potential of the species, particularly in fragmented Southern California watersheds where dams, channelization, altered flow regimes, and degraded habitat have limited anadromy.

The DEIR's casual reference to "non-native, historically stocked, rainbow trout" ignores this biological and regulatory context. The Arroyo Seco watershed contains rainbow trout in its mountain reaches, and the stream corridor historically supported conditions associated with steelhead movement, refuge, and rearing. The DEIR must analyze whether the project could affect existing resident trout, potential future steelhead recovery, passage, refugia, food-web support, water quality, hydrology, and restoration opportunities.

The project should be reviewed not only for direct take or direct physical disturbance of fish, but also for impacts to habitat function and recovery potential. These include:

1. alteration of dry-weather and wet-weather flows;

2. diversion or reduction of water in the Arroyo Seco channel;
3. interference with future fish passage improvements;
4. impacts to potential refugia and off-channel wetland habitat;
5. degradation of water quality during construction or operation;
6. sediment, turbidity, dust, and pollutant mobilization;
7. thermal impacts from the removal of mature trees and canopy;
8. loss of riparian vegetation and aquatic-terrestrial food-web support;
9. increased disturbance due to long-term maintenance activities;
10. construction noise, vibration, lighting, and human activity near the stream corridor;
and
11. constraints on future stream naturalization.

B. Historic Wetlands at San Rafael and San Pascual Should Be Evaluated as Potential Fish and Wildlife Refugia and Restoration Habitat

The DEIR fails to adequately address the historic ecological function of the San Rafael and San Pascual sites. These areas are not merely vacant or underutilized spaces suitable for engineered stormwater infrastructure. They are part of a historically more complex Arroyo Seco stream-and-wetland system.

Historic wetlands located at the San Rafael and San Pascual sites likely provided refuges, backwater habitat, seasonal wetland habitat, riparian cover, and potential rearing or resting areas for native aquatic species, including the Arroyo Chub, Southern California steelhead and rainbow trout during suitable hydrologic periods. Even if current conditions are degraded, CEQA requires analysis of whether the project would impair restoration potential, not merely whether the site currently contains ideal habitat.

This distinction is critical. The proposed project would install mechanized, maintenance-intensive infrastructure at both sites. Such infrastructure could hinder future restoration of natural stream functions, off-channel refugia, wetlands, and fish-supporting habitat. A true stream restoration program could reestablish refuge habitat, improve habitat complexity, restore native riparian vegetation, and support long-term recovery of native aquatic species. By contrast, the proposed project may lock the corridor into an engineered treatment function that is inconsistent with fish passage and habitat recovery.

The revised DEIR must evaluate whether the project would foreclose, delay, or make more difficult future restoration of San Rafael Creek, the San Rafael Confluence, the San Pascual wetland, and the Arroyo Seco stream corridor for native fish and wildlife.

C. The DEIR Fails to Conduct Adequate Fish and Wildlife Surveys

The DEIR's conclusion that no native fish breeding habitat occurs in the survey area is unsupported without focused surveys and consultation. Pasadena must not rely on broad assumptions or a desktop review when recent observations show trout in the Arroyo Seco downstream of the mountain watershed and relatively near the project area.

The revised DEIR should include, at a minimum:

1. focused aquatic habitat surveys for the Arroyo Seco stream zone adjacent to and downstream of both project sites;
2. focused surveys of San Rafael Creek and the San Rafael Confluence;
3. focused surveys of the San Pascual wetland and associated wetland/riparian areas;
4. seasonal surveys during periods when trout movement or refuge use is most likely;
5. review of CNDDDB records, CDFW data, and local trout observation records;
6. consultation with CDFW and NOAA Fisheries regarding *Oncorhynchus mykiss*;
7. genetic analysis of whether resident rainbow trout in the Arroyo Seco should be treated as native coastal rainbow trout rather than dismissed as non-native stocked fish;
8. evaluation of aquatic habitat connectivity between the upper Arroyo Seco, the Colorado Street Bridge area, the San Rafael Confluence, the San Pascual wetland, and the Los Angeles River;
9. analysis of project effects on potential fish passage and future steelhead recovery; and
10. mitigation measures that avoid impacts to native aquatic species and their restoration habitat.

Until those surveys and consultations are completed, the DEIR lacks substantial evidence to conclude that impacts to native fish would be less than significant.

D. The DEIR Fails to Analyze Wildlife Corridor and Food-Web Impacts

The Arroyo Seco is not only a water conveyance channel. It is a wildlife corridor linking the San Gabriel Mountains, Hahamongna, the Central and Lower Arroyo, San Rafael Creek, San Pascual, the Los Angeles River, and downstream habitats. The San Rafael and San Pascual sites contribute to this corridor through vegetation, shade, wetland function, foraging habitat, refuge, movement opportunities, and ecological continuity.

The DEIR's fish and wildlife analysis is too narrow. It does not adequately analyze how the project's construction, vegetation removal, maintenance, lighting, noise, hydrologic alteration, and engineered treatment features would affect wildlife movement and ecological function. This is particularly important because the project would remove mature vegetation and disturb habitat in areas that function as part of the remaining natural fabric of the lower Arroyo Seco.

The revised DEIR must evaluate impacts to:

1. native fish and aquatic species;
2. riparian birds;
3. bats and roosting habitat;
4. amphibians and reptiles;
5. small mammals and mesocarnivores using the Arroyo Seco corridor;
6. pollinators and native plant communities;
7. equestrian and wildlife interface areas near San Pascual Stables;
8. wetland-dependent species;
9. wildlife movement between San Rafael Creek, San Pascual, and the Arroyo Seco;
and
10. cumulative impacts when combined with other Arroyo Park Infiltration Gallery and Safe Clean Water Program projects.

The DEIR should not treat landscaping after construction as equivalent to protection of existing habitat. Mature trees, established wetland vegetation, soil structure, shade, microclimate, and wildlife use patterns cannot be replaced immediately by new plantings.

E. The Project May Conflict With Long-Term Steelhead and Stream Restoration Objectives

The Arroyo Seco has long been identified as an important site for stream restoration, habitat recovery, and potential steelhead recovery. It is specifically listed in the National Oceanic and Atmospheric Fisheries [Southern California Steelhead Recovery Plan](#), the federal plan for steelhead recovery. The DEIR, however, fails to evaluate whether the proposed project would support or hinder those objectives.

A project that diverts flows, installs engineered basins, introduces maintenance-intensive infrastructure, removes mature habitat, and fails to prioritize stream naturalization may be

inconsistent with long-term restoration of the Arroyo Seco as a functioning coastal stream. The DEIR must analyze whether the project would impair:

1. fish passage planning;
2. future channel naturalization;
3. restoration of San Rafael Creek as a natural tributary;
4. restoration of the San Pascual wetland as an off-channel riparian habitat site;
5. seasonal refugia for native fish and wildlife;
6. riparian canopy recovery;
7. aquatic habitat complexity;
8. flow continuity;
9. water temperature moderation; and
10. recovery planning for native trout and Southern California steelhead.

A true nature-based alternative would prioritize reducing pollution sources, restoring San Rafael Creek, rehabilitating wetlands, enhancing riparian habitat, and naturalizing streams. The DEIR's failure to analyze such an alternative is especially problematic given the presence of native rainbow trout in the watershed and recent trout observations in the lower Arroyo Seco.

F. Required Revisions and Mitigation

Pasadena must revise and recirculate the DEIR to correct these deficiencies. The revised DEIR should:

1. remove the unsupported characterization of Arroyo Seco rainbow trout as "non-native, historically stocked" unless supported by substantial evidence;
2. disclose recent CDFW trout survey data and the June 5, 2026, Colorado Street Bridge trout observation;
3. include the CNDDDB record and analyze its significance;
4. consult with CDFW and NOAA Fisheries regarding native rainbow trout and Southern California steelhead;
5. conduct focused fish and aquatic habitat surveys, including Rainbow Trout and Arroyo Chub;

6. Analyze San Rafael Creek, the San Rafael Confluence, and the San Pascual wetland as potential restoration habitats and refugia;
7. evaluate project impacts on future steelhead recovery and stream naturalization;
8. analyze whether project infrastructure would hinder restoration of historic wetland refugia;
9. evaluate a true stream restoration and fish/wildlife habitat alternative;
10. prioritize pollution source reduction on San Rafael Creek rather than end-of-pipe pollution treatment;
11. avoid unnecessary disturbance of riparian and wetland habitat;
12. Preserve and enhance mature native vegetation and canopy wherever feasible;
13. protect flows needed for aquatic habitat and future restoration;
14. require pre-construction and seasonal surveys for fish and wildlife;
15. establish construction buffers and timing restrictions to avoid sensitive species impacts;
16. require biological monitoring during construction and maintenance;
17. include enforceable mitigation for sediment, turbidity, pollutant mobilization, and other water quality impacts;
18. analyze cumulative impacts to the Arroyo Seco wildlife corridor; and
19. recirculate the DEIR for public and agency review.

G. Fish and Wildlife Conclusion

The DEIR's treatment of native fish and wildlife is inadequate. It dismisses native fish habitat without proper surveys, assumes rainbow trout are non-native without evidentiary support, ignores recent trout observations near the lower Arroyo Seco, and fails to evaluate how the project could affect future restoration of San Rafael Creek, the San Pascual wetland, and the Arroyo Seco stream corridor.

The Arroyo Seco is a coastal stream system with a well-known presence of *Oncorhynchus mykiss*. Pasadena must analyze the reuse project in that context. A revised DEIR must fully evaluate native rainbow trout, Southern California steelhead recovery potential, wildlife corridor function, wetland refugia, and true stream restoration alternatives before the project can be considered for approval.

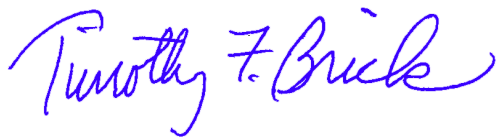
XIII -- Conclusion

Stewards of the Arroyo Seco supports clean water, healthy streams, habitat restoration, and responsible watershed management. But the Arroyo Seco Water Reuse Project, as proposed, is not the right solution. It relies on outdated assumptions, fails to apply the updated Load Reduction Strategy Adaptation framework, does not prioritize pollution source reduction on San Rafael Creek, mischaracterizes engineered infrastructure as nature-based restoration, burdens the San Pascual neighborhood, fails to respect Gabrieleño Kizh sacred lands, and presents an inadequate alternatives analysis.

Pasadena should revise and recirculate the DEIR. The revised DEIR must evaluate a true source-reduction and nature-based alternative, protect San Rafael Creek as a living tributary, avoid unnecessary impacts to San Pascual Park and its neighboring community, respect Tribal requests for avoidance, and align the project with current watershed science and environmental justice principles.

Until that analysis is completed, the City of Pasadena cannot lawfully approve the project.

Respectfully submitted,



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