



San Fernando Valley Audubon Society

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"For nature education and the conservation of wildlife"

July 11, 2016

Los Angeles Department of Water and Power
111 No. Hope Street, Room 1050
Los Angeles, CA 90012
Attn. Nadia Parker
Via E-mail to Nadia.Parker@ladwp.com

COMMENTS OF San Fernando Valley Audubon Society Re: Draft Environmental Impact Report, SCH No. 2013091023, Los Angeles Groundwater Replenishment Project

Dear Ms. Parker:

The purpose of this letter is to provide comments from the San Fernando Valley Audubon Society (SFVAS) concerning the Draft Environmental Impact Report (DEIR) on the Ground Water Replenishment Project (GWR) for the City of Los Angeles.

INTRODUCTION

SFVAS, an approximately 1800 member chapter of the National Audubon Society, is a non-profit charitable organization under Section 501c(3) of the Internal Revenue Code. SFVAS has no financial interest one way or another in the Project.

The SFVAS mission is, in part, to conserve wildlife and their habitats and to engage in related activities to further that mission. These comments are intended to pursue that mission. Two principal concerns are discussed here: 1) the potential impacts of the project on promoting developments in and around the City that impact wildlife and their habitats, and 2) additional consideration of biological resources overlooked in the EIR.

BACKGROUND

Water policy and usage by the City of Los Angeles has profound and widespread impacts for wildlife and their habitats. The City has a long history of sacrificing or simply ignoring these resources in order to promote agriculture, housing, commercial, and industrial developments -- all of which have involved the modification of natural drainages by one means or another and require additional water to sustain them. The various methods used have involved the draining of marsh lands (for example, La Cienega Wetlands), damming rivers (for example, the Los Angeles River), channeling or diverting rivers and creeks on a

large scale (for example, Los Angeles River, Tujunga Creek and Wash) or on a smaller scale (Santa Susana Creek, Chatsworth Creek, and virtually every tributary of the Los Angeles River), polluting streams and even groundwater, and converting natural substrates into hard surfaces that impede or completely block infiltration (nearly the entire City, except for a few isolated islands of habitat). This list is by no means exhaustive.

Of course, such impacts are not confined to the city proper. The Owens Valley, Sacramento Delta, Colorado River, and other areas have also been impacted by the unquenchable water needs for development of the City. These impacts, both inside and outside of the city limits have continued more or less unabated. Further discussed below, the Draft Environmental Impact Report (DEIR) fails to admit the certainty that the GWR Project will stimulate, or at least allow for, the continuation of past trends in development patterns on the basis of the perception that water for such developments is not limited. The DEIR is, therefore, deficient in considering the program's impact deriving from such developments.

Only in relatively recent years has there been some effort, mostly forced upon the City by court decisions, to find alternative ways of securing water by means of conservation, improvements in storm water capture, and recycling. SFVAS generally supports all of these efforts to continue to provide water for the City's current residents and institutions by reducing reliance on imported water while, at the same time, indirectly reducing the adverse impacts from water projects on wildlife and their habitats. However, that support must be conditioned on the realization that securing additional water supplies by any method will contribute to further development of what's left of the open spaces surrounding the City (see above). These open spaces, especially those in the Santa Susana Mountains, Simi Hills, Verdugo (San Rafael) Hills, and Santa Monica Mountains are prime targets for developers, who seem adept at manipulating facts to create illusions that they can provide water for their developments without impacting the overall water needs of the City and continue to modify drainages in blatant disregard for the needs of wildlife, the sustainability of wildlife corridors, impacts on the Los Angeles River Watershed, and the well-being of the growing constituency of stakeholders. Our purpose here is to call attention to these significant adverse impacts in the hope that some laws, regulations, ordinances, or other mechanisms can be instituted to prevent them from occurring.

LADWP HAS FAILED TO FOLLOW THROUGH ON PREVIOUS COMMITMENTS

In a broad sense, the GWP Project is all about conservation, securing water for the City, and reducing reliance on imported water. These goals must be met within the context of meeting historical commitments and applying rational decision-making to conservation issues. Unfortunately, LADWP has not always met such commitments and has sometimes quietly pursued antagonistic policies while presenting a cooperative face to the public.

The best current example of this is the failure to maintain the Ecology Pond at Chatsworth Nature Preserve/Reservoir (CNP) in a viable manner to meet historical commitments to provide habitat for waterfowl in the wake of the draining of the reservoir in 1969. Up until last year, DWP was willing (when reminded) to provide supplemental water during the summer months when needed to keep enough water in the pond to support wildlife. That changed as a result of putative efforts to conserve water as a result of the extended drought. Sufficient supplies of supplemental water were discontinued, the pond was allowed to dry up completely, sediments were mechanically removed, fringing marsh and upland vegetation was destroyed, and the pond was divided in half by a large berm. The

consequences of this were that the amount of continuous open water available for waterfowl was decreased, thus discouraging waterfowl usage, large areas of nesting habitat were removed, and promises to provide alternative sources of water for the pond were not met. It should be noted, that, for a time, DWP provided wildlife guzzlers nearby; however, such devices are not useful for maintaining waterfowl populations, and we do not have any evidence currently that the devices have been used by any other wildlife. If they have been used, DWP has not made such information readily available.

GROWTH INDUCING IMPACTS

The upshot of the above concerns using CNP as an example is that wildlife, in particular wildlife dependent on a wetland environment, is being made a sacrificial lamb for the benefit of large residential and commercial developments and their promoters. Examples of such developments under construction in and around the San Fernando Valley are Dayton Canyon (Pulte), Deer Lake, Porter Ranch extension, and the Westfield Village complex. Other developments are in the planning stages. Examples are on the Pratt and Whitney Rocketdyne site, Hidden Creeks Estates, Tujunga Canyon Ranch Estates, Andora Estates, and two proposals for the Bell Canyon Area. How is it that the City can approve so many large, water-guzzling developments and claim a need to conserve water by depriving a relatively small wetland of make-up water even when that denial violates past and recent promises? Something is seriously wrong here.

In spite of these obvious contradictions in policy actions, the public is now being asked to trust that DWP and its partners will honor its commitments in a much larger project. We are necessarily skeptical. The fact that other agencies are involved in the Project does not necessarily ameliorate that skepticism. This skepticism relates back to the overriding concern of stimulating development in areas that now support wildlife.

The critical statements we regard as questionable are contained in Section 4.4, Growth Inducing Impacts, of the DEIR, which reads as follows:

"The fundamental purpose of the Proposed Project is to *reduce* the City's dependence on imported water sources by increasing the local groundwater supply available for potable use. With Project implementation, imported water would be *offset* by up to 30,000 AFY of purified water through groundwater replenishment, thereby *supplementing the City of Los Angeles' local water supply* and increasing system reliability and sustainability." (Emph. added)

Further on, it is stated "Because the Project is intended to *replace* existing imported supplies, it would not increase overall water supplies to the City in a manner that would induce population growth."

Such conclusions are disingenuous at best. The italicized terms, "reduce," "offset," and "replace," all of which indicate no change or a reduction in overall supply contradict the phrase "supplementing. . . local supply," a phrase which indicates addition to the overall supply. Clearly, any conclusion derived from these words is worthless, as there is no stated commitment to maintain (or reduce) water supply levels after the completion of the Project at the same (or reduced) levels prior to the initiation of the Project. **Therefore, some modifications in the wording of the DEIR relevant to these issues are needed to clarify**

the intent of the Project.

If the intent of the project is to reduce, offset, or replace imported water that should be unambiguously and consistently stated. Under such conditions, SFVAS can conditionally support the Project provided that there is a coincident program of rules, regulations, or ordinances that would limit growth that impinges on remaining open spaces. Conversely, if the intent of the project is to supplement existing supplies, that should be unambiguously and consistently stated. Because such a policy would play into the hands of developers that would further usurp open spaces, SFVAS would likely oppose the Project, in spite of other possible benefits.

Additional credence to the above argument can be found in Table 3.10-1, a portion of which is copied below.

Table 3.10-1

Policy 9.2.4. Continue to implement programs to upgrade the wastewater collection system to mitigate existing deficiencies and <i>accommodate the needs of growth and development.</i> (Emph. added)	The Proposed Project would not upgrade the existing wastewater collection system; however, it would include upgrades to the existing wastewater treatment facility to create purified recycled water for groundwater replenishment from the recycled water generated at DCTWRP. <i>Maintaining the reliability of potable water supply would serve to accommodate the needs of growth and development throughout the City.</i> The Proposed Project would be generally consistent with this policy. (Emph. added)
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Clearly, the wording of this table item cannot be construed as anything but adding to the water supply for the purposes of allowing further development. As such, it undermines the desire of SFVAS to support the Project.

BIOLOGICAL RESOURCES INADEQUATELY DESCRIBED

In general, the section on biological resources is focused on activities that take place during construction -- not impacts that occur as a result of the implementation of the Project (see above). The impacts on biological resources in and around the San Fernando Valley will likely be severe, if the Project induces growth, as we suspect it will. Some attention to these impacts caused by various levels of development should be given in the EIR.

Concerning the description of biological resources provided in the DEIR, we are witnessing an epidemic of repeated failures by consultants to adequately address those resources in environmental documents of all kinds. This DEIR is no exception. (See comments under Descriptions of Biological Resources, below). Not only does the DEIR fail to adequately describe the resources present, but it fails to provide an adequate context for that description in terms of the overall scarcity and continuing shrinkage and abuse of habitat islands within the San Fernando Valley. Understanding impacts on wildlife cannot occur in absence of such a context.

Descriptions of Biological Resources

The descriptions of biological resources in Appendix D of the DEIR are based on single field surveys, conducted on August 23, 2015 and November 25, 2013 by biologists, and on reviews of information obtained from databases maintained by the California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and California Native Plant Society. Additional information was acquired from aerial photography. It is acknowledged that no seasonal surveys were conducted. Nowhere in the report is any reference made to the massive amounts of data on available on the avifauna of Sepulveda Basin from comprehensive brochures, e-bird files, and other readily available information. Consequently, the descriptions of biological resources and of the avifauna in particular, are, as is to be expected, seriously deficient. This deficiency, while it might not change the conclusions of the report regarding impacts, must be corrected as a matter of record.

The DEIR contains the remarkable statement that "[n]o federally or state-listed wildlife species were detected during field surveys of onsite components." This is erroneous. The area is known to support a breeding population of federally endangered Least Bell's Vireos, migratory Willow Flycatchers (probably including the endangered southwestern form), and migratory threatened Swainson's Hawks. A number of other special status species are also found in the area. This includes the hoary bat (dead specimen salvaged) and southern western pond turtle (often referred to as the southwestern pond turtle). The DEIR Appendix must be modified to reflect these realities.

Regarding raptors, Red-tailed Hawks are known to nest and forage in the vicinity of the DCTWRP, as are Cooper's Hawk and American Kestrel. The latter was not discussed in the document. In addition, White-tailed Kites are frequently found in the area in some years, along with Osprey, which is found year-round. The nesting status of these two species is uncertain. Northern Harrier and Sharp-shinned Hawk are sometimes observed, and, unusual for the area, a Broad-winged Hawk wintered in the area a few years ago. The Great-Horned Owl is a known nester in the vicinity of DCTWRP. Information about these species in the Sepulveda Basin area surrounding the plant is readily available, and the DEIR is seriously deficient in not having pursued such information more thoroughly.

CONCLUSION

Based on the foregoing, we find that the DEIR requires serious, albeit not lengthy, modification. SFVAS can conditionally support the Project, provided that actions are taken to assure that the availability of water does not stimulate developments in our remaining open spaces and that water is provided by DWP to wetlands that require supplemental water to retain viability. It is likely that SFVAS cannot support the Project in the absence of such assurances.

The attention given in this letter to limited concerns must not be construed as indicating that these are the only concerns SFVAS has concerning this project, and we may submit additional comments as they may be warranted.

We appreciate the opportunity to provide comments on this important project.

Sincerely,

Original signed

Mark B. Osokow,
San Fernando Valley Audubon Society,
Member of the Board of Directors,
Chair, San Fernando Valley Bird Observatory,
Representative to the Recycled Water Advisory Group

and,

Original signed

David A. Weeshoff,
San Fernando Valley Audubon Society,
Past President,
Chair, Conservation Committee