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Governor's Office of Planning & Research

December 13, 2021

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## STATE CLEARINGHOUSE

**Subject: Response to Comments for the Garvey Avenue Grade Separation Drainage Improvement Project, CIP884, Mitigated Negative Declaration, SCH #2021090491, Los Angeles County**

Dear City of El Monte Public Works Department:

We appreciated the Response to Comments provided by the City of El Monte (City) regarding CDFW's comments on the Garvey Avenue Grade Separation Drainage Improvement Project (Project). CDFW evaluates potential impacts at project and species-specific levels. We apply science-based decision making to propose the most feasible course of action to avoid, minimize, or mitigate impacts to sensitive biological resources. CDFW appreciates that the City welcomes our biological expertise during CEQA review of the Project.

### Response and Recommendations

Upon reviewing the response to comment number 13 in the matrix from the Response to Comments, dated November 29, 2021, CDFW still has the following concerns regarding the Project.

- 1) Diversion of Streams. The Response to Comments states, "During wet-weather, the Project's BMPs have been sized to address the 85th percentile storm. Should a larger storm occur, the overflow will drain into the San Gabriel River during wet weather only. The San Gabriel River will receive a less than significant amount of flow, and therefore, the Project will not significantly impacting the hydrologic pattern of the San Gabriel River." While CDFW recognizes that the goal of the Project is to reduce flooding hazards and improve water quality, CDFW is concerned regarding the substantial diversion of urban runoff and stormwater away from surface waters.
  - a. *Significant Diversion*. According to the [County of Los Angeles Department of Public Works Analysis of 85<sup>th</sup> Percentile 24-hour Rainfall Depth Analysis Within the County of Los Angeles](#) (2004), there is a 68 percent probability that all rainfall occurrences will have a depth within the 85<sup>th</sup> percentile category. Therefore, this Project would potentially divert 68 percent of stormwater from streams during wet weather. Diversion of 68 percent of stormwater should be considered a significant amount of water diverted, especially during a below-normal rainfall year. A diversion this substantial may have significant impacts to natural resources that depend on these flows during wet weather. This could result in the permanent impacts to stream function and biological diversity downstream of the Project. In addition, it is unclear what is considered a "less than significant amount of flow" and how significance is

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determined. CDFW is still concerned the Project may substantially adversely affect the existing stormwater flows into streams through the alteration of drainages on site.

- b. *Impacts from Diversion Activity.* As stated in CDFW's comment letter, a study or investigation was not made to determine if the stormwater diversions would impact biological resources offsite. It would therefore be difficult to determine the Project's full potential impacts on biological resources without adequate and complete disclosure [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. Changes to water availability, both within the Project area and downstream are reasonable potential direct and indirect physical changes in the environment. Said changes and their potential impacts on biological resources should be analyzed and disclosed in an environmental document. Adequate disclosure is necessary for CDFW to assist a lead agency in adequately identifying, avoiding, and/or mitigating a project's significant, or potentially significant, direct, and indirect impacts on biological resources.
- c. *Recommendation.* CDFW recommends an analysis of potential impacts on biological resources resulting from the proposed water diversion. At a minimum, the analysis should evaluate a study reach that includes the channel downstream from the Project site. The study reach should extend a minimum of one mile downstream, or an appropriate distance determined by both a qualified biologist and hydrologist, whichever is greater. The analysis of the study reach should discuss changes in hydrology and hydraulics, including the following:
  - i. Under pre-project (i.e., baseline) conditions, the volume of water flow from both the Project area and study reach during a) the wet (November through March); b) the dry season (April through October); and c) above-average and below-average water year (i.e., wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year). The analysis should clearly define above-average or below-average rainfall year.
  - ii. Under proposed Project conditions, the percent reduction in flow from both the Project area and study reach for a wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year.
  - iii. A quantitative analysis comparing the flow from the Project area and other tributaries into the study reach, and their relative contribution to the hydrograph of the study reach.
  - iv. An analysis of potential Project-related changes to river hydraulics in both concrete-lined and soft-bottom reaches. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change).

2) Alteration of Streams. Response to comment number 14 states, "the Project does not alter streams within the project area". Urban runoff normally flows into surface waters (San Gabriel and Rio Hondo) and flows downstream to the Whittier Narrows. The Project

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will divert and permanently remove these flows from the San Gabriel River and Rio Hondo, which would significantly reduce the amount of water available to the stream and biological resources offsite, such as those found in the Whittier Narrows. CDFW recommends an analysis of potential impacts on biological resources resulting from the proposed water diversion (see comment #1. b). Moreover, permanently diverting (i.e., removing) flows from the stream alters the stream. Therefore, the Project applicant (or "entity") should provide written notification to CDFW pursuant to Fish and Game Code section 1600 *et seq.*

3) Los Angeles County Flood Control District's (LACFCD) Program Environmental Impact Report (PEIR). The Response to Comments states, "The City used the Los Angeles County Flood Control District's (LACFCD) Program Environmental Impact Report (PEIR) to assist in the evaluation of impacts from the Project." It is unclear how the PEIR evaluates potential impacts of the Project. If the PEIR does not evaluate these impacts, the MND should provide these analyses to fully and adequately identify the Project's significant, or potentially significant, direct, and indirect impacts on biological resources. CDFW recommends updating the MND to provide adequate and complete disclosure of information that would address the following in relation to the Project:

- a. How does the PEIR evaluate impacts of the diversion activities?
- b. What amount of water will be diverted from the Rio Hondo and San Gabriel River?
- c. How does the MND or PEIR assess the significance of the amount of water that will be diverted?
- d. What amount of water was used to determine that the Project would divert below a threshold of significance?
- e. How does the diversion change the hydrology and hydraulics of the Project area and downstream? An analysis should evaluate a study reach that includes biological resources and the channel downstream from the Project site (see Comment #1.c.i-iv).

We appreciate the City's Response to Comments and look forward to further coordination. For further discussion of these comments or any additional concerns related to the Project, feel free to contact Felicia Silva, Environmental Scientist, at (562) 292-8105 or by email at [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov) at your convenience.

Sincerely,

DocuSigned by:  
  
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Erinn Wilson  
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**References:**

County of Los Angeles Department of Public Works. 2004. Analysis of 85th Percentile 24-hour Rainfall Depth Analysis Within the County of Los Angeles. Accessed at:  
[https://ladpw.org/wrd/publication/engineering/Final\\_ReportProbability\\_Analysis\\_of\\_85th\\_Percentile\\_24-hr\\_Rainfall1.pdf](https://ladpw.org/wrd/publication/engineering/Final_ReportProbability_Analysis_of_85th_Percentile_24-hr_Rainfall1.pdf)