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*GAVIN NEWSOM, Governor*  
*CHARLTON H. BONHAM, Director*



December 9, 2022

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Los Angeles Department of Water and Power  
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**Subject: Notice of Preparation of a Draft Environmental Impact Report for the Distributing Station 104 Project, SCH #2022110012, Los Angeles Department of Water and Power, Los Angeles County**

Dear Mr. Leong:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of the Draft Environmental Impact Report (DEIR) from the Los Angeles Department of Water and Power (LADWP) for the Distributing Station 104 Project (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

### **CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by state law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

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## Project Description and Summary

**Objective:** The proposed Project would construct a 30-megavolt ampere distributing station (DS-104). This new facility would step down voltages from LADWP's existing higher-voltage sub-transmission system (used for distribution of energy to customers within the community) through the lower-voltage distribution system. DS-104 would consist of a control room, restroom, transformers, circuit breakers, switchgear, interconnection apparatus, and other associated equipment all enclosed within the distributing station structure. The distributing station, including vehicle access and parking, would occupy approximately one acre within LADWP's existing two-acre property. DS-104 would be operated remotely and would not require daily on-site staff. Design options under consideration include using wall-enclosures, locating equipment indoors, and undergrounding circuits serving customers. Customers would be served by six new underground lower-voltage distribution feeders exiting DS-104 to connect with the existing distribution network of the area. Connecting DS-104 to the existing 34.5-kilovolt (kV) sub-transmission system would require modifying the existing sub-transmission circuits to loop into and out of the new DS-104 site. New segments of sub-transmission circuits would also be needed elsewhere in the City of Los Angeles to supply the new DS-104 with energy and to create system redundancy with other existing stations on the LADWP network, including the existing DS-29. Construction of DS-104 is expected to commence in the Fall of 2024 and would continue for approximately 42 months.

**Location:** The proposed Project site is located at 16931 Marquez Avenue in the Pacific Palisades neighborhood of the City of Los Angeles (City). Land uses surrounding the Project site include Marquez Charter Elementary School to the north and northeast, vacant land to the west and northwest, and single-family residences to the south and east. The Project site is approximately two acres and is owned by LADWP.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist the LADWP in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The DEIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. CDFW looks forward to commenting on the DEIR when it is available.

## Specific Comments

- 1) Potential Impacts on Monarch Butterfly. After review of the California Natural Diversity Database (CNDDB), there are multiple occurrences of monarch (*Danaus plexippus* population 1 – California overwintering population; monarch) overwintering locations within two miles of the Project vicinity. Aerial photography indicates there is potential habitat on site. Eucalyptus trees, for example, could provide habitat for overwintering monarch butterfly.
  - a) Protection Status. The western migratory monarch population that overwinters along the California coast has declined by more than 99 percent from an estimated four million butterflies just twenty years ago (CDFW 2022a; Marcum and Darst 2021). Habitat loss and fragmentation, including grove senescence, are among the primary threats to the

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population (Thogmartin et al. 2017). Given the precipitous decline, the monarch is currently slated to be listed in 2024 under the Endangered Species Act (CDFW 2022a). The monarch is included on CDFW's [Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) list and identified as a Species of Greatest Conservation Need in California's [State Wildlife Action Plan](#) (CDFW 2017; CDFW 2015). The monarch meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Impacts on monarchs may require a mandatory finding of significance because the Project may threaten to eliminate an animal community and/or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, § 15065).

- b) Surveys. CDFW recommends the LADWP retain a qualified biologist to assess the Project area for monarchs and overwintering habitat. A qualified biologist should survey any eucalyptus groves and other trees within the Project area that are suitable for overwintering monarchs. A qualified biologist should conduct multiple surveys for overwintering monarchs where potential overwintering habitat has been identified. Monitoring should be done as frequently as possible during the overwintering season (typically September 15 through March 1) to capture changing distributions through the season and in response to storm events.
- c) Analysis and Disclosure. The DEIR should evaluate the Project's potential impact and cumulative impact on monarchs. The DEIR should assess impacts on monarchs as a result of the following: loss and reduction of overwintering habitat; loss or reduction of nectar plants; altering overwintering habitat climatic conditions such as such as temperature, humidity, and wind; and use of pesticides. The DEIR should assess potential impacts on monarchs during Project construction and activities. In addition, the DEIR should assess potential impacts on monarchs under proposed Project conditions.
- d) Mitigation. If the Project would have impacts on monarchs, the DEIR should include measures to first avoid and minimize impacts on monarchs and overwintering habitat. If the Project would result in loss of overwintering habitat, CDFW recommends the LADWP provide compensatory mitigation so that there is no net loss of overwintering habitat. CDFW also recommends the LADWP explore Project design alternatives that would avoid, reduce, or restrict disturbances to overwintering habitat. Mitigation for monarchs should be developed in consultation with a qualified biologist. CDFW recommends the LADWP also consult the following resources to develop appropriate measures to mitigate for the Project's potential impacts on monarchs:
- [Western Monarch Butterfly Conservation Plan](#) (WAFWA 2019);
  - [Overwintering Site Management and Protection](#) (Western Monarch Count 2022);
  - [Protecting California's Butterfly Groves](#) (Xerces Society 2017);
  - [Managing Monarch Habitat in the West](#) (Xerces Society 2021a);
  - [Pollinator-Friendly Native Plant Lists](#) (Xerces Society 2021b);
  - [Monarch Butterfly Nectar Plant Lists for Conservation Plantings](#) (Xerces Society 2018);
  - [Tropical Milkweed](#) (Wheeler 2018); and
  - CDFW's [Monarch Butterfly](#) webpage (CDFW 2022a)

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- 2) Rare Plants. According to CNDDDB, there are multiple occurrences of Braunton's milkvetch (*Astragalus brontonii*) within the Project vicinity.
  - a) Protection Status. Braunton's milkvetch has a California Rare Plant Rank (CRPR) of 1B.1. Plants that have a CRPR of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). Please see CNPS [Rare Plant Ranks](#) page for additional rank definitions. In addition, Braunton's milkvetch is also listed as Endangered under the ESA.
  - b) Surveys. In preparation of the DEIR, CDFW recommends the LADWP require the Project Applicant to retain a qualified biologist to survey the entire Project site for rare plants in accordance with established protocol (see General Comment #3b).
  - c) Mitigation. CDFW recommends LADWP require the Project Applicant to design the Project to fully avoid impacts on rare plants and habitat, especially those that are CESA-listed, ESA-listed, or has a CRPR of 1B. The DEIR should discuss and show how the Project has been designed to fully avoid impacts. If impacts cannot be avoided, the DEIR should fully disclose where impacts would occur and how many plants and acres of habitat would be impacted. The DEIR should be conditioned to provide compensatory mitigation for loss of individual rare plants as well as acres of habitat. If an ESA-listed species is found, the USFWS should also be notified. Additional avoidance and minimization measures may need to be developed with USFWS. The DEIR should discuss why mitigation measures proposed would be adequate to avoid or offset impacts to rare plants and habitat.
- 3) Nesting Birds. Review of aerial photography indicates potential nesting habitat for avian species within trees on site. The Project would require ground disturbing activities such as grading and grubbing, which may result in removal or disturbance of habitat for birds, as well as cause injury or mortality of adults, juveniles, eggs, or hatchlings. The Project proposes to develop within or adjacent to open space and natural areas that likely supports a variety of nesting avian species. Accordingly, the Project may impact nesting birds and raptors. Project activities occurring during the bird and raptor nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.
  - a) Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.
  - b) CDFW recommends the DEIR discuss the Project's impact on nesting habitat. The DEIR should disclose the acreage of nesting habitat that could be impacted and lost as a result of the proposed Project.

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- c) CDFW recommends that measures be taken to avoid impacts on nesting birds and raptors. CDFW recommends the DEIR provide a measure whereby the Project avoids ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.

## General Comments

- 1) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document “shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.”
  - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency “shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures” (Pub. Resources Code, § 21081.6). CDFW recommends the LADWP provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).
  - b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should provide a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project’s proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 3) Scientific Collection Permit. Pursuant to the [California Code of Regulations, title 14, section 650](#), the LADWP and/or a qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW’s [Scientific Collection Permits](#) webpage for information (CDFWb 2022). An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.

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CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650).

- 4) Move Out of Harm's Way. CDFW recommends a qualified biological monitor be on site during initial ground disturbing activities and vegetation removal. Wildlife should be primarily allowed to move away on its own volition (non-invasive, passive relocation). No wildlife should be enclosed inside any work zone or otherwise impacted by Project-related fencing. Safe and suitable wildlife relocation areas should be identified by a qualified biological monitor prior to ground disturbing activities and vegetation removal.
- 5) Construction Fencing. CDFW recommends that any fencing used during and after the Project be constructed with materials that are not harmful to wildlife. Prohibited materials should include, but are not limited to, spikes, glass, razor, or barbed wire. Use of chain link and steel stake fence should be avoided or minimized as this type of fencing can injure wildlife or create barriers to wildlife dispersal. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality. These structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard. Fences should be installed in a manner that excludes any wildlife from entering the work zone (i.e., embedded fence such that wildlife cannot enter from under the fence). Fences should not have any slack that may cause wildlife entanglement.
- 6) Rodenticides. CDFW recommends that rodenticides and second-generation anticoagulant rodenticides be prohibited both during and over the life of the Project.
- 7) Lake and Streambed Alteration Agreement. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.*
  - a) CDFW's issuance of a Lake and Streambed Alteration (LSA) Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for information about LSA Notification (CDFWc 2022).

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- b) In the event the Project site may support aquatic, riparian, and wetland habitats; a preliminary delineation of the streams and their associated riparian habitats should be provided in the environmental document. The delineation should be conducted pursuant to the U.S. Fish and Wildlife Service (USFWS) wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.
  - c) In Project sites which may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes. Therefore, CDFW recommends effective setbacks be established to maintain appropriately sized vegetated buffer areas adjoining ephemeral drainages. The DEIR should provide a justification for the effectiveness of the chosen distance for the setback.
  - d) Project-related changes in upstream and downstream drainage patterns, runoff, and sedimentation should be provided and evaluated in the DEIR.
  - e) As part of the LSA Notification process, CDFW requests a hydrological modelling of the 100, 50, 25, 10, 5, and 2-year frequency storm events for existing and proposed Project conditions to provide information on how water and sediment is conveyed through the Project site. The LSA Notification should address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts on streams and associated natural communities.
- 8) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.
- 9) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened,

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rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should provide the following information:

- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should provide measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFWd 2022);
- b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Botanical field surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves multiple visits to the Project site (e.g., in early, mid, and late-season) to capture the floristic diversity at a level necessary to determine if special status plants are present;
- c) Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project site and within adjacent areas. The [Manual of California Vegetation](#) (MCV), second edition, should also be used to inform this mapping and assessment (CNPS 2022). Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts off site;
- d) A complete and recent assessment of the biological resources associated with each habitat type in the Project site and within adjacent areas. CDFW's [California Natural Diversity Database](#) should be accessed to obtain current information on any previously reported sensitive species and habitat (CDFWe 2022). An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project site. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources. Please see [CNDDDB Data Use Guidelines – Why do I need to do this?](#) for additional information (CDFW 2011);



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- e) A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
  - f) A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project site and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol (CDFW 2018). Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS; and,
  - g) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.
- 10) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to adversely affect biological resources with specific measures to offset such impacts. The DEIR should address the following:
- a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR;
  - b) A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted [CEQA Guidelines, § 15126.2(a)];
  - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
  - d) A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat (if any) supported by the groundwater. Measures to mitigate such impacts should be provided; and

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- e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be provided in the DEIR.
- 11) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be provided in the DEIR:
- a) A complete discussion of the purpose and need for, and description of the proposed Project;
  - b) Pursuant to CEQA Guidelines section 15126.6(a), an environmental document “shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project.” CEQA Guidelines section 15126.6(f)(2) states if the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion; and,
  - c) A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the LADWP select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources.
  - d) CDFW also recommends the LADWP consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.
  - e) Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR “shall” include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).
  - f) Where the Project may impact aquatic and riparian resources, CDFW recommends the LADWP select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the watercourse to alter its course of flow.

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12) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and sensitive natural communities detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFWf 2022). To submit information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFWg 2022). The LADWP should ensure data collected for the preparation of the DEIR be properly submitted, with all data fields applicable filled out.

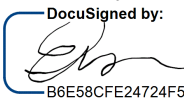
### Filing Fees

The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by LADWP and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

### Conclusion

We appreciate the opportunity to comment on the Project to assist the LADWP in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the LADWP has to our comments and to receive notification of any forthcoming hearing date(s) for the Project. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov) or (562) 292-8105.

Sincerely,

DocuSigned by:  
  
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Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW

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