



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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GAVIN NEWSOM, Governor
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December 19, 2024

Jazmin Martin
Los Angeles Department of Water and Power
111 North Hope Street, Room 1044
Los Angeles, CA 90012
Jazmin.Martin@ladwp.com

Subject: Draft Environmental Impact Report for the Scattergood Generating Station Units 1 and 2 Green Hydrogen-Ready Modernization Project, SCH No. 2023050366, Los Angeles County, CA

Dear Jazmin Martin:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Environmental Impact Report (DEIR) from the Los Angeles Department of Water and Power (LADWP) for the Scattergood Generating Station Units 1 and 2 Green Hydrogen-Ready Modernization Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife.

CDFW 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 & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (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 (Fish & G. Code, § 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 fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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PROJECT DESCRIPTION SUMMARY

Proponent: LADWP

Objective: The objective of the Project is to construct and operate a rapid-response combined cycle-generation system at the Scattergood site. Primary Project activities include the construction of the CCGS and ancillary facilities, construction of retaining walls, backfilling the site, modifying in-station wastewater discharge and stormwater collection systems, and potentially constructing a wastewater line to Hyperion Water Reclamation Plant and severing the once-through cooling system.

Location: The Project is located within the cities of Los Angeles and El Segundo, in the County of Los Angeles. More specifically, the Project is located at 685 Grand Avenue, near the Vista del Mar and Grand Avenue cross streets to the southwest and west of State Highway 1.

Timeframe: The Project is anticipated to take approximately three and a half years to complete and an additional six months to test.

Biological Setting: The Project site is composed of 52.5 acres of developed land, including the southern parcel across West Grand Avenue. The southern parcel is a disturbed site that is frequently used for staging construction materials. The area surrounding the Project site is mostly developed including the Hyperion Treatment plant to the north, residential communities of the City of El Segundo to the east, and the El Segundo power plant to the south. To the west is El Segundo Beach, which is comprised of sandy beaches with patches of iceplant (*Carpobrotus edulis*). Further north of the Project site are coastal dunes that support the El Segundo blue butterfly (*Euphilotes battoides allyni*), which is listed as federally endangered under the Endangered Species Act (ESA).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist LADWP in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT # 1: Timing of Biological Resources Assessment

Issue: The Biological Resources Assessment should be conducted at an appropriate time of the year to ensure that a baseline biological assessment is properly attained.

Specific impact: The Biological Resources Assessment was conducted during December, a time when most species do not exhibit observable behaviors or traits. As a result, species of special concern, including those listed under the California Endangered Species Act (CESA) or ESA, may not have been observed during this period. As a result, Project activities may result in significant indirect impacts (e.g.,

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increased dust, noise, artificial lighting, and vehicle/foot traffic). These indirect impacts can lead to direct mortality, population declines, or local extirpation of sensitive or special status species that may occur in areas within and/or immediately adjacent to the Project site that were not identified during the biological assessment.

Why impact would occur: The Biological Resources Assessment was conducted during a time of year when some wildlife species, such as El Segundo blue butterfly and migratory shorebirds, may not be observable and may have been missed. Absent appropriate plant and wildlife surveys, the Project's environmental analysis lacks adequate baseline information about the number, type, and diversity of species within the vicinity of the Project to inform appropriate avoidance, minimization, and/or mitigation measures. Consequently, Project impacts may not be reduced to less than significant (as currently proposed).

Evidence impact may be significant: CEQA Guidelines section 15121 and section 15123 require the document to analyze if the Project may have a significant effect on the environment as well as review if the Project will "identify possible ways to minimize the significant effects." To analyze if a project may have a significant effect on the environment, the Project related impacts, including adequate survey results for species that may occur in the entire Project footprint, need to be disclosed during the public comment period. This information is necessary for CDFW (and other public entities) to provide meaningful comments for the purpose of avoiding impacts and to assess the significance of impact(s) relative to species (e.g., current range, distribution, population trends, and connectivity). In addition, the DEIR does not include avoidance strategies necessary to minimize impacts to sensitive or special status species that may occur within the vicinity of the Project.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: Biological surveys shall be conducted to establish a biological baseline, with a focus on identifying the presence or absence of sensitive or special status species and sensitive habitats, prior to finalizing the DEIR. This shall include a complete species compendium for floral and fauna and shall be conducted at the appropriate time of year. Survey results, including negative findings, analysis, recommendations, and field notes should be included in the DEIR and available for public review and comment. Based on the survey results, the Final EIR should propose avoidance, minimization, and/or specific mitigation for Project impacts to any sensitive and special status species and species found exhibiting reproductive behaviors (e.g., avoidance buffers of dens, burrows, nests, or sensitive or special status plants during blooming periods). If any sensitive or special status species are observed during the surveys, Permittee shall coordinate with CDFW before finalizing the DEIR to establish and implement appropriate avoidance, minimization, and specific mitigation measures. For botanical species, the assessment(s) will be conducted in accordance with CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant

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Populations and Natural Communities (see <https://www.wildlife.ca.gov/Conservation/Plants/Info>).

Mitigation Measure #2: LADWP shall conduct two pre-Project surveys within the proposed work area within a one-week period prior to the start of Project-related activities. Pre-Project surveys shall include: a) general surveys for botanical and wildlife resources; b) the identification of any active bird nests and/or animal burrows (if active, they should be recorded, monitored for species observations, and mapped); and, c) work areas with flowing or standing water shall be visibly surveyed for any aquatic species that may be impacted by Project activities. The surveys will be conducted in accordance with CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <https://www.wildlife.ca.gov/Conservation/Plants/Info>). If sensitive or special status species are observed during the pre-Project surveys, CDFW shall be notified, LADWP shall set avoidance buffer zones to reduce disturbance to the species (in coordination with CDFW), and LADWP shall monitor the species until either the Project has been completed or the species has naturally and voluntarily left the area.

Recommendation #1: The DEIR should address indirect Project impacts on biological resources, includes resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations 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 natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](https://www.wildlife.ca.gov/Data/CNDDDB)² provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

LADWP should ensure data collected for the preparation of the DEIR is properly submitted.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final.

² <https://www.wildlife.ca.gov/Data/CNDDDB>

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(Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist LADWP in identifying and mitigating Project impacts on biological resources. We recommend LADWP address CDFW's comments prior to adopting the DEIR. 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 (CEQA Guidelines, § 15073(e)). Questions regarding this letter or further coordination should be directed to Jennifer Blackhall³, Environmental Scientist, by phone at (858) 354-3285 and by email at Jennifer.Blackhall@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Heather A. Pert
Environmental Program Manager
South Coast Region

ec: California Department of Fish and Wildlife
Heather A. Pert, Environmental Program Manager
Baron Barrera, Senior Environmental Scientist (Supervisory)
Felicia Silva, Senior Environmental Scientist (Specialist)
Jennifer Blackhall, Environmental Scientist
Cindy Hailey, Staff Services Analyst

REFERENCES

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³ Phone: (858) 354-3285; Email: Jennifer.Blackhall@wildlife.ca.gov

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ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

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Attachment A: Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #1: Updated Biological Assessment</p> <p>Biological surveys shall be conducted to establish a biological baseline, with a focus on identifying the presence or absence of sensitive or special status species and sensitive habitats, prior to finalizing the DEIR. This shall include a complete species compendium for floral and fauna and shall be conducted at the appropriate time of year. Survey results, including negative findings, analysis, recommendations, and field notes should be included in the DEIR and available for public review and comment. Based on the survey results, the Final EIR should propose avoidance, minimization, and/or specific mitigation for Project impacts to any sensitive and special status species and species found exhibiting reproductive behaviors (e.g., avoidance buffers of dens, burrows, nests, or sensitive or special status plants during blooming periods). If any sensitive or special status species are observed during the surveys, Permittee shall coordinate with CDFW before finalizing the DEIR to establish and implement appropriate avoidance, minimization, and specific mitigation measures. For botanical species, the assessment(s) will be conducted in accordance with CDFW’s Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see https://www.wildlife.ca.gov/Conservation/Plants/Info).</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>
<p>Mitigation Measure #2: Pre-Project Surveys</p> <p>LADWP shall conduct two pre-Project surveys within the proposed work area within a one-week period prior to the start of Project-related activities. Pre-Project surveys</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>

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<p>shall include: a) general surveys for botanical and wildlife resources; b) the identification of any active bird nests and/or animal burrows (if active, they should be recorded, monitored for species observations, and mapped); and, c) work areas with flowing or standing water shall be visibly surveyed for any aquatic species that may be impacted by Project activities. The surveys will be conducted in accordance with CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see https://www.wildlife.ca.gov/Conservation/Plants/Info). If sensitive or special status species are observed during the pre-Project surveys, CDFW shall be notified, LADWP shall set avoidance buffer zones to reduce disturbance to the species (in coordination with CDFW), and LADWP shall monitor the species until either the Project has been completed or the species has naturally and voluntarily left the area.</p>		
<p>Recommendation #1:</p> <p>The DEIR should address indirect Project impacts on biological resources, includes resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR.</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>