



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newsom, Governor
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region
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August 9, 2023

John Carver
16400 Colorado Drive
Paramount, CA 90723
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Subject: Mitigated Negative Declaration for Spane Park Stormwater Capture Project, SCH #2023070443, City of Paramount, Los Angeles County

Dear Mr. Carver:

The California Department of Fish and Wildlife (CDFW) has reviewed Spane Park Stormwater Capture Project (Project) proposed by the City of Paramount (City). 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 & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. 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 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 & G. 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 &

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G. Code, § 2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The proposed Project entails the construction and operation of a stormwater capture and filtration facility beneath Spane Park, as well as other ancillary park improvements. The stormwater capture and filtration facility would intercept flows from a storm drain beneath Rosecrans Avenue and convey them into an underground reservoir beneath the proposed soccer field, for infiltration into the groundwater basin. An outflow pipe would be installed to convey excess water from the reservoir during heavy storms when all the water is not able to infiltrate. The water would pass through a filtration system before discharging back into the existing storm drain channel. Additional park improvements include: installing a soccer field, reconstructing the basketball courts and restroom building, reconfiguring the parking lot, and revitalizing the pond and stream feature.

As part of the system, a 20-cubic-feet-per-second diversion concrete structure with manhole access would be constructed within Rosecrans Avenue just north of Spane Park. The diversion structure would connect to the existing storm drain within Rosecrans Avenue maintained by the Los Angeles County Flood Control District. This would divert stormwater by gravity from the storm drain to the pretreatment device, and eventually the subsurface storage reservoir. The storage reservoir would be installed beneath the proposed soccer field. The storage reservoir would have a capacity of 8.5 acre-feet, with an approximate 0.8-acre footprint. During smaller storm events, stormwater collected by the system is anticipated to infiltrate into the soils beneath the storage reservoir and infiltration gallery. During larger storm events, a proposed electric pump would carry stormwater into a filtration system to provide additional pollutant removal prior to discharging back into the existing storm drain channel in Rosecrans Avenue. When the water level in the reservoir reaches a predetermined elevation during heavy storm flow, the proposed pump would lift the excess water from the storage reservoir to a filter unit on the northern side of the reservoir. The proposed pump would also divert a portion of the captured stormwater through a proposed pipe running south and feeding water to the revitalized on-site stream that ultimately drains into the on-site pond.

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Location: The park is bounded by Rosecrans Avenue to the north, an industrial warehouse to the east, Gundry Avenue to the west, and Los Cerritos Elementary to the south. Interstate 105 runs west–east approximately 0.5 mile north of the site, and Interstate 710 runs north–south approximately 0.5 mile west of the site.

Comments and Recommendations

CDFW offers comments and recommendations below to assist the City in adequately identifying the Project’s significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the City consider our comments and recommendations when preparing an environmental document that may provide adequate and complete disclosure of the Project’s potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151].

Specific Comments

Comment #1: Impacts to Rivers

Issue: Stormwater diversion may impact resources downstream.

Specific impacts: The Project has potential to result in permanent impacts to stream function and biological diversity downstream of the Project.

Why impacts would occur: Project activities may permanently alter the stormwater flow into the Los Angeles River, potentially impacting fish and wildlife resources downstream. Construction of the water diversion could potentially alter (i.e., reduce) water availability in streams, which may be a significant impact to biological resources. Flow reductions, especially dry season flow, could impact beneficial uses directly or indirectly through habitat modifications. Diverting water from streams, such as the Los Angeles River, during the dry season could reduce the availability and extent of shallow water sheet flow. The resulting sheet flows allow phytoplankton (algae and cyanobacteria), microorganisms, and herbaceous vegetation to establish. The algae provide habitat and a food source for benthic invertebrates that are a vital food source for wading birds.

Seasonality: The MND does not analyze the potential significance of water diversion depending on the season. During the dry season, typically April through September in southern California, the many concrete-lined channels are largely maintained by urban runoff and discharge from wastewater

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reclamation plants. Diverting water could be significant during the dry season and could either significantly reduce water flow or result in complete loss of water flow.

Drought: The MND does not analyze the potential significance of water diversion during a below-normal water year. Since 2000, the longest duration of drought in California lasted between 2011 and 2019 (USGS 2021) and in southern California, between 2012 through 2016 (Los Angeles Almanac 2021). The 2017-2018 rainfall season was below normal and the driest for Los Angeles since 2006-2007 (Los Angeles Almanac 2021). Diverting water during a below-normal rainfall year may significantly reduce water flow or result in complete loss of water flow.

Downstream and associated biological resources beyond the Project development footprint may also be impacted by altered watershed effects resulting from Project activities, such as aquatic bird habitat. There are many records of avian species using the Los Angeles River downstream of the Project site. Species associated with aquatic habitats which could be impacted include but are not limited to spotted sandpiper (*Actitis macularius*) and double-crested cormorant (*Nannopterum auritum*), amongst many others (ebird 2023).

Evidence impacts would be significant: Changes to hydrology, both within the Project area and downstream, may result in 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.

In addition, Fish and Game Code section 1602 requires any person, State or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

The Project may adversely affect the hydrology pattern downstream of the Project site. This may occur through the alteration of flows to streams. In addition, impacts to biological resources off site may occur. The Project may substantially adversely affect the existing stormwater flows into streams through

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the installation of a groundwater infiltration basin on site. It is unclear how much stormwater may be diverted and if the flows would impact biological resources off site because an investigation has not been made to determine so. Therefore, appropriate avoidance, minimization, and mitigation measures have not been determined. Inadequate investigation may result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The Project may result in the alteration of streams. For any such activities, the Project applicant (or "entity") shall provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Information regarding CDFW's Lake and Streambed Alteration Program is available online (CDFW 2023a).

Mitigation Measure #2: The LSA Notification shall include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity within and downstream of the Project site. The hydrology report should also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows on site and downstream, and determine if the Project will result in substantial changes to water availability downstream for biological resources. A hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions shall also be included, in order to determine how the Project activities may change the hydrology on or off site.

Mitigation Measure #3: Best Management Practices (BMPs) shall be implemented to prevent erosion and the discharge of sediment and pollutants into drainages during Project activities. BMPs shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as monofilament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be

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free of nonnative plant materials and be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

Recommendation #1: CDFW recommends the MND include an analysis of potential impacts on biological resources resulting from the proposed water diversion, such as impacts to aquatic bird species. At a minimum, the study reach should extend one mile downstream, or an appropriate distance determined by both a qualified biologist and hydrologist. The analysis of the study reach should discuss changes in hydrology and hydraulics using the following considerations.

1. Under pre-project (i.e., baseline) conditions, the volume of water flow from both the Project area and study reach during a) the wet season (November through March); b) the dry season (April through October); and c) above-average and below-average rainfall 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;
2. 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;
3. 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; and,
4. An analysis of potential Project-related changes to the Los Angeles River. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change).

Recommendation #2: CDFW's issuance of an 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 MND from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the MND should fully identify the potential impacts to the stream or riparian resources downstream and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

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To compensate for any on- and off-site impacts to wetlands or riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on- and/or off-site habitat creation, enhancement, restoration, and/or protection; and management of mitigation lands in perpetuity.

Additional Recommendations

Recommendation #3: CDFW recommends the use of native plants for any project proposing revegetation and landscaping. CDFW strongly recommends avoiding non-native, invasive plants for landscaping, particularly any species listed as 'Moderate' or 'High' by the California Invasive Plant Council (Cal-IPC 2022). CDFW recommends the use of native species found in naturally occurring plant communities within or adjacent to the Project area. Finally, CDFW recommends planting species of vegetation with high insect and pollinator value.

Recommendation #4: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2023b). 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 (CDFW 2023c).

Recommendation #5: Rodenticides and second-generation anticoagulant rodenticides should be prohibited both during and over the life of the Project.

Recommendation #6: CDFW recommends the City update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The City is welcome to coordinate with CDFW to further review and refine the Project's


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mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Conclusion

CDFW appreciates the opportunity to provide comments and recommendations regarding the Project to assist the City of Lancaster in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW looks forward to reviewing an ensuing Project-related environmental document. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Sincerely,

DocuSigned by:

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David Mayer
Environmental Program Manager
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[CDFW] California Department of Fish and Wildlife. 2023b. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the Project's environmental document.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1-LSA Agreement	For any activity that may alter streams, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 <i>et seq.</i> of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW's Lake and Streambed Alteration Program webpage for information (CDFW 2023a).	Prior to Project ground disturbing activities	City/Project Applicant
MM-BIO-2-LSA Notification	The LSA Notification will include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity within and downstream of the Project site. The hydrology report will also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows on site and downstream. The hydrology report will also determine if the Project will result in substantial changes to water availability downstream for biological resources. A hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions will be included to determine how the Project activities may change the hydrology on site.	Prior to Project ground disturbing activities	City/Project Applicant

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<p>MM-BIO-3-BMPs</p>	<p>The Project shall implement Best Management Practices (BMPs) to prevent erosion and the discharge of sediment and pollutants into drainages during Project activities. BMPs shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent should prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as monofilament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>
<p>REC-1-Hydrological Analysis</p>	<p>CDFW recommends the MND include an analysis of potential impacts on biological resources resulting from the proposed water diversion. At a minimum, the study reach should extend one mile downstream, or an appropriate distance determined by both a qualified biologist and hydrologist. The analysis of the study reach should discuss changes in hydrology and hydraulics, including the following:</p> <ol style="list-style-type: none"> 1. Under pre-project (i.e., baseline) conditions, the volume of water flow from both the Project area and study reach during a) the wet season (November through March); b) the dry season (April through October); and c) above-average and below-average rainfall year (i.e., wet season/above-average water year, wet season/below-average rainfall year, dry season/above-average water year, and dry 	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>

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	<p>season/below-average water year). The analysis should clearly define above-average or below-average rainfall year.</p> <ol style="list-style-type: none"> 2. 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. 3. 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. 4. An analysis of potential Project-related changes to the river. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change). 		
<p>REC-2-LSA</p>	<p>CDFW's issuance of an 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 MND from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the MND should fully identify the potential impacts to the stream or riparian resources downstream and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.</p> <p>To compensate for any on- and off-site impacts to wetlands or riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources,</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>

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	protective measures for downstream resources, on- and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.		
REC-3-Landscaping	CDFW recommends the use of native plants for any project proposing revegetation and landscaping. CDFW strongly recommends avoiding non-native, invasive plants for landscaping, particularly any species listed as 'Moderate' or 'High' by the California Invasive Plant Council (Cal-IPC 2022). CDFW recommends the use of native species found in naturally occurring plant communities within or adjacent to the Project area. Finally, CDFW recommends planting species with high insect and pollinator value.	Prior to Project ground disturbing activities	City/Project Applicant
REC-4-CNNDDB	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms (CDFW 2023b). 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 (CDFW 2023c).	Prior to Project ground disturbing activities	City/Project Applicant
REC-5-Rodenticide	Rodenticides and second-generation anticoagulant rodenticides should be prohibited both during and over the life of the Project.	Prior to Project ground disturbing activities	City/Project Applicant