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Via Electronic Mail Only

Governor's Office of Planning & Research

September 8, 2023

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STATE CLEARINGHOUSE

**Subject: Notice of Preparation of a Draft Program Environmental Impact Report for the Pacoima Reservoir Restoration Project, SCH #2023080371, Los Angeles County Flood Control District, Los Angeles County**

Dear Alex Ho:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of a Draft Environmental Impact Report from the Los Angeles County Flood Control District (LACFCD) for the Pacoima Reservoir Restoration 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 & 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 is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, §21069; CEQA Guidelines, §15381). CDFW expects that it may

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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 & 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 Applicant obtain appropriate authorization under the Fish and Game Code.

## **Project Summary**

**General Site Description:** During the Marek (2008), Sayre (2008), Station (2009), and Sand (2016) Fires, approximately 96 percent of the tributaries that drain into Pacoima Reservoir was burned by at least one fire, and large areas have been burned multiple times. Due to the burned watershed conditions, subsequent storm events have resulted in larger debris flows and have deposited higher than normal quantities of sediment in the Reservoir, thereby decreasing storage capacity and increasing the chances of the outlet works becoming plugged with sediment or debris.

**Location:** Pacoima Dam is located approximately 2 miles northeast of El Cariso Community Regional Park in the City of Los Angeles and approximately 3 miles northeast of City of San Fernando in the County of Los Angeles, California.

**Objective:** The Project includes three separate phases. Phase 1 proposes removal of 1.5 million cubic yards (MCY) of sediment. Construction is anticipated to start in late 2025 with site preparation and vegetation removal, and sediment removal activities are anticipated to start in spring 2026. Phase 1 is planned to be implemented over a period of up to five years and will be analyzed at the project level. Phase 2 proposes removal of the amount of sediment sufficient to restore 8.0 MCY of storage capacity in the reservoir, currently estimated to be up to 4.0 MCY. Phase 2 will be analyzed at the program level. Phase 3 of the Project will involve establishing a long-term sediment maintenance program for removing approximately 1.1 MCY of sediment approximately every 10 years to reduce the need for future large-scale projects. The Phase 3 long-term sediment maintenance program is anticipated to begin in Spring of 2041. Phase 3 will also be analyzed at the program level and additional environmental assessment will occur prior to each removal. The proposed Project would restore flood management and water conservation capacity to the reservoir, increase the reliability of operations and safety of Pacoima Dam, and create a long-term and reliable means of access to the reservoir. The following proposed activities

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would occur annually during the non-storm season (April 16 to October 14): Reservoir Access, Reservoir Dewatering, Sediment Excavation, Sediment Transportation, and Sediment Placement.

## **Comments and Recommendations**

CDFW offers comments and recommendations below to assist the LACFCD 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 CEQA document 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 CEQA document when it is available.

### **Specific Comments:**

- 1) Impacts on Flow Regime and Biological Resources in Pacoima Wash. During Project activities, it is unknown if the Project will reduce discharge from Pacoima Reservoir or eliminate flows entirely. Reduced discharge would affect water availability and flows in Pacoima Wash. As such, CDFW recommends the PEIR disclose how the Project may modify the current flow regime and potentially impact biological resources downstream in the Pacoima Wash. At a minimum, the PEIR should provide the following:
  - a) an analysis of the existing flow regime during the winter and summer seasons, and how that may change under Project conditions;
  - b) an analysis of potential Project-related effects on river hydraulics. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change);
  - c) a comprehensive list of sensitive and special status plant and wildlife species, and sensitive plant communities occurring around the Pacoima Reservoir and in the Pacoima Wash at least a mile downstream; and,
  - d) a discussion as to how each species or plant community may be significantly impacted directly or indirectly through habitat modification, as result of changes to hydrology (reduced flow) and hydraulics (water depth, wetted perimeter, velocity).

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- 2) Least Bell's Vireo. A search of the California Natural Diversity Database (CNDDDB) found a record of least Bell's vireo (*Vireo bellii pusillus*; vireo) approximately 1.75 miles downstream along the Pacoima Wash (CDFW 2023a). Consistent with CEQA Guidelines, section 15380, the status of least Bell's vireo as an endangered species pursuant to the federal Endangered Species Act (16 U.S.C., § 1531 *et seq.*) and CESA (Fish & G. Code, § 2050 *et seq.*) qualifies least Bell's vireo as an endangered, rare, or threatened species under CEQA. Project activities involving ground disturbance may increase sediment and pollutant input into waterways. Sediment and pollutants may be transported downstream and impact wildlife and/or impair habitat for wildlife such as least Bell's vireo. The primary cause of decline for this species has been the loss and alteration of riparian woodland habitats (USFWS 2006). CDFW recommends the PEIR provide a thorough discussion and adequate disclosure of the Project's potential direct and indirect impacts to least Bell's vireo where they may or are known to occur downstream from the Project site. If it is determined that least Bell's vireo may be on or adjacent to the site, then CDFW recommends conducting surveys to determine presence/absence of the species following the [least Bell's vireo survey guidelines](#) (USFWS 2001).
  
- 3) Crotch bumble bee (*Bombus crotchii*). The Project site may support habitat for Crotch bumble bee, which includes grasslands and scrub. In addition, a search of CNDDDB has a record of Crotch's bumble bee within 1.5 miles of the Project site. If Crotch bumble bee is present in the Project site, the Project could grade and/or develop habitat supporting Crotch bumble bee. The Project may result in temporal or permanent loss of suitable nesting and foraging habitat. In addition, Project ground-disturbing activities may cause death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success.
  - a) Protection Status. The California Fish and Game Commission accepted a petition to list the Crotch bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Crotch bumble bee is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). In addition, Crotch bumble bee has a State ranking of S1/S2. This means that the Crotch bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch bumble bee is

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also listed as an invertebrate of conservation priority under the [Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) (CDFW 2017).

- b) Surveys and Disclosure. CDFW recommends LACFCD to retain a qualified biologist familiar with the species to survey the Project site for Crotch bumble bee and habitat. Surveys for Crotch bumble bee should adhere to the [Survey Considerations for California Endangered Species Act \(CESA\) Candidate Bumble Bee Species](#) (CDFW 2023a). The PEIR should provide full disclosure of the presence of Crotch's bumble bee and the Project's potential impact on Crotch's bumble bee, and not deferred until a later time (i.e., preconstruction surveys).
- c) Mitigation. The PEIR should include measures to first avoid impacts on Crotch's bumble bee. If Crotch bumble bee is present, a qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 15-meter no-disturbance buffer zones should be established around nests to reduce the risk of disturbance or accidental take. If the Project cannot avoid impacts, the LACFCD should require the Project Applicant to consult CDFW to determine if a CESA Incidental Take Permit (ITP) is required. In addition, LACFCD should require compensatory mitigation for removal or damage to any floral resource associated with Crotch bumble bee. Floral resources should be replaced as close to their original location as is feasible.
- d) CESA ITP. An appropriate take authorization from CDFW under CESA may include an 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 the project and mitigation measures may be required to obtain an ITP. 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 for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed

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in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP. Please visit CDFW's [California Endangered Species Act \(CESA\) Permits](#) webpage for more information (CDFW 2023b).

- 4) California Species of Special Concern (SSC). A search of CNDDDB indicated coastal whiptail (*Aspidoscelis tigris stejnegeri*), two-striped garter snake (*Thamnophis hammondi*), California legless lizard (*Anniella spp.*), and coast horned lizard (*Phrynosoma blainvillii*) may be present in and around the Project vicinity.
  - a) CDFW considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures [CEQA Guidelines, §§ 15064, 15065, 15125(c), and 15380].
  - b) CDFW concurs that the PEIR should evaluate the Project's potential impacts to these and any additional special status wildlife species. Species, season, and time of day field surveys should be conducted in preparation of the PEIR. Survey protocols and guidelines for select special status plants and wildlife may be found on CDFW's [Survey and Monitoring Protocols and Guidelines](#) webpage (CDFW 2023c). Surveys should not deviate from established protocols and guidelines except with documented approval specific to this Project. Species-specific surveys would identify any areas where these species occur which may help inform plans to fully avoid these areas/impacts and/or appropriate mitigation measures.
  - c) CDFW recommends the PEIR fully disclose potential species-specific impacts and provide measures to fully avoid impacts to wildlife and habitat during and after the Project.
- 5) Lake and Streambed Alteration Program. Sediment removal activities in the Pacoima Reservoir will cause impacts to biological resources in the reservoir and the riparian systems to which it is connected. In addition, sediment removal will impact the Pacoima Wash both upstream and downstream. Moreover, the Project could modify the bed, channel, or bank of Pacoima Wash by potentially modifying the current flow regime.
  - a) The PEIR should provide a delineation of the Pacoima Reservoir and Pacoima Wash, as well as an analysis of potential impacts. The delineation should be conducted pursuant to the USFWS wetland

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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. Modifications to a river, creek, or stream in one area may result in bank erosion, channel incision, or drop in water level along that stream outside of the immediate impact area. Therefore, CDFW recommends the CEQA document discuss the potential impact to any stream that may be located within or surrounding the Project site.

- b) 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 notify CDFW pursuant to Fish and Game Code Section 1600 *et seq.* In addition, CDFW has authority over routine maintenance projects, which will require a separate notification, distinct from a notification for one-time work, to CDFW for routine maintenance activities (i.e., Phase 3 of the Project). 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 more information (CDFW 2023d).
- c) As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should assess the 100, 50, 25, 10, 5, and 2-year frequency flood events to evaluate existing and proposed conditions and erosion/scour potential. CDFW recommends the CEQA document discuss the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.

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- 6) Rare Plants. According to the CNDDDB, the Project could impact several species of rare plants, including Robinson's pepper grass (*Lepidium virginicum* var. *robinsonii*), Greata's aster (*Symphyotrichum greatae*), and Davidson's bush-mallow (*Malacothamnus davidsonii*).
- a) Protection Status. Robinson's pepper grass has a California Rare Plant Rank (CRPR) of 4.3 and a State Rank of S3. Greata's aster has a CRPR of 1B.3 and a State Rank of S2. Davidson's bush-mallow has a CRPR rank of 1B.2 and a State Rank of S2. As to CEQA, potential impacts on rare plants should be analyzed, disclosed, and mitigated in the Project's PEIR. CDFW considers adverse impacts to a species protected by CESA and ESA to be significant without mitigation under CEQA.
  - b) Survey and Analysis. In preparation of the PEIR, CDFW recommends LACFCD retain a qualified botanist to perform focused botanical surveys for rare plants. The survey should identify all individuals and populations, as well as plant communities supporting those rare plants, that could be impacted. Surveys should be conducted within the Project site and in all areas subject to Project-related ground-disturbing activities (e.g., staging, mobilization, vegetation clearing). Surveys should be performed at the times of year when plants will be both evident and identifiable. Botanical field surveys should be spaced throughout the growing season (CDFW 2018).
  - c) Disclosure. The PEIR should fully disclose any impacts on rare plants, which should include at a minimum where impacts would occur; number of individual plants impacted; population size and density; and acres of habitat/plant communities impacted.
  - d) Avoidance. If the Project will impact rare plants, CDFW recommends the PEIR provide measures to fully avoid impacts on rare plants and its habitat. This may include Project alternatives that would fully avoid impacts on rare plants (see **General Comment #5**).
  - e) Mitigation. If take or adverse impacts to rare plants cannot be avoided during Project activities or over the life of the Project, the PEIR should provide measures to mitigate those impacts. Appropriate mitigation may include obtaining appropriate take authorization under CESA prior to implementing the Project (pursuant to Fish & Game Code, § 2080 *et seq.*). Appropriate authorization may include an Incidental Take Permit (ITP) or Consistency Determination, among other options [Fish & G. Code, §§



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2080.1, 2081, subds. (b) and (c)]. Additionally, CDFW recommends LACFCD provide compensatory mitigation for loss of rare plants and habitat. CDFW recommends LACFCD identify an appropriate site to preserve rare plants in perpetuity (also see **General Comments #6 and #7**).

- 7) Impacts on Nesting Birds. The Project site provides potential nesting habitat for nesting birds and raptors. The proposed Project may impact nesting birds through construction activities, construction-related noise, and removal of vegetation within the Project site. Furthermore, Project activities occurring during the nesting bird season, especially in areas providing suitable nesting habitat, could result in the incidental loss of fertile eggs or nestlings, or nest abandonment of special status birds, including least bell's vireo (*Vireo bellii pusillus*).
- a) Protection Status. 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) Analysis and Disclosure. The PEIR should discuss the Project's potential impact on nesting birds and raptors within the Project site. A discussion of potential impacts should include impacts that may occur during ground-disturbing activities and vegetation removal. The PEIR should analyze and discuss the Project's impact on bird and raptor nesting and breeding habitat.
- c) Avoidance. CDFW recommends the PEIR include a measure to fully avoid impacts to nesting birds and raptors. To the extent feasible, no construction, ground-disturbing activities (e.g., mobilizing, staging, 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.
- d) Minimizing Potential Impacts. If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the PEIR include measures to minimize impacts on nesting birds and raptors. Prior to starting ground-disturbing activities and vegetation removal, a qualified biologist should conduct nesting bird and raptor surveys to identify nests. The qualified

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biologist should establish no-disturbance buffers to minimize impacts on those nests. CDFW recommends a minimum 300-foot no disturbance buffer around active bird nests. For raptors, the no disturbance buffer should be expanded to 500 feet and 0.5 mile for special status species, if feasible. Personnel working on the Project, including all contractors working on site, should be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. Reductions in the buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors determined by a qualified biologist.

## General Comments

- 1) Biological Baseline Assessment. The CEQA document should provide an adequate biological resources assessment, including 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 upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project site. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. An environmental document should include 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 CEQA document should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide 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 (CDFW 2023e);

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- 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). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site;
- c) floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a Project site and within the neighboring vicinity. The [Manual of California Vegetation Online](#) should also be used to inform this mapping and assessment (CNPS 2023). Adjoining habitat areas should be included in this assessment if the Project could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
- d) a complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a Project. California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a Project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur on the Project site. 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)];
- e) a complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern 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 a 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 for select species (CDFW 2023c). Acceptable species-specific

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survey procedures may be developed in consultation with CDFW and the USFWS; and,

- f) a recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a 1-year period, and assessments for rare plants may be considered valid for a period of up to 3 years. Some aspects of a proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.
- 2) Disclosure. The CEQA document 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).
  - 3) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects 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 City provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.

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- b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the CEQA document should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the CEQA document 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.
- 4) 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 natural communities detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2023f). 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 (CDFW 2023g). The City should ensure data collected for the preparation of the CEQA document be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
- 5) Scientific Collecting Permit. A scientific collecting permit will be necessary for many of the species' surveys outlined above. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project-related activities. 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). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2023h).
- 6) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to

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offset such impacts. The CEQA document 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 adjacent areas, should be fully evaluated in the CEQA document;
- b) a discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the 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 Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site. The discussion should also address the potential water extraction activities and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
- 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 included in the CEQA document; and,
- f) a cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative

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impact, the CEQA document should indicate why the cumulative impact is not significant. The City's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].

- 7) Compensatory Mitigation. The CEQA document should include mitigation measures for adverse Project-related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 8) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, a CEQA document should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

## **Conclusion**

We appreciate the opportunity to comment on the NOP for the Pacoima Reservoir Restoration Project to assist the LACFCD in identifying and mitigating Project impacts on biological resources. 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.

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Los Angeles County Flood Control District  
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Sincerely,

DocuSigned by:  
*Jennifer Turner*  
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Jennifer Turner

Signing for David Mayer  
Environmental Program Manager  
South Coast Region

ec: CDFW  
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