

California Native Plant Society - Gabriel Mountains Chapter  
1750 N. Altadena Dr., Pasadena, CA 91107

December 23, 2010

Michael D. Antonovich  
Supervisor, 5<sup>th</sup> District  
Kenneth Hahn Hall of Administration  
500 W. Temple Street  
Los Angeles, CA 90012

**Re: Halt the Destruction of Oak Woodland in Arcadia and Find Alternate Placement Sites for Sediment from Santa Anita Reservoir and Other Reservoirs in the Area.**

Dear Supervisor Antonovich:

Thank you for requesting the 30-day moratorium on the destruction of the prime habitat oak woodland in Arcadia. The California Native Plant Society, San Gabriel Mountains chapter, and its members wish to preserve this beautiful piece of land in its original state for the benefit of our local population and to retain natural and water resources. Even though it appears late in the legal process, we feel there is compelling reason to rethink the issue and explore further alternatives. While the original EIR "Santa Anita Dam Riser Modification and Sediment Removal Project" was certified in June 2009, it is our opinion that the certification of the EIR is not valid for the following reasons (summary):

- Requirements of appropriate notification of stakeholders have not been met.
- Presentation of the Statement of Facts to the residents was incomplete and misleading.
- The EIR in its entirety is significantly flawed, making the Statement of Overriding Conditions invalid.
- The EIR is outdated as there have been significant events since its certification that affect impacts, including the Station Fire of last year.

We implore you to press the Department of Public Works to reconsider all the alternatives in the EIR as well as additional alternatives presented at the public meeting on December 16, 2010. We also propose that any other alternatives, or modifications to already presented alternatives, be considered. We would hope that if the various experts in the affected areas come together and brainstorm, they will be able to come up with a solution that is workable for everyone. We support a solution that would keep the residents from suffering under relentless diesel truck traffic and keep the oak woodland habitat intact.

We assume that the initial 30-day moratorium is not enough time to thoroughly explore alternate solutions to the sediment placement problem. We therefore support an extension of the moratorium or any action that is needed to find an alternate solution. We only support a solution that would preserve the oak woodland habitat and that does not expose the residents to diesel truck traffic. Even under the current plan, there is diesel truck traffic bringing in sediment from other locations. This poses a significant health risk to local residents, especially to the children attending the schools on the truck traffic routes.

The attachment contains detailed information and arguments for each of the four points presented above.

We were encouraged by your action in promoting the 30-day moratorium and sincerely hope that you will continue to work on a solution that the residents in your district want and deserve.

Thank you for your consideration and wishing you a safe and peaceful holiday.

Gabi McLean  
President

Attachments: (I) Reasons the Certification of the EIR is Not Valid (Detailed Analysis)  
(II) Additional Alternatives – Proposed Solutions

cc: Christopher Stone and Keith Lilley, Los Angeles County Department of Public Works

### **(I) Reasons the Certification of the EIR is Not Valid (Detailed Analysis)**

Our review of the EIR led us to the conclusion that its environmental analyses are incomplete, the recommended mitigation actions are insufficient, and the Statement of Overriding Conditions is invalid.

#### **1) Requirements of appropriate notification of stakeholders have not been met.**

- The notification of environmental groups like the Sierra Club, Audubon Society, and California Native Plant Society did not occur. The EIR states that environmental groups were notified but it does not list them individually which is generally done.
- The notification of surrounding and affected municipalities like the cities of Sierra Madre and Monrovia did not occur. Sierra Madre for example would be impacted by diesel truck traffic to transport sediment from their reservoir to the Santa Anita sediment placement site (SPS). Monrovia is affected since the SDS borders immediately at their wilderness preserve and nearby residents.

#### **2) Presentation of the Statement of Facts to the residents was incomplete and misleading.**

The notification of residents and the discussion of the project were in fact misleading as

- the intended use of the middle sediment placement site (SPS) was not revealed to be receiving sediment from locations other than Santa Anita dam – like Sierra Madre Reservoir and other debris basins within the foothills of the San Gabriel valley;
- the destruction of a mature and undisturbed oak woodland, sycamore and riparian woodland providing prime habitat for birds and other native animals, and possibly rare and endangered species, were not included in the statement of facts presented to the residents;
- only two of the four alternatives listed in the EIR were presented;
- the upper portion of the SPS was presented as being filled to capacity. According to an independent assessment of a soil engineer (as presented at the public meeting on December 16, 2010), this portion can still receive significant amounts of sediment.

Due to the lack of notification of the stakeholders, and the withholding of significant objectives of the project from the residents, the residents and stakeholders were not afforded the opportunity to submit comments and present their critique and reservations to this project before the certification of the EIR.

#### **3) The EIR in its entirety is significantly flawed.**

Here are a number of comments that support our opinion that the EIR is flawed. These comments are not deemed to be complete or comprehensive. We feel that the 30 days were not enough time to review the EIR thoroughly enough and we apologize if our research is falling somewhat short of our usual standards.

- The area of the designated middle SPS includes a hiking trail that runs from the base of the mountains to the south of Arcadia. This trail had been marked in a planning map and could be used by hikers and bikers, and in particular persons of limited physical abilities, as it is an ideal path on a flat dirt road without an incline, passing through undisturbed habitats. Thus the long-term **recreational opportunities** would be affected by eliminating the woodland and the trail.
- The **visual effects** of the middle SPS have been deemed insignificant. As support were presented two photos of two locations from before the project, and the simulated view after the project would be completed. There is barely a difference noticeable. It occurs to the sensible reader, that a 60-foot-high pile of sediment, accommodating up to 750,000 cubic yards of material (500,000 cubic yards from this project alone), rising from an otherwise flat area would certainly be visible to the residents to the west, as well as to the east. Tree plantings certainly would not hide this pile of sediment. Homes are located on hilltops to the east of the project as well. The area is also clearly visible from the historic and very popular Mt. Wilson hiking trail. The destruction of the woodland and substituting it with a pile of sediment (graded or not) will definitely have a negative impact on the view of the valley from the historic hiking trail that has been featured in several books and magazines. It will be an additional eye sore, beside the existing two SPS. Only the lower SPS and the oak woodland are visible from the trail that starts in Sierra Madre and leads to Mt. Wilson. It was built in 1856 and has been recognized as an historic route. In the mitigation section, the plan speaks of planting oaks and other

vegetation. Replanting could not occur until the site reaches its maximum capacity, which could take 20 years and then another 150 years to create an oak woodland. So the mitigation planting have no value to the current residents, nor would it provide habitat to the animals that live in the current woodlands.

- The EIR speaks of “removing native vegetation, including mature oaks”. It does not mention that the native vegetation constitutes an **oak woodland** and provides **habitat** for birds and other native animals, as well as several sensitive species. Oak trees are protected in L.A. County and owners get fines for cutting down a coast live oak tree that is on their property. Why would the DPW be exempt of L.A. county ordinances? In addition, the county is currently working with several stakeholders on an ordinance to protect oak woodlands - while the Department of Public Works is trying to cut down 12 acres of oak woodland. This is incomprehensible. The reason for the protection is that the woodland has real value, to people, animals, the environment, and even for increasing the availability of ground water. No artificial man-made system can compete with the effectiveness of a functioning oak woodland for natural water recycling, including filtering, and for filtering air and improving air quality.
- The EIR does not recognize that the site contains or potentially contains several **sensitive species**. It misidentified *Quercus dumosa*. *Quercus dumosa* does not exist in this area. The correct name for this species of scrub oak is *Quercus durata* var. *gabrielensis*, San Gabriel Mountains leather oak. It is endemic to south-facing granitic hill slopes in the San Gabriel Mountains and grows nowhere else. It is included in the CNPS Inventory of Rare and Endangered Plants on list 4.2 (limited distribution).

Another rare species identified as occurring but not recognized as being a rare and endangered plant is *Quercus engelmannii*, Engelmann oak. It is included in the CNPS Inventory of Rare and Endangered Plants on list 4.2 (limited distribution).

- The following rare plants, although known to grow in the general area, were not found and not mentioned as being **potentially present**:
  - Astragalus brauntonii*, Braunton’s milkvetch, CNPS List 1B.1 and Federally Endangered;
  - Calochortus plummerae*, Plummer’s mariposa lily, CNPS List 1B.2;
  - Lepidium virginicum* var. *robinsonii*, Robinson’s peppergrass, CNPS List 1B.2

These plants are fire-induced, meaning they bloom profusely after burns. Their seeds remain in the soil for many years. So the soil must stay in place to preserve the sandbank. Plummer's mariposa lily does not bloom every year. You have to check for it over a period of time (several seasons) but that was not done. We have personally observed abundant Plummer's mariposa lilies and Robinson's peppergrass after burns in local canyons.

The result of these omissions is that the Significant Findings section of the EIR is wrong. There are potential sensitive species in the area which have not been considered in the final evaluation of the EIR.

- The plant survey was **conducted at the wrong time**. In one instance, the writer refers to the dormant coastal sage scrub and alluvial scrub as being “dead” at the time of the survey. This indicates two significant issues: (1) the writer is not familiar with the local Mediterranean climate where plants go dormant during summer and fall; those plants are NOT DEAD! Neither are the plant communities nor the animals that live in these habitats. They are adapted to the hot, dry summers and will not be visible. (2) The survey was obviously conducted during the wrong season, while most of the plants were dormant and when all the annuals had already completed their life cycle and disbursed their seeds and no evidence of them would have been visible to the human observer. Even many perennials are difficult to detect in the dry season. Based on feedback received, another survey was conducted in April and June. Even though no sensitive species were found, it was wrongly concluded that they are not there. The years **2007 through 2009 were severe drought years** and many rare plants do not grow in every season. So the conclusion was hasty and incorrect.
- The habitats section is confusing because the terminology used is inconsistent. This section says “Cover types in the survey area included coastal sage scrub, Riversidian alluvial fan sage scrub, disturbed Riversidian alluvial fan sage scrub, coast live oak woodland, and bare dirt roads”. In another place it says, “Riversidean Alluvial Fan Sage Scrub, Southern Coast Live Oak Riparian Forest, Southern Sycamore-Alder Riparian Woodland and Open Engelmann Oak Woodland”, still referring to the same area.

The EIR denies that any of the latter four **sensitive habitats** are found there. The riparian area is now a concrete channel, but the trees were there before it was built and are still classified as riparian. The area definitely is a coast live oak woodland and deserves protection. There is no question about it. There are areas of coastal sage scrub as well. Coastal sage scrub is also a sensitive plant community, which is rapidly disappearing. The whole area slated for destruction is a diverse botanical ecosystem, a mosaic of alluvial scrub, chaparral and oak-sycamore woodlands, and needs to be protected.

- We are taking issue with the quote: “The LACDPW has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c) in retaining its own environmental consultant directing the consultant in preparation of the EIR as well as reviewing, analyzing, and revising material prepared by the consultant.” Since the county used their own in-house consultant to prepare the EIR, we suggest a new EIR be done by an **independent contractor**.
- **Mitigation actions are insufficient**

While the EIR found significant impact on the quality of the environment, the mitigation actions are insufficient in three areas: location, size, and type.

Location: The mitigation effort is concentrated in Tujunga canyon, more than 20 miles from the area impacted, and the residents suffering the elimination of a wildlife habitat/oak woodland would not be able to take advantage of the area in Tujunga. Mitigation areas are supposed to be within the same watershed (Rio Hondo). Tujunga canyon is obviously a different watershed (Tujunga watershed). The significant damage in the Santa Anita area should never be mitigated so far away.

Size: The mitigated areas are less than equal in size to the woodland to be destroyed. Usually mitigated areas are at least twice the size of the negatively impacted area. The planting of the southern SPS areas, in our opinion, is a very poor mitigation action since it will take a very long time. The DFG required a revegetation plan to be approved before the start of the project. We have seen no evidence that such a plan has been submitted and approved by the Department of Fish and Game.

Type: The mitigation consists of planting oaks. Oaks alone don't make an oak woodland. Oaks take time to grow. What are people and animals supposed to do while the oaks are growing to mature trees, in let's say 100 years? Go play in the sediment? Starve? Have children withdraw to video games because they are suffering from nature deficit disorder? The area that the DPW wants to destroy is ideal for children, the infirm and the elderly to access, a well preserved quiet piece of nature that can help make us whole again after a rough day. It is a mental health resource for people of all ages and abilities please do not take it away!

Planting oaks in Big Tujunga Canyon is not an acceptable alternative.

**In summary, the negative impact in the biological section of the EIR was understated and therefore not adequately considered at the time of evaluation mitigation proposals and the issuance of the Statement of Overriding Conditions which is necessary for the certification of the EIR.**

#### **4) The EIR is outdated as there have been significant events since its certification that affect impacts.**

- In the fall of 2009, Los Angeles County experienced its **largest wildfire** ever. Over 160,000 acres burned in the Angeles National Forest. The fire started not many miles from the project site and affected the foothills of the San Gabriel Mountains as well. Animals who were able to escape sought refuge in the unburned areas, and there has been a definite impact on the scarce natural resources. For man to destroy what the fire has spared seems a senseless act. We demand more creativity and dedication to the preservation of priceless natural resources that this project plan contains.
- Beside the fire, other political and social developments have occurred. People are more aware of the value of a natural environment, the benefit to children and adults. The county is in the process of finalizing the **oak woodland ordinance** and we should treat this project with the same sense and understanding that has brought

together so many different agents within the County that are working on this ordinance for the benefit of all of us.

- Just recently, County Regional Planning was advised on the **Significant Ecological Areas** and the conclusion was reached that there is a need to be encompassing even more whole watersheds, like extending the Altadena Foothills SEA to include Arcadia.

County Public Works should be expected to utilize its relatively new Watershed Management Division to apply ecological thinking to projects like these. The decision to replace a dense, mature stand of woodlands and shrubs with sediment is out of the 1950s. It does not reflect the new and rapidly growing environmental thinking being applied by most Government agencies and citizens.

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Resources used:

- [http://dpw.lacounty.gov/wrd/Reservoir/Santa\\_Anita\\_FEIR\\_APPENDICES.pdf](http://dpw.lacounty.gov/wrd/Reservoir/Santa_Anita_FEIR_APPENDICES.pdf), pages 21, 22+, 139, 155
- <http://sandiego.sierraclub.org/rareplants/204.html>
- [http://www.calflora.org/cgi-bin/species\\_query.cgi?where-calrecnum=6995](http://www.calflora.org/cgi-bin/species_query.cgi?where-calrecnum=6995)
- [http://www.calflora.org/cgi-bin/species\\_query.cgi?where-calrecnum=6994](http://www.calflora.org/cgi-bin/species_query.cgi?where-calrecnum=6994)
- [http://www.centerforplantconservation.org/collection/cpc\\_viewprofile.asp?CPCNum=374](http://www.centerforplantconservation.org/collection/cpc_viewprofile.asp?CPCNum=374)
- <http://www.dfg.ca.gov/biogeodata/cwhr/pdfs/COW.pdf>
- <http://danr.ucop.edu/ihrmp/county/LOSANGELES.pdf>
- [http://dpw.lacounty.gov/wrd/Reservoir/Santa\\_Anita\\_Findings\\_SOC.pdf](http://dpw.lacounty.gov/wrd/Reservoir/Santa_Anita_Findings_SOC.pdf)
- <http://www.water.ca.gov/drought/docs/timeline-present.pdf>

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## **(II) Additional Alternatives – Proposed Solutions:**

Please reconsider all the alternatives in the EIR, even the ones that were rejected. The evaluation of the negative impacts from the destruction of natural habitat has been grossly underestimated. Sensitive species have been overlooked, and there has been not enough attention to further alternatives.

For example:

- Mitigate the impact of diesel truck traffic; use environmentally safe equipment that is quieter, and does not pollute the air.
- Don't let the trucks drive through the residential areas. Use the most southern gate; from there it is only a short distance to the freeway.
- Extend the conveyor all the way to the southern gate, or at least to the southern SPS, residents would be much less impacted.
- Deposit the sediment from Santa Anita Dam on the upper and lower SPS until they are up to capacity. The upper SPS has a higher capacity than represented in the EIR. If more space is needed, truck to Irwindale.
- Use the sediment for commercial purposes; put out an RFP if someone would take it for commercial use. Potential takers are construction companies, gravel and sand mining companies, landscape companies, etc. Go with the concept of "reuse".
- Let the sediment go with the water to the ocean in the existing channels. This alternative was rejected in the original EIR. However, if some attention were given to the necessary adjustments to the current methods and if investments were made, we could find a long-term solution. The natural cycle is that the sand and gravel is carried by the water out of the mountains, over the plains and valleys to the ocean, and deposited there to rebuild the sandy beaches. We need to emulate nature, not fight it.

We are sure there are other solutions out there. We just need to commit ourselves to finding a solution that makes sense and preserves our health. The people of Arcadia and the San Gabriel Valley deserve it.