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May 22, 2019

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Governor's Office of Planning & Research

MAY 22 2019

STATE CLEARINGHOUSE

**Subject: Mitigated Negative Declaration for Little Tujunga Canyon Road Over Buck Canyon Bridge Replacement, Los Angeles County**

Dear Ms. Voigt:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Mitigated Negative Declaration (MND) for Little Tujunga Canyon Road over Buck Canyon Bridge Replacement Project (Project), prepared by Los Angeles County Public Works (County). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

#### **CDFW's Role**

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

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

## **Project Description and Summary**

**Objective:** The proposed Project involves the replacement of the existing bridge and reconstruction of the adjacent roadway to improve operations and safety in the Project area. The new bridge is intended to be a 65-foot-long, 42-foot-wide single-span structure on abutments on deep pile foundations across Buck Canyon Creek. The Project would also include approximately 385 feet of roadway construction, including approximately 235 feet on the north side of the bridge and 150 feet on the south side of the bridge. The reconstructed roadway width would expand from 26 feet to 34 feet to accommodate a new travel lane and shoulder on the bridge.

**Location:** The proposed Project is located approximately 4 miles north of the Foothill Freeway (I-210), approximately 4.7 miles northeast of the Pacoima neighborhood in the City of Los Angeles, and 3 miles east of the community of Sylmar in the San Gabriel Mountains of the Angeles National Forest, in an unincorporated portion of central Los Angeles County.

## **Comments and Recommendations**

CDFW offers the comments and recommendations below to assist the County in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097). Additional comments or other suggestions may also be included to improve the document.

## **Project Description and Related Impact Shortcoming**

### **Comment #1: Impacts to Streams**

**Issue:** The Project location may support streams subject to notification under Fish and Game code section 1600 *et seq.* According to the MND, "[p]rior to project construction, mitigation to offset impacts must be agreed upon, and the following permits/authorization procured:

- CDFW CFGC Section 1602 Streambed Alteration Agreement (or other approval such as an Operation by Law letter or Letter of Non-Substantial Impact) for impacts/alterations to streambed/banks and associated riparian vegetation."

**Issue:** The Project is located in a significant burn area that is likely to experience elevated stormwater flows due to reduced groundcover and increased above ground flow in the surrounding area.

**Specific impacts:** The Project may result in the loss of streams and associated watershed function and biological diversity. Grading and construction activities will likely alter the topography, and thus the hydrology, of the Project site.

**Why impacts would occur:** The proposed Project site is located within a burn area that resulted from the recent Creek Fire. Catastrophic events, such as fire, have potential to significantly alter local hydrology. Runoff increases are associated with the alteration of several

hydrologic processes, including (1) reduced interception and evapotranspiration, (2) reduced ground cover, (3) reduced infiltration and increased overland flow, and (4) potentially increased snow accumulation (Neary et al. 2005). Increased runoff may result from the creation of hydrophobic (water repellant) soils, but the magnitude of fire-induced repellency depends on the fire severity, type of vegetation present, soil texture, and water content of the soil (DeBano 2000). As a result, peak flows in watersheds burned at moderate and high burn severity may increase by several orders of magnitude relative to flow in unburned watersheds. The magnitude of augmented runoff increases with decreasing recurrence interval and with decreasing drainage area (Foltz et al. 2009).

Ground disturbing activities from grading, water diversions, and dewatering would physically remove or otherwise alter existing streams or their function and associated riparian habitat on the Project site. Downstream streams and associated biological resources beyond the Project development footprint may also be impacted by Project-related releases of sediment and altered watershed effects resulting from Project activities.

**Evidence impacts would be significant:** The Project may substantially adversely affect the existing stream pattern of the Project site through the alteration or diversion of a stream, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project.

Water diversions can impact flow regimes, decreasing the frequency of high flows. Prolonged low flows can cause streams to become graded and cause channels to become disconnected from floodplains (Poff et al. 1997). This process decreases available habitat for aquatic species including fish that utilize floodplains for nursery grounds. Undersized culverts and other stream crossings can also cause downstream channel erosion and tributary head-cutting, reduced magnitude and frequency of high flows, channel narrowing, and reduced formation of secondary channels and oxbows (Poff et al. 1997). Additionally, these structures can degrade water quality and associated wildlife habitats (Santucci, Jr. et al. 2005). Streams with such structures can have reduced abundance of anurans due to decreased availability of breeding habitat (Eskew et al. 2012). Based on the foregoing, Project impacts may substantially adversely affect the existing stream pattern and associated habitat of the Project site.

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** CDFW has concluded that the Project may result in the alteration of streams. For any such activities, the Project applicant (or "entity") must 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 Agreement (LSA) with the applicant is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at [www.wildlife.ca.gov/habcon/1600](http://www.wildlife.ca.gov/habcon/1600).

CDFW's issuance of an LSA 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 CEQA document of the Lead Agency for the Project. However, the MND does not meet CDFW's standard at this time. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA 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.

**Mitigation Measure #2:** Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project. The LSA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection and management of mitigation lands in perpetuity.

**Mitigation Measure #3:** CDFW recommends a hydrogeomorphology study be conducted to evaluate the impacts of elevated flows of water and sediment through a stream within a recently burned watershed.

**Mitigation Measure #4:** Bridge construction specifications should be included in the MND. To ensure that the new bridge adequately accommodates elevated storm flows expected through onsite features, the bridge abutments should be placed outside at least 1.5 times bankfull-width of the stream.

#### **Filing Fees**

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

#### **Conclusion**

We appreciate the opportunity to comment on the project to assist the County in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the project. If you have any questions or comments regarding this letter, please contact Andrew Valand, Environmental Scientist, at [Andrew.Valand@wildlife.ca.gov](mailto:Andrew.Valand@wildlife.ca.gov) or (562) 342-2142.

Sincerely,



Erinn Wilson  
Environmental Program Manager I

cc: CDFW

Victoria Tang – Los Alamitos  
Andrew Valand – Los Alamitos  
Audrey Kelly – Los Alamitos  
Kelly Schmoker – Pasadena

Scott Morgan (State Clearinghouse)



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