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June 7, 2019

Governor's Office of Planning & Research

Ms. Christina Foulkes
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JUNE 07 2019

STATE CLEARINGHOUSE

**Subject: Mitigated Negative Declaration for the Pico Rivera Regional Bikeway Project,
City of Pico Rivera, Los Angeles County**

Dear Ms. Foulkes:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Mitigated Negative Declaration (MND) for the Pico Rivera Regional Bikeway Project (Project), prepared by the City of Pico Rivera (City). Supporting documentation for the MND includes the *Initial Study & Mitigated Negative Declaration for the Pico Rivera Regional Bikeway Project* and *Pico Rivera Regional Bikeway Project Natural Environment Study*. 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 consists of a 1.5-mile bikeway along Mines Avenue, a bike/pedestrian bridge over the San Gabriel River, and a bikeway along Dunlap Crossing Road. Project activities include pavement reconstruction, installation of bioswales and stormwater catch basins, restriping and alignment of trailway and parking spaces, and bridge construction.

Location: The proposed Project is located along Mines Avenue and Dunlap Crossing Road in the City of Pico Rivera, Los Angeles County. The western segment of the proposed bikeway is along Mines Avenue, with Paramount Boulevard to the west and the San Gabriel River to the east. The bikeway then turns north along the west side of the San Gabriel River to the site of the bridge construction, located about 0.2 miles south of Whittier Boulevard. After crossing the river, the trail turns south along the east side of the San Gabriel River until it reaches Dunlap Crossing Road. The eastern segment of the proposed bikeway is along Dunlap Crossing Road, with the San Gabriel River to the west and Norwalk Boulevard to the east.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City 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).

Project Description and Related Impact Shortcoming

Comment #1: Impacts to Streams

Issue: The *Initial Study & Mitigated Negative Declaration for the Pico Rivera Regional Bikeway Project* indicates that the Project location supports streams subject to notification under Fish and Game code section 1600 *et seq.* According to the supporting jurisdictional delineation, about 2.72 acres of streams are likely to be impacted by Project activities.

Specific impacts: The bike/pedestrian bridge that will span the San Gabriel River includes two piers that will be placed directly into the riverbed. 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: Ground-disturbing activities from grading and filling, 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.

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 hydrologic study, including a scour analysis, be conducted and submitted as part of an LSA notification package to evaluate the impacts of Project activities within the San Gabriel River.

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 City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City 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 or (562) 342-2142.

Sincerely,



Erinn Wilson
Environmental Program Manager I

cc: CDFW

Victoria Tang – Los Alamitos
Andrew Valand – Los Alamitos
Kelly Schmoker – Pasadena
Dolores Duarte – San Diego

Scott Morgan (State Clearinghouse)

References:

- Eskew, E. A., S. J. Price, and M. E. Dorcas. 2012. Effects of river-flow regulation on anuran occupancy and abundance in riparian zones. *Conservation Biology* 26:504–512.
- Poff, N. L., J. D. Allan, M. B. Bain, J. R. Karr, K. L. Prestegard, B. D. Richter, R. E. Sparks, and J. C. Stromberg. 1997. The natural flow regime: a paradigm for river conservation and restoration. *BioScience* 47:769–784.
- Santucci, Jr., V. J., S. R. Gephard, and S. M. Pescitelli. 2005. Effects of multiple low-head dams on fish, macroinvertebrates, habitat, and water quality in the Fox River, Illinois. *North American Journal of Fisheries Management* 25:975–992.