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ACTING CHIEF FINANCIAL OFFICER

1149 SOUTH BROADWAY, 9TH FLOOR
LOS ANGELES, CA 90015
TEL: (213) 485-2210
FAX: (213) 485-2979

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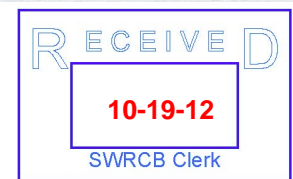
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October 19, 2012

Public Comment
Statewide Biological Objectives Policy-CEQA Scoping
Deadline: 10/19/12 by 12 noon

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

VIA EMAIL: commentletters@waterboards.ca.gov



Dear Ms. Townsend:

TECHNICAL COMMENTS FOR THE CALIFORNIA ENVIRONMENTAL QUALITY ACT SCOPING DOCUMENT FOR THE STATEWIDE BIOLOGICAL OBJECTIVES POLICY AND PROGRAM OF IMPLEMENTATION FOR PERENNIAL, WADEABLE STREAMS

The City of Los Angeles (City) Bureau of Sanitation (Bureau) appreciates the opportunity to provide technical comments on the California Environmental Quality Act (CEQA) Scoping for the Statewide Biological Objectives Policy and Program of Implementation for Perennial, Wadeable Streams (Policy).

The Bureau appreciates the time and effort your staff has dedicated to meeting with the public on this Policy and looks forward to discussing the comments below with California State Water Resources Control Board (State Board) staff in the near future.

Comments:

- 1. It is unclear how the CEQA analysis will incorporate the potential environmental impacts and feasibility of restoring waterbodies to meet the endpoints described in the Policy.**

Actions taken to restore streams may either coincide or conflict with actions taken to improve water quality. The State Board needs to discuss how this Policy will coordinate with the CWA Section 303(d) water quality impairment listings, and current and anticipated TMDLs.



For example, there are a number of requirements and competing objectives for many waterbodies. To increase wildlife use, a stream may require improved habitat; but increasing wildlife use may not allow for human recreational use due to REC-1 standards.

2. Modified and highly modified streams may not have an appropriate reference stream. State Board should thoroughly consider how this policy will apply to modified and highly modified streams.

This Policy will have additional environmental impacts. Many significantly modified and channelized streams in highly urbanized areas will never meet the same standards as rural, unimpacted streams that may be used as a reference. Attempting to meet these standards would require significant hydromodification and may not allow the streams to assist with flood control. There will be overwhelming requirements to convert a highly modified stream into a more natural condition. This includes changes to the surrounding community, including potential impacts such as relocating public and privately owned residents, businesses, buildings and infrastructure out of the flood plain. How does the State Board envision changing highly modified streams and mitigating the significant impacts?

3. How will the Policy impact water recycling?

A stated goal of the City and State is to increase water recycling. The water from effluent dominated rivers and streams would be reduced per NPDES permit requirements to redirect the effluent for irrigation and other use. Although a minimum flow may be kept in these streams, this may not be enough water to meet new standards required by the Policy. This Policy may have a significant effect on future water recycling and therefore water supply. Please address how the Policy will affect water recycling goals and any mitigation that may occur if necessary.

4. Please explain the relationship between "baseline" condition and "reference" condition.

Both conditions are stated in the discussion of the Policy.

5. CWA Section 303(d) Listing Policy will need to be updated.

The 303(d) list delineates pollutants that must be reduced in the water body. However, it is unclear how this Policy will interact with and not be redundant to 303(d) listings and Total Maximum Daily Loads (TMDLs) which are used to improve water quality for listed water bodies. The Bureau respectfully requests that a discussion of the interaction between the Policy and the 303(d) list be included.

6. A more precise and thorough definition of perennial, wadeable stream needs to be developed.

The definition of perennial should include length, depth and seasonality. The definition of wadeable should include depth and width of the stream.

7. Other reasonable alternatives need to be considered.

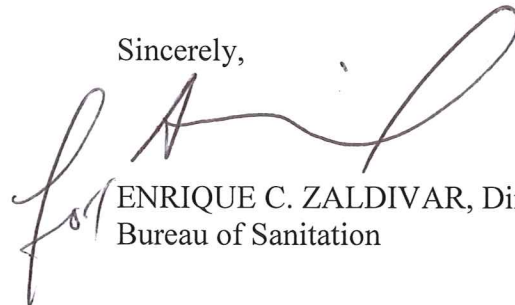
The CEQA scoping document should be concerned with all reasonable alternatives for developing biological objectives, including substantial consideration of high quality perennial and wadeable streams, and /or a phased approach to include only the streams where achievement of a reference condition is a reasonable expectation.

8. An Economic Feasibility Study is needed for modified channels.

In urban areas of the state, many streams have been significantly modified. Often, these modifications were done to improve flood control. Since the modifications were made, the nearby land has been developed both for private and public use. If modified channels are to be significantly altered, the costs to public agencies as well as private land owners could be considerable. This Policy could impact land use and planning, climate change, housing, and other services to the public. The scoping document should also consider economic impacts and funding sources for these projects. Any substantial changes would require a major land use and planning study. An economic feasibility study is required to show the potential economic impact of the most probable requirements for modified channels.

Thank you for considering our comments on this CEQA scoping document. The City of Los Angeles is committed to working with the State Board and other stakeholders in improving stream quality. If there are any questions, please contact Donna Chen, Assistant Division Manager, Watershed Protection Division at (213) 485-3928 or Lisa Carlson, staff lead on this Policy, at (213) 485-3932.

Sincerely,



ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation

ECZ:SK:LC
WPDCR 8978

Cc: K. Larson, SWRCB
A. Hagekhalil, City of Los Angeles, BOS
S. Kharaghani, City of Los Angeles, BOS
O. Moghaddam, City of Los Angeles, BOS
D. Chen, City of Los Angeles, BOS
H. Rad, City of Los Angeles, BOS
L. Carlson, City of Los Angeles, BOS