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Subject: Comments of Friends of the Los Angeles River on the Draft Environmental Impact Report for the Grayson Repowering Project (DEIR)

Dear Mr. Krause

Friends of the Los Angeles River (FoLAR) has reviewed the DEIR and submits the following comments. FoLAR is dedicated to the restoration of the Los Angeles River, to assuring public access and use of the River, and providing education programs focused on the River. The project as we understand it is needed to meet Glendale's the future power requirements, and in some respects well will result in environmental enhancements compared with the present plant configuration. Our concerns are focused on possible effects of the repowering project on the Los River, future plans for the River and its immediate environment and ecosystem, and the public's ability to access and use the River. We have reviewed the DEIR in light of these goals.

1. Impacts on the Los Angeles River Ecosystem Restoration (ARBOR) Project<sup>1</sup>

The Arbor project study was undertaken with congressional funding and with supplementary financial support from FoLAR. The project was authorized by Congress in 2016. It will be funded by a splitting of costs between the Corps of Engineers and the City of Los Angeles. The project includes a number of sites along a 12 mile stretch of the River from Griffith Park to downtown Los Angeles where the existing concrete River banks and bottoms will be broken out and replaced by wetlands fed by the River flow and related sources such as the channels feeding into the River. One of the major restoration sites is the confluence of the Verdugo Wash and the River, a location which abuts the project site.<sup>2</sup>

With respect to potential impacts on the ARBOR project, the DEIR states that "The Project would not involve any work activities in the Los Angeles River or Verdugo Wash" and (t)herefore, this issue (ARBOR) will not be further analyzed in the EIR" (p. 2.12) The DEIR also

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<sup>1</sup> Los Angeles River Ecosystem Restoration Integrated Feasibility Report Feasibility Study and Environmental Impact Statement/Environmental Impact Report US Army Corps of Engineers, September 2013 (LA River Ecosystem Restoration Study)

<sup>2</sup> LA River Ecosystem Restoration Study p.

states that because this area has a concrete bottom, it does not support wildlife or migratory birds. It reaches this conclusion after only one paragraph of analysis. We believe this is insufficient.

While in preparing a DEIR the lead agency is not required to speculate on future conditions, the California Environmental Quality Act requires that the DEIR project future conditions when such a projection is reasonable.<sup>3</sup> This has been supported by a number of cases under CEQA establishing that “reasonably foreseeable” activities must be considered.<sup>4</sup> For the confluence of the Tujunga wash and the River, the River Restoration Plan is clear and no speculation is required, particularly since the plan set out in the study has been approved by Congress and the City of Los Angeles. Implementation of the plan is well underway, with initial land purchases and site design.

Under the ARBOR plan, the concrete bottom will be broken out at the confluence and the confluence extended extensively from the boundary of the Project to the south as well as up the Tujunga Wash.<sup>5</sup> The principal purpose of this improvement is to establish a combined riparian and marsh community, and improve and recreate wildlife habitat lost when the River was channelized. It is also intended to improve wildlife connectivity to Griffith Park, and eventually upstream to the Verdugo Mountains and San Rafael Hills. There are also public use and aesthetic benefits associated with this restoration.

Accordingly, potential impacts on the planned Tujunga Wash-River confluence wetland should be considered and evaluated in the DEIR, including water quality, aesthetics, and public access and use as discussed further in these comments. While we recognize that this area is partially under major freeway interchanges, as discussed in the ARBOR study this factor will not impede the confluence restoration.<sup>6</sup> It is imperative that any and all proposed projects – new or otherwise – be consistent with the approved and adopted ARBOR study, a plan widely supported by community, advocates, elected officials, and government agencies (including the City of Glendale).

## 2. Stormwater Management.

The DEIR discusses the general stormwater management scheme for the facility and contains a preliminary site drainage plan. We understand that stormwater management details will be developed in Stormwater Water Pollution Prevention Plans for both construction and operation

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<sup>3</sup> Guidelines for Implementation of the California Environmental Quality Act, Title 14 California Code of Regulation, Sections 15144 et seq.

<sup>4</sup> See, e.g., Laurel Heights Improvement Assn v. Regents of the University of California (1988) 47 C3d 376, 390, 398

<sup>5</sup> ARBOR Study, Op Cit pp. 2-6 to 2.8, 4-59, 5-11, Figure 4-24

<sup>6</sup> Id.

of the facility. Nevertheless, we have concerns based on the preliminary information provided in the DEIR.

The key issue for FoLAR is the potential impacts of stormwater and other potential discharges to the adjacent restored wetland, which will be a very sensitive receptor, as well as discharges to the River and possible effects on restored areas and recreational uses downstream. There will be five discharge points, two directly into the proposed wetland area, and three directly into the River. However, the assumption in developing new wetland and habitat areas such as the Verdugo Wash confluence, is that River water will flow to the wetland from the River. Thus, all Grayson plant discharges could affect the proposed wetland. More specifically

- a) From the descriptions provided, it appears that substantial volumes of stormwater could be discharged to the proposed wetland area and/or to the River, particularly when rainfall exceeds the design storms. As we understand it, (p. 3.35 and Appendix H) stormwater that does not fall on process areas would be directed to two infiltration basins, which in turn would discharge to the River. Because discharge from these basins is shown in the preliminary designs in the DEIR through existing storm drains into the River and the confluence, it appears that the capacity of these basins may not be sufficient for complete infiltration in a given storm event. Thus, there can be direct flow of untreated stormwater into the River. It is not clear whether this water would meet applicable discharge standards (see c., below)
- b) Adding infiltration capacity is on its face should be a significant improvement over existing stormwater management at the plant. However, this raises some questions not addressed in the DEIR. The hydrologic receptor for the water which is infiltrated is not described. Is this an existing aquifer or shallow groundwater basin? Would it potentially augment groundwater supplies? Could the infiltrated water be subsequently extracted for non-potable uses in the plant, thus conserving potable water? Would the hydrology of the area suggest that this discharge could flow through shallow groundwater to the River or the restored wetland, particularly when the concrete is broken out?
- c) Related to discharges, the DEIR frequently refers to “current and future standards” of the various regulatory agencies. Existing and anticipated future standards (proposed or rule makings in progress) should be specified, preferably numerically if possible, and the quality of the possible discharges compared with these standards.
- d) We would note in this regard, that recent modeling shows that climate change may result in more and heavier rainfall in California.<sup>7</sup> This suggests that consideration should be

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<sup>7</sup> See <https://www.nature.com/articles/ncomms16055>

given to designing stormwater containment and control systems with greater capacity and contingency plans than designing to current storm event standards.

- e) Finally, the DEIR states there will be a monitoring and testing system downstream of the treatment system. Does this monitoring and testing include stormwater runoff and out flow discharge from the containment basins? And if pollutants above applicable limits are detected in the discharge, is there a means to promptly curtail or divert the flow?

### 3. Aesthetic Considerations

Determination of aesthetic impacts is very much a matter of subjective interpretation, particularly when dealing with the visual impacts of a large project. The DEIR examines the potential aesthetic (visual) impacts of the project from five locations, and provides photographic interpretations showing the profile of the plant before and after its rebuilding. The DEIR concludes that the plant will have no significant aesthetic impact. The single mitigation measure proposed is painting the enlarged facility and stacks in a tan/beige color.

In examining the new plant profile, it is difficult to conclude that the project as proposed will not change the visual impact of the plant in a significant way. From the bike trail/Ferraro Fields area of Griffith Park, the existing plant casts by far the largest visual impact. Doing an approximate calculation based on Figure 4.2, the visual height and mass of the plant would increase by at least 50% this view point. The three new, much higher stacks as proposed would add substantial additional impediments to the view from the nearby River, adjacent trails and other recreational facilities. Users of the path will face a much different and more intermittent view of the Verdugo Mountains and other mountain areas. Substantial and possibly more dramatic impacts would be experienced by users of the Glendale River Walk, and River-adjacent facilities in Betty Davis Park particularly as discussed below with the next phases of the Glendale Riverwalk. In addition, the plant would cast an even larger visual impact on the proposed Verdugo Wash-River confluence wetland than the current plant.

We believe additional mitigation measures should be considered. These could include reducing the stack height, using fewer stacks by combining emission points, and reducing the height of buildings. It also appears that there is an opportunity to plant trees along certain areas of the perimeter of the plant, particularly at the River and Verdugo Wash sides. Use of taller trees could be improve the visual impact and provide more shade to the River walk. (Understanding that it may be necessary to obtain approval from adjacent landowners or agencies to do this.)

### 4. Public Access and Use

An important goal in FoLAR's view is that any River-adjacent development should not impede and should enhance the public's ability to access and use the River and adjacent recreational

lands. The DEIR concludes that there would be no impacts on recreation and thus this is not considered in the impact evaluation. As discussed on page 1 of these comments, the DEIR should consider not only the present situation for public access and use of the River, but should consider those future recreational plans and opportunities that do not involve speculation.

This evaluation should include the impacts on proposed additional phases of the Glendale River Walk. These are major projects which will greatly enhance the River experience, and it is important that the DEIR consider these to avoid potential adverse impacts. Current plans (Phases II and III) would extend the Riverwalk to the Verdugo Wash/proposed wetland area, connect the trail to Griffith Park via a new bridge. and connect to the trail on the Atwater side of the Verdugo Wash, also via a new bridge. Much of this is in advanced planning and is at least partially funded.

None of this is described in the DEIR. This extension would involve a significant stretch immediately adjacent to the facility, and access points would be close to the plant. The project layout should be done so that it at its perimeters it does not impede proposed recreational uses and facilitates future access to the trail and planned wetlands. Other recreational enhancements could be considered as part of mitigation.

We request that alternatives be developed to address all the concerns above and would be pleased to meet to discuss our comments.

Respectfully submitted,



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Executive Director

Cc: Michael Affeldt, Mayor Garcetti's Riverworks Office  
Sean Starkey, Council District 14 Field Office  
Seamus Garrity, Office of Assemblymember Laura Friedman  
Charles Eddy, FoLAR Board  
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