

SAMPLE COMMENT

prepared by Diana Zogran, science advisor for the NCSA Trees Committee

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City of Los Angeles Public Works, Bureau of Engineering
Environmental Management Group
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RE: Sidewalk Repair Program Draft Environmental Impact Report

Dear Shilpa Gupta:

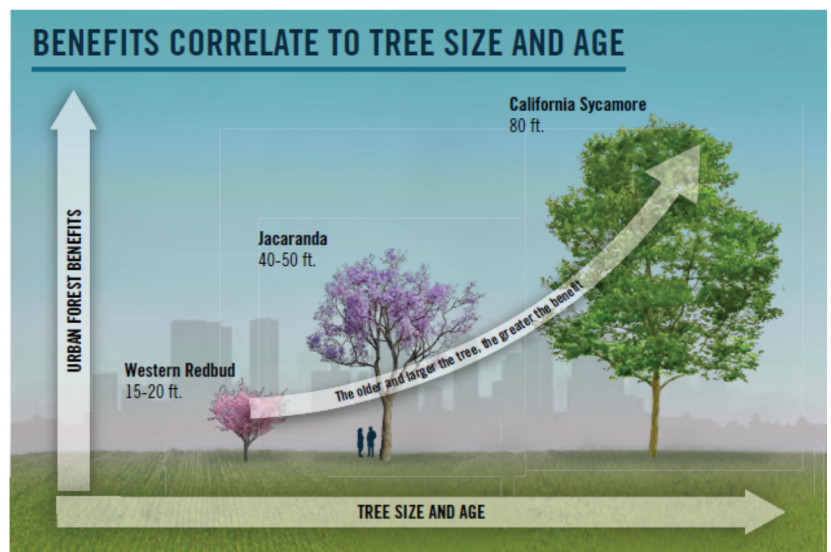
We submit this letter to state our position that the draft environmental impact report (“DEIR”) for the sidewalk repair program (“Project”) falls short of an adequate environmental review. An EIR is an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. As explained below, this DEIR will not be adequate unless and until the Project’s impacts are fully described and the analysis of its various impacts completely revised. The City’s blinkered approach to environmental review must be abandoned and replaced with a thorough analysis of the full scope of Project and its impacts.

The DEIR fails to consider impacts by the loss of tree canopy and other environmental benefits. The City is proposing to adopt a project that projects the loss of 12,860 street trees. The DEIR says the City would get back to the amount of tree canopy cover it had in 2017 after 30 years by incorporating replacement trees into the Project and therefore there are no significant adverse impacts. This view makes no sense in light of the fact tree canopy cover is significantly reduced as soon as mature trees are cut down, and replaced with smaller trees. Even if one were to accept that the 2:1 and 3:1 replacements of each of these trees will offset the lost tree canopy cover at the end of the 30 years, assuming they survive and grow for the next 30 years, there will be a period of harm due to the reduced benefits. If multiple trees are cut down on a block, entire neighborhoods will be burdened by the loss of tree canopy cover. Also, the DEIR would allow removals of 12,860 without consideration for environmental (stormwater capture, wildlife habitat, noise and air pollution reduction).

The DEIR’s analysis is inadequate given that it is based on a tree replacement approach that is speculative. The proposal relies on a tree replacement approach, it characterizes as “Project Design Features,” to mitigate lost canopy cover that is not certain to occur. For instance, the DEIR uses an 8% mortality rate for a street tree in the first three years of planting in our semi-arid environment. But peer-reviewed, published data from similar climates clearly

show that an 8% mortality rate for newly planted street trees is too low. A major planting in Berkeley and Oakland had a 34% mortality rate after only two years (Nowak et al. 1990). A previous study in Oakland found 60 -70% survival after 6 years (Sklar and Ames 1985). A more recent study of newly planted trees in Oakland found a 25% mortality rate over 3 years (Roman et al. 2014). In the study about Los Angeles’ million tree program (E. Gregory McPherson, et al., 2008), a low mortality scenario projected that 17% of newly planted trees would be dead after 35 years, and a high mortality scenario projected 56% mortality. An excellent survival rate for newly planted trees would be 80% (Matthew Wells, City of Santa Monica Landscape Manager, 2019 Los Angeles Tree Summit). The DEIR states, “young street trees must be able to withstand slight to moderate drought or other stress.” However, arboriculture dictates young trees are not drought tolerant. The document fails to state what further mitigation will be required if replacement trees end up failing at a rate higher than the 8% mortality rate used by the DEIR. The DEIR also fails to state whether it will replace failed trees after the Project’s commitment to replace young trees that do not survive in the first three years.

The DEIR fails to disclose or analyze the impact of the downsizing (replacing large stature trees with smaller stature trees) of our Urban Forest that would be created by the Project. The 12,860 street trees projected to be removed during the Project is based on 244 unspecified trees it cut down for sidewalk repairs during the first year (2017 to 2018) of the Willits Settlement implementation. However, removals and replacement trees listed on the City’s tree removal notifications and NavigateLA show the majority of trees removed are large trees that have been replaced with smaller trees as part of the sidewalk repair program already in implementation. As illustrated in the 2019 First Step Los Angeles Urban Forest Management Plan by Dudek, large trees contribute exponentially higher urban forest benefits. Likewise, the Center for Urban Forest Research has studied large, medium, and small trees in a number of locations throughout the West and found that small trees like crape myrtle, commonly planted in the City’s sidewalk repair projects, deliver up to eight times fewer benefits than large trees. Hence, getting back to the amount of tree canopy cover the City had in 2017 is unlikely to be achieved by planting two, three, or even four (as some people suggest) smaller tree species for every large tree cut down. In fact, the Project’s tree replacement approach may ironically create a smaller and less effective urban forest.



First Step: Los Angeles Urban Forest Management Plan by Dudek 2019 (pg.34)

The DEIR’s analysis is also inadequate given that it is based on mitigation measures that are largely undefined. It is impossible for the DEIR to provide an accurate description of the impacts (visual/aesthetic, environmental) of the Project given that the design of most of the streetscape at the landscape-level is not yet developed or certain. For instance, the DEIR claims to include a tree species selection list in Appendix D, but there is no such list in the appendix, nor is there a description anywhere else in the document. Instead, the Project would allow replacement of existing tree species at the discretion of the City. Although the DEIR states street tree species selection at a given location is generally determined by the existing predominant street tree species on a block, the City’s tree removal notifications and NavigateLA show a trend of selecting replacement tree species that are not the same as the predominant species on a block. Because concrete details of the tree removal and replacements of the Project appear to be unplanned and therefore unknown, its environmental impacts cannot be accurately analyzed, nor can effective mitigation be identified. With so little detail a reader is left with no idea of what the streetscape of the City will look like at the end of the Project. The fog of uncertainty surrounding this aspect of the Project and its impacts leads inevitably to vague or deferred analysis and mitigation.

The DEIR analyzes an inadequate range of alternatives and fails to analyze alternatives that reduce impacts. The DEIR states, “retain existing street trees that are the cause of sidewalk barriers to the extent feasible” as the City’s first additional project objective. For most projects, multiple solutions are required to retaining trees. But the DEIR offers only 4 solutions for retaining trees, each with limitations that would either disqualify or minimize implementation. For instance, the DEIR states the root pruning alternative to cutting down a tree may be hazardous to a street tree’s structural stability and health, or would destabilize the tree. In other words, root pruning is a remedial alternative effort to cutting down a tree. The DEIR further admits that following International Society of Arboriculture’s Best Management Practices would preclude root pruning as a street tree retention method for nearly all of the City’s large trees (Project Description 2.4.4.3). While ramping over tree roots is an alternative to removing a tree, the DEIR states that “utilization of ramping may void the sidewalk warranty.” The DEIR rejects consideration of meandering on the grounds that acquiring additional property as part of the requirement to implement meandering is “incompatible with the Project objective to complete all required sidewalk repair segments without acquiring additional City ROWs.” If retaining existing street trees “to the extent feasible” is an objective of the Project, then the DEIR must analyze a robustly defined set of alternatives that focus on retaining existing mature trees and prevention of sidewalk tree conflicts that could eliminate or greatly reduce the environmental costs of tree removals, such as lowered sites, curving or offset sidewalk, asphalt, expansion joints, pavers, pervious concrete, reinforced or thicker slab, beveling, Rockery/Wall, shims, mudjacking, increasing parkway planting space, tree curb pop-outs or bulb-outs, suspended paving systems (aka soil cells).

“This is a measurable loss of community services/benefits, since the majority of the trees removed are likely to be larger trees that contribute exponentially higher urban forest benefits. Each tree that can be preserved makes a difference, and it is worthwhile to expend efforts to creatively resolve issues so that trees are preserved.”

First Step: Los Angeles Urban Forest Management Plan by Dudek 2019 (pg.46)

Conclusion. Given the foregoing deficiencies and uncertainties, the DEIR must be revised and recirculated. The present DEIR cannot properly form the basis of a final EIR.