

**Draft ENVIRONMENTAL ASSESSMENT  
for Proposed Community Cleanup at Lopez Basin, Lopez Dam, Pacoima CA**



**US Army Corps  
of Engineers®**

**LOPEZ BASIN COMMUNITY CLEANUP  
August 3, 2013**

**DRAFT ENVIRONMENTAL ASSESSMENT**

**July, 2013**

**Los Angeles District  
U.S. Army Corps of Engineers  
P.O. Box 532711  
Los Angeles, California 90053-2325**

# Lopez Basin Community Cleanup - draft Environmental Assessment

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210 Freeway



# **Lopez Basin**

## **Helping Nature - Community Cleanup by Learners of All Ages**

Proposed Implementation Date: August 3, 2013

Proponent: Learners of All Ages (a non-profit organization)

Location: Lopez Flood Control Basin

County: Los Angeles County, CA

### **I. Project Authority, Purpose and Scope**

#### **a. Authority for the Federal Action**

The United States Army Corps of Engineers, pursuant to specific authority granted by Congress in 10 USC 2667 is authorized to permit non-Federal entities the right to use Federal lands in a manner that is compatible with the Federal project, laws, regulations and policies. The Flood Control Act of 1936 authorized construction of Lopez Dam. This act was amended (P.L. 738, 74th Congress) in 1954, and construction was completed in December 1954. Lopez Dam is owned and operated by the U.S. Army Corps of Engineers. It was designed to control sediment/debris from Pacoima Wash, and to provide an entry point for flood and conservation flows into the Pacoima Wash channel improvement.

#### **b. Purpose and Need**

The primary project purpose of the Lopez Dam is Flood Damage Reduction, as set forth in the Flood Control Act of 1936.

A secondary purpose is Recreation as authorized by the Flood Control Act of 1944, as amended (Public Law 78-534), which authorizes the Corps to construct, maintain, and operate public park and recreation facilities at water resource development projects. The Corps is permitted to authorize local interests to construct, maintain, and operate recreational facilities. As indicated in EC 1130-2-121 "Project Operation, Recreation Development Completed Projects", dated 14 March, 1973, local sponsors assume operation and maintenance costs for such facilities.

This Proposal would accomplish deferred maintenance (trash removal) from areas of Lopez Basin. Periodic trash and debris removal meets a Corps maintenance objective which is often difficult to achieve due to other necessary work and limited resources.

The Proponent reports these other, background components of this proposal's Purpose by the proponents, include: highlighting the value of a multi-age, intergenerational community taking responsibility to better manage open spaces; enabling local, motivated individuals to understand and execute short-, medium-, and long-term community planning; removing trash and debris at the site in both the short- and long-term time frame; creating a coalition of diverse local collaborators dedicated to environmental sustainability; and create greater environmental awareness among local stakeholders.

#### **c. Land Allocation**

Land allocations are the authorized purpose for which project lands are acquired or designated. As indicated in EP 1130-2-550, "Master Plan Content" and for this particular flood control basin, the two primary land allocations applicable are:

- Operations - for operation and maintenance of the project for flood damage reduction.
- Recreation - lands acquired in accordance with public recreation.

In addition to the above functional categories, the Master Plan also recommends future use categories of Basin areas which are described below with respect to the current Proposal.

#### d. Scope of Analysis

This analysis is offered to the interested public to solicit input on a potentially beneficial community trash pick-up special event in the Lopez Dam Basin. The document will be made available for review and input for 15 days. Comments should be addressed to the Army Corps of Engineers between July 12 and July 27, 2013. Please direct your comments to Carvel Bass, US Army Corps of Engineers at [carvel.h.bass@usace.army.mil](mailto:carvel.h.bass@usace.army.mil) or by mail at 915 Wilshire Boulevard, Suite 11098, Los Angeles, CA 90017. If you have questions or would like additional information, please contact Carvel Bass, Ecologist, Asset Management Division at (213) 452-3392.

## **II. ALTERNATIVES**

### **a. No Action**

*The No-Action alternative would not see this community cleanup occur.* The No-Action would result in loss of this opportunity for a coordinated event, using local volunteer services to be provided, to accomplish the deferred maintenance of trash cleanup at Lopez Basin.

### **b. Offsite**

*No offsite alternative is proposed,* because the purpose of this community event is to organize locals for a public community event on local public lands, for which the Lopez Basin appeared a good match by event planners, and which early on became the focus for the proposed community event. The Offsite alternative will not be considered further in this document.

### **c. Onsite/Action Alternative**

The proposed Onsite Alternative is the proposed Community Cleanup Action Alternative. The project cleanup area would include select areas of Corps land both north and south of Harding Street, on lands designated as Areas 1 and 2 in the Corps *Lopez Basin Master Plan* (2005). In addition to the cleanup, a docent walk at the Dam, later in the day, is also proposed.

## **III. PROPOSED ACTION**

The Asset Management Division, Los Angeles District of the U.S. Army Corps of Engineers, would issue a right of entry letter allowing the organization *Learners of All Ages* to lead and coordinate this proposed trash Cleanup event at upper Lopez Basin. The proposed Cleanup is focused on total removal of plastic and paper trash, including select concrete, asphalt, and other small debris from these general areas. The event would focus only on removal of any small items and would document large and heavier items, for removal in a future event, whose date is not yet set, but this dEA and Final EA shall also cover that event, with additional documentation provided in the future as needed and all other logistics and conditions being equal.

Proposed for August 3, 2013, this would be an approximately 8-hour event including set-up and take-down time. At least 100 volunteers invited from the community and various local agencies and organizations are likely to participate. Volunteers would have registered with *Learners of All Ages* and would provide a signed insurance waivers and parental approval, if under-age. Most volunteers are expected to be adults from the local area.

The proposed Action Area, over which the trash would be collected, includes two general areas including both the north and south sides of Harding Street. On the north side, where Harding

crosses over Pacoima Wash and a tributary road leads north to local ballfields, the Cleanup would include areas on both sides of the connector road: to the northwest of Harding at a scrub-vegetated site, and to the northeast, which includes a portion of Pacoima Wash. In addition, a second major cleanup site, south of Harding Street, would be occurring in two areas in northeast Lopez Basin. Vegetation would not be removed and no ground-disturbing activities are proposed.

An Event Coordination Center, as well as parking, sanitation, and first aid areas would be established at locations within or adjacent to the trash pickup sub-areas. Volunteer parking would occur at the Los Angeles Mission College East Campus, and along Eldridge Avenue. Up to 10 vehicles for VIP's and/or vehicles needed for the site work may park along Harding Street/Pacoima Canyon Road. If roll-off containers are used, they will be placed off of any roadway, to be coordinated by Los Angeles City Department of Public Works. Trash bags, once filled, would be hand-carried to a central collection location.

LAPD, LAFD, and LASD (*Los Angeles City Police, City Fire, and Los Angeles County Sheriffs*, respectively) are notified as to the event and their participation is being formalized, and the Sylmar Graffiti Busters and have volunteered to place cones and to assist in facilitating traffic. Sylmar Neighborhood Council and Los Angeles Council District #7 are also notified and will participate. Traffic measures and other, general event information and logistics are being coordinated by the Proponent in planning meetings with supporting agencies and organization. In addition to the public notice which accompanies this draft EA, the Proponent (*Learning for All Ages*) is proactively informing neighborhood residents of the proposed August 3rd event.

#### **IV. ENVIRONMENTAL BASELINE and POTENTIAL ENVIRONMENTAL IMPACTS**

A description of the Basin's current environmental conditions is provided below. Following a discussion of each individual environmental parameter as listed in the Table of Contents, an analysis is provided as to the degree of impact, if any, to each parameter which might be expected from the proposed *Learners of All Ages* Community Cleanup event scheduled for August 3, 2013, at upper Lopez Basin. The event's primary objective is to pick up and remove all paper and other small trash from the upper Basin in specified areas of Planning Areas 1 and 2 and to document the presence of larger debris which could be removed at a later date in a second community cleanup event in the near future.

##### **4.1 Land Use**

The primary purpose of the Lopez Dam facilities is to control storm runoff and debris production in a drainage area of approximately 34 square miles.

Lopez Dam is bordered by residential tract housing primarily on the west, south, and northeast sides of the dam structure. A public elementary school, Harding School, is located in the residential neighborhood to the west of the basin. Beyond the north side of the basin, some agricultural uses still occur, including commercial orange groves. El Cariso Golf Course, operated by the County of Los Angeles Parks and Recreation Department, is located within one quarter mile of the north end of the basin. Lands further east of the basin comprise hilly terrain and open space. The boundary of the Federal Angeles National Forest lies approximately one half mile east of the basin.

At Lopez Basin itself, the Corps has formalized several Planning Areas which relate to different Corps functions as well as to several different vegetation types and other natural resource parameters. These are termed Planning Area #'s 1-5. The proposed Cleanup would occur in Planning Areas 1 and 2 which are northern areas of the Basin, primarily in Disturbed and sparsely vegetated Coastal Sage Scrub areas, as well as in Pacoima Wash itself which is seasonally dry.

### Environmental Impacts

The No-Action would result in no change to existing land-use conditions at Lopez Basin. This is a neutral effect and not significant.

The Action Alternative would result in a temporary, 1-day community gathering to remove trash and also would result in greater understanding of the Lopez Basin and its resources by individual community members. This is a positive environmental effect.

No significant adverse effect is expected to result, from this cleanup, to land-use resources.

## **4.2 Geology**

The project site is located south of the San Gabriel Mountains in the Transverse Ranges Geomorphic Province, near the mouth of Pacoima Canyon, on an alluvial fan surface that slopes toward the south-southwest. This range is seismically active, and contains a number of strike-slip and thrust faults. The epicenter of the 1971 Sylmar earthquake was located in Lopez Canyon. Strong ground shaking can be expected on the project site during moderate to severe earthquakes in the general region. Surface and near-surface soils in the project area vary in composition, but are generally silty sand. Past geological reports have indicated that these dense alluvial soils extend to the order of several hundred feet below the ground surface. Soil liquefaction is considered a low risk at this site, because ground water has not been found any closer to the surface than 100-150 feet.

### Environmental Impacts

The No-Action would result in no change to existing geological conditions at Lopez Basin.

The Action Alternative would result no change to existing geological conditions at Lopez Basin.

No significant adverse effect is expected to result, from this cleanup, to geologic resources.

## **4.3 Biological Resources**

Lopez Dam is located upstream of the Corps' Hansen Dam, and downstream of Pacoima Dam, which is owned and operated by the Los Angeles County Department of Public Works (LACDPW). Several biological studies have been conducted in the basin by the U.S. Fish and Wildlife Service (USFWS, 1984), by the Los Angeles District of Corps of Engineers most recently during review for completion of the current *Lopez Basin Master Plan* (2005), and by several consultant teams during 1005 to present which supported local, proposed construction proposals. Much of the following background, below, including citations, is provided by reference from the 2005 *Master Plan* and includes both specifically local, and more regional, biological information included for context and for general interest.

### **4.3.1 Vegetation**

Note that vegetation community types within the basin of Lopez Dam have undergone disruption by past and on-going sediment removal activities as well as by occasional high-water events which may inundate some areas for several days at a time during the winter storm season. These storms also result in considerable shifting of the substrate and debris which influences the range of microhabitats available for subsequent colonization by plants and wildlife.

Vegetation type (plant community) and hierarchical structure listed below follow the California Department of Fish and Game (CDFG) *List of California Terrestrial Natural Communities*

Recognized by the Natural Diversity Data Base, May 2002 Edition. Vegetation type descriptions are based on field investigations, using Sawyer and Keeler-Wolfe (1995) with updates where appropriate.

The proposed event would occur in Planning Areas 1 and 2, which are portions of the Basin's northern region. The vegetation is described, below.

#### Disturbed

Disturbed areas are mostly devoid of vegetation due to recent disturbances. Types of disturbed areas found on-site include disked or cleared land, dirt access roads, areas used by off-road vehicles, and areas scoured by winter high-water events. Disturbance-tolerant vegetation typically found in these areas on-site include castor bean, Russian thistle, pineapple weed (*Chamomila suaveolens*), and jimson weed (*Datura wrighti*). Within this disturbed region, one isolated sycamore tree also occurs, in an area surrounded by bare ground.

#### Non-native Grassland

Non-native grasslands typically occur in upland areas with deep soils on relatively flat terrain, or on gradual slopes, below 3,000-ft above MSL. This vegetation type is typically represented by a dense to sparse cover of annual grasses of Mediterranean origin, and is often associated with numerous species of showy flowered, native, annual forbs. Floristic richness is affected to a high degree by land use patterns, such as high-water events, intensity and duration of grazing by wildlife, fire frequency, and other anthropogenic disturbances. This vegetation type is also associated with California sagebrush scrub, and with California sagebrush/California buckwheat scrub as the understory in areas of less dense shrub cover. In some areas, large mats of popcornflower (*Piagiobothrys nothofulvu*) intermixed with evening primrose (*Oenothera* sp.) may occur.

#### California Sagebrush Scrub

Sagebrush scrub vegetation type communities consist of drought-tolerant shrubs on well-drained soils. Within the project area this vegetation type is dominated by California sagebrush (*Artemisia californica*). Associated, less common species found dispersed throughout this community include California buckwheat (*Eriogonum fasciculatum*), mulefat (*Baccharis salicifolia*), horehound (*Marrubium vulgare*), and deerweed (*Lotus scoparius*).

#### California Sagebrush California Buckwheat

California sagebrush-California buckwheat is similar to California sagebrush scrub, but has more than one dominant species. Within the project area, California Sagebrush/California Buckwheat scrub is dominated by California sagebrush and California buckwheat. Additional species include mule fat, Mexican elderberry (*Sambucus mexicana*), laurel sumac (*Malosoma laurina*), chaparral yucca (*Yucca whipplei*), wishbone bush (*Mirabilis californica*), wild cucumber (*Marah macrocarpus*), and the exotic non-native castor bean (*Ricinis communis*).

#### Scalebroom/Hairy Yerba Santa/Chaparral Yucca

Scalebroom/Hairy yerba santa/Chaparral yucca is a vegetation type of coastal scrub community that is not dominated by a single plant species. Within the project boundary, this plant assemblage is dominated by Hairy yerba santa (*Eriodictyon crassifolium*) and California sagebrush. Associated species include scalebroom (*Lepidospartum squamatum*), Chaparral yucca, Cholla (*Opuntia* sp.), and Laurel sumac. An isolated patch in the southern portion of the Corps property is dominated by a dense cover of Ceanothus (*Ceanothus* sp.). Scalebroom/Hairy yerba santa/Chaparral yucca/Disturbed has dominant plant species that are characteristic of the scalebroom-Hairy yerba santa-Chaparral yucca, however, evidence of

disturbance is apparent. This assemblage of plants lacks the Hairy yerba santa component, but still contains all other plant indicators of Scalebroom-Hairy yerba santa-Chaparral yucca vegetation type. Non-native grasses dominate the understory and extreme off-road vehicle activity has destroyed much of the vegetation.

#### Southern Willow Scrub

Within the project site, southern willow scrub is dominated primarily by willow species, including Gooding's (Black) willow (*Salix goodingii*), arroyo willow (*Salix lasiolepis*), and sandbar willow (*Salix exigua*). Associated species found in this community on-site include mule fat, Mexican elderberry, white nightshade (*Solanum douglassii*), nettle (*Urtica* sp.), castor bean, milk thistle (*Silybum marianum*), wild cucumber, mugwort (*Artemisia douglasiana*), and ash (*Fraxinus* sp.)

#### **4.3.2 Threatened / Endangered Plant or Wildlife Species**

The Federal Endangered Species Act (FESA) of 1973 defines an "endangered species" as "any species which is in danger of extinction throughout all or a significant portion of its range." "Threatened species" are defined as "any species, which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Under provisions of Section 9(a)(1)(B) of FESA it is unlawful to "take" any listed species, where "take" is defined as "...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (FESA Section 3(18)). Further, the USFWS, through regulation, has included certain types of habitat modification in their interpretation of the terms "harm" and "harass" as a form of take. This interpretation, however, is generally considered and applied on a case-by-case basis and often varies from species to species.

The following discussion describes plant and wildlife species present or potentially occurring within the general area of the project site, based on an evaluation of the habitats present and on recent field biology reports to support local project scoping. These covered species have been afforded special recognition by local, state, or Federal resource conservation agencies and organizations, principally due to the species' declining or limited population sizes, usually resulting from habitat loss. Because the Lopez Dam area is under Federal ownership, jurisdiction and management, the Corps recognizes Federally-listed special status species. The following field information is further documented in the Corps' *Lopez Dam Master Plan* (2005).

4.3.2.1 The plant *Berberis nevadensis*'s distribution is disjunct with populations scattered over southern California in Los Angeles, Riverside, and San Bernardino counties. Historically, this species was distributed from San Francisquito Canyon in the Liebre Mountains to San Fernando Valley and the Arroyo Seco near Pasadena (Los Angeles County), to San Antonio Wash along the southern base of the San Gabriel Mountains (San Bernardino County), to Scott Canyon and San Timoteo Canyon near Redlands, and to Dripping Springs Nail Lake area (Riverside County) (CNDDDB 2000). In Los Angeles County, Nevin's barberry has been found in Lopez Canyon in the Angeles National Forest; San Francisquito Canyon north of Saugus; San Francisquito Canyon, 0.5 mile north of the San Francisquito Powerhouse (1 plant); just west of Padua Avenue in the vicinity of San Antonio Wash west of Upland and just north of Claremont; on the east bank of Arroyo Seco north of the Rose Bowl; and near Vista Del Valle Road in Griffith Park, where likely introduced. The closest known occurrence is the presence of one large individual in Lopez Canyon of the Angeles National Forest.

4.3.2.2 Least Bell's Vireo (*Vireo bellii pusillus*). Early- to mid-successional riparian habitat is typically used for nesting by the Least Bell's Vireo because it supports the dense shrub cover required for nest concealment as well as a structurally diverse canopy for foraging. Vegetation

characteristics of riparian stands between five to ten years of age are most suitable for nesting Least Bell's Vireo. Restored riparian in the coastal lowlands of southern California has the habitat structure to support breeding vireos within 3-5 years particularly if adjacent to established riparian areas. Least Bell's Vireo nests are normally found in areas with dense understory. At the Santa Ynez River (Santa Barbara County) below 1.0m, mugwort (*Artemisia douglasiana*) and summer mustard (*Brasica nigra*) contribute most to foliage density. Willows mainly dominate the canopy of riparian habitat. On the Santa Margarita River at Camp Pendleton, 97% of the canopy around the nest is willow spp. and the average percent canopy cover within 0.4ha (about 1 acre) of a nest equals about 25%. In San Diego County, most dominant trees are black willow (*Salix goodingi*) and arroyo willow (*Salix lasiolepes*).

Least Bell's Vireos place their nests in a variety of plants that provide concealment in the form of dense foliage. The most frequently used species include willows (*Salix* sp.), mulefat (*Baccharis glutinosa*), California wild rose (*Rosa californica*), poison oak (*Toxicodendron diversilobum*), mugwort (*Artemisia douglasiana*), and cottonwood (*Populus fremontii*). Average host heights range from 2.8-5 meters (9ft- 16 ft). In a study along the Santa Ynez River (Santa Barbara County), trees at successful nest sites were significantly greater in mean DBH than unsuccessful.

Vireos tend to occupy areas which support dense shrub cover. The proportion of trees with shrub understory was significantly higher at sites occupied by vireos than at those in which vireo did not occupy. On Sweetwater River, San Diego River, and San Luis Rey River in San Diego County the most common shrub species (92% of territories) is mulefat (*Baccharis glutinosa*). In San Diego County, on the Sweetwater, San Diego, and San Luis Rey rivers, mulefat (*Baccharis glutinosa*) is the most dominant followed in high number by the willow shrubs (*Salix* spp.) and tamarisk (*Tamarix* sp.).

Greatest foliage density around nests occurs between 0.2 and 1.0m (0.6ft and 3.3ft) and consists mostly of mugwort (*Artemisia douglasiana*) and summer mustard (*Brassica nigra*). The proportion of nests, at several sites in San Diego County, that were concealed by ground cover are: Sweetwater River 62%, San Luis Rey River 65%, and San Diego River 29%. Least Bell's Vireo prefers to nest in areas with low aquatic and herbaceous cover.

#### 4.3.2.2 California Gnatcatcher (*Polioptila californica*)

California gnatcatchers generally prefer open sage scrub with California sagebrush (*Artemisia californica*) as a dominant or co-dominant species. The gnatcatcher appears to be more abundant near sage scrub-grassland interface than where sage scrub grades into chaparral. Dense sage scrub is occupied less frequently than more open sites. Mostly absent from coastal areas dominated by black sage (*Salvia mellitera*), white sage (*S. leucophylla*), or lemonade berry (*Rhus integrifolia*). Nest placement is typically in areas with less than 40 percent slope gradient; gullies and drainages, when available within territory, are used as nest sites.

The nesting substrate used is proportional to shrub species availability: typically California sagebrush, California buckwheat (*Eriogonum fasciculatum*), California sunflower (*Encelia californica*), broom baccharis (*Baccharis sarothroides*), and laural sumac (*Malosma laurina*). Many other common sage scrub species plant taxa are used less frequently.

#### 4.3.3 Wildlife and Wildlife Corridors

In most topographically varied areas, patterns of human land use often result in the creation of many isolated fragments of natural vegetation. Another consequence of human settlement patterns is that some vegetation types are lost at higher rates than others. In this sense,

some vegetation types are relatively protected from loss by virtue of their occurrence on steep slopes. Nevertheless, remaining fragments of vegetation types may be quite small and isolated from other native landscape elements, such as watercourses. Even where remaining habitats are still relatively large and connected, the presence of urbanization in the landscape appears to affect the abundance of shrubland and riparian birds and, more importantly, the movement of megafauna through remaining habitats.

Fragmented vegetation types may not provide enough continuous acreage to support those birds, mammals, or reptiles that require significant areas of habitat for an individual to survive. However, even birds that can survive in smaller patches of habitat may disappear from fragmented areas. This is because individual birds may have difficulty moving from one habitat fragment to another when the fragments are separated by inhospitable developed areas or over very large parcels of urbanized landscapes. Movement through fragmented vegetation types becomes more risky for the individual animals that move (usually juveniles) and thus the number dispersing successfully from one population to another is reduced. Thus, this movement of individuals (*dispersal*) is necessary to prevent the extinction of animal species because the survival of a population in one habitat patch may depend on the influx of new individuals from other plant community patches.

Also, if local extinction occurs (i.e., a distinct population dies out), the colonization of that habitat by other individuals of that species may be delayed or prevented. Such systems of isolated vegetation type remnants connected by occasional dispersal events are referred to as "metapopulations." A reduction in dispersal also can cause a reduction in genetic exchange between populations. A landscape containing many isolated habitat fragments can be compared to an ocean with many islands. One observation from studying islands, the *equilibrium theory* of island biogeography, states that colonization and extinction rates on habitat islands are influenced by the size of islands and by the degree of isolation from other islands or "mainlands." This means that more species are typically present on larger and less isolated islands, and the same pattern often holds true for habitat fragments on the terrestrial landscape.

Fragmentation frequently creates patches of vegetation types that have long boundaries with developed areas, and this can create conditions that further compromise the ecological integrity of the community. Although natural *ecotones* (edges) between native habitat types usually provide conditions that enhance diversity, anthropogenic edges often are accompanied by reductions or losses of specialist species. In California, wildland-urban interfaces, improving vegetation structure, and increasing the availability of water and food may improve habitat value near edges for some species. Complex interfaces often mimic natural ecotones in that they support enhanced diversities of birds. However, negative edge effects include: creation of barriers to dispersal, increases in native and non-native predators, and increase in community structure change with appearance of invasive, non-native plant species.

The mosaic of the vegetation types discussed is comprised of numerous plant species and provide habitat for the assemblage of wildlife species. While a few wildlife species are entirely dependent on a particular natural community, the entire mosaic of all vegetation types within the landscape of the Master Plan boundary and adjoining areas constitutes a functional ecosystem for a multiplicity of wildlife species, both within the project site and as part of the regional ecosystem.

The Lopez Basin, situated in the foothills of the San Gabriel Mountains, is located within a highly urbanized area of the San Fernando Valley. Although with vast open space to the

north (i.e., San Gabriel Mountains), the area is surrounded in all other directions by urban development. Similarly, Pacoima Wash occurs within this area and provides passable resources for wildlife movement; nonetheless, wildlife traveling within the wash would soon reach the existing urban barrier to the east, south, and west. Most secretive megafauna species such as mountain lion, bobcat, and gray fox would possibly learn to avoid this route. Therefore, due to its location in an already urbanized area, the project site is likely not a significant part of a regional wildlife corridor. However, the Lopez Basin may likely be linkage for a variety of wildlife species between the San Gabriel Mountains Range (Angeles National Forest) and the lower elevation habitats. Although it is not expected that many megafauna will utilize the project boundary as a corridor, a few ubiquitous species such as raccoon, Virginia opossum, striped skunk, and coyote do move through the properties on a local basis utilizing the resources found in urban areas. Even though limited in size proportional to other urban interface habitats, the basin provides inadequate native scrub and but very adequate riparian plant communities and "open space" area. Finally, several features recognized as facilitating movement of wildlife, including a portion of the Pacoima Wash floodplain, concrete-lined channels, a riparian corridor, and several box culverts, are found within or directly adjacent to the project site. The most significant natural feature facilitating wildlife movement within the Basin boundary itself is Pacoima Wash.

During earlier surveys referenced in the 2005 Master Plan, observations of wildlife or wildlife signs (scat, tracks) were limited. Nonetheless, the presence of many common species such as coyote, raccoon, striped skunk, Virginia opossum, and a myriad of bird species are likely to be present through much of the Pacoima Wash environs and associated open space east of the Basin. The presence of these species within the Basin boundary would indicate that local wildlife movement is occurring. Local wildlife movement includes movement of individual animals that are resident on or adjacent to the Basin. This type of movement consists of wildlife traveling to and from foraging and resting areas, often along a consistent route. Movement of this type is common wherever open space is sufficient to support wildlife. For medium and large mammal species, the likely travel routes would be through the Pacoima Wash environs. Birds are less restricted but more frequently move through contiguous habitat connections. This would be intensified during severe Pacific winter storms when there would be elevational, down-slope migration among local wildlife, into lower elevations where resources would be more readily available.

### Environmental Impact

The No-Action would result in no change to existing biological conditions at Lopez Basin. The present condition at Lopez is governed by intermittent Corps Operations activities which are reviewed and conditioned as to potential effects to biological resources, and by occasional informal use of the Basin by local residents and by the northwest Basin's model airplane club outgrantee.

The Action Alternative would result in a temporary, 1-day community gathering to remove trash in a select portion of the Basin (portions of Areas 1 and 2) and these activities are proposed for dry, non-riparian, and ecologically disturbed areas, with no proposed activities scheduled for more sensitive wetland or other areas. Due to the season and locale chosen, local wildlife, if present, are likely to leave the immediate area and return at a later time. No sensitive species or habitat would be affected by the proposal as described.

No significant adverse effect is expected to result, from this cleanup, to biological resources.

#### **4.4 Cultural Resources**

The cultural environment includes those aspects of the physical environment that relate to human culture and society, along with the social institutions that form and maintain communities and link them to their surroundings. Section 101(b)(4) of NEPA established a Federal policy of conserving the historic and cultural, as well as the natural, aspects of national American heritage.

Federal undertakings include projects, activities, or programs funded in whole or in part by a Federal agency, or requiring a Federal permit, license, or approval. Regulations for *Protection of Historic Properties* (Title 36 CFR, Part 800) implement the National Historic Preservation Act of 1966 (NHPA) by defining a process for demonstrating appropriate consideration of National Register-listed or eligible properties through consultation with State Historic Preservation Officers, the Federal Advisory Council on Historic Preservation, and other interested organizations and individuals. Cultural resources are addressed in this EA in compliance with both NEPA and NHPA.

There are two principal methods of locating cultural resources. Before beginning a project, a records and literature search is conducted at any number of repositories of archeological site records. The search may show that an archeological or historical survey had been conducted and certain cultural resources are identified. That information may be enough to proceed with the significance evaluation stage of the project. If a conclusion is reached that (1) no previous survey had been done, or (2) a previous survey was either out of date or inadequate, the project cultural resources expert/archeologist would need to carry out a pedestrian surface survey to determine if any cultural resources are within the proposed project boundaries.

Following a cultural resource(s) being identified during a survey or record/literature search, the overseeing Federal Agency would embark on a process to determine eligibility of the resource for listing in the National Register of Historic Places (National Register). Section 106 of the National Historic Preservation Act mandates this process (36 CFR 800). For a cultural resource to be determined eligible for listing in the National Register it must meet certain criteria. The resource must be either minimally 50 years old or exhibit exceptional importance. Historical registers include the *National Register of Historic Places* (2000), the *California State Historic Resources Inventory* (2000), the *California Points of Historical Interests* (1992), and the *California Historical Landmarks* (1996).

Previous surveys on file at the Los Angeles District Corps of Engineers observed no cultural material. There are no previously recorded historic properties within .5 mile of the Area of Potential Effect (APE) of the Basin.

#### Native American Concerns

Section 106 of the National Historic Preservation Act, the American Indian Religious Freedom Act of 1978, the Native American Graves Protection and Repatriation Act of 1990, and Executive Order 13084 of May 14, 1999: Consultation and Coordination with Indian Tribal Governments all require that government agencies consult with Native Americans to determine their interests in Federal projects. A search at the California Native American Heritage Commission (CNAHC) determined that no sacred sites are recorded within the project area.

#### Environmental Impact

Other than the fact that the Lopez Dam was built in 1954 and thus itself qualifies as an historic structure (and would not be affected by the current proposal), there are no additional, associated cultural resources known at the Lopez Basin.

The No-Action would result in no change to existing cultural resource conditions at Lopez Basin. This is not a significant effect.

The Action Alternative as described would result in no ground-disturbing activities and hence no effects to unknown cultural resources. The event would result in greater understanding of the Lopez Dam and its natural and historic resources by individual community members. This is a positive environmental effect.

No significant adverse effect is expected to result, from this cleanup, to cultural resources.

#### **4.5 Water Resources**

Lopez Dam is located approximately 1200 feet upstream of the mouth of Pacoima Canyon and the County's Pacoima Dam located approximately 2 miles lies upstream of Lopez Dam. Besides Pacoima Wash wherein Lopez Basin sits, the second major tributary to Lopez Basin is the creek within May Canyon. The Lopez Basin watershed includes many steep hills and highly erodable soils, which result in high velocity, debris-laden flows entering the basin. Runoff into Lopez Basin is almost entirely from non-urban areas.

Lopez Canyon drainage is tributary to the Los Angeles River and is considered a portion of the San Fernando Drainage Area of the LACDA system (/Los Angeles County Drainage Area). Flows exiting through Lopez Dam enter Pacoima Wash, a concrete-lined, open channel and eventually reach the Los Angeles River after connecting with the Tujunga Wash Channel.

A portion of the surface flows that exit Lopez Dam are diverted to spreading grounds below the basin, where the water percolates into a County spreading ground facility and boosts recharge to the underground aquifer. Opportunities for recharge are limited to the basin and other upstream flows, since downstream channels are concrete-lined. In addition, some flows are diverted from Pacoima Wash to a spreading ground approximately 3 miles downstream of Lopez Dam. Runoff from precipitation in Pacoima Wash (among others) is used to estimate local recharge to the groundwater basin as part of the County's management of groundwater extraction for water supply.

The quality of waters entering Lopez Dam is generally good. This water is generally high in sediment content, however, which gradually reduces percolation capacity at the downstream spreading grounds.

Lopez Basin lies within the San Fernando Valley drainage basin. Prior to use of the local aquifer as a source of water, groundwater in the San Fernando Valley flowed eastward across the valley, toward the Los Angeles River Narrows where it left the basin. Current recharge of the basin from surface runoff is augmented by recharge with imported water. Although water quality over the entire San Fernando Valley is generally fair to poor owing primarily to high mineralization in the soils of the area, and other localized problems such as nitrate concentrations and trace organics, the quality of groundwater is considered good in the immediate vicinity of the Lopez Basin. Downstream of the basin are known plumes of groundwater contaminants, particularly trichloroethylene (TCE) and tetrachloroethene (PCE).

#### Environmental Impact

The No-Action would result in no change to existing water resources at Lopez Basin. This is a neutral effect and not significant.

The Action Alternative would result in no change to existing water resources at Lopez Basin. Individuals may gain a greater appreciation of the Lopez Dam and its beneficial impacts in the arena of regional flood control. This is a positive environmental effect.

No significant adverse effect is expected to result, from this cleanup, to water resources.

## 4.6 Aesthetics

The proposed Action area is within and above the 50-year floodplain of Pacoima Wash. The Area is moderately disturbed by human activity, with numerous cross-linked trails and partially tramped-down brushy vegetation, all of which deprive the area of pristine character within the local streamside landscape. Much of the study area has an open space and park ambience, which is sought after by local residents from adjacent neighborhoods. The Basin is used at a low level for informal outdoor activities such as hiking and bike riding, and has been used in the past as a location for unapproved paint-ball activities as well as a destination for abandoned vehicles and other unapproved activities such as night-time illegal dumping of excess dirt, construction trash, and abandoned, sometimes burned-out vehicles. Periodically, the Corps removes some of this accumulated debris.

### Environmental Impacts

The No-Action would result in no change to existing aesthetic conditions at Lopez Basin. The existing conditions are likely to continue as at present. This is not a significant effect.

The Action Alternative would result in a temporary, 1-day community gathering to remove trash. It is likely that the surroundings, with respect to trash, would be improved in the northern Basin as a result of the activity. Individuals are also likely to enjoy the event which, for some, may be a rare encounter in an un-built environment. This is a positive environmental effect, as is the basic fact of removing trash and debris.

No significant adverse effect is expected to result, from this cleanup, to Basin aesthetic resources.

## 4.7 Air Quality

The site lies within the South Coast Air Quality Basin, which is monitored by the South Coast Air Quality Management District (SCAQMD). The distinctive Basin climate is determined by its terrain and geographical location. The Basin is part of a coastal plain with connecting broad valleys and low hills bounded by the Pacific Ocean in the southwest quadrant, with high mountains forming the remainder of the perimeter and the site's immediate backdrop. The region is situated in the semi-permanent high-pressure zone of the eastern Pacific. As a result, climate is mild, and tempered by cool sea breezes. This usually mild climatological pattern is interrupted infrequently by periods of extremely hot weather, intense winter storms, or desiccating Santa Ana winds.

The SCAQMD and the California Air Resources Board (CARB) maintain a network of air quality monitoring stations within the South Coast Air Quality Basin. The stations monitor the surrounding air for the presence of: ozone (O<sub>3</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), total suspended particulate (TSP), lead (Pb), sulfate, and nitrate. Excepting nitrate, these are pollutants for which the State and Federal governments have established air quality standards and, in some cases, episode criteria.

The Reseda monitoring station is closest to the site and is assumed to represent the Lopez Dam project area. Air quality monitoring data show the number of days of exceeding particulate standard, and the State annual geometric mean particulate standard (SCAQMD, 1984). The air quality in the project area is representative of the air quality within the San Fernando Valley and does not degrade the region's air particulate standards.

Within the Basin are occasions where there are higher short-term increases in the suspended particulates, resulting from particulates being picked up by winds from Basin areas with bare soil. At Lopez Basin, during moister years, this condition is partially rectified by natural

conditions when the black willow forest acreage cover is expanding due to adequate soil moisture and may tend to cover much of the bare soil surfaces.

#### Environmental Impact

The No-Action would result in no change to existing air quality conditions at Lopez Basin. This is not significant.

The Action Alternative would result in a minor, temporary event on a Saturday, involving between 10 and 20 vehicles within Corps-controlled areas, which would convene for purposes of trash removal to be conducted by individuals and then transporting to a central pickup location.

No significant adverse effect is expected to result, from this cleanup, to air quality resources.

#### **4.8 Noise**

Noise levels at Lopez Dam tend to be quiet compared to other basins within the LACDA system. This is due to the basin's relatively remote location away from freeway noise; its location adjacent to a quiet neighborhood; and its proximity to the El Cariso Golf Course and the Angeles National Forest. In addition, because there is no established recreational activity on the site, and a very small amount, if any, quarry or construction activity occurring in the basin, there are no significant sound sources in the vicinity.

#### Environmental Impact

The No-Action would result in no change to the existing noise environment at Lopez Basin. This is not significant.

The Action Alternative would result in a 1-day (Saturday) community gathering to remove trash. The bulk of planned activities are to be conducted by hand by volunteers on foot, with occasional use of a small number of vehicles to be used for the ultimate trash removal. While this type of event does not usually occur at Lopez Basin, and would be held on a Saturday, the proposed level of any new, noise-generating activity is not anticipated to exceed Los Angeles City noise standards and the Proponent is coordinating this event to include Los Angeles City traffic and safety-related agencies.

No significant adverse effect is expected to result, from this cleanup, to land-use resources.

#### **4.9 Traffic**

Direct access to Lopez Dam and the basin is via Maclay Street, a two-lane collector road that serves a recently constructed residential community located east of the basin. Maclay Street forms an interchange with the Foothill (/210) Freeway approximately one half mile south and east of Lopez Dam. Access is also available via the City of Pacoima.

A number of primary arterial roadways also provide access to the site. These include Foothill Boulevard, Glenoaks Boulevard, and San Fernando Road. Major freeways connected to the Foothill (/I-210) Freeway include the Golden State Freeway (I-5), which connects 4.5 miles north of the Maclay Street interchange, and alternately, 3.5 miles east via the Simi Valley (/118 or Ronald Reagan Freeway). Recent studies have indicated an ambient traffic growth rate of 1% annually from existing traffic counts.

### Environmental Impact

The No-Action would result in no change to existing traffic conditions at Lopez Basin. This is a not significant, as the No Action alternative traffic conditions would resemble any Saturday at Lopez Basin.

The Action Alternative would result in a temporary, localized community gathering, including 10-20 vehicles, for removing trash by local community members. The proposed event, as described, would result in traffic increases to a minor extent only. Event traffic conditions and guidelines will be coordinated both by Los Angeles City agencies including Street Services and LAPD, and by a local community volunteer organization.

No significant adverse effect is expected to result, from this cleanup, to Traffic at Lopez Basin.

### **4.10 Recreation**

Lopez Dam has had limited development as a formal recreation resource. When construction was completed in 1954, the purpose of Lopez Dam was flood damage reduction. The Dam was not intended for multi-purpose use, such as to include recreation but, since then, single-purpose use is no longer considered prudent, nor recommended, particularly in geographic areas in critical need of affordable recreation.

Local recreation facilities in the immediate area of Lopez Dam include El Cariso Golf Course, El Cariso Regional County Park, Veterans Memorial County Park, baseball fields, (Sylmar Independent Baseball League) and to the east, hiking trails in the nearby mountains of the Angeles National Forest.

The Federally-controlled land at Lopez Basin offers limited and informal parking opportunity on its unimproved grounds, and no street parking is available. Without such parking improvements, the Basin's recreational use is largely limited to local residents, as no facilities such as restrooms are available. No permanent buildings are permitted in areas within the 10-year flood plain and no buildings are currently located anywhere in the Basin.

A sole recreational outgrant, that for a model air-plane flying club, is active at the basin and this lease is located at its northwest quadrant just southeast of Maclay Street. This is a club where, on any day, individual club members enter by car via a locked gate and spend time fine-tuning and flying their favorite model airplanes and helicopters around the northwest portion of the Basin.

Passive and low impact recreation appears to be the most appropriate future use for most of the Lopez Basin area. Passive recreation opportunities would include trails and walkways for viewing and for such low impact activities as hiking and jogging along the boundaries of the Lopez Dam site. The inclusion of bicycle and equestrian use on trails and walkways around Lopez Dam would require further study of potential impacts to the area, because use of bikes and horses may not necessarily be compatible or complementary with basic hiking, walking, and running trail/walkway use. Picnicking is possible, but would require additional improvements and regular site maintenance. The continued use of the site for flying model planes should be reviewed if other recreational uses would be considered.

### Environmental Impact

The No-Action would result in no change to existing recreational use at Lopez Basin. This is not significant.

The Action Alternative of a temporary, 1-day community gathering to remove trash is considered by some a form of outdoor recreation and beneficial to individual members and to the community

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at large as an example of a beneficial outdoor activity. Wilderness or other sensitive environmental areas are not likely to be disturbed as a result of this small group (100 individuals), as proposed, ranging in accessible north Basin areas, to pick up small trash items. It is likely that the event will result in new discovery of enjoyments associated with time spent in meaningful activity spent in this setting. This is a positive environmental effect to local outdoor recreation on public lands.

No significant adverse effect is expected to result, from this cleanup, to recreation resources and in fact, outdoor recreation and its awareness thereof would be benefited by the proposed event.

#### **4.11 Health and Safety**

Campus security at Los Angeles Mission College polices the campus area and informally patrols streets adjacent to the Basin, as does LAPD. LAPD and L.A. City Fire Department staff is available for patrolling or for incident response, including for swift water rescue during high flows in the rainy season. Los Angeles City Fire Department would generally be a first responder in case of falls from channel banks, snakebite, and other such accidents. Corps of Engineers Operations staff visits the Basin on an occasional basis for Operations activities but does not maintain permanent staff presence in the Lopez Dam basin.

##### Environmental Impact

The No-Action would result in no change to existing Health and Safety conditions at Lopez Basin. This is not significant.

The Action Alternative would result in a temporary, 1-day community gathering to remove trash. The event is being coordinated by a non-profit organization, Learners for All Ages in coordination with local private and the appropriate Los Angeles City agencies which would address health and safety issues. A kickoff, Safety training session will be held for all team leaders to be transmitted to their volunteer teams. Tented structures for shade are to be provided for volunteers and would also include water and other refreshments and access, if needed, to personnel with emergency care training.

No significant adverse effect is expected to result, from this cleanup, regarding local health and safety parameters.

##### No Action Alternative

The proposed community cleanup provides a beneficial land use activity that is based on ecological, social, and economic sustainability. Without approval of the proposal the ability to utilize updated land management planning based on best available data which does indicate a need and support for the proposal, the sustainability of environmental resources, community use, and economic viability could erode. A result of the No-Action alternative would be limitations to the ability to manage the Basin to the greatest benefit of both human interests and natural protections.

##### Proposed Action Alternative

There are no significant negative impacts anticipated to Basin sustainability as a result of the proposed Action. Instead, the proposal is expected to expand and improve environmental protections and provide a more current understanding of the Basin and of community needs, which will allow more informed and efficient management of the resources within the Basin for benefit of future generations.

## **V. CUMULATIVE IMPACTS**

### **Cumulative Impacts**

A cumulative impact is an “impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions” (40 CFR § 1508.7). Cumulative impacts can result from individually minor, but collectively significant, actions taking place over time (40 CFR § 1508.7). CEQ’s guidance for considering cumulative effects states that NEPA documents “should compare the cumulative effects of multiple actions with appropriate national, regional, state, or community goals to determine whether the total effect is significant” (CEQ 1997).

#### **5.1 Past Actions**

Lopez Basin was constructed in an area of continually increasing urbanization that has significantly altered the natural environment. Communities surrounding the Basin have become densely urbanized over the past century, marked by extensive automobile traffic, highly developed industrial and residential areas, numerous noise sources, and dense population. The construction of the Dam around 1954 and activities within the Basin also contributed to cumulative environmental impacts in the area. Following construction, ongoing operation and maintenance of the Basin and its recreation amenities have continued to both preserve and to challenge the environmental baseline.

Cumulative impacts from development within and around the Basin have adversely affected earlier baseline water quality/quantity, air quality, and noise levels. Urbanization has adversely affected the presence of native fish, wildlife and vegetative habitats that were historically present in the Basin. Development both within and around the Basin has increased the possibility for introduction of pollutants, toxic materials, wastes, and non-native plant and animal species to the Basin. Overall quality of the natural environment around the Basin has diminished significantly during industrialization and urbanization of Los Angeles County.

Construction of Lopez Dam in 1954 necessitated clearing the land that is now the Basin. In contrast to the land surrounding the Basin which has undergone an intense urbanization process, during the same time, the land within the Basin has reestablished with native plant and wildlife communities as well as with non-native, introduced species. As a result, the Basin is now an increasingly rare piece of open space with areas of relatively naturalized habitat within a highly urbanized region. In comparison with the surrounding area, sources of noise and air pollution within the Basin have remained fewer and of lower intensity, and within the Basin traffic is infinitely less than the surrounding area. The Basin’s aesthetic value is higher due its natural character and the environmental quality that has evolved over time, while urbanization outside the Basin has destroyed most of the natural environment.

#### **5.2 Present Conditions**

Through its Master Plan process at Lopez Basin to meet current conditions and needs, the Corps tempers some effects of urbanization by restricting development and temporary uses to meet compatible and sustainable standards. A current (2005) land use classification plan divides the Basin into Operations, low and high intensity recreation, and future use areas. The designations provide updated restrictions of use and development within this environmentally valuable habitat and would ensure the Basin’s natural habitats are protected such that, for example, the existing associated suite of plant and wildlife assemblages, as well as other

natural resources already described, are managed to be sustainable and compatible with public use.

The proposed Cleanup would occur in Planning Areas 1 and 2, which is primarily in Disturbed and sparse Coastal Sage Scrub areas, as well as in the Pacoima Wash itself which is a sandy-bottomed, dry creekbed at this location. Individuals would be dispersed and ranging across the northern Basin areas for several hours during one day, solely to pick up and remove trash. This activity does not conflict with anticipated or desired Basin uses at these locations.

### **5.3 Future Actions**

An updated (2005) Master Plan provides a baseline for future, sustainable management of the Basin and its land use designations have been mentioned above. No additional permanent recreation amenities, roadways, structures, or utilities, are yet proposed for the Basin.

Aside from the primary purpose of the Basin for flood risk management, the only other authorization for development within a Federal water resources development project is for recreation features and amenities although further recreation development may be limited at present. If determined by local community Proponent(s) that, in the future, additional recreational amenities may be needed, those proposed actions would be subject to project-specific NEPA documentation to further ensure that any significant cumulative adverse impacts are assessed.

Retaining the area as a naturalized open space area and recreation oasis would continue to mitigate the impacts of increasing traffic, noise, air and light pollution, loss of natural habitats and open space, to local populations that may grow within the surrounding community resulting in greater infill of surrounding urban areas over time.

The proposed land use as requested (community cleanup by *Learners of All Ages*) which does not conflict with the current land-use planning context as described in the Lopez Basin Master Plan, would not adversely impact natural resources found within the Basin into the future, and may instead provide some improvement to those resources, both through continued enforcement of existing laws and regulations, and by defining areas of Environmentally Sensitive and MRM – Vegetative Management land.

## **VI. SUMMARY OF MITIGATION MEASURES OF THE PROPOSED ACTION AND ALTERNATIVES:**

At this time, the Learners of All Ages group is working with local agencies and City Council Districts

## **VII. AGENCY COORDINATION**

A public notice for the proposed Community Cleanup at Lopez Basin was to be issued on July 12, 2013. The comment period would be open from July 12 to July 27, 2013. Answers to comments received will be incorporated into the final EA following the comment period.

## **VIII. RESPONSE TO COMMENTS**

**To be determined**

## **IX. APPLICABLE ENVIRONMENTAL LAWS AND REGULATIONS**

For each of the following, please provide a brief description of any consultation efforts made, and the results of those consultation efforts. All supporting documents are included in Appendices.

### **9.1 National Environmental Policy Act (NEPA) Compliance**

NEPA is the nation's primary charter for protection of the environment. It establishes national environmental policy which provides a framework for Federal agencies to minimize environmental damage and requires Federal agencies to evaluate the potential environmental impacts of their proposed actions. Under NEPA, a Federal agency must prepare an Environmental Assessment (EA) describing the environmental effects of any proposed action having a significant impact on the environment. The EA must identify measures necessary to avoid or minimize adverse impacts resulting from the proposed action or determine if further analysis is required and prepare an Environmental Impact Statement (EIS). This Event is in compliance with the Act.

### **9.2 U.S. Fish and Wildlife Coordination Act (16 U.S.C. 661)**

This Act requires Federal agencies to coordinate with the USFWS and local and state agencies when any stream or body of water is proposed to be modified. The intent is to give fish and wildlife conservation equal consideration with other purposes of water resources development projects. The proposed Event would not involve modification of a body of water, therefore, formal coordination and preparation of a Coordination Act Report is not required.

### **9.3 Endangered Species Act of 1973 (Public Law 93-205), as amended.**

The Endangered Species Act (ESA) protects threatened and endangered species, as listed by the USFWS, from unauthorized take, and directs Federal agencies to ensure that their actions do not jeopardize the continued existence of such species. Section 7 of the Act defines Federal agency responsibilities for consultation with the USFWS. The Act requires preparation of a Biological Assessment to address the effects on listed and proposed species of a project. Due to the disturbed, park like landscape of the proposed location, there would be no impacts to

listed or proposed species. This Event would be in compliance with the Act as no listed species are known to be in the proposed project area.

#### **9.4 Migratory Bird Treaty Act (MBTA)**

The Migratory Bird Treaty Act prohibits the taking or harming of any migratory bird, its eggs, nests, or young without an appropriate Federal permit. Almost all native birds are covered by this Act and any bird listed in wildlife treaties between the United States and several countries, including Great Britain, Mexican States, Japan, and countries once part of the former Soviet Socialist Republics. A “migratory bird” includes the living bird, any parts of the bird, its nests or eggs. The take of all migratory birds is governed by the MBTA’s regulation of taking migratory birds for educational, scientific, and recreational purposes and requiring harvest to be limited to levels that prevent over-utilization. Section 704 of the MBTA states that the Secretary of the Interior is authorized and directed to determine if, and by what means, the take of migratory birds should be allowed and to adopt suitable regulations permitting and governing take. Disturbance of the nest of a migratory bird requires a permit issued by the USFWS pursuant to Title 50 of the Code of Federal Regulations (CFR). This Event would be in compliance with the Act as nesting areas are not anticipated to be affected by this event.

#### **9.5 Clean Water Act**

*Section 404 (b)* prohibits the discharge of dredged or fill materials into the waters of the United States, including wetlands, except as permitted under separate regulations by the U. S. Army Corps of Engineers (Corps) and U. S. Environmental Protection Agency (EPA).

*Waters of the U.S.:* Under Section 404 of the Clean Water Act (CWA), the Corps regulates discharges of dredged or fill material into “Waters of the United States”, including wetlands. “Waters of the United States” is defined in 33 CFR 328.3 as

- All waters which are currently used, or were used in the past or may be susceptible to use in interstate or foreign commerce;
- All interstate waters including interstate wetlands;
- All other waters such as intrastate lakes, rivers, streams, (including intermittent streams), the use, degradation or destruction of which could affect interstate or foreign commerce;
- All impoundment of waters otherwise defined as Waters of the U. S. under the definition; and
- Tributaries of waters, defined above.

The proposed Event does not involve discharge of dredged or fill material in waters of the US, therefore a 404 (b)(1) permit is not required. For the same reason, the Event does not require State Water Quality Certification under Section 401 of the Act. The Event would not require a Storm Water Pollution Prevention Plan (SWPPP) under the National Pollutant Discharge Elimination System under Section 402 of the Act. This Event is in compliance with the Act.

#### **9.6 Clean Air Act of 1970 (42 U.S.C. 7401 et seq.)**

*1977 Amendments to the Clean Air Act* enacted legislation to control seven toxic air pollutants. USEPA adopted National Emission Standards for Hazardous Air Pollutants (NESHAP), which has been designed to control Hazardous Air Pollutants (HAP) emissions to prevent adverse health effects in humans.

1990 Amendments to the Clean Air Act determine the attainment and maintenance of NAAQS (Title I), motor vehicles and reformulation (Title II), hazardous air pollutant (Title III), acid deposition (Title IV), operating permits (Titles V), stratospheric ozone protection (Title VI), and enforcement (Title VII).

*General Conformity.* Under Section 176(c) of the Clean Air Act Amendments (CAAA) of 1990, the Lead Agency is required to make a determination of whether the Proposed Action “conforms” to the State Implementation Plan (SIP). Conformity is defined in Section 176(c) of the CAAA as compliance with the SIPs purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards. However, if the total direct and indirect emissions from the Proposed Action are below the General Conformity Rule “*de minimis*” emission thresholds, the Proposed Action would be exempt from performing a comprehensive Air Quality Conformity Analysis, and would be considered to be in conformity with the SIP.

The proposed Event would not have a significant impact on air quality. The total emissions of each criteria pollutant either meets or is below *de minimis* levels as prescribed in 40 CFR 93.153(b). The action is not considered to be regionally significant. Although there would be an increase in vehicle use, it would be temporary for one day in duration and emissions are expected to be minimal and below the *de minimis* thresholds and thus would not violate National or state standards. As a result, the proposed Event would have no long-term impacts on local or regional air quality.

Therefore, this proposed Event conforms to the Federal Clean Air Act as amended 1990 and, as required. This Event is in compliance with the Act.

#### **9.7 Noise Control Act of 1972, as amended (42 USC 4901 et seq.)**

Noise generated by any activity, which may affect human health or welfare on Federal, state, county, local, or private lands, must comply with noise limits specified in the Noise Control Act. The Corps has determined that, by complying with the Corps’ Special Events Policy to minimize impacts during the Event, the Event is in compliance with the Act.

#### **9.8 National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470- 470m, as amended, 16 U.S.C. 460b, 470l-470n)**

The Proposed Event is in compliance with Section 106 of this Act, as implemented by 36 CFR 800. The Proposed Event would not impact cultural resources.

#### **9.9 Archeological Resources Protection Act, as amended**

The Act requires oversight when cultural resources may be impacted when working on Federal lands or in case of other, work-related Federal connections. The Act allows for the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed. The Event is in compliance with the Act because it is not anticipated that buried or other cultural resources will be affected by the Event.

#### **9.10 Uniform Fire Code**

The Uniform Fire Code (UFC) contains provisions regarding the storage and handling of hazardous materials. These provisions are contained in Articles 79 and 80, most recently

revised in 1997 (UFC 1997). These articles contain minimum setback requirements for storage of materials. The proposed Event would be in compliance with the act.

#### **9.11 Comprehensive Environmental Response, Compensation and Liability Act**

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) provides the USEPA with the authority to identify and clean up contaminated hazardous waste sites. Individual states may implement hazardous waste programs under RCRA with USEPA approval. California has not yet received this USEPA approval; instead, the California Hazardous Waste Control Law (HWCL) is administered by the California Environmental Protection Agency (CALEPA) to regulate hazardous wastes. While the HWCL is generally more stringent than RCRA, until the USEPA approves the California program, both the state and Federal laws apply in California. CERCLA also contains enforcement provisions for the identification of liable parties. It details the legal claims that arise under the statute, and provides guidance on settlements with the USEPA. Section 120 of this Act addresses hazardous waste cleanups at Federal facilities, and requires the creation of a Federal Agency Hazardous Waste Compliance Docket, which lists facilities that have the potential for hazardous waste problems. In addition, a Hazardous Substance Superfund was established to pay not only the USEPA cleanup and enforcement costs and certain natural resource damages, but also to pay for certain claims of private parties. Conformance with this law would only be engaged if unforeseen waste was found or was abandoned on site. The Event is in compliance with this Act because no such CERCLA substances are involved with or locally stored due to the Event's activities.

#### **9.12 National Flood Insurance Program**

The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency's (FEMA's) Flood Insurance Administration. The flood control capacity of the Basin would not be impacted by the proposed Event and therefore there would be no impact to NFIP users.

#### **9.13 Federal Water Project Recreation Act of 1965, as amended**

This Act requires that any Federal water project must give full consideration to opportunities afforded by the project for outdoor recreation and fish and wildlife enhancement. The Proposed Event would be temporary in nature and is itself considered a form of outdoor recreation, but also would not interfere with other approved recreation at Lopez Basin.

#### **9.14 Federal Land Policy and Land Management Act of 1976 (43 USC 1701 et seq.)**

The Act regulates management of the public lands and their various resource values so that resources are utilized in a combination that will best meet the present and future needs of the American people. The proposed Event would provide recreation and cultural encounter opportunities to the public, therefore meeting the intent of the Act.

#### **9.15 Americans with Disabilities Act of 1990, as amended (42 USC 126, et seq.)**

The Act prohibits public entities, defined as any state or local government, or division thereof, from excluding any individual with a disability from participation in or be denied the benefits of

the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity. By providing an appropriate number of Universal Access (UA) parking spaces as needed, by having an appropriate number of universal access "porta-potties" available and in other ways making the Event accessible, the Event would be in compliance with the Act.

#### **9.16 Executive Order 11988: Floodplain Management**

Executive Order 11988, signed by President Jimmy Carter on 24 May 1977, and published in 42 FR 26351. Its purpose is to "...avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative."

Each agency shall provide leadership, take action to reduce the risk of flood loss, and to minimize the impact of floods on human safety, health, and welfare. Agencies shall restore and preserve natural and beneficial values served by the floodplains. Each agency also has the responsibility to evaluate potential effects of Federal action that may be made within floodplains. Each agency will ensure planning and budget requests reflect consideration of flood hazards and floodplain management.

This Event would not adversely impact floodplain management or add to excessive floodplain development, because the temporary event would be located in upper areas of the Basin where there would be no apparent conflict with uses as envisioned by planners as appropriate usage for the area.

#### **9.17 Executive Order 12088, Federal Compliance with Pollution Control Standards**

The head of each Executive agency is responsible for ensuring that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to Federal facilities and activities under control of the agency. Enactment of environmental commitments to minimize pollution impacts during the Event would meet the standards of this Act.

#### **9.18 Executive Order 12898, Environmental Justice Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority and Low-Income Populations) was signed on February 11, 1994. This order was intended to direct Federal agencies "To make achieving environmental justice part of its mission by identifying and addressing... disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the [U.S.]..."

No minority or low-income communities would be disproportionately affected by implementation of the Proposed Action. The Proposed Action is in compliance with the Executive Order.

**X. RECOMMENDATION:**

This will be based on comments and additional information received during the Public Notice period.

Conclusion:

EIS

FONSI

dEA Prepared By: Carvel Bass, Ecologist July, 2013  
Name Title Date

Reviewed By: Karen Kennedy Chief, Civil Works Branch July, 2013  
Name Title Date

## **NOTICE OF PREPARATION ENVIRONMENTAL ASSESSMENT**

This is to inform the general public that the United States Army Corps of Engineers Los Angeles District (Corps) has preliminarily determined that the following project proposal could be adequately evaluated under the National Environmental Policy Act (NEPA) through conducting an Environmental Assessment (EA).

**Proposal Title**    **Learners of All Ages – Community Cleanup at Lopez Flood Control Basin**

**Proposed Federal Action**    **Community Trash Cleanup at Lopez Basin**

**Proposed Implementation Date:** August 3, 2013

**Proponent:**

A local, community-based organization, *Learners of All Ages*, would coordinate and implement this trash cleanup in a one-day event at Lopez Flood Control Basin, which is operated by the U.S. Army Corps of Engineers. The activities would be staffed, by the Learners organization and by other local community volunteers, and be supported by such Los Angeles agencies as Street Services, Police Department, and Fire Department.

**Location**

The subject area is located at the Lopez Dam and Basin, Los Angeles, CA, County of Los Angeles, in the north Basin near MacClay Street. The proposed area is an existing flood control basin owned by the United States Army Corps of Engineers. Within Los Angeles City, the Cleanup event is located in Council District #7.

**Public Involvement**

The Corps is inviting the general public to submit comments on potential environmental impacts that could result from implementation of the proposal. The public comment period on preparation of an EA for the proposal described above would extend from July 12 through July 27, 2013. Please direct your comments to Carvel Bass, US Army Corps of Engineers at [carvel.h.bass@usace.army.mil](mailto:carvel.h.bass@usace.army.mil) or by mail at 915 Wilshire Boulevard, Ste. 11098, Los Angeles, CA, 90017. If you have questions or would like additional information, please contact Carvel Bass, Ecologist, Asset Management Division at (213) 452-3392.

The Corps will actively consider any comments timely received. The results of this consideration would be reflected in a memorandum for record placed in the Administrative Record, unless consideration of the comments was reflected directly in the EA, either through a modification of the document prompted by the comments or an

appendix to the EA articulating responses to the comments. Once the EA is complete and if a FONSI is determined to be appropriate based upon the analysis contained in the EA, pursuant to the last cause of 33 CFR § 230.11, a separate notification will be sent to concerned agencies, organizations and to the interested public stating that the FONSI is available for review. If significant effects on the quality of the human environment are subsequently identified and can not be mitigated to a less than significant level, the Corps will initiate preparation of an EIS and afford the public opportunities to participate in the environmental review process.