

**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	Dia De La Hispanidad Concert
Proponent	County of Los Angeles Department of Parks and Recreation
Proposed Implementation Date	20 October, 2013
Proposed Federal Action	County of Los Angeles Parks and Recreation would exercise its Recreation Outgrant from the US Army Corps of Engineers.

This proposal is for a one-day Dia De La Hispanidad Concert event, in Areas A and B of the Whittier Narrows Recreation Area. The event will feature live entertainment, promotional booths, food and beverage booths (including 3 beer gardens), souvenir booths, outreach/informational booths, etc. The Corps is reviewing this Special Event.

Location	The location is Whittier Narrows Recreation Area. The location is dirt and turfed special event area north of I-60 freeway. A map showing event activity locations is provided.
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Public Involvement	The Corps invites 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 September 13-28, 2013. Please direct your comments to Carvel Bass, US Army Corps of Engineers at 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.
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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.

LOS ANGELES DISTRICT

Draft FINDING OF NO SIGNIFICANT IMPACT Approval of Special Event under Lease Term Whittier Narrows Flood Control Basin, Areas A & B South El Monte, CA

I have reviewed the attached Final Environmental Assessment (FEA) which was prepared to describe and analyze effects should the U.S. Army Corps of Engineers (Corps) approve the County of Los Angeles Parks and Recreation proposal to permit use of their leased Areas A & B for the Dia De La Hispanidad Concert during daylight hours on October 20th, 2013. This one-day event will feature live entertainment, promotional booths, food and beverage booths (including 3 beer gardens), souvenir booths, outreach/informational booths, etc.

The County is the master recreation lessee within Whittier Narrows Basin and manages the leased area through its department of Parks and Recreation. The County routinely permits special events at specific locations within the Basin, including at Areas A & B. In this case, the County proposes to issue a Special Event permit to organizers of the Dia De La Hispanidad Concert. During the one-day event and depending on weather conditions, approximately 8,000-10,000 people are anticipated to attend. Admission for this event will be free, and Permittee will charge \$15.00 per vehicle for parking in Area A and B. Parking in areas next to sensitive environmental areas is excluded from the event. Other nearby recreation and wildlife areas will remain open and accessible to the public.

The purpose of the draft EA was to determine whether the request for approval of the County's proposal to permit the Dia De La Hispanidad Concert would result in significant environmental impacts requiring development of an Environmental Impact Statement. The No-Action Alternative was evaluated in the EA, as required by NEPA. A notice notifying the public that the Corps was considering approval of the proposal to permit the Concert was circulated between September 13-28, 2013, and no letters of comment were received from the public.

Resources identified as potentially temporarily affected by the Proposed Action include recreation/access, noise, and traffic/parking. The special event area would be restricted from public use for the duration of the Festival, so activities which generally occur at Areas A & B, including picnicking and general park use, could not occur here during this Concert. However, all other recreation areas in the basin would remain open to the public. All clean-up would be required to be completed by 5:00 p.m. on October 23, 2013. Noise is anticipated to increase in the basin temporarily, due to the amplification of music, but the noise is localized within the large recreation Area B, and during only during daytime hours. Sound speakers are directed away from residential areas, and County noise ordinance will be followed. The special event will bring additional traffic to recreation areas within the basin. To address traffic and parking concerns, the County utilizes a parking plan in the subject area. Although no significant adverse impacts were identified, these and other avoidance, minimization, and mitigation measures as listed in the EA are expected to further reduce adverse impacts associated with the proposed action. The proposal does not contribute significantly to cumulative or other impacts.

Consideration of all the significant factors and all pertinent environmental legislation, in addition to comments and coordination with concerned agencies as discussed in the EA, indicate that the proposed action would not significantly affect the quality of the human environment nor would there be significant adverse environmental effects. Therefore, an Environmental Impact Statement will not be required, pursuant to 33 CFR 230.11.

Prepared by:

Carvel H. Bass
Ecologist, Civil Works Branch
Asset Management Division

Date

Approval Recommended by:

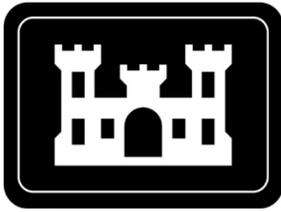
Theresa M. Kaplan
Chief, Asset Management Division

Date

Approval by:

Kimberly M. Colloton, PMP
Colonel, US Army
Commander and District Engineer

Date



**U.S. ARMY CORPS
OF ENGINEERS**

Los Angeles District

**DRAFT ENVIRONMENTAL ASSESSMENT
for proposed activities on Corps-managed Federal land**

Dia De La Hispanidad Concert - Whittier Narrows Recreation Area

Proposed Implementation Date: October 20, 2013

**Proponent: County of Los Angeles, Department of Parks and Recreation
Location: Whittier Narrows Recreation Area – Areas A & B**

**Whittier Narrows Flood Control Basin
Los Angeles County
South El Monte, California**

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

September, 2013

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**DRAFT ENVIRONMENTAL ASSESSMENT
for proposed activities on Corps-managed Federal land**

Project Name: Dia De La Hispanidad Concert

Proposed Implementation Date: 20 October, 2013

Proponent: County of Los Angeles
Department of Parks and Recreation

Location: Whittier Narrows Recreation Area,
Area B-Event and Parking (Exclusive Use)
Area A- Parking Only
(Exclusive Use - with exception of Rifle Range)

County: Los Angeles

I. Project Authority, Purpose and Scope

a. PROJECT AUTHORITY The United States Corps of Engineers (Corps), pursuant to the 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 and when such use will promote the national defense or be in the public interest.

b. PURPOSE AND NEED The County of Los Angeles, Department of Parks and Recreation (County), the primary recreational facility operator and lessee at Whittier Narrows Recreation Area, has submitted a request to the Corps for approval of a special event, the 20 October, 2013 event. The event will feature live entertainment, promotional booths, food and beverage booths (including 3 beer gardens), souvenir booths, outreach/informational booths, etc. The event will anticipate approximately 8,000-10,000 people in attendance.

c. SCOPE OF ANALYSIS This Environmental Assessment analyzes potential effects of the proposal by comparing a No Action Alternative, with the Proposed Action which would provide approval to the County to permit the special event, the October 20, 2013, “Dia De La Hispanidad Concert” event at Whittier Narrows Recreation Area. This analysis is offered to the interested public to solicit input on the project and will be made available for review and public input for 15 days.

Comments received from the public in the fifteen (15) days following the Notice of Preparation will be addressed prior to determining whether an Environmental Impact Statement (EIS) will be required if a Finding of No Significant (FONSI) can be issued.

II. ALTERNATIVES

a. No Action – The County Department of Parks and Recreation maintains the Whittier Narrows Recreation Area as a locale for special recreation events as well as general park availability.

Under the No Action alternative, the Corps would not provide its approval to the County under the terms of the Lease. This alternative would not meet the County’s stated purpose and need, but it is considered equivalent to the baseline condition (general park use) in this Environmental Assessment.

b. Onsite -- The special event, October 20, 2013 event at Whittier Narrows Recreation Area would be held at Area B. This would be the 1st year for this event at Whittier Narrows. The location is considered an appropriate location by County park managers. Parking would be allowed at Area A and Area B overflow parking lot.

c. Offsite – No offsite locations were identified. The Whittier Narrows Recreation Area has been developed, and is described in the Whittier Narrows Master Plan (2011), such that Areas A and B may be used for such large public special events as this.

III. PROPOSED ACTION

This is the 1st year of the October 20, 2013 event, the Dia De La Hispanidad Concert at Whittier Narrows Recreation Area. Event will include live entertainment with Latin-based music, promotional booths, food and beverage booths (including 3 beer gardens), souvenir booths, outreach/informational booths, etc. Cleanup of the site would be required to be completed by 5 p.m., October 23rd, 2013. This event will anticipate approximately 8,000 – 10,000 people and approximately 2,000 – 2,500 vehicles. Parking would be allowed at Area A and Area B parking lot. Admission for this event is to be free and the Permittee will charge \$15 per vehicle for parking, in Areas A and B only. Park areas next to sensitive environmental areas are excluded from the event. Other nearby recreation and wildlife areas will remain open and accessible to the public.

IV. ENVIRONMENTAL IMPACTS

IMPACTS ON THE PHYSICAL ENVIRONMENT		
DESCRIPTION OF RESOURCE AND BASELINE CONDITION	POTENTIAL DIRECT AND INDIRECT IMPACTS AND MITIGATION MEASURES	SIGNIFICANCE OF IMPACTS
<p>GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:</p> <p>Whittier Narrows Recreation Area, Areas A and B are composed of dirt and turf park areas with no such special soils.</p>	<p>Event to be held on dirt & turf of the Special Event Area with no special features or soils. No additional mitigation required.</p> <p>No Action Alternative – No new activity, as proposed in the No-Action alternative, would affect the project site.</p>	<p>No significant adverse impact</p>

<p>2. WATER Resources:</p> <p>Legg Lake, a small lake/body of water exists at Whittier Narrows Recreation Area, but is not near Area A and Area B where this event is set to take place. The Rio Hondo riparian corridor lies west of the event areas. No water-based resources will be affected.</p>	<p>This event is not held at any body of water; no impact to water. No additional mitigation required.</p> <p>No Action: No more than minor impacts to water resources are anticipated from general park activities.</p>	<p>No significant adverse impact</p>
<p>3. AIR QUALITY:</p> <p>The site is located in a highly urbanized area, adjacent to major public transportation corridors. Public use of the park on a regular basis generates vehicle trips that contribute to air quality considerations.</p>	<p>Project will generate increased vehicle trips over what would be present in the Whittier Narrows basin on a non-event weekend. This impact is not anticipated to be significant, but to minimize the impacts, the following measures are included: Event parking and traffic management will be designed to avoid vehicle backup, traffic jams, and to reducing idling. Use of public transportation to the event will be emphasized. In addition, event organizer may encourage ridesharing. No additional mitigation required.</p> <p>No Action: Conditions would be similar to baseline conditions</p>	<p>No significant adverse impact – Air quality impacts within the minimal levels and below regional significance for a typical July 4th event.</p>
<p>4. VEGETATION COVER, QUANTITY AND QUALITY:</p> <p>Area A and Area B are composed of dirt and turf with no rare cover types known. This area is generally used for regular recreational activities.</p>	<p>Dirt and turfed Special Event Area will be used. The County will make clear to the permit applicant that the wildlife habitat areas within Whittier Narrows basin are not authorized for use. No additional mitigation required.</p> <p>No Action – There would be no anticipated impacts to vegetation cover given that</p>	<p>No significant adverse impact.</p>

	<p>the project site would continue to be used under the existing circumstances.</p>	
<p>5. WILDLIFE:</p> <p>Whittier Narrows Recreation Area, Area A and Area B are not substantially used by birds or other wildlife and not at all by fish.</p>	<p>Dirt and turfed Special Event Areas exist at the Whittier Narrows Area A and Area B. The Whittier Narrows Recreation Area is composed of a variety of recreation use areas. The 300 acre Whittier Narrows Natural Area is approximately 1 mile southwest of the event area and not part of the area proposed for this event. No additional mitigation required</p> <p>No Action – There would be no anticipated impacts given that the project site would continue to be used under the existing circumstances.</p>	<p>No significant adverse impact</p>
<p>6. THREATENED OR ENDANGERED SPECIES:</p> <p>Whittier Narrows Recreation Area, Area A and Area B are not known to be used by T/E species. Elsewhere in the external basin and wildlife areas are riparian and other aquatic-based songbirds and other birds which include examples of Federal or State listed species.</p>	<p>These are dirt & turfed Special Event Area. At other areas within Whittier Narrows Basin are more sensitive areas in this regard, and although these areas are also open to the public they are not part of the area proposed for the event. No additional mitigation required.</p> <p>No Action – No endangered species or related habitat would be impacted by the continued use of the Property under the existing circumstances.</p>	<p>No significant adverse impact</p>

<p>7. WETLANDS:</p> <p>Wetlands are not found at the proposed event site.</p>	<p>Whittier Narrows Recreation Area, Areas A and B, are the only areas to be used and they do not contain any wetlands. No additional mitigation required.</p> <p>No Action: No impact. There are no wetlands at this special event project site</p>	<p>No significant adverse impact</p>
<p>8. CULTURAL RESOURCES:</p> <p>Buried cultural resources DO NOT exist within Whittier Narrows Recreation Area, Areas A and B.</p>	<p>No known cultural resources exist in Area A and Area B. No ground-disturbing activities are proposed.</p> <p>No Action – There would be no anticipated impacts to cultural resources given that the project site would continue to be used under the existing circumstances</p>	<p>No significant adverse impact</p>
<p>9. AESTHETICS:</p> <p>The site is not at a prominent topographic feature, except for being at the previously established Whittier Narrows Recreation Area. The County maintains Noise Control standards within County operated property.</p>	<p>No natural prominent feature, and near populated areas. County noise ordinance will be enforced by park staff. No additional mitigation required.</p> <p>No Action – There would be no anticipated impacts given that the project site would continue to be used under the existing circumstances.</p>	<p>No significant adverse impact.</p>
<p>10. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:</p> <p>The event will be contained within Whittier Narrows Recreation Area, Area A and Area B, which have been designed to be used by large numbers of park attendees. The Areas are used for picnics, family gatherings, sports activities, special events, and general recreational activities the majority of the time.</p>	<p>This is a park where people are expected to congregate, socialize and celebrate together. Areas A and B are designated as the Special Events Areas for the Whittier Narrows Recreation Area. Other nearby recreation and wildlife areas will remain open and accessible to the public. No additional mitigation required.</p>	<p>No significant adverse impact</p>

	<p>No Action – There would be no anticipated impacts given that the project site would continue to be used under the existing circumstances.</p>	
<p>11. WATERS/NAVIGABLE WATERS OF THE UNITED STATES:</p> <p>No ‘waters of the US’ are involved within this event’s footprint.</p>	<p>No 404 issues exist. No additional mitigation required.</p> <p>No Action – There would be no anticipated impacts given that the project site would continue to be used under the existing circumstances.</p>	<p>No significant adverse impact</p>
<p>12. NOISE:</p> <p>Existing noise is that associated with general park use by picnickers and general recreational users.</p>	<p>Amplified music will be projected to Area B only. The event will be supervised by the County which maintains a Noise ordinance. County Park staff will enforce the County Noise Ordinance. No additional mitigation required.</p> <p>No Action – There would be no anticipated impacts given that the project site would continue to be used under the existing circumstances.</p>	<p>No significant adverse impact</p>
<p>13. IMPACTS TO EXISTING FEDERAL FLOOD CONTROL PROJECT:</p> <p>The event site is not within Operations areas, but is within the well-used Area A and Area B created for such recreational public gatherings. There would be NO effect to flood control efforts or facilities.</p>	<p>No such structures exist at this precise event location. No additional mitigation required.</p> <p>No Action – There would be no anticipated impacts given that the project site would continue to be used under the existing circumstances.</p>	<p>No significant adverse impact</p>

<p>14. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES:</p> <p>There are no resource issue-based studies, or activities, being conducted at this event site.</p>	<p>No such studies exist related to such special events. No additional mitigation required.</p> <p>No Action – There would be no anticipated impacts given that the project site would continue to be used under the existing circumstances.</p>	<p>No significant adverse impact</p>
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IMPACTS ON THE HUMAN POPULATION		
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DESCRIPTION OF RESOURCE AND BASELINE CONDITION	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES	
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<p>15. HUMAN HEALTH AND SAFETY:</p> <p>Whittier Narrows is a major recreation area with health and safety considerations normally associated with a park. This special event will not add additional health or safety risks in the area.</p>	<p>First Aid will be available and safety precautions will be enforced as required by the Fire Department and Local Law Enforcement. Traffic and other crowd control measures will be maintained by permittee as required by Local Law Enforcement and Fire Department. Los Angeles County Sheriff and California Highway Patrol personnel will be on hand to deal with any sort of health or safety risk, and Los Angeles County Fire Department and required first responder staff will also be present during the event.</p> <p>Area must be kept in good condition. The permit holder is responsible for all trash collection, including providing and emptying trash cans and dumpsters. The permit holder shall be responsible for cleanup and damage in the area used by the event. Cleanup shall occur throughout the</p>	<p>No significant adverse impact</p>
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	<p>duration of the event and the permit holder shall ensure all cleanup and equipment removal is completed by 5:00 p.m., October 23, 2013. The County will require a maintenance deposit from the permit applicant.</p> <p>Three beer gardens on site will be licensed by the California Department of Alcoholic Beverage Control and supervised by Sheriff Department</p> <p>The County will require the permit holder to obtain insurance for liability and property damage and to indemnify the County and the Corps.</p> <p>Portable restrooms will be provided, and a first-aid station will be on site. No additional mitigation required.</p> <p>No Action – No effects to health and safety.</p>	
<p>16. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION:</p> <p>There are no substantial industrial, commercial, or agricultural activities in the immediate area, nor will the event add to or alter these activities.</p>	<p>The selling of food and other minor commodities for event-goers will occur within the special event area B. No additional mitigation required.</p> <p>No Action – No effects to industrial, commercial and agricultural activities and production.</p>	<p>No significant adverse impact</p>
<p>17. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:</p> <p>This event will not move nor eliminate any jobs, but may possibly create a limited number of temporary jobs for this event and the subsequent clean-up day thereafter.</p>	<p>Part-time, temporary staff may be hired for this event to handle parking, security, clean-up and other aspects. No additional mitigation required.</p>	<p>No significant adverse impact</p>

	No Action – No effects to quantity and distribution of employment.	
<p>18. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:</p> <p>There is no designated wilderness area within Area A and Area B. The Whittier Narrows Natural Area is approximately 1 mile southwest of the event area. This Park location itself is used throughout the year for a variety of low- and higher-density events, per the County’s Recreation lease with the Corps of Engineers. Nearby areas used for recreation and wildlife viewing include the playing/recreation fields, and suburban wildlife area.</p>	<p>This is not a designated wilderness area, but a public recreation area. Other recreation areas are near proposed event site but they are located across the 60 Freeway. No additional mitigation required.</p> <p>No Action – There would be no anticipated impacts given that the project site would continue to be used under the existing circumstances.</p>	No significant adverse impact
<p>19. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:</p> <p>There is no housing within the Whittier Narrows Basin. The nearby area is urbanized and contains a mix of commercial and residential uses.</p>	<p>This event will not add or encourage population growth or housing. No additional mitigation required.</p> <p>No Action - Residential use in the Basin would continue to be prohibited whereas areas near the Basin would continue to be utilized as usual.</p>	No significant adverse impact
<p>20. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:</p> <p>Traffic in the basin is associated with use of the recreational features within the basin as well as vehicles using basin roads to reach non-basin locations.</p>	<p>Traffic will be handled by the event’s organizers. The event location is adjacent to major highways thus will not have significant impact on surface streets.</p> <p>The County will require the permit holder to control parking and traffic around the event area and ensure incoming traffic does not back onto adjacent roadways. Appropriately sized disabled parking will be provided adjacent to the event. Parking plans shall be coordinated between the County and permit holder. No additional mitigation required.</p>	No significant adverse impact

	<p>No Action – There would be no anticipated impacts given that the project site would continue to be used under the existing circumstances</p>	
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V. CUMULATIVE IMPACTS

- a. PAST -- The County of Los Angeles has provided a diversity of recreational opportunities at this location for many years. This will be the 1st year for this event at Whittier Narrows Recreation Area.
- b. PRESENT -- The County of LA continues to provide recreational opportunities of various types, each year, at this and at other adjacent locations within the Whittier Narrows Basin. Special events with several thousand attendees have been and are held throughout the year at high-density designated areas within the Whittier Narrows Basin. Events generate trash, use, health/safety, and traffic/parking considerations. Most are short-term events that occur over a one-day or weekend period. Events are managed for traffic and noise concerns and the County requires the permit holder(s) to address security, trash, and health/safety considerations.
- c. FUTURE -- The County of Los Angeles Department of Parks and Recreation will continue to provide recreational opportunities into the foreseeable future at Whittier Narrows Recreation Area. Adjacent city areas will continue to be developed but the overall expected use of the Whittier Narrows Basin will remain for flood control and for open space and other recreation opportunities for the general public. Special event requests are anticipated to continue to occur, with a number of events proposed regularly each year. These events will be evaluated individually or as part of a programmatic assessment by the United States Army Corps of Engineers, Los Angeles District.

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

The proposed action included the following avoidance, minimization, and mitigation measures.

General:

- County Park staff conducts planning meetings with County Departments of Health, Treasurer and Tax Collector, Building and Safety, Fire and Sheriff as well as State Cal-Trans and California Highway Patrol to provide safety, crowd and traffic control.

Recreation:

- The County’s permit will specifically state that the use of the non-Event areas is not authorized and that access to these areas may not be impeded in conjunction with said event.

Air/Traffic/Parking:

- Event parking and traffic management will be designed to avoid vehicle backup onto adjacent roadways, reducing idling and congestive traffic.

- Use of public transportation to this event will be emphasized.
- A parking plan overseen by County staff and coordinated with the permit holder will be implemented.
- Appropriately-sized disabled parking areas will be provided adjacent to the event.

Noise:

- County Noise Ordinance shall be enforced.

Health/Safety:

- Areas must be kept in good condition. County will ensure the permit holder is responsible for all trash collection, including providing and emptying trash cans and dumpsters.
- The County will ensure the permit holder is responsible for cleanup and damage in the area used by the event. Cleanup shall occur throughout the duration of the event and the permit holder shall ensure all cleanup and equipment removal is completed by 5 p.m., October 23, 2013. The County will require a maintenance deposit from the permit holder.
- The County will require the permit holder to obtain insurance for liability and property damage and to indemnify the County and the Corps.
- Portable restrooms will be provided, and a first-aid station will be on site.

VII. 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.

The EA fulfills the requirements of NEPA and of other pertinent laws and regulations discussed below.

7.1 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.

7.2 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.

7.3 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.

7.4 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.

7.5 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 Corps does not require or issue itself permits although nation-wide permits may be applied to Corps projects and thus considered when addressing compliance under Section 404 (b) (1). Pursuant to 40 CFR Section 230.10, for all waters of the U.S. only the Least environmentally Damaging Practicable Alternative (LEDPA) can be permitted. 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.

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

7.7 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.

7.8 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

7.9 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.

7.10 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.

7.11 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.

7.12 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.

7.13 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 normal park use would resume within 48-hours, per the Corps' Special Events Policy.

7.14 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 opportunities to the public, therefore meeting the intent of the Act.

7.15 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 the appropriate number of Universal Access (UA) parking spaces, by having the appropriate number of UA “porta-potties” available, and in other ways making the Event accessible, the Event would be in compliance with the Act.

7.16 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 this recreational Event to be located in the large-event Areas A and B is anticipated by planners as appropriate usage for the area.

7.17 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.

7.18 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.

VIII. AGENCY COORDINATION

Applicable agency coordination occurred during early project scoping. *The public notice of the proposed action was made available during September 15-28, 2013.* [] comments were received.

IX. RESPONSE TO COMMENTS

[] comments on the public notice for the October 20 event, scheduled for Whittier Narrows Recreation Area, were received.

