

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.

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

American Heroes Air Show

Proposed Date: June 29, 2013

Proponent: City of Los Angeles Department of Recreation and Parks

Location:

**Hansen Recreation Area
Hansen Flood Control Basin
City of Los Angeles (Lakeview Terrace)**

Public Review Period May 15 – 31, 2013

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

Project Name: American Heroes
Proposed Implementation Date: 29-Jun-2013
Proponent: Los Angeles City Department of Recreation and Parks (L.A. City RAP)
Location: Hansen Dam Sports Center
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 LA Department of Recreation and Parks (City), the primary recreational facility operator and lessee at Hansen Dam Basin, has submitted a request to the Corps for approval of a special event: "American Heroes" is a day-long event proposed for 29-June-2013, and is expected to have approximately 6,000 persons in attendance, featuring a static display of aircraft, military vehicles and civilian rescue equipment.

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 City to permit the special event, the American Heroes 2013. This analysis is offered to the interested public to solicit input on the project and was made available for review and public input for 15 days, from May 15-30, 2013.

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 of if a Finding of No Significant (FONSI) can be issued. Any comments regarding this event which are received by the Corps will be incorporated into the planning and review process.

II. ALTERNATIVES

a. No Action – Under the No Action alternative, the Corps would not provide its approval to the City under the terms of the Lease and no special event would occur at the Hansen Sports Center.

b. Onsite – Hansen Sports Center, which is a developed facility comprised of approximately 30 acres including parking, turfed picnic and soccer field areas, and softball diamonds. This location is, and was designed to be, the City's choice location for its largest public events. The City makes Sports Center facilities available for scheduled activities during most of the year and reserves the area for its less common large events such as 4th of July and other, non-routine activities.

c. **Offsite** – No offsite locations were identified, since this is the Park area which the City uses for its largest events and is equipped with parking and restroom facilities for such events.

III. PROPOSED ACTION

This is a request to hold a one day event expecting approximately 6000 people and approximately 1500 cars. A non-static rescue and/or fire helicopter will be expected to arrive, land, and take off as a part of this event. All permits for vehicles and for aircraft (including flight plan approval from Federal Aviation Agency/FAA) will be obtained prior to the event.

Admission and parking are both free for this event. Food vendors will provide the only sales taking place at this event, in addition to several community information booths. The Corps recreation lease to the City reserves the right to the District Engineer, Los Angeles District, to approve special events that will have an anticipated attendance in excess of 1,000 people.

Other associated events or activities include opportunities for individuals of the public to take a ride in a short helicopter round-trip; viewing of a red-white-and-blue water drop; and viewing of a Los Angeles Sheriff Department hoist rescue demonstration and parachute team performances. The helicopter ride concession would cost approximately \$40-\$50, based on current fuel costs, and would avoid fly-over of sensitive environmental or populated areas. Los Angeles Police Cadets will assist in traffic and parking.

IV. ENVIRONMENTAL IMPACTS

N = Not present or No Impact will occur.

Y = Impacts may occur (if yes, explain in detail under Potential 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>Hansen Dam Sports Center was designed and built with recreational activities in mind, mainly for sporting events but also for special events such as this. Hence, there are no fragile, compactable or unstable soils present. There are no unusual geologic features, and there are no reclamation considerations to contemplate for this event.</p>	<p>The event is scheduled to be on turf areas with no special features or soils.</p> <p><i>No Action Alternative – No effect to Geology and Soils.</i></p>	<p>No significant adverse impact</p>
<p>2. WATER Resources</p> <p>Water resources are not present at the Hansen Dam Sports Center, where this event is to be held. There are no surface or groundwater resources present at this location.</p>	<p>This event will not be held at any body of water. There would be no changes to any water-based regimes or recharge, or to ambient water quality standards. No impact to water resources is likely to take place.</p>	<p>No significant adverse impact</p>

<p>A small lake is nearby on the Hansen Dam outgranted property and some event-goers may visit the lake, which is regularly patrolled by Aquatic Center staff to maintain safety and environmental quality.</p>	<p><i>No Action Alternative</i> – No water resources would be affected and water resources would remain at baseline conditions.</p>	
<p>3. AIR QUALITY:</p> <p>The site is located near a highly urbanized area, adjacent to public commuting and transportation corridors such as the 210 Freeway and Foothill Boulevard.</p> <p>Public use of the park, which is open 365 days per year, generates vehicle trips that contribute to air quality considerations. Differing seasonal conditions, in combination with commuting patterns, produce differing results of air quality conditions.</p> <p>L.A. City RAP is cognizant of air quality emissions being produced and encourages the use of public transportation.</p>	<p>Project will generate increased vehicle trips over what would be present in basin on non-event weekend. The event site has parking for approximately 5,000 vehicles. The pollutants or particulates produced because of this event will be minimal, and will be the norm for this sized event.</p> <p>These impacts are not anticipated to be significant but, to reduce impacts, the following is included:</p> <p>Event parking and traffic management will encourage the use of public transportation, use of bicycling, and ridesharing.</p> <p><i>No-Action Alternative:</i> Air quality would be similar to a typical summer Saturday at Hansen Recreation Area.</p>	<p>No significant adverse impact – Air quality impacts within <i>de minimis</i> levels and below regional significance.</p>
<p>4. VEGETATION COVER, QUANTITY AND QUALITY:</p> <p>Park is composed of turf with no rare or protected vegetation types on site. This Hansen Dam Sports Center is generally used for regular recreational activities. Good-quality wildlife habitat occurs nearby but in an area not to be used in conjunction with this event.</p>	<p>Vegetative communities will not be affected or be altered. The event would occur in turf areas rather than in any natural habitat type areas. Rare plants would not be affected at the event locations and the City provides some oversight in other resource areas.</p> <p><i>No-Action Alternative:</i> The park would be used by the public daily, with oversight from L.A. City staff, which is a no significant impact condition.</p>	<p>No significant adverse impact</p>
<p>5. WILDLIFE:</p> <p>Hansen Dam Sports Center is not generally used by wildlife, birds or fish, although birds have ability to fly into the open-air sports park, but seldom linger. Many acres of areas used by wildlife, including a lake where fish live, are found adjacent to the Sports Center premises, but those areas are not to be used nor inhabited in conjunction with this event.</p>	<p>In the immediate event area are very few, if any, opportunities for the public to adversely affect wildlife, especially in light of the presence of LA City staff which monitors these events. No significant impact is expected to this resource.</p> <p><i>No-Action Alternative:</i> The park is used by the public daily, with oversight from L.A. City staff, during which the norm is no significant impact to wildlife.</p>	<p>No significant adverse impact</p>

<p>6. THREATENED OR ENDANGERED SPECIES</p> <p>Elsewhere within basin acreage, but not at the Sports Center, are areas where (in season) riparian and other songbirds may be found, including Federal- or State-listed species such as least Bell's vireo, California gnatcatcher, and even a fish, in Big Tujunga Wash which waters the basin from the east, may be seen: the Santa Ana Sucker.</p>	<p>This turfed park area was designed and constructed with sporting and special events such as the present one in mind. Hansen Dam Sports Center <i>per se</i> has no federally-listed threatened or endangered species or identified habitat present. The Sports Center is a turfed area where individuals and groups practice sports activities on a daily basis.</p> <p>Other areas within Hansen Dam Basin are more sensitive in regard to wildlife; these areas are also open to public walking but are not part of the area proposed for this event.</p> <p><i>No-Action Alternative:</i> Both listed, and non-listed, wildlife species coexist at the Basin beside human users, but the listed species' habitats are found beyond the sports and event areas. During general basin use, there is no conflict between human events and listed species.</p>	<p>No significant adverse impact</p>
<p>7. WETLANDS:</p> <p>Wetlands are not present at proposed event site. Some wetlands and a Lake are located within 0.25 miles of the site. Park visitors frequently visit these off-site areas by foot or by horse for outdoor recreation.</p>	<p>The turfed, parklike areas of Hansen Dam Sports Center is the only area to be utilized at this event. Wetlands and special aquatic sites would not be affected by this event which is located upland to any wetlands.</p> <p><i>No-Action Alternative:</i> Wetlands areas at Hansen Dam are regularly patrolled and overseen by City Aquatic Center staff in order to prevent impacts to this resource.</p>	<p>No significant adverse impact</p>
<p>8. CULTURAL RESOURCES</p> <p>No historical, archaeological, cultural or paleontological resources are known to exist at this event site although, should future ground disturbing activities be proposed here (which this event does not) then the area would be further surveyed by protocol for cultural resources potential.</p>	<p>The proposed event site at the Hansen Dam Sports Center is an already established and constructed center built for sporting events and other, larger special events such as American Heroes and 4th of July.</p> <p>The turfed park area of the Sports Center is the only area to be used for this event and would not include ground-disturbing activities.</p> <p><i>No-Action Alternative:</i> Ground-disturbing activities are not allowed without adequate cultural review. This alternative would not result in significant adverse effects.</p>	<p>No significant adverse impact</p>

<p>9. AESTHETICS: The area is not at a prominent topographic feature, and the proposed event is to be held within the confines of the Hansen Dam Sports Center. There will not be excessive noise or lights during this event, above or beyond what is considered normal for an event of this magnitude. Los Angeles City maintains Noise Control standards within its city limits.</p>	<p>No prominent topographic features exist at this proposed event site, and it is away from populated areas. City noise ordinances shall be enforced by local agencies contracted to do so. <i>No-Action Alternative:</i> This alternative would result in no adverse impacts to aesthetics, because any new activities or proposals would be evaluated in light of effects to aesthetic.</p>	<p>No significant adverse impact</p>
<p>10. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR, OR ENERGY: The event will be contained within the Hansen Dam Sports Center which has been designed to be used by large numbers of park visitors in just this fashion. It is used for sporting events and special events as well as general recreational activities the majority of the time, for which it was designed and constructed.</p>	<p>This is a park where people are expected to congregate and partake of recreational festivities meant to entertain the public. Other nearby recreation and wildlife areas on this property will remain open and accessible to the public, the American Heroes special event. <i>No-Action Alternative:</i> The current local/'no-action alternative' environment is that of a regional park where public attendance during dawn-to-dusk hours is the norm. There would be no significant adverse effect from the no-action alternative.</p>	<p>No significant adverse impact</p>
<p>11. WATERS/NAVIGABLE WATERS OF THE UNITED STATES No 'waters of the US' are involved at this event's footprint.</p>	<p>No 404 issues exist at the Hansen Dam Sports Center. <i>No-Action Alternative:</i> Waters of the U.S. exist at Hansen Basin, including at Hansen Recreation Area, but these waters are not affected by general Basin use under the City's lease because the City monitors it leased area to be aware of any actions that could compromise the waters. There would be no significant adverse effect to waters of the U.S. under the No-Action alternative.</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. Adjacent road traffic and urban surroundings provide additional noise, and are common for this site being a recreational facility.</p>	<p>Noise levels would be increased during this event on a temporary basis. The noise will consist of an amplified sound system as well as due to the use of a helicopter during short portions of the day's schedule. Noise from the aerial display by licensed and permitted helicopters will be projected to the surroundings for this event. The event will be supervised by Los Angeles City Recreation & Parks (LRAP), which does maintain a Noise ordinance. The City of LA will enforce the noise ordinance.</p> <p><i>No-Action Alternative:</i> During non-event days at Hansen Recreation Area, noise is not a significant environmental issue in the immediate area. There would be no significant adverse effects to the noise-management environment at Hansen Basin under the No-Action Alternative.</p>	<p>No significant adverse impact</p>
<p>13. IMPACTS TO EXISTING FEDERAL FLOOD CONTROL PROJECT: Are there any existing federal flood control facilities present within the scope of analysis? Would the project affect any flood control efforts or facilities downstream of the project area?</p> <p>The event site is not within Operations areas. The event site is at the already existing and used Hansen Dam Sports Center.</p>	<p>The Hansen Recreation Area was designed to be a portion of the flood control facility, although at a relatively high Basin elevation. There are no flood control structures at the location of the proposed action site, which is located several thousand feet from the Dam itself.</p> <p><i>No-Action Alternative:</i> The Hansen Recreation Area was designed to be a portion of the flood control facility, if at a relatively high Basin elevation. No-Action is unlikely to produce significant adverse effects to existing flood control, during the subject month of June.</p>	<p>No significant adverse impact</p>
<p>14. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES:</p> <p>No major new studies or construction projects are planned for this Basin at this time.</p>	<p>No such studies related to new initiatives at Hansen exist at this time.</p> <p><i>No-Action Alternative:</i> The No-action alternative is not anticipated to adversely affect studies at this Basin.</p>	<p>No significant adverse impact</p>

IMPACTS ON THE HUMAN POPULATION		
DESCRIPTION OF RESOURCE AND BASELINE CONDITION	POTENTIAL IMPACTS AND MITIGATION MEASURES	
<p>15. HUMAN HEALTH AND SAFETY:</p> <p>Hansen Dam Recreation area is a major recreation area with health and safety considerations normally associated with a park. The City of Los Angeles provides a framework to manage Safety for events which it holds at Hansen Basin.</p>	<p>No additional health or safety risks will develop because of this event. First Aid will be available and safety precautions enforced. Traffic and other crowd control measures will be maintained by LA City and by the permit applicant.</p> <p>Event area and parking 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 duration of the event and the permit holder shall ensure all cleanup and equipment removal is completed by 12:00 p.m., July 25th, 2910. The City will require a maintenance deposit from the permit applicant.</p> <p>The City will require the permit applicant to obtain insurance for liability and property damage and to indemnify the City and the Corps.</p> <p>Portable restrooms will be provided, and a first-aid station will be on site.</p> <p><i>No-Action Alternative:</i> Safety would not be compromised as a result of the No-Action alternative, whereby the City would continue to provide Safety oversight at its Recreation</p>	<p>No significant adverse impact</p>

	Area. No significant adverse effect.	
<p>16. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION:</p> <p>There are no substantial industrial, commercial, or agricultural activities in the immediate area. The American Heroes event will stimulate the public attending this event to purchase commodities aimed at satisfying their natural hunger and thirst.</p>	<p>Food/refreshment sales for event participants will occur within the special event area but these limited activities will be temporary in nature and only for the duration of the event.</p> <p><i>No-Action Alternative:</i> No significant adverse effects to such activities.</p>	No significant adverse impact
<p>17. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:</p> <p>This special event will not create, move or eliminate jobs, but instead will provide for a historical, educational and recreational experience for those who choose to come and partake of this free event.</p>	<p>Local employment numbers are unlikely to be affected by this limited, special event.</p> <p><i>No-Action Alternative:</i> The No-Action alternative reflects existing <i>status quo</i> regarding employment. No significant adverse effects.</p>	No significant adverse impact
<p>18. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?</p> <p>There is no wilderness area at the Hansen Dam Sports Center where this special event is schedule to take place, although other areas within the Hansen Basin provide habitat for wildlife. This Park location itself is used throughout the year for a variety of low- and higher-density events, per the City's Recreation lease with the Corps of Engineers. Nearby areas used for recreation and wildlife viewing will still be open for the public, but are not a part of this event.</p>	<p>The Hansen Dam Sports Center is not a wilderness area. The Sports Center and the rest of Hansen Basin will remain fully open to the public during this one-day, free event.</p> <p><i>No-Action Alternative:</i> There would be no change to existing management of wildlife management areas at Hansen.</p>	No significant adverse impact
<p>19. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:</p> <p>There is no housing within the Hansen Dam Basin. The nearby area is urbanized and contains a mix of commercial and residential uses.</p>	<p>The proposed event will not add or decrease population growth or housing in the area.</p> <p><i>No-Action Alternative:</i> This alternative would not affect Population/housing,</p>	No significant adverse impact

<p>20. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:</p> <p>Traffic in the Hansen Dam Basin is associated with the use of recreational features within the basin as well as vehicles using basin roads to reach non-basin locations. The City of Los Angeles provides traffic oversight in this area including within the Hansen Recreation Area.</p>	<p>Up to approximately 6,000 attendees are expected to attend the event and all parking issues will be coordinated by LA City agencies including DOT, Public Safety, and a parking crew to be hired by the event organizer. The City also encourages bicycling and other traffic-reducing measures, such as the use of public transportation to gain access to this event site. The event site has parking for approximately 5,000 vehicles.</p> <p><i>No-Action Alternative:</i> Traffic and parking are not affected adversely during non-Event days at Hansen Recreation Area.</p>	<p>No significant adverse impact</p>
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V. CUMULATIVE IMPACTS

- a. PAST -- City of Los Angeles has provided recreational opportunities at this location for many years. The general area near Hansen Dam Sports Center (Hansen Recreation Area) is developed for housing over the years with few commercial businesses in the upper Hansen Basin area. A Children's Museum was recently built, but remains unopened, in the northwest Hansen Basin area. City of Los Angeles also provides an equestrian center just east of the proposed Air Show venue. Hansen Basin has been home to several large events for many years, as well as open for daily attendance in the Basin's outdoor recreation facilities.
- b. PRESENT -- The City of LA provides recreational opportunities of various types, each year, at this and at other adjacent locations within Hansen Dam Basin. Special events with several thousand attendees are held throughout the year at high-density designated areas within the Hansen Dam 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 such as this event. Events are managed for traffic and noise concerns and the City requires the permit applicant and holder to address security, trash, and health considerations. The City has initiated construction of a Ranger Station in western Hansen Recreation Area. A rustic campground may also undergo construction in this area within the near future. Local development in the adjacent areas is built-out to capacity at this time with few new projects.
- c. FUTURE -- The City of LA will continue to provide recreational opportunities into the foreseeable future at this site. Adjacent City areas will continue to be developed but

the overall expected use of Hansen Dam 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. No other major projects are known at this time to be planned for future construction. The basin has been used for recreation since the early 1950's and remains so; any future recreation and other developments within the Basin will continue to be constructed using methods to minimize environmental impact.

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

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

General:

- RAP conducts planning meetings with City agencies and departments to provide safety, crowd and traffic control.

Specific:

Recreation:

- The City's permit will specifically state that the event may occur at only the designated areas, and that access to these areas may not be impeded.
- Clean-up of area will be completed within approximately the close of the following business day dusk, June³⁰, 2013.

Air/Traffic/Parking:

- Event parking and traffic management will be designed to avoid vehicle backup onto Foothill and Osborne Boulevards, to reduce idling and to enhance roadway safety.
- Use of ride-sharing to event will be emphasized in outreach and publicity.
- Use of bicycling and provided bicycle parking will be emphasized.
- A parking plan overseen by LAPD/LAFD and OPS and coordinated with the permit applicant and holder will be implemented.
- Appropriately numbered disabled parking spaces will be provided adjacent to the event.

Noise:

- City Noise Ordinance shall be enforced

Health/Safety:

Areas must be kept in good condition. City will ensure the permit applicant and holder is responsible for all trash collection, including providing and emptying trash cans and dumpsters. The City will ensure the permit applicant and 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 applicant and holder shall ensure all cleanup and equipment removal is completed by approximately dusk, June³⁰, 2013. The City will require a maintenance deposit from the permit applicant and holder.

- The City will require the permit applicant and holder to obtain insurance for liability and property damage and to indemnify the City and the Corps.
- Portable restrooms will be provided, and a first-aid station will be on site.

VII. AGENCY COORDINATION

This event is to be noticed to the Hansen Dam Park Advisory Board, as well as from the Corps website where a public notice of the proposed action is to be made available from approximately May 15-31, 2013. City of Los Angeles is working with the Corps to provide necessary facilities and other capability for this event. Comments received from the public will be evaluated.

Periodic meetings were held which included the Corps, the event's organizers (Promoter), and all City agencies responsible for providing services at such events.

IX. RESPONSE TO COMMENTS

___ comments were received.

X. 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 other pertinent laws and regulations discussed below.

10.1 National Environmental Policy Act (NEPA) (42 USC 4321 et seq.)

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 prepares an Environmental Assessment (EA) describing the environmental effects of any proposed action and alternatives to that action to determine if there are significant impacts requiring development of an Environmental Impact Statement (EIS) or if a Finding of No Significant Impact (FONSI) is appropriate. The EA must identify measures necessary to avoid or minimize adverse impacts, and all impacts must be reduced to a level below significance in order to rely upon a FONSI.

By circulating the Notice for this draft Environmental Assessment, this proposal is in compliance with the Act.

10.2 U.S. Fish and Wildlife Coordination Act (16 USC 661)

This Act requires Federal agencies consult with the USFWS and the fish and wildlife agencies of States where the "waters of any stream or other body of water are proposed or authorized, permitted or licensed to be impounded, diverted . . . or otherwise controlled or modified" by any agency under a Federal permit or license. Consultation is to be undertaken for the purpose of "preventing loss of and damage to wildlife resources." The intent is to give fish and wildlife conservation equal consideration with other purposes of water resources development projects.

As the proposed event does not involve impoundment, diversion, or other modification to bodies of water within the Basin with the proposed reclassification of land use, no Fish and Wildlife Coordination Act Report is required.

10.3 Endangered Species Act (ESA), as amended (16 USC 1531 et seq.)

The ESA protects threatened and endangered species, and their designated critical habitat, from unauthorized take. Section 9 of the Act prohibits such take, and defines take as to harm, harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct. Section 7 of the ESA requires Federal agencies to ensure that any action authorized, funded or carried out by them is not likely to jeopardize the continued existence of listed species or modify their critical habitat.

Consultation with the USFWS or National Marine Fisheries Service is required if the Federal action may affect a Federally-listed species or designated critical habitat. However, since the proposed event is limited to lands with no listed species habitat, with no construction project to be physically implemented, consultation was not required, and the project complies with the ESA.

10.4 Migratory Bird Treaty Act (MBTA) (16 USC 715- 715s)

The MBTA 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 nest, or eggs. The take of all migratory birds is governed by the MBTA’s regulation of taking migratory birds for educational, scientific, and recreation purposes and requiring harvest to be limited to levels that prevent overutilization. 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).

Since the proposed event is limited to a high-density recreation area which does not contain migratory bird habitat, with no construction project to be physically implemented, the project complies with the Act.

10.5 Clean Water Act (CWA) (33 USC 1251 et seq.)

Section 401 of the CWA requires that every applicant for a Federal license or permit for any activity that may result in a discharge into navigable waters must obtain a State Water Quality Certification or waiver that the proposed activity will comply with state water quality standards (*i.e.*, beneficial uses, water quality objectives, and anti-degradation policy). The Los Angeles RWQCB issues section 401 Water Quality Certifications for activities within Los Angeles County.

Section 402 prohibits the discharge of pollutants to "waters of the United States" from any point source unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) Permit. Section 402 requires a NPDES Permit for the discharge of storm-water from municipal separate storm sewer systems (MS4) serving urban areas with a population greater than 100,000; construction sites that disturb one acre or more; and industrial amenities. The RWQCB administers these permits with oversight provided by the SWRCB and EPA Region IX.

Section 404 authorizes the Secretary of the Army acting through the U.S. Army Corps of Engineers to issue permits for the discharge of dredged or fill materials into the waters of the United States, including wetlands, at specified disposal sites. The selection and use of disposal sites must be in accordance with guidelines developed by the Administrator of EPA in conjunction with the Secretary of the Army and published in 40 CFR Part 230 (known as the 404(b)(1) guidelines). Under the Section 404(b)(1) guidelines, the Corps shall examine practicable alternatives to the proposed discharge and permit only the Least Environmentally Damaging Practicable Alternative (LEDPA).

The proposed event is limited to an all-ground air show with no construction project to be physically implemented, and does not involve discharge of dredged or fill material in waters of the US. Therefore a 404(b)(1) analysis is not required and similarly, no other CWA issues are triggered. The proposal is in compliance with the CWA.

10.6 Clean Air Act of 1970 (42 USC 7401 et seq.)

Section 118 of this Act states that any Federal action that may result in discharge of air pollutants must comply with Federal, state, interstate and local requirements respecting control and abatement of air pollution. Section 176(c) of the Act requires that Federal actions conform to an implementation plan after it has been approved or promulgated under Section 110 of the Act.

The potential air quality impacts of the proposed project have been examined and compared to the significant levels identified by the SCAQMD, which is the agency with jurisdiction to enforce Clean Air Act regulations and other relevant local air quality regulations. The SCAQB sets the threshold limits which, if exceeded, trigger New Source Review Rules, as defined in the Act.

A conformity determination for a specific pollutant is not required because for each criteria pollutant or precursor the total of direct and indirect emissions of the criteria pollutant or precursor in the nonattainment area caused by the Federal action would not equal or exceed any of the rates in 40 CFR 93.153(b)(1) or (2). As a result, the proposed project conforms to the Federal Clean Air Act, as amended.

10.7 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.

With the exception landing/takeoff of no more than two helicopter aircraft, which is monitored for Safety issues such as crowd control around helicopters/noise, the proposed event is not likely to exceed noise levels to sensitive resources in the area. Noise will continue to be regulated with Federal, state, and local laws and ordinances and the review for this proposal has included avoidance of sensitive ecological areas.

The project is in compliance with the Act.

10.8 National Historic Preservation Act (NHPA) (16 USC 460b, 4701-470n)

Section 106 of the NHPA requires any Federal agency to take responsibility for the impact of the decisions on historic resources. Under Section 106, Federal agencies are prohibited from approving any federal "undertaking" (including the issuance of any license, permit, or approval),

without 1) taking into account the effects of the undertaking on the historic properties, and 2) affording the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the undertaking. The NHPA forces an agency to stop and consider the consequences of its undertakings on any historic property, and assures that the agency does so by requiring it to receive comment from the ACHP, or agencies acting in its stead, and from the public before proceeding with any such undertaking. In order to comply with the NHPA, a Federal agency considering an undertaking must go through the process outlined in the ACHP's regulations at 36 C.F.R. Part 800.

Since the proposed project is limited to surface activities with no subsurface project to be physically implemented, the proposed event is not likely to affect historic properties. As such, the proposed project is in compliance with Section 106 of the Act and its implementing regulations (36 CFR part 800).

10.9 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC 9601 et seq.)

CERCLA regulates the release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare.

The proposed project is limited to an event within the Basin which has been reviewed by Federal Aviation Administration/FAA and will be monitored by Los Angeles Fire Dept. and should not result in any impacts resulting from pollutants or contaminants.

10.10 Executive Order (EO) 11514, Protection and Enhancement of Environmental Quality, amended by Executive Order 11991, Relating to Protection and Enhancement of Environmental Quality

This EO mandates that the Federal government provide leadership in protecting and enhancing the quality of the nation's environment to sustain and enrich human life. Federal agencies must initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. These regulations include procedures for early EIS preparation and require impact statements to be concise, clear, and supported by evidence that agencies have made the necessary analyses.

This Draft Environmental Assessment has been prepared to evaluate the proposal and, therefore, the proposal is in compliance with the mandates of this EO.

10.11 Executive Order 11988, Floodplain Management

In accordance with this EO, the Corps shall take action 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."

This EO requires that Federal Agencies take action to manage the risk and/or impacts of floods on human safety, health, and welfare; and restore and preserve natural and beneficial values served by the floodplains. Each agency also has the responsibility to evaluate potential effects of Federal actions that may be made within floodplains.

Compliance with this EO requires proper implementation of engineering regulations (ER) 1165-2-26, which states that the policy of the Corps with respect to floodplain management is to formulate projects which, to the extent possible, avoid or minimize adverse impacts associated with use of the base (100-year) floodplain and avoid inducing development in the base floodplain unless there is no practicable alternative.

Since the proposed project is limited to a one-day event, with no project to be physically implemented, the proposed project would not result in further inducing development in the base floodplain.

There is no practicable alternative to undertaking the proposed Action Alternative within the floodplain, as the project area is already established within the floodplain. The Action Alternative recommends a land use classification plan for the Basin only, and does not include provisions for any physical development, alteration, or modification of the existing conditions. Therefore, the Action Alternative must occur within land that is already within the floodplain, and there are no practicable alternatives. The proposed event is in compliance with ER 1165-2-26 for implementing EO 11988.

10.12 Executive Order 11990, Protection of Wetlands

Federal agencies shall take action to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agencies responsibilities. Each agency, to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. In making this finding, the head of the agency may take into account economic, environmental, and other pertinent factors. Each agency shall also provide opportunity for early public review of any plans or proposals for new construction in wetlands.

The proposed project would not impact any wetlands within the Basin. The proposed project is in compliance with this EO.

10.13 Executive Order 12088, Federal Compliance with Pollution Control Standards

Federal Agencies are responsible for ensuring that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to Federal amenities and activities under control of the agency.

The action does not negatively affect the natural and beneficial values of the Basin as the reclassification of land use would conserve and protect existing natural areas from further development. The proposed project is in compliance with the EO.

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

EO 12898 is intended to direct each Federal agency “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 EO.

10.15 Executive Order 13112, Invasive Species

Federal agencies are to expand and coordinate efforts to prevent the introduction and spread of invasive plant species and to minimize the economic, ecological, and human health impacts that invasive species may cause.

Although the invasive species *Arundo donax* is growing in patches within the Basin, maintenance of the Basin is the responsibility of the local sponsor under the terms of the lease. Eradication/maintenance of invasive species and the future replacement of non-native ornamental trees and other plant material is recommended in the updated Hansen Master Plan and per additional Corps guidance, the intent of the EO is met.

10.16 Executive Order 13148, Greening the Government through Leadership in Environmental Management

Environmental management considerations must be a fundamental and integral component of Federal Government policies, operations, planning, and management. The primary goal of this EO in the natural resources arena is for each agency to strive to promote the sustainable management of Federal facility lands through the implementation of cost-effective, environmentally sound landscaping practices, and programs to reduce adverse impacts to the natural environment.

The City in its recreation lease with the Corps provides avenues to improve environmental stewardship and management of the Basin. The proposed project is in compliance with the EO.

10.17 Executive Order 13195, Trails for America in the 21st Century

This EO states that Federal agencies will, to the extent permitted by law and where practicable and in cooperation with Tribes, states, local governments, and interested citizen groups, protect, connect, promote, and assist trails of all types throughout the United States.

The approval of the proposed special event will not result in the development of trails or the reduction in quality or quantity of existing trails. The proposal is in compliance with this EO.

XI. REFERENCES (if applicable)

N/A

XII. RECOMMENDATION: The Asset Management Division recommends that if significant impacts have been identified, with respect to the Proposed Action, then a FONSI is appropriate for this proposal.

Conclusion:

EIS

FONSI

