



**US Army Corps
of Engineers®**

FINAL ENVIRONMENTAL ASSESSMENT

Pedlow Field Skate Park Event

August 9-11, 2013

SEPULVEDA DAM BASIN

LOS ANGELES COUNTY, CALIFORNIA

Prepared by:

City of Los Angeles Department of Recreation and Parks

for the:

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

July, 2013

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). This notice announces preparation of a draft Environmental Assessment (dEA) for the proposal and invites public comment.

Proposal Title Pedlow Field Skate Park Event

Proposed Federal Action

The Corps is reviewing a special event proposal from the City of Los Angeles Department of Recreation and Parks, which operates under a lease from the U.S. Army Corps of Engineers.

Proponent City of Los Angeles, Recreation and Parks (City)
Ramon Barajas, Superintendent, Valley Region
818-756-8189

Location and Description

The Proposed Action includes Corps approval for Los Angeles City Dept. of Recreation and Parks, under its recreation lease with the Corps of Engineers, to convene a Skate Park Event during daylight hours of Friday-Sunday, August 9-11, 2013, at the existing Pedlow Field Skate Park at 17334 Victory Blvd, Encino, CA. Pedlow Field Skate Park consists of a mostly hardscaped skateboard park. The 8,500 square foot concrete skate bowl includes rails, steps, walls, a "fun box," "pyramid" and "waterfall". The skate park has a skate-at-your-own-risk policy and requires all skaters to wear helmets and knee and elbow pads.

The proposed event would include up to approximately 3,000 individuals on each of the three days and would feature music, skateboarding demonstrations and competitions, food, and other related entertainment. Parking would be sited at Birmingham High School located just northeast of the Skate Park and shuttle buses as well as pedestrian traffic monitors shall be available during event hours.

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 for preparation of this draft EA for the proposal described above will extend for 10 days, from July 25-August 4, 2013 and comments are requested be postmarked or received no later than 6 pm, August 4, 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.

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.

Draft FINDING OF NO SIGNIFICANT IMPACT

Skate Park Event
Friday-Sunday August 9-11, 2013
in the
Sepulveda Flood Control Basin
Los Angeles County, California

I have reviewed the attached Environmental Assessment (EA) which was prepared to describe and analyze effects of the first Skate Park event and for Corps review and approval of the City of Los Angeles' Department of Recreation and Parks (RAP) proposal to permit the Festival. The Skate Park event is proposed to be held on Friday-Sunday August 9-11, 2013, at Pedlow Field Skate Park in recreation areas northwest of Lake Balboa and Anthony C. Beilenson Park within the Sepulveda Flood Control Basin. The event is a 3-day skateboarding event that will host up to approximately 3,000 individuals each day and will feature music, skateboarding demonstrations and competitions, food, and other related entertainment.

Supplement number 4 to the recreation lease, DACW09-1-67-11, granted by the Corps to the City, reserves the right to the District Engineer, Los Angeles District, to Notice and approve special events that would have anticipated attendance in excess of 5,000 people per day. The current Sepulveda Dam Master Plan, in addition to certain other stipulated conditions, does anticipate events of this scope to be held in this portion of the basin. The proposed event is likely to attract only 3,000 per day but, due to the 3-day nature of the proposal which may also include some evening activity, it was decided to notice the event for public review.

The proposed event would temporarily affect recreation at Sepulveda Basin because it would affect such recreation management issues as trash generation, noise, and some traffic/parking in Basin or adjacent areas. RAP has committed that all other Basin areas will remain accessible to the general public. Free parking within the Basin for general recreation will be preserved. The Event Coordinator, with RAP, is finalizing a Parking Plan for the event which includes use of off-site parking, shuttle buses between parking and Event, and use of public transportation. Noise, Parking, Traffic, and any other safety issues will be regulated in accordance with the Corps' Special Events Policy and with the City's regulations and regulating agencies. Noise is anticipated to increase in the basin temporarily due to the number of attendees and amplification of music at a stage. Further information is located at the website <http://skateexpo.com/AboutExpo.html>.

In response to comments and event input received during the public review period of the draft FONSI and supporting EA, the following commitments have been included:

Corps staff will attend the Event and note any issues and conflicts with the Special Events Policy and this EA;

An after Event meeting shall be held between the Corps, the City RAP, and the Event Sponsor to resolve any issues identified by each party;

A final fee schedule for goods and services at the Event shall be submitted within 30-days of the close of the Event; and

A final cost analysis identifying all fees collected and all expenses shall be prepared by the Event sponsor and submitted to the Corps within 30-days of the close of the Event.

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 to the human environment. The Proposed Event, with the incorporation of the measures identified above and in this EA, is in compliance with all applicable Federal laws, Executive Orders and applicable Corps' policies. Therefore, an Environmental Impact Statement will not be required, pursuant to 33 CFR 230.11.

Prepared by:

Carvel Bass
Ecologist, Civil Works Branch
Asset Management Division

Date

Approval Recommended by:

Theresa M. Kaplan
Chief, Asset Management Division

Date

Approval by:

Alexander G. Deraney
Lieutenant Colonel, US Army
Acting Commander and
Acting District Engineer

Date

COVER SHEET

Pedlow Skate Park - Special Event
August 9-11, 2013

Sepulveda Dam Basin
Los Angeles County, California

This draft Environmental Assessment (dEA) has been prepared by the US Army Corps of Engineers (Corps) in compliance with the National Environmental Protection Act (NEPA) other Federal laws, Executive Orders, and Corps' guidance. The Corps is the lead Federal agency for the Proposed Action. No other agency is involved in implementing the Proposed Action.

The Proposed Action is the Skate Park Event at Pedlow Field Skate Park located at 17334 Victory Blvd., Encino CA. The Event would provide a location for special skateboarding activities, including skating contests and live music, for up to 3,000 people each day. The Event is primarily a sports- and family/youth-oriented activity with expected hours of 9 am through 7 pm each day from Friday-Sunday August 9-11, 2013.

The proposed Event would take place in the northwestern area of Sepulveda Recreation Area and located off of Victory Boulevard, north of the Los Angeles River, west of Balboa Blvd. and Bull Creek and near an Orange Bus Line bus stop in the Sepulveda Dam Basin.

The City is requesting approval by the Corps of the proposed Event, which would be held during the days of August 9-11, 2013.

The EA on the Proposed Action (Event) was available for agency and public review and to solicit input, for 10 days (July 25-August 4, 2013). Comments received are considered in determining whether an Environmental Impact Statement (EIS) will be required, or whether a Finding of No Significant (FONSI) can be issued.

Comments on the draft EA will be received during the public review period, ending August 4, 2013 by:

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Los Angeles, CA 90053

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Draft Environmental Assessment

Skate Park Event at Sepulveda Basin, Encino CA

1.0 INTRODUCTION

This draft Environmental Assessment (dEA) has been prepared by the City of Los Angeles Department of Recreation and Parks (City) for the U. S. Army Corps of Engineers (Corps) in compliance with the National Environmental Policy Act (NEPA) (42 USC 4321 et seq.) and the Council on Environmental Quality (CEQ) regulations published at 42 CFR part 1500.

1.1 PROJECT AUTHORITY

The Corps, pursuant to the specific authority granted by Congress in the Flood Control Act of 1944 is authorized to lease lands at water resources development projects to non-Federal entities for such periods and upon such terms and for such purposes as are deemed reasonable in the public interest. The Corps has leased lands at Sepulveda Dam Basin to the City of Los Angeles (City) for recreational and park purposes. Supplement number 4 to the recreation lease, DACW09-1-67-11, granted by the Corps 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 5,000 people.

1.2 LOCATION

The Sepulveda Dam Basin (Basin) is located on the upper Los Angeles River in the San Fernando Valley about 17 miles northwest of the downtown Los Angeles. The Basin is accessible by two freeways, the Ventura Freeway (U.S. Highway 101) and the San Diego Freeway (Interstate 405), and lies at the northwest corner of the junction of these freeways. The Basin is also accessible from several local roads.

1.3 SCOPE OF ANALYSIS

This dEA analyzes likely effects of the Proposed Event by comparing a No Action Alternative with the Proposed Action which considers permitting a 3-day Skate Park special event to occur at the Pedlow Field Skate Park, Sepulveda Recreation Area, at northwestern Sepulveda Dam and Basin. The draft EA will be made available to resource agencies and to the interested public for review and comment for 10 days.

Through evaluation of the alternatives, the Corps may include conditions, limitations or restrictions as deemed necessary to comply with Federal laws, regulations or policies and to address any concerns relating to the safe operation of the Sepulveda Dam Flood Control Project.

Comments received from the public will be addressed prior to determining whether an Environmental Impact Statement (EIS) will be required or if a Finding of No Significant (FONSI) can be issued.

2.0 PURPOSE AND NEED

The City, the primary recreational facility operator and lessee at Sepulveda Dam Basin has submitted a request to the Corps for approval of a special event. A promoter of the Skate Park Event has requested use of the Pedlow Field Skate Park for this first such event at Pedlow Field. The City is requesting concurrence by the Corps of the proposed festival, which would be held on Friday-Sunday, August 2-4, 2013.

The Skate Park event would provide allow up to approximately 3,000 attendees each day to participate in skateboard events.

3.0 RANGE OF ALTERNATIVES

3.1 No Action

Under the No Action Alternative, The Corps would not provide approval to the City under the terms of the Lease. The Event would not be held at this designated skateboard recreation area within the Sepulveda Basin. This would not meet the Event's purpose, but is carried forward in this dEA for comparison purposes as required by NEPA.

3.2 Preferred Alternative

The Preferred Alternative event location would take place in northern Sepulveda Recreation Area, north of the Los Angeles River, west of Balboa Blvd. and Bull Creek, at the south of Victory Blvd., and near the Orange Bus Line.

The Event is primarily sports- and youth/family-centered activity in nature, with food and merchandise/game vendors also at the event. The Event proponent anticipates attendance up to approximately 3,000 people each day. The City of Los Angeles Recreation and Parks has requested that First Aid by professional emergency management staff be provided for Public Safety at this Event. Los Angeles Police and Fire Department staff would monitor crowd size and safety issues, including emergency exit areas.

The Event would charge admission of \$12.50 per person general admission with no charge for those under 3 years and over 65 years of age. Parking, including Accessible Parking, will be available at the off-site location of Birmingham High School, located just across Victory Blvd.; street crossings will be controlled by traffic monitors. There would also be shuttles and a drop-off lot in the unused area adjacent to the skate park. All event areas including temporary parking areas will be cleaned and shut down within 24-hours following close of the Event.

Alternatives considered and dismissed:

No alternative onsite areas within Sepulveda Dam Basin are being considered at this time. Pedlow Field Skate Park was chosen for the event because it was built for such activities as skateboarding.

3.3 Offsite Alternatives

Alternatives considered and dismissed:

Hansen Dam Flood Control Basin, which is a second Corps' Basin under City recreation lease also containing a skate park, is considered too distant for most Valley users to attend and also does not possess sufficient infrastructure for the proposed number of attendees. One other sizeable City park in the metro region is Griffith Park, which does not meet the needed criteria for skateboarding, open space, or infrastructure. No other areas were identified as meeting the size and open space criteria.

4.0 ENVIRONMENTAL IMPACTS AND ANALYSIS

4.1 GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE

No unusual soils or geology are present at this site as the area requested for use is a landscaped area of the flood risk management project. The Event is held in an area with no special topographic features or soils.

Alternatives Analysis

Preferred Alternative

The impacts are consistent with large Park events in heavy-use areas. Park and other City staff would provide logistical support to insure no damage to soils, including surrounding areas.

No Action

Adjacent park use would continue as on an average August weekend. The Skate Park itself would be utilized for this event.

Determination of Impacts

No significant adverse impacts to geology or soil resources are anticipated.

4.2 WATER RESOURCES

No stream flow or groundwater surface resources are present at this site. Lake Balboa is nearby the Skate Park and the Los Angeles River is a half mile southward.

Alternatives Analysis

Proposed Action: This proposal includes no activities at or changes to surface- or groundwaters; the activity would occur at turfed or otherwise landscaped areas. No water contact and no impacts to water are expected. No changes to the local water budget are anticipated. No additional mitigation measures are needed.

No Action

Water resources are not figured as part of the proposed event.

Determination of Impacts

No significant adverse impacts to water resources are anticipated.

4.3 AIR QUALITY

Presently, the local Encino auto traffic including the nearby 405 and 101 Freeways, provide auto exhaust/emissions during weekday and weekend commute/other trips. During weekday and weekends at the recreation areas, several thousand people and up to at least 1,000 vehicles, at minimum, may be present on any day.

Alternative Analysis

Proposed Action

The Event would occur at a location within 2 miles of both the 405 and 101 freeways and with the nearest City streets of Victory and Balboa Blvds. The Event has arranged to provide parking to accommodate up to approximately 3,000 attendees daily. Many attendees are expected to arrive by Orange Line bus service, which is regularly provided through the Sepulveda Basin by MTA.

The Event would not appreciably affect local air quality conditions which are largely controlled by local freeway and Park/City baseline traffic activity. Shuttle service would be provided from the nearby parking area. The Site is near an MTA Busway station and this Event's media outreach encourages use of any public transit. Park and other City staff will provide logistical support. No additional mitigation measures are needed.

There is anticipated to be no significant impact to air quality. The three-day event would have negligible impact on climate change.

No Action

Conditions would be similar to baseline conditions.

Determination of Impacts

No significant adverse impacts to air quality are anticipated.

4.4 BIOLOGICAL RESOURCES

The area of the Proposed Event is a typical "park" landscaped area with hardscaped and adjacent annual grass turf. The area is not generally used by wildlife. In adjacent areas and especially

vegetated areas such as Bull Creek and the Los Angeles River have some wildlife, use particularly migratory birds and waterfowl. Within 0.5 miles southeast of Lake Balboa several territories for the Federally-listed migratory bird, the least Bell's vireo are known to exist along the Los Angeles River's. No jurisdictionally special aquatic sites are located at the Event area. Nearby wetlands include areas at the adjacent Bull Creek and nearby Los Angeles River.

Alternative Analysis

Proposed Action

Impacts to vegetation would be less than significant. Turf may be compacted by high foot traffic during the Event. Riparian vegetation (Bull Creek and the Los Angeles River) is nearby, but well beyond the boundary of this Event. Activities would not occur in naturally-vegetated areas. The proponent shall restore the area to pre-Event conditions by close of business, August 5, 2013. No additional mitigation measures are needed. No impacts to wildlife are anticipated.

No Action

Park use would be anticipated to include typical park activities, such as walking, picnicking, jogging, and playing, as well as at the Skate Park itself. No more than minor impacts, if any, to vegetation are anticipated.

Determination of Impacts

No significant adverse effects to vegetation are anticipated. No significant adverse effects to listed species or their habitat are anticipated.

4.5 CULTURAL RESOURCES:

No cultural resources are found above the ground surface at the Event location. Ground disturbance at this site is not anticipated.

Alternative Analysis

Proposed Action

No cultural resources are found at the site proposed for the Skateboard event. No additional mitigation measures are needed for this non-ground-invasive activity.

No Action:

No impacts have been identified.

Determination of Impacts

No significant adverse effects to cultural resources are anticipated.

4.6 AESTHETIC QUALITY

Sepulveda Basin contains many significant visual resources including, near the Pedlow Field Skate Park, the Anthony C. Beilenson Park with Lake Balboa as well as a segment of the Los Angeles River. Open spaces and open waters attract people, as well as waterfowl, and make the area a calm and serene setting.

Alternative Analysis

Proposed Action

The northwest Basin is a focal point of the proposed Event. Aesthetic impacts are anticipated to be temporary. The Event would not impact the area with excessive light as it would be held during daylight hours only. Noise would be anticipated to increase somewhat for the duration of the Event, but the City's noise ordinance (the same db level as the Corps') is maintained by Los Angeles City Fire Department. Noise levels would be in compliance with City of Los Angeles ordinances and with the Corps' Special Events Policies (no more than 100 dbl at 20 feet from the source). Park and other City staff will provide logistical support. No additional mitigation measures are needed.

No Action

No impacts to aesthetic resources would occur.

Determination of Impacts

There would be minor, but temporary impacts to aesthetic resources during the three-day event.

4.7 NOISE

The City of Los Angeles enforces the City noise level ordinance at all City Parks, from dawn to dusk, including at Sepulveda Dam Basin. The Event hours are from 9 a.m. to 7 p.m. and be winding down at that time, to be enforced by City Fire Department.

Alternative Analysis

Proposed Action

Noise anticipated includes amplified sound including speakers and announcers as well as musicians. All sound stage activities would be placed to face away from neighboring residential areas. Some minor impacts from noise may be experienced in adjacent areas of the park but these are not highly populated. City Fire Department will enforce the City noise ordinance and the Corps' Special Events Policy (not to exceed 100 dbl within 20 feet from source) as well as other safety parameters, in conjunction with Proponent. City and Proponent have met regularly to plan this Event. No additional mitigation measures are needed.

No Action

No impacts more than a normal 3-day weekend would be anticipated.

Determination of Impacts

Noise levels would increase primarily during daylight hours of the Event, but would be temporary. During evening hours the amplified sound activities would be reduced.

4.8 RECREATION RESOURCES

The location of the Proposed Event is the northwestern Basin. The specific area is generally used for skateboarding activities and for picnicking and other passive recreation activities.

Alternative Analysis

Proposed Action

The use of the Pedlow Field Skate Park would be restricted from use by other, general Skate Park users during this 3-day event, from 9 a.m. through approximately 7 p.m., on Friday-Sunday, August 9-11.

The City has communicated to the Event sponsor that non-Event areas of the park must remain open and unobstructed for public use. Parking for golf, the Model Airplane Field, and the Wildlife Lake Area would remain unchanged. Nearby recreation areas would not be affected by the activity.

No Action

There would be no additional impacts not seen on typical, non-Event weekends.

Determination of Impacts

While some non-Event park users may be temporarily affected by this large event, the park is provided for both general and special cultural event usage by the public. The impacts to general recreation resources would be both expected, per Park recreation area planning, and temporary.

4.9 HEALTH AND SAFETY

Human health and safety conditions are consistent with a large, relatively urban park. City agencies oversee and monitor safety issues at Sepulveda Dam Basin.

Alternative Analysis

Proposed Action

Attendance of 3,000 attendees would result in the potential for overheating, basic medical needs, and other health and safety considerations consistent with a large event. Crimes of opportunity (pick-pocketing, etc) are also possible at large events. To address large crowd impacts, health and safety provisions are as follows:

- First Aid will be available and safety precautions enforced. A First Aid station would be located on site.
- Los Angeles City Fire Department and other City Safety agencies monitor Safety issues at Sepulveda Dam Basin generally and at this Event in particular. Besides City staff, Event organizers would provide security staff and parking lot attendees.
- Use of tobacco or alcohol is enforced by City staff and regulations, as appropriate.
- Entrance/exits are provided to allow safe entry and exit; emergency evacuation procedures would be managed by LA Fire Department.
- Universal Access parking would be provided in accordance with the Americans with Disabilities Act.

No Action

If the Corps did not approve the Event, the park would continue to be used by general users and policing would occur as usual.

Determination of Impacts

No significant adverse effects to Health and Safety are anticipated.

4.10 FLOOD RISK MANAGEMENT

The primary authorized purpose of the Sepulveda Dam Basin is flood risk management. The Event location is located above the 50-year flood event inundation line.

Alternative Analysis

Proposed Action

The Event would not be expected to affect flood control efforts or facilities, in particular because the proposed Event date falls in the summertime and thus during the local dry-weather season. In case of an extreme emergency event, the City is notified by the Corps through a standard procedure and would then notify general Park users, including Event participants. The City is responsible for notifying the Event Sponsor of evacuation requirements. Park and other City staff will provide logistical support. No additional mitigation measures are needed.

No Action

The Park would be operated as usual, with no anticipated exceptional impacts.

Determination of Impacts

No significant adverse effects to the flood risk management project are anticipated.

4.11 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

The surrounding areas have been developed for residential and commercial use, but development for residential use is prohibited within the Basin. Housing is not a factor in this recreation area or for this special event. No minority or low-income communities would be disproportionately affected by implementation of the Proposed Action.

Alternative Analysis

Proposed Action

No new permanent jobs would be created, moved, or eliminated. There would be some additional time/labor on the part of City and RAP employees that would be temporary. Those providing food, crafts and other retail booths at the Event would represent a temporary work force. No additional mitigation measures are needed.

No Action

There would be no additional impacts. There would be no impact to lower income and/or minority groups; event will be conducted to comply with all local and Federal standards for low income and/or minority groups.

Determination of Impacts

There would be no impacts to environmental justice or other socioeconomic issues.

4.12 TRAFFIC and TRANSPORTATION

The Sepulveda Dam Basin is located in the northwest corner of the intersection of the San Diego (405) and the Ventura (101) Freeways. Local street access is by Balboa Blvd. on the east, Burbank Blvd. from the south, Woodley Avenue to the east and Victory Blvd. from the north. The Orange Bus line runs near Victory Blvd. in this area of the Park. Parking would be provided at Birmingham High School which is located to the northeast, nearby the Skate Park.

An access road runs from Woodley Avenue through the Anthony C. Beilenson Park to Balboa Blvd. with several accessible parking areas within the park. A parking lot is also located north of Woodley Golf Course and an overflow parking area is just north of the park access road, to the northeast of Anthony C. Beilenson Park.

Alternatives analysis

Proposed Action

Traffic impacts within the Recreation Area are expected to be minor although may be noticeable during event hours during the day when attendees are arriving by bus, or by auto and parking at Birmingham High School. Traffic for this Event will be handled by the event Promoter and by appropriate Los Angeles City Department staff.

To alert residents and park users of the upcoming Event, signs would be posted during the preceding week to alert local residents. A parking fee will be charged at Birmingham High School for the event; free shuttles from parking areas will be provided.

No Action

Park use would not be anticipated to result in additional traffic impacts. Existing parking is generally considered to be sufficient for general park users.

Determination of Impacts

Impacts to local traffic would be temporary in nature and limited to the day of the Event.

4.13 CUMULATIVE IMPACTS

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). The Environmental Assessment references various uses in the Basin while also specifying the narrow range of activities at the Event location.

- Past – what impacts have past projects had on the surrounding resources
- Present – what impact would the proposed action have on existing resources?
- Future – will the proposed action contribute to the degradation of the environment?

a. **PAST** In previous years, a number of mostly 1-day special events have been held in western Sepulveda Recreation Area, including at the south side of Lake Balboa within the Anthony C. Beilenson Park.

Recreation has been a part of the basin’s approved activities following construction of the Dam in 1941. In the interim, many Basin improvements have been made for the local recreational public. Internal developments include the construction of numerous recreation projects by the City of Los Angeles Department of Recreation and Parks and the Corps, including Lake Balboa, the Sepulveda Dam Basin Wildlife Lake, the Bull Creek Restoration project, various ball-fields and other recreation-based initiatives as well as the Donald C. Tillman Wastewater Reclamation Plant.

b. **PRESENT** Approximately 12 to 18 large (over-1,000 person) events are held at Sepulveda Dam Basin each year, with four of these events averaging over 10,000 attendees. The majority of special events occur at Woodley Park, with a smaller number and the largest events occurring at Anthony C. Beilenson Park. Similarly-sized events average one to two days, with additional short periods of set-up and take-down/restoration of the areas. Maximum time for set

up and tear down is not to exceed 48 hours. These events reduce opportunities for recreational activities by general park users for temporary periods with associated temporary impacts. These special events tend to occur on weekends.

Other impacts within Sepulveda Dam Basin recently include restoration projects and additional recreational development. These projects temporarily displace park users. Most recently the Bull Creek Restoration project was implemented during 2008 and 2009. A new Sports Complex on the west side of Balboa Boulevard was constructed and opened in recent years. The surrounding Encino area is largely built to completion.

c. FUTURE The Corps will continue to review special event proposals and anticipates that the number of special events annually will remain roughly the same. The Corps will continue to examine resource needs and conflicts in the area.

Several proposed, small sports areas, now being utilized as agricultural lease areas may be developed by the City of Los Angeles in the lower Sepulveda Dam Basin, although these have not yet been approved nor designed.

This subject special event is not likely to add adverse cumulative effects at the Sepulveda Recreation Area because if such events are conducted and supervised as described, no adverse effects to the environment are foreseen.

5.0 APPLICABLE ENVIRONMENTAL LAWS AND REGULATIONS

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

5.1.1 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.

5.1.2 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.

5.1.3 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.

5.1.4 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.

5.1.5 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.

5.1.6 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.

5.1.7 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.

5.1.8 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

5.1.9 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.

5..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.

5.1.11 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.

5.1.12 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.

5.1.13 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.

5.1.14 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.

5.1.15 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.

5.1.16 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 Beilenson Park recreation area is anticipated by planners as appropriate usage for the area.

5.1.17 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.

5.1.18 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.

6. PREPARERS

This document has been prepared by Louis Loomis of the City of Los Angeles Department of Recreation and Parks and has been reviewed by Civil Works Branch (Asset Management Division) and Office of Counsel staff of the U.S. Army Corps of Engineers, Los Angeles District.

7. SUMMARY OF MITIGATION MEASURES OF THE PROPOSED ACTION AND OF ALTERNATIVES

The sole alternative with mitigation measures is the Proposed alternative, which is for the Corps to allow LA City RAP permission, under the existing Recreation lease, to hold the Pedlow Field Skate Park Event. These mitigation measures have been provided by the City and Event organizers to reduce and to avoid significant adverse effects resulting from a festival of this size being held within Sepulveda Basin.

