



## San Fernando Valley Audubon Society

Incorporated as California Audubon Society 1913

P.O. Box 7769 Van Nuys, CA 91409-7769

*For nature education and the conservation of wildlife*

May 12, 2016

Deborah Lamb  
Environmental Resource Branch  
US Army Corps of Engineers  
915 Wilshire Blvd.  
Los Angeles, CA 90017-3401

US Army Corps of Engineers:

Thank you for allowing me the opportunity to comment on the draft Environmental Assessment for the AngelFest Project proposal. My comments are intended to supplement the excellent comments submitted by Kris Ohlenkamp which focus on wildlife impacts. Mine focus on the severe contradiction between both the words and intent of the Sepulveda Basin Master Plan of 2011 (Master Plan) and the activities proposed to take place in Woodley Park and parts of the Sepulveda Basin Wildlife Reserve/Area (Reserve) for the AngelFest event as proposed in the Environmental Assessment of April 2016. I urge you to refuse to waive the restrictions that appropriately protect the resources of Sepulveda Basin. Should you nevertheless determine to not deny the application outright, a Finding of No Significant Impact (FONSI) is inappropriate and a full Environmental Impact Statement is needed.

### **1. ANGELFEST CONTRADICTS THE WORDS AND SPIRIT OF THE SEPULVEDA BASIN MASTER PLAN**

The Master Plan and the USACE mission both emphasize responsible stewardship of natural resources for current and future generations. The introduction to the Master Plan states:

Master Plans shall... Provide guidance for project development and use and for the responsible stewardship of project resources for the benefit of present and future generations; and Promote the protection, conservation, and enhancement of natural, cultural and man-made resources.

From Section 3.1, Vision and Mission of the Master Plan:

“The Army Corps of Engineers is the steward of the lands and waters at Corps water resources projects. Its Natural Resources Management Mission is to manage and conserve those natural resources, consistent with eco-system management principles, while providing quality public outdoor recreation experiences to serve the needs of present and future generations. In all

aspects of natural and cultural resources management, the Corps promotes awareness of environmental values and adheres to sound environmental stewardship, protection, compliance, and restoration practices. The Corps manages for long-term public access to, and use of, the natural resources [of the Basin] in cooperation with other Federal, State, and local agencies as well as the private sector. The Corps integrates the management of diverse natural resource components such as fish, wildlife, forests, wetlands, grasslands, soil, air, and water with the provision of public recreation opportunities. The Corps conserves natural resources and provides public recreation opportunities that contribute to the quality of American life” [underlining added].

Converting Woodley Park and parts of the Sepulveda Basin Wildlife Reserve to an entertainment venue for hundreds of thousands of people and, in the process, denying the public the full use of the basin for approximately one month a year cannot, by any stretch of the imagination, be construed as furthering the goals underscored above.

## **2. ANGELFEST ENVIRONMENTAL ASSESSMENT IS DEFICIENT**

A FONSI is inappropriate where a proposed activity is in great conflict with the uses of the land defined in the Master Plan, has highly significant impacts, and where it breaks the Corps’ restrictions on activities so excessively, representing a scale of activity at least two orders of magnitude larger than any numerical limit found in the masterplan.. It is incumbent on the U.S. Army Corps of Engineers which owns the land of the Sepulveda Basin to deny granting waivers of many of its restrictions on activities in the Sepulveda Basin to such a significant degree. If the Corps is not adequately convinced of this to outright deny permission for this event, then a full Environmental Impact Statement is necessary to examine the impacts and mitigation measures.

In addition, a FONSI is inappropriate for a multiyear event, which AngelFest is clearly intended to be. The unsigned and marked “cancelled” Right of Entry Permit to Make Good Group, LLC, for the Design, Production and Temporary Operation of “Angel Fest” at Woodley Park in the Sepulveda Basin Recreation Area, dated February 9, 2016 states on pages 2 - 3: “The Parties have agreed that RAP is committed to provide the exclusive use of Woodley Park for a three year agreement with The PERMITTEE, Make Good Group, for the production and operation of “Angelfest”, a music, arts, and cultural performance event, including food and various forms of entertainment, subject to the standard RAP process for obtaining all necessary and/or required approvals.” Furthermore, I have been present when Tim Sexton of Make Good Group and Charles Singer of the City of Los Angeles Department of Recreation and Parks (RAP) have told the Sepulveda Basin Wildlife Areas Steering Committee and members of San Fernando Valley Audubon that they expect the event to continue on for many years.

***Multi-year Event and Precedent for Additional Very Large Events - Piecemealing.***

In addition to the promoters of AngelFest and representatives of RAP stating openly that they expect AngelFest to be an annual event, representatives of RAP also have made it clear that they plan to encourage the holding of other large festivals in Woodley Park Sections 1-3 as a way to raise funds for the department. For a FONSI to be signed instead of requiring thorough examination through a full Environmental Impact Study would allow egregious piecemealing to occur.

### ***Change in Land Use.***

Holding AngelFest in Woodley Park Sections 1-2 and in parts of the fenced part of the Sepulveda Basin Wildlife Reserve as well as the developed part of the Reserve known as Woodley Park III would create significant changes in land use without considered examination of those changes. AngelFest should not be allowed to take place without major changes to the location, size, character and duration from what is described in the Draft Environmental Assessment.

Approval of AngelFest will cause the conversion of a park designed and designated for passive recreation to a Fairgrounds. Conversion of parts of the Wildlife Reserve, which are Environmentally Sensitive, to Fairgrounds is even more extreme. This would happen to the educational staging area of the Reserve known as Woodley Park Section III and part of the northern end of the fenced Wildlife Reserve west of Haskell Creek. These land use conversions are clearly highly significant impacts.

### ***Inappropriate Management Decisions.***

If it is eventually determined to convert Woodley Park and parts of the Wildlife Reserve to fairgrounds uses, certain decisions described in the EA should be thoroughly examined and revised. For example, the AngelFest EA leaves the Wildlife Reserve open during the 3 days of the event, except for the sections the event will use. This would maximize harm to the wildlife and habitat of the Wildlife Reserve. People not able to pay for the event will be able to enter the Reserve from many points along Burbank Boulevard, walk to the north end of the Reserve, and get close to Woodley Park to listen from the Wildlife Reserve. Certainly many would climb trees to watch the festival. Quite likely some of these will have cigarettes in hand and no place to safely stub them out, even if they are inclined to do so. Such unfortunate decisions should be altered should AngelFest be allowed.

## **3. SEVERE MISUSE OF PROTECTED LAND**

### ***Environmentally Sensitive Habitat.***

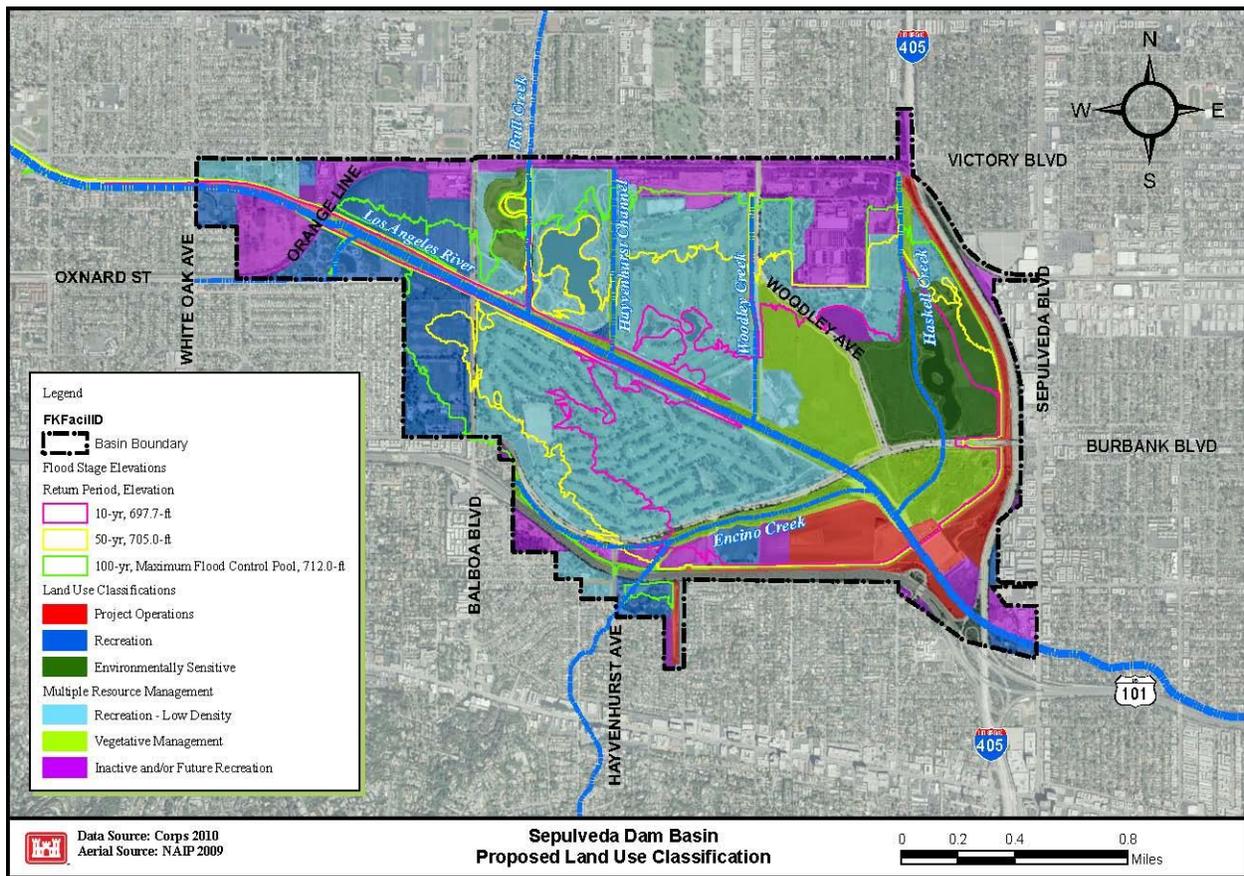
A glaringly inappropriate aspect of AngelFest is that it would intrude significantly into land designated as "Environmentally Sensitive." Part of the fenced Sepulveda Basin Wildlife Reserve would be fenced into AngelFest and used as a backstage area for moving people and

machinery. The developed part of the Wildlife Reserve, sometimes called Woodley III, would be incorporated into the AngelFest, even holding Sound Stage 2, portable sanitary facilities and a food station. This area is the Educational Staging Area for the Reserve and was designed as such. Like the fenced parts of the Reserve, it is defined as Environmentally Sensitive in the Master Plan, although it is also used for general passive recreation. [See Land Use Classification Map below and Overlay Map at end of letter.]

Land Use Classification Restrictions for Environmentally Sensitive Areas (4.4.3). The Master Plan states: “Special events are not compatible with this classification. No special events may be held within or traverse Environmentally Sensitive areas.”

To specifically avoid harmful impacts to the developed or Amphitheater section of the Wildlife Reserve, Appendix A5 of the Master Plan of 2011 specifies in part 7 “Events larger than 50 persons may not be held in the Wildlife Area including the area known as Woodley Park III.”

The following map is taken from the Sepulveda Basin Master Plan of 2011. As can be seen on the map, the entire Wildlife Reserve including Woodley Park III (the staging area for educational programs) is designated as Environmentally Sensitive. The only part of Woodley III that is not specified as Environmentally Sensitive is north of a line extended from the southern boundary of the Tillman Water Reclamation Plant.



### ***Intrusion and Abuse of Environmentally Sensitive Habitat East of Haskell Creek.***

AngelFest is proposed to incorporate all of Woodley III as a major part of the land area it will use. Thus Stage 2 (capacity 15,000 persons), a bank of “Port-o-Johns,” a food and beverage station, and an exhibition would be placed on Environmentally Sensitive land. (Figure 6 of the EA). Contrast this to the limit of 50 persons prescribed in the Master Plan.

### ***Intrusion and Abuse of Environmentally Sensitive Habitat West of Haskell Creek.***

The AngelFest EA proposes to fence off from the Wildlife Reserve “the northwestern section of the Wildlife Area [Reserve] where backstage operation would occur along existing walking paths.” (This may be seen in most clearly in Figure 7 of the EA, as well as in Figure 5.)

Additional abuse of Environmentally Sensitive Habit is described in section 4.5.2.7 Protected Trees of the EA: ‘A ramp large enough for people and equipment is proposed through the cluster of valley oak trees leading to the “Beach Stage” (#4) in the unmaintained part of the park, which could impact limbs or roots of coast live oak and valley oak trees during set-up and breakdown, per EC BIO-4. BIO-6 would further minimize any overall impacts. It is not likely that impacts would damage the tree in a way that jeopardizes the future existence of the tree, so significant impacts are not anticipated.’ This is the same area that Kris Ohlenkamp aptly described in his comments ‘the 11 northern-most acres of designated Wildlife Reserve (west of Haskell Creek and east of the Cricket Fields) that is to be used for “backstage operations” is not only critical buffer habitat for Haskell Creek, it is some of the most mature oak woodlands in the Sepulveda Basin and has long been planned to become a “Memorial Grove’.

The mitigation proposed in BIO-6 “any oak tree damaged during the Festival shall be replaced with a 15 gallon tree of the same species within the Wildlife Area north of Burbank Boulevard...” is inadequate. It is inadequate to replace a mature tree with a single small one. Further, a 15 gallon oak tree is much less likely to survive than a one gallon oak.

No mention is made in the EA of replacing of trees other than oaks. Although oaks may be the only trees in harm’s way of the ramp, other trees may be ruined by activities such as tree climbing, both in the Wildlife Reserve and in Woodley Park.

### ***Vegetation Management Areas***

The EA also describes inappropriate activities in Vegetation Management Areas. As shown in the Master Plan’s Section 4.4.5, Vegetation Management, “Special events are not compatible with this classification. No special events may be held within or traverse MRM-Vegetation Management areas. This restriction includes, but is not limited to, organized walk/run events and bicycle races.”

The areas surrounding the model airplane field west of Woodley Avenue are designated as Vegetative Management. AngelFest proposes to park up to 2,950 vehicles in the area north of

the airstrip. The areas surrounding the model airplane field were designated as part of the Wildlife Reserve in the Sepulveda Basin Wildlife Park documents prepared for the Corps in 1995. Although the current Master Plan does not designate those fields as part of the Reserve, they nevertheless continue to serve as a semi-natural buffer zone for the Reserve.

AngelFest promoters plan to prepare the area to serve as a parking lot: “The model airplane field ... would be mechanically mowed and raked (consistent with ongoing vegetation management). However, no subsurface disturbance would occur such that underlying soils and vegetation root systems are disturbed.” (2- 33) Mowing and raking is not consistent with ongoing vegetation management of this area. Especially as it is anticipated by the promoters and RAP that AngelFest will be repeated annually, with other very large scale events being held in Woodley Park as well, the native vegetation would never be able to recover even should root systems remain intact.

#### **4. CORPS POLICIES ON SPECIAL EVENTS AT SEPULVEDA DAM BASIN THAT WOULD BE WAIVED**

Appendix A5 CORPS POLICY ON SPECIAL EVENTS AT SEPULVEDA DAM BASIN spells out restrictions on special events to further the goals of the Master Plan. The AngelFest proposal diverges in the extreme from many of those restrictions. These are the restrictions that the proposal would require waiving for AngelFest:

3. a. Events must be held at one of the following locations:

- i. Woodley Park I, Woodley Park II with parking available at the Woodley Park I and Woodley Park II parking lots or the overflow parking lot, north of the Woodley golf course
- ii. North of Lake Balboa with parking available at the overflow parking lot, north of the Woodley golf course. **[Note that no part of the Wildlife Reserve, including the developed part known as Woodley III is an allowed location.]**

c. Events may not obstruct use or access to any other area of the Basin. Recreational users of the adjacent areas may not be impeded. **[Note that significant obstruction will last around 27 days.]**

d. Events may not exceed 5,000 people (including vendors, staff and attendees) on any given day. **[Note that 65,000 people is 13 times higher than the allowed number.]**

e. Events may not exceed two days of the event plus two days (48 hours) setup and two days (48 hours) cleanup/takedown. Event areas must remain open to the public during setup and cleanup except where safety and/or logistics is/are a concern. **[Note that event length is 3 days, setup 16 days or 8 times longer, takedown 8 days or 4 times longer and that event areas will be closed during cleanup/takedown.]**

f. No stunts, pyrotechnics, weapons, firearms, fires, aircraft including helicopters, animals other than dogs, and/ or water contact is/are permitted. **[Note that pyrotechnics and fireworks are planned.]**

h. No amplified sound shall be permitted after 10:00 pm Monday through Saturday, nor after 7:00 pm on Sunday. **[Note that there will be amplified sound until 11:00 PM Friday and Saturday, 9:45 on Sunday.]**

i. No ground disturbance (digging, leveling, etc.) of any area is permitted. No physical alteration (cutting of vegetation, moving rocks, etc.) is permitted... **[Note that mowing and soil compaction of Vegetation Management land will take place at the model airplane field.]**

j. ...No vehicles may be parked on grass areas... **[Note that tens of thousands of vehicles will be parked on athletic fields and a golf course.]**

6. All Special Events, including those assessed in the Master Plan EA, must meet the following requirements:

c. No costs shall accrue to the Government. **[Note that although local government hopes to benefit financially, it is possible that costs to it may significantly exceed the income. This is difficult to ascertain since there is no public record of any contract or agreement.]**

d. Use of Project/Basin lands will not preempt public use of project recreational resources. All other Basin areas must remain accessible to non-event Basin users. **[Note that the model airplane field and archery range will be inaccessible, other facilities will be closed such as the Balboa Sports Center, and that likely traffic jams will make all parts of the Sepulveda Basin inaccessible.]**

e. ... No vehicles may be parked on grassy areas outside designated parking. **[Note that tens of thousands of vehicles will be parked on grass athletic fields and a golf course.]**

g. The site shall be fully restored to prevent [sic] conditions by the event proponent within 48 hours of event closure. **[Note that breakdown will be 8 days, and that restoration of turf and other vegetation will take much longer, perhaps over 1 ½ months in the case of the cricket fields.]**

7. Events larger than 50 persons may not be held in the Wildlife Area including the area known as Woodley Park III. At no time may the parking lot for the Wildlife Area be closed for other uses, limiting access to the Wildlife Area. **[Note that there will be a sound stage accommodating 15,000 people in Woodley III, or 300 times as many people as specified, and that the parking lot will be closed and access to the Wildlife Reserve limited for 27 days.]**

8. Walk/runs and bicycle rides shall not enter Environmentally Sensitive Areas at any time. Paths and or trails through the Basin for the event may be closed for the time period of the event and one hour before and one hour after the event for clean-up and removal of any and all trash created during the event. **[Note that the event will be held on large parts of the Wildlife Reserve and that paths and trails will be closed for as long as 27 days.]**

## **5. OTHER SERIOUS DEFICIENCIES**

**Fire Danger.** The Wildlife Reserve and Haskell Creek support much plant life that is typically tinder dry in October. They are susceptible to wildfire but much less frequently have sources of ignition as do the fields surrounding the model airplane field, where crashes of the model airplanes not infrequently start fires. The EA indicates that there may be brief fireworks at Stage 1 or 4. Stage 4 is adjacent to the western part of the Wildlife Reserve, which is not irrigated. In October the Wildlife Reserve is typically very dry and flammable. Stage 1 is next to a part of Haskell Creek that supports dense, non-native trees and shrubs.

An equally serious risk of fire will exist because of smoking – whether tobacco or other substances – and butts being tossed into tinder dry vegetation. This is especially likely to happen where non-paying persons enjoy the festival from just south of the AngelFest fencing and from tree climbers within the festival grounds.

**Sand.** Introducing 132,000 cubic yards of sand to create Stage 4 “The Beach” could have devastating long-term impact on the Wildlife Reserve. If the Sepulveda Basin is flooded or if there is heavy rainfall while the sand is in place, sand will wash onto lower elevation areas of the Wildlife Reserve, becoming virtually impossible to remove and altering soil conditions. Further, the EA does not indicate whether, how or when the sand will be removed from “The Beach”, nor does it indicate how thorough the removal will be.

**Duration of Impacts.** Turf remediation in Woodley Park and the landscaped part of the Wildlife Reserve may be expected to require extended periods following the eight days of takedown closures during which areas are closed. If rain delays the event during set up, park could be closed 7 days longer than indicated in the proposal.

**Environmental Justice.** The EA does not address the significant reduction in park availability to the many lower income families that use Woodley Park, especially on weekends and holidays. The EA provides some data about Encino, Lake Balboa, Reseda, Tarzana and Van Nuys but does not address other, lower income communities that use Woodley Park. These families do not fit the almost \$64,000 annual described for the families mentioned for “local communities.” When I lead nature walks for classes from schools such as Lemay St. Elementary (Lake Balboa), Langdon Elementary (North Hills), and Toluca Lake (North Hollywood), all Title I schools (low income) it is typical for some of the children to have visited the Wildlife Reserve, at least Woodley III, with their families. It is largely such lower income families that will lose access to Woodley Park for almost a month.

Neither does the EA address the issue of impacts on the many homeless people who live in the eastern part of the Sepulveda Basin, many in their vehicles, others in tents. They will be displaced during the event and will lose access to the sanitary facilities of Woodley Park.

The impacts on low income families and homeless persons should be examined in an EIS and properly mitigated.

**Previous Large Events.** The characterizations of previous large events are misleading. All have been very different from AngelFest. All events significantly over 1,000 people have been in Woodley I only or in Upper Beilenson Park. None were near the Wildlife Reserve or in Woodley II or III. None were on the cricket fields or archery range. Amplification was with small consumer grade amplifiers. There has not been night lighting. Only one event lasted longer than one day.

As an example of the EA substantially mischaracterizing previous events, for the past recent five years, the Israel Festival has been at Rancho Park, not Woodley Park. The last one in Woodley Park (2010) was in Woodley I, with 6,000 people.

**Alcohol.** No mention is made in the EA of the fact that alcohol will be sold at the event. A permit for alcohol sales was obtained for the cancelled AngelFest 2016. The cancelled permit for the 2016 AngelFest also states: "Beer and wine sales shall be permitted at the EVENT". The impact of alcohol being sold should be examined in considering traffic impacts, at a minimum.

**Public Transportation.** How realistic is it to expect "13,000 20% expected mass transit use" for an event that will be best attended toward its closing at 11:00 PM and gates closing at midnight?

**Sound and Lighting.** It is absolutely inappropriate to locate sound stages and bright nighttime lighting in (the Woodley III part of the Wildlife Reserve) and immediately next to (fenced, "undeveloped" parts of the Wildlife Reserve) Environmentally Sensitive habitat.

## 6. CONCLUSION

The superior and logical conclusion is for the Corps to select the No Action Alternative. As stated in 2.2.2 of the EA:

"Under the No Action Alternative, the Corps would not grant permission for the event or a waiver of certain conditions of the Special Events Policy for the AngelFest three (3)-day Festival to occur in the Basin in any form. The proponent has indicated that were permission for the event to be denied, AngelFest would not occur in a different location outside of the Basin. The existing recreation area would continue to serve park patrons and hold special events at a capacity similar to current conditions. There are no changes to current environmental conditions associated with the No Action Alternative."

I urge you to not grant permission for AngelFest to occur in Woodley Park or any part of the Sepulveda Basin Wildlife Reserve.

A map showing intrusions by AngelFest into Environmentally Sensitive Habitat is appended.

Sincerely,

Muriel S. Kotin

Past President and Representative to the Sepulveda Basin Wildlife Areas Steering Committee  
San Fernando Valley Audubon Society

Overlay Map below shows intrusion of AngelFest into Environmentally Sensitive Habitat in areas between the AngelFest fences shown in red and the boundaries of the Wildlife Reserve (Sensitive Habitat).

