DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS

DRAFT ENVIRONMENTAL ASSESSMENT

PROPOSED PROJECT:

South Fire Break, Sepulveda Basin

APPLICANT: Operations Branch, Los Angeles District
LOCATION: Sepulveda Flood Control Basin

REVIEW PERIOD:

August 31, 2005 - September 30, 2005

Prepared For:
US ARMY CORPS OF ENGINEERS
Los Angeles District
Operations Branch
915 Wilshire
Los Angeles, California 90017

Prepared by:
Carvel Bass, Operations Branch
Los Angeles District
U.S. Army Corps of Engineers

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Sepulveda Flood Control Basin

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1.0 PROJECT INFORMATION

Project Proponent:

US Army Corps of Engineers
Operations Branch POC - Carvel Bass - 213. 452.3392
915 Wilshire, Suite 11063
Los Angeles, California 90017

Project Name: South Fire Break

Introduction and Rationale:
This document constitutes the draft environmental analysis and public notification for a proposed Corps of Engineers project, on Federal land, pursuant to the National Environmental Policy Act (NEPA). The document's public review period is August 31, 2005 - September 30, 2005.

Project Type:
This project will create a new, dirt road/firebreak, approximately 10 feet wide, through the portion of Sepulveda Basin between the Los Angeles River, Burbank Blvd., and the dam north from the spillway. The road would allow emergency vehicle access through the interior of this naturally-vegetated area, which is now ringed by a dirt access road.

Project Location:
The project is in the Sepulveda Flood Control Basin, more specifically: south of Burbank Blvd., east of the Los Angeles River and north of Sepulveda Dam, within the community of Van Nuys; latitude - 34° 10.21' N., longitude - 118° 28.36' W. The Sepulveda Dam is a large dam on the Los Angeles River and is part of the LACDA flood control system (Los Angeles County Drainage Area) which includes several Corps and County dams throughout Los Angeles County.

Purpose and Need:
The area has experienced at least one wildfire each year in recent years, apparently started by transient campfires and which result in lost habitat.

The City fire department, which has only urban fire engines available in this region and in case of emergency cannot drive them off-road and through the woods, has requested dirt road access for their fire engines so that central areas of this Operations area will be made accessible for fire-fighting. The project will provide access for fire suppression vehicles and firefighters to allow for fire suppression as well as for police patrols to manage transients who frequent the

area which offers concealment, water, shade, fuel for campfires, and crude building materials.

Project Description:
The road will be designed to resemble nearby, existing hiking trails (which also double as access roads on occasion, as needed). Blade a new dirt road roughly 10 feet wide through a wooded area just north and upstream of the Sepulveda Dam; please see illustration, below. Roads in the project area are restricted to law enforcement, fire, Corps and other government vehicles.

The firebreak's path would be designed to circumvent trees but still create an effective fuel break and access road; in general, the road will be used as a walking trail, with pleasing curves designed therein. All bladed material (soil and veg matter) would be left at the road shoulders as a low berm. Approximately **1/3-acre** (17,000 ft. sq.) of good quality native vegetated area would be lost to the road. The north and south termini, respectively, of the fire road would be an existing vehicle tunnel under Burbank Blvd., between Woodley Avenue and the 405 Freeway; and the second would be the turnaround area at the toe road at the toe of the dam, north of spillway.

2.0 ALTERNATIVES TO THE PROPOSED PROJECT AND DISCUSSION

The project necessitates creating a new road within Sepulveda Basin. The following alternatives exist:

1). *NO ACTION ALTERNATIVE* - This alternative would not allow creation of a firebreak-road.

2 a). *SOME ACTION # 1* - Acquire/station a more appropriate (ie, U.S. Forest Service type) fire engine nearby which can drive through ungraded forest areas.

2 b). *SOME ACTION # 2* – Install adequate water hydrants which can adequately service the area in case of fire.

3). *FULL ACTION ALTERNATIVE* - Use a bulldozer to create a simple road which may also be used to create access for hiking in this area. (This alternative seems to solve the need for wildfire access while providing other amenities to the public, without .

The NO ACTION alternative has made fire fighting in this area difficult because the engines cannot negotiate mud, brush, and the "quicksand" in lower basin.

The "SOME ACTION" alternatives are not feasible because the City does not have funds to purchase an "off-road" fire engine. Also, while additional water hydrants would be helpful, additional hydrants are not yet a reality (although discussion is underway to provide at least one additional hydrant in the area); and so this is only a partial solution to the purpose and need.

The proposed "FULL ACTION ALTERNATIVE" option, proposed by the Los Angeles City Fire Department, appears to best resolve the issue of lack of fire truck access to this wooded area. This has been identified, after scoping of other alternatives and constraints, as the "Preferred Project" for the purpose and need. The other, less-successful alternative methods will be dropped from further discussion and any impacts and mitigation associated with Full Action will be discussed.

3.0 AFFECTED ENVIRONMENT AND PROJECT SETTING

The project footprint consists of approximately **1,700 feet** or shorter, of roadway/fuel break. Wildlife consists of small rodents and possibly coyotes in more remote spots and of various terrestrial bird species. The City has existing pedestrian walking trails north and south of Burbank Blvd., east of the river. Least Bell's vireo, a migratory songbird, has been observed in the Sepulveda Basin since 2003.

3.1 VEGETATION AND HABITAT

a. Sepulveda Basin habitats vary widely due to their proximity to flowing water and differing land uses such as: golf courses, cricket fields, Tillman Water Reclamation Plant, and a cornfield, among others. The area south of Burbank Boulevard and east of the river - one of the more rural sites - has a native, riparian forest consisting of cottonwoods, sycamore, mulefat (Baccharis spp.), and willow and other native trees and shrubs. This area is inundated during Winter storms, because of its low elevation and close proximity to the dam gates, and also attracts tree-roosting bird species due to the dense cover. White pelicans, Canada geese and other waterfowl use an existing nature observation area ("Wildlife Lake") consisting of lacustrine habitat, north of Burbank Blvd. The project area south of Burbank Blvd. also contains a small wooded pond; topography in this lower basin was partially formed as a result of excavation during earlier parts of the Tillman Plant's construction.

b. Project Effects on Vegetation/Habitat

This project will destroy approximately **1/3-acre** of habitat in this 46-acre riparian woodland, which will create more "edge" adjacent to wooded areas but will bisect the habitat, decreasing its less ecological value to larger species, such as fox and coyote. The road grading and vehicle use on the road may also disrupt vireo nesting habitat and/or activities, as well as those of other wildlife (however, project conditions will control the extent of ecological damage).

3.2 WILDLIFE

a. The Sepulveda Basin, although bordered by two freeways (405 and 101) and crisscrossed by other major paved roads, offers habitat pockets throughout its extent. Culverts and tunnels in the Basin serve as wildlife corridors between these parcels. Corps, City staff and local residents regularly observe many small mammal species, including rodents, rabbits, coyotes, skunks, as well as small reptile species, such as, fence swift and alligator lizard. The U.S. Fish and Wildlife Service has been notified of this project and a species list has been requested for any known threatened or endangered bird or other wildlife species in the vicinity.

b. Project Effects on Wildlife

The project would affect local wildlife. This firebreak road would eliminate **1/3-acre** of habitat causing animals to move deeper into desner habitat. Disturbing the soil by road construction may provide access for ruderal species such as mustard and arundo to become established in new pockets.

3.3 NATURAL DRAINAGE

a. The basin's natural drainage is from north to the south with several small drainages - for example, Haskell Creek - tending in the same direction through the Sepulveda Basin to Los Angeles River.

b. Project Effects on Natural Drainage

This project would not affect natural drainage patterns. The footprint will avoid impacting the small lake and Haskell Creek which flows south under Burbank Blvd. then diagonally across the parcel toward the dam.

3.4 RIPARIAN AND WETLAND RESOURCES

a. Both wetland and riparian vegetation may be found across and adjacent to the proposed road footprint although, with the exception of this narrow dirt road/trail, the area's riparian areas would be substantially avoided.

b. Project Effects on Riparian and Wetland Resources

The project would be designed to avoid impacting the small pond and Haskell Creek south of Burbank Blvd. Most of the construction footprint would avoid both trees and shrubs of a riparian nature (the pathway opting instead to pass through annual and ruderal species as much as possible). No significant stands of native vegetation would be directly impacted by the project, while yet providing access for firemen to deal with future fires in this wider, sensitive area.

The State Regional Water Quality Control Board and other State, Federal, and local resource agencies will be notified of this project by public notice and their comments will be solicited for inclusion during the public review process

3.5 ENDANGERED AND THREATENED SPECIES

a. The project area occurs less than **1/4-mile** from areas known to support the Federally-listed least Bell's vireo, a neotropical songbird which breeds in southern California's riparian areas. Vireo is not known at the project site, although non-listed wildlife (various birds, fence lizards, and small mammals) passes through all vegetated basin areas.

The construction footprint is not known to support endangered plant or wildlife species although the vireo may forage in areas adjacent to the proposed roadway. The ground surface is subject to annual inundation and re-contouring from scour and dropped debris during storm-flow events.

b. Project Effects on Endangered and Threatened Species

The possible vireo population would not be directly affected by any project phase since noticeable extent of habitat will not be appreciably affected; thus, so no significant adverse effect is expected to occur to Federally-listed sensitive species as a result of this project. The U.S. Fish and Wildlife Service (Service) and local natural history groups will be notified and consulted, with respect to the project and their comments will be incorporated into the Final Environmental Assessment.

3.6 CULTURAL RESOURCES

a. This basin has been reviewed generally for cultural/historical significance, with respect to earlier dam construction and recreation development on leased lands in the area. There are no known historical or archeological sites within the project area.

b. Project Effects on Cultural Resources

This project will be reviewed by Corps archaeologist staff and by the State Historical Preservation Office to insure no significant impact to cultural resources.

3.7 WATER QUALITY AND SUPPLY

a. Water sources within the project area include: Haskell Creek, a small pond, and several culvert boxes which funnel flood water closer to the dam gates. During flood events, water flows in the opposite direction("uphill"). This site receives seasonal storm-water from surrounding residential and commercial properties and water from upstream water outlets. The majority of runoff is generated from streets and existing landscaping on manufactured slopes. Surface water within the construction area consists of water coming off Burbank Blvd. General water quality inputs from the surrounding area includes runoff from streets, a farm, and urban parks. Some local surface water is likely to contain trace amounts of organic nutrients, pesticides, fertilizers, herbicides, and petroleum products.

b. Project Effects on Water Quality and Supply

This project may cause minor degradation to local water quality following the first rain or if rain occurs during construction. Changes to water quality are not expected to be significant. Groundwater quantity and quality will not be affected. All contractor activities would be regulated with respect to proper machinery management and all necessary containment of potential contaminants.

3.8 FLOOD CONTROL AND HYDROLOGY

a. The existing elevation of this parcel varies from 680 - 700 feet. Drainage from the worksite, which is within the Sepulveda FCB, will remain within the Basin. This project will not affect flood management.

b. Project Effects on Flood Control and Hydrology

At the work area, hydrology would not be affected since the soil will be lightly scraped principally to clear plant materials for a firebreak. No significant adverse effects to flood control and/or hydrology will occur from this project.

3.9 RECREATION

Besides providing value as a flood control structure, Sepulveda Basin represents a large recreation venue, which is managed by the Los Angeles City Department of Parks and Recreation. Of the Basin's 2,150-acres, the City of Los Angeles

leases 1,527-acres on which it has developed many recreation facilities spectrum for local residents, offering for example; golf, archery, tennis, and baseball. This, subject portion of Sepulveda Basin is not within the City's recreation lease but is instead termed "Operations area" and managed by the Corps. Some City recreation users do utilize the existing trail/access roads to visit this part of the basin.

b. Project Effects on Recreation

The project would create more trail opportunities in this portion of the basin. The area is often flooded during winter rainstorms and inaccessible when flooded. Recreation impacts are not anticipated because the new road will not impact any existing recreation use or trail.

3.10 AIR QUALITY

a. The project lies within the South Coast Air Basin within jurisdiction of the South Coast Air Quality Management District (SCAQMD) which monitors ambient air quality at stations throughout Southern California. Most of the Basin lies in SCAQMD's Area 6, West San Fernando Valley - Station 74, which has a sampling station in Reseda. Ambient air quality on the site is largely affected by regional air mass movements and local motor vehicle routes. Commuting traffic is the most significant contributor of pollutants locally including carbon monoxide, nitrogen dioxide, sulfur dioxide, dust, and other trace gases associated with automobile exhaust.

b. Project Effects on Air Quality

Any new earth-moving activity adds additional exhaust and fugitive dust and, more importantly without adequate controls, also contributes to impaired values for visibility and particulates. The project would utilize all controls to minimize contribution to impaired air quality values, including addition of a soil amendment to better bind the roadway particles. All graded surfaces would be regularly watered to minimize dust production; the entire project is expected to be governed by such typical Best Management Practices. No significant impact to air quality is expected to result, especially due to the short duration of grading.

3.11 SOILS AND GEOLOGY

a. Sepulveda FCB lies within the San Fernando Valley which is largely overlaid by alluvium, consisting of unconsolidated and unweathered, poorly graded clay, silt, gravel, and boulders.

b. Project Effects to Soils and Geology

The project is expected to have no significant adverse effect on soils and geology.

3.12 EROSION AND SEDIMENTATION

a. The work area is subject to erosion since it consists of unconsolidated soil which is subject to sheet water flows.

b. Project Effects to Erosion and Sedimentation

This graded condition would not be expected to significantly contribute to sedimentation or erosion. It is likely that ruderal vegetation would recolonize the road and contribute to additional soil stability at this location. No significant adverse effect is expected at either site.

3.13 MINERAL RESOURCES

a. The soil in the Basin consists of various sizes of alluvium.

b. Project Effects on Mineral Resources

Since the project does not involve importing or exporting of sand or gravel, no adverse effect to mineral resources is noted as a result of this project.

3.14 LAND USE AND MASTER PLAN COMPATIBILITY

a. This project will occur on flood control operations lands. Although this parcel is not leased for recreation use, casual recreation use, including, jogging and trail walking occur.

b. Project Effects on Land Use and Master Plan Compatibility

Since the Corps retains this parcel for flood management, no recreation impacts will occur. Because land uses are not specified on non-leased land, such as this parcel, no conflicts with the Corps Master Plan will result.

3.15 ECONOMICS

a. The Sepulveda Flood Control basin offers flood protection for many downstream residents and businesses.

b. Project Effects on Economics

This work is considered to have a significant, positive economic effect in terms of its fire-prevention value for the local community.

3.16 SAFETY AND HEALTH

a. At this time, the project area does not pose any public health or safety threats, except the threat of mosquitoes from standing water.

b. Project Effects on Safety and Health

The project should have a positive effect on the safety of local residents because wildfires can be more quickly contained from the new road. No significant adverse effects are foreseen.

3.17 NOISE

a. Existing uses on the sites do not now create nuisance noise. Surrounding roadways, including freeways, contribute to existing ambient noise levels, which are not considered excessive.

b. Project Effects to Noise

Work in the areas described will be at typical levels expected for road grading. A temporary increase in noise is expected during construction from noise associated with the operation of earth-moving equipment. These short-term impacts are not significant. No sensitive receptors are present in the immediate area. Trail users and wildlife near the Los Angeles River will experience higher noise levels as a result of this work. The Contractor will use best management practices to expedite the project and minimize noise. Since the work will occur within the Basin, the Dam will serve as a sound barrier for users on the downstream side of the dam. These effects of noise are not considered significant.

3.18 TRAFFIC

a. Regional and local access to the sites is provided by the San Diego (405) and 101 Freeways, and Burbank Blvd. The roads within the project footprint are restricted to government vehicles.

b. Project Effects to Traffic

No significant effects to traffic are expected since this work will occur on restricted roads.

3.19 AESTHETICS

a. The project area is open space and generally used as a visual resource for trail users and motorists on Burbank Blvd.

b. Project Effects to Aesthetics

This project would temporarily disrupt the quiet nature and pastoral scenery of the parcel. No significantly adverse effects are foreseen as a result of this project.

3.20 SCIENTIFIC AND EDUCATIONAL VALUE

a. The natural open space provides low-quality native and ruderal habitats that are of some scientific and educational value. These resources are used by wildlife and by park visitors interested in enjoying and learning about southern California ecology, bird life, and interactions of natural habitats with urban uses.

b. Project Effects to Scientific and Educational Value

Less than 2% of the basin would be directly affected by this project. Once complete, the fire road borders would revert back to present condition except during regular maintenance grading or rare, general use. No significant adverse effect to scientific and educational values at this site is expected as a result of the project because the area is not officially open for public recreation use. Improving fire engine access would prevent wildfires from consuming valuable habitat in the Basin. Although fire is part of a healthy ecosystem, allowing wildfires to burn adjacent to urban spaces is not a workable alternative, according to local experts in that arena. The formally-designated "wildlife lake" area north of Burbank Blvd., which offers environmental education stations, would be unaffected by this project.

3.21 ENERGY NEEDS AND EFFICIENCY

a. The project site does not consume energy.

b. Project Effects to Energy

The project is expected to have no significant adverse effects to energy needs and efficiency.

ENVIRONMENTAL IMPACTS

The proposed project would not result in significant impacts to the above-mentioned list of environmental parameters. Adverse, but not significant, impacts associated with the project include, temporary effects to some existing biological resources. Best management practices and proposed mitigation measures offset these effects to a level that is less than significant. Some beneficial impacts for recreation access are expected to occur as a result of this project.

Cumulative impacts associated with the project's construction would likewise not result in significant impacts. Cumulative impacts include temporary effects to air quality and to natural resources, such as, temporary disruption of forested areas which may be used by wildlife. Such temporary adverse effects, with long-term beneficial consequences at this urban, unofficial "natural" area site in this region, are not considered significantly adverse. Effort has been made in scoping the work to insure that a final close-out plan will have addressed such matters.

4.0 ALTERNATIVES REVIEW

NEPA requires that an alternatives review be completed before embarking on a significant federal action. The alternatives in this case involve the Preferred Project (Build Firebreak-road), Lesser Project or No Project. Alternatives for the Preferred Project involve "NO ACTION" no improvements for fire access and "SOME ACTION", the use of different fire engines which are not obtainable.

Because of the potential fire hazard, the Corps' preferred alternative would do the Preferred Project which includes creating a firebreak-road through the 43-acre parcel. The Proposed Project has been determined at this stage to be the best alternative to accomplish the work at Sepulveda Basin of wildland fire suppression. However, details of the road footprint will continue to be finalized by the Corps, prior to construction, pending final consultation with the Sepulveda Basin Wildlife Committee, City of Los Angeles Fire Department and Citry Recreation, and the U.S. Fish and Wildlife Service.

5.0 MITIGATION (if needed)

Mitigation is to reduce project-related effects to environmental parameters. The significant effects which have been noted are primarily to vegetation and wildlife. Mitigation for this project will consist of a perpetual weed abatement program to be conducted at all borders of this new road.

6.0 COMPLIANCE WITH APPLICABLE FEDERAL ENVIRONMENTAL LAWS AND REGULATIONS

The following federal laws and regulations were considered in preparation of this environmental assessment.

LAW/REGULATION	COMPLIANCE ACTION
National Historic Preservation Act	The project is in compliance in that this environmental assessment, and the previous one, will have had State Historical Office review. No cultural resources within the project area have been identified. If cultural resources are discovered during project implementation the applicant and ACOE will comply with 36 CFR.11.
Clean Air Act	The project is in compliance. The lessee will be responsible for complying with all applicable federal, State, and local air quality laws.
Clean Water Act	The project is in compliance. The project may affect small areas of jurisdictional wetlands. These areas will be identified and appropriate notifications to Department of Fish and Game will be completed.
Endangered Species Act	The project is in compliance. No federally listed threatened or endangered species would be adversely effected by implementation of the project. The US Fish and Wildlife Service has been notified of this project and will receive a copy of this draft Environmental Assessment for their review and comments.
National Environmental Policy Act	The project is in compliance. This draft Environmental Assessment is consistent with the requirements of NEPA.
Floodplain Management (E.O. 11988)	This is a flood control project and does not compromise the intent of this law.

Protection of Wetlands Minor impacts to wetlands are associated with this project; however, all impacts have been identified under the Clean Water Act and would be mitigated by implementation of the project, including Arundo removal, and other construction practices identified at Best Management Practices.

7.0 COORDINATION AND RELATED ENVIRONMENTAL DOCUMENTATION

The following agencies have been notified of this Final Environmental Assessment and were forwarded copies of this document for review:(?)

Local
City of Los Angeles Fire Department
City of Los Angeles Parks and Recreation

State of California
Department of Fish and Game
State Historical Office of Preservation
State Department of Transportation

Federal
Army Corps of Engineers
U.S. Fish and Wildlife Service
Environmental Protection Agency

In addition, other individuals, associations, and agencies are being contacted in this mailing for their comments to be included. This mailing list is being finalized at this time.

Reference List

U.S.A.C.E. *Sepulveda Basin Master Plan and Environmental Impact Report/Statement* Los Angeles: U.S. Army Corps of Engineers, 1983.

U.S.A.C.E. *Water Control Manual, Sepulveda Dam & Reservoir Los Angeles River, California.* Los Angeles: U.S. Army Corps of Engineers, Los Angeles District. May 1989.

8.0 PREPARERS

Carvel Bass, Sr. Ecologist
Phyllis Traboldt, Ecologist
Operations Branch, Los Angeles District
U.S. Army Corps of Engineers

Draft 404 (b)(1) Analysis for:

Thienes Avenue Levee Repair

This document constitutes my Statement of Findings, and review and compliance determination according to the 404(b)(1) guidelines for the proposed work (applicant's preferred alternative) described in the attached draft Environmental Assessment:

I. **Proposed Project:** The location and description of work are described in the attached environmental assessment.

II. **Environmental and Public Interest Factors Considered:**

A. **Purpose and Need:** The Los Angeles County Drainage Area (LACDA) at Whittier Narrows Flood Control Basin would benefit from the proposed seepage repair project. This work involves grading and placing rock within a river channel outside of sensitive habitat areas such as wetlands. This area has experienced infestation by *Arundo donax*, a plant pest.

B. **Alternatives** (33 CFR 320.4(b)(4), 40 CFR 230.10):

1. **No action:** The problem of structural integrity of the levee wall at Thienes Avenue would not be addressed(?).

2. **Other project designs:** Corps Engineering staff have determined that the proposed repair would be the best method to solve the of scouring along the levee toe. Other alternatives (see below) may be available(?).

3. **Other sites:** Since this project occurs at a specific site, selecting another site is not an option.

C. **Physical/chemical characteristics and anticipated changes:**

(x)(?) **substrate:** some sandbars in the riverbed would be regraded to existing contours (?) following completion. This work would occur on dry sandbars.

(x)(?) **currents, circulation or drainage patterns:** temporarily effected by diversions structures to allow the work to be performed. These would be removed immediately after project completion(?)

(x)(?) **suspended particulates; turbidity:** would be increased temporarily by vehicle traffic in the river and by regarding(?)

( ) **water quality (temperature, salinity patterns and other parameters):**

( ) **flood control functions:**

( ) **storm, wave and erosion buffers:**

(x)(?) **erosion and accretion patterns:** may be incidentally modified by the work

( ) **aquifer recharge:**

( ) **baseflow:**

For projects involving the discharge of dredged material;

(x) **mixing zone, in light of the depth of water at the disposal site; current velocity, direction and variability at the disposal site; degree of turbulence; water column stratification; discharge vessel speed and direction; rate of discharge; dredged material characteristics; number of discharges per unit of time; and any other relevant factors affecting rates and patterns of mixing:**

D. **Biological characteristics and anticipated changes:**

( ) **special aquatic sites (wetlands, mudflats, coral reefs, pool and riffle areas, vegetated shallows, sanctuaries and refuges, as defined in 40 CFR 230.40-45):**

(x)(?) **habitat for fish and other aquatic organisms:** some small crustaceans and amphibians living in the river would be affected.

(x)(?) **wildlife habitat (breeding, cover, food, travel, general):** some habitat, but mostly *Arundo*, would be affected.

( ) **endangered or threatened species:**

( ) **biological availability of possible contaminants in dredged or fill material, considering hydrography in relation to known or anticipated sources of contaminants; results of previous testing of material from the vicinity of the**

project; known significant sources of persistent pesticides from land runoff or percolation; spill records for petroleum products or designated (Section 311 of the CWA) hazardous substances; other public records of significant introduction of contaminants from industries, municipalities or other sources:

E. **Human use characteristics and impacts:**

( ) **existing and potential water supplies; water conservation:**

( ) **recreational or commercial fisheries:**

( ) **other water related recreation:**

(x)(?) **aesthetics of the aquatic ecosystem:** aesthetics temporarily degraded by construction vehicles

( ) **parks, national and historic monuments, national seashores, wild and scenic rivers, wilderness areas, research sites, etc.:**

( ) **traffic/transportation patterns:**

( ) **energy consumption or generation:**

( ) **navigation:**

(x)(?) **safety:** Positive effects are considered to accrue.

(x)(?) **air quality:** Air quality at the excavation and construction sites would be managed by construction Best Management Practices (BMP's) enforced by local agencies.

(x)(?) **noise:** Noise would be typical of such a construction project and minimized to the extent practicable, by construction BMP's.

( ) **historic properties:**

(x)(?) **land use classification:** Lands to be affected include both Army Corps Operations land as well as approximately 1,500 feet of recreation trail leased to Los Angeles County Department of Public Works.

( ) **economics:**

( ) **prime and unique farmland (7 CFR Part 658):**

( ) **food and fiber production:**

( ) **general water quality:**

( ) **mineral needs:**

( ) **consideration of private property:**

( ) **other:**

F. **Summary of secondary and cumulative effects:** The will be regraded to original contours in the San Gabriel River. Cumulative effects from the proposed project at this location are not considered to be significantly adverse.

III **Findings:**

A. **Other authorizations:**

1. **Water quality certification:** This project description will be sent to the California Regional Water Quality Control Board for review. However, as the project is on Federal land, it is understood that the Corps will satisfy Federal requirements before the proposed work is begun.

2. **Coastal zone management consistency determination:** Not applicable.

3. **State and/or local authorization (if issued):** None are known to be required but State and local agencies will be notified and comments solicited.

B. A public notice describing the project was issued on December 30, 2003(?) and sent to all interested parties (mailing list) including appropriate state and Federal agencies. All comments received on this action will be reviewed and incorporated into the Final Environmental Assessment in January, 2,003(?)

1. **Summary of comments received:**

a. **Federal agencies:**

1) U.S. Environmental Protection Agency

2) U.S. Fish and Wildlife Service

3) Other

4)

b. **State and local agencies:**

1) State Historic Preservation Officer

2) California Department of Fish and Game

3) Other

4)

c. **Organizations:** to be notified from mailing list, and Others.

d. **Individuals:** to be notified from mailing list, and Others.

2. **Evaluation:**

I have reviewed and evaluated, in light of the overall public interest, the documents and factors concerning this permit application as well as the stated views of other interested agencies and the concerned public. In doing so, I have considered the possible consequences of this proposed work in accordance with regulations published in 33 CFR Part 320 to 330 and 40 CFR Part 230. The following paragraphs include our evaluation of comments received and of how the project complies with the above cited regulations.

a. **Consideration of comments:**

b. **Evaluation of Compliance with 404(b)(1) guidelines (restrictions on discharge, 40 CFR 230.10). (A check in a block denoted by an asterisk indicates that the project does not comply with the guidelines.)**

1). **Alternatives test:**

___ _X_(?) a). Based on the discussion in II B, are there available, practicable
Yes No alternatives having less adverse impact on the aquatic ecosystem and without other significant adverse environmental consequences that do not involve discharges into "waters of the United States" or at other locations within these waters?

_X_ __(?) b). Based on II B, if the project is in a special aquatic site and is
Yes No not water dependent, has the applicant clearly demonstrated that there are no practicable alternative sites available?

2).**Special restrictions.**
Will the discharge:

___ _X_(?) a). violate state water quality standards?
Yes No

___ _X_(?) b).violate toxic effluent standards (under Section 307 of the Act)?
Yes No

__ _X_ c). jeopardize endangered or threatened species or their critical habitat?
Yes No

-
X d). violate standards set by the Department of Commerce to protect
Yes No marine sanctuaries?

_X_ ___ e). Evaluation of the information in II C and D above indicates that the
Yes No proposed discharge material meets testing exclusion criteria for the following reason(s).

(x)(?) based on t

( ) the levels of contamination are substantially similar at the extraction and disposal sites and the discharge is not likely to result in degradation of the disposal site and pollutants will not be transported to less contaminated areas

( ) acceptable constraints are available and will be implemented to reduce contamination to acceptable

levels within the disposal site and prevent contaminants from being transported beyond the boundaries of the disposal site

3). **Other restrictions.**

Will the discharge contribute to significant degradation of "waters of the U.S." through adverse impacts to:

__ X Yes No — a). human health or welfare, through pollution of municipal water supplies, fish, shellfish, wildlife and special aquatic sites?

___ X Yes No — b). life states of aquatic life and other wildlife?

X Yes No — c). diversity, productivity and stability of the aquatic ecosystem such as the loss of fish or wildlife habitat, or loss of the capacity of wetland to assimilate nutrients, purify water or reduce wave energy?

X Yes No — d). recreational, aesthetic and economic values?

X Yes ___ No — 4). Actions to minimize potential adverse impacts (mitigation) Will all appropriate and practicable steps (40 CFR 23.70-77) be taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem?

(Proposed Special Conditions)

c. **General Evaluation (33 CFR 320.4(a)):**

1) The relative extent of the public and private need for the proposed work.

2) The practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed structure of work.

3) The extent and permanence of the beneficial and/or detrimental effects that the proposed structures or work may have on the public and private uses to which the area is suited.

3. **Determinations:**

a. **Finding of No Significant Impact (FONSI) (33 CFR Part 325).** Having reviewed the information provided by the applicant, all interested parties and our assessment of environmental impacts contained in part II B of this document, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

b. **404(b)(1) Compliance/Noncompliance Review (40 CFR 230.12):**

( ) The discharge complies with the guidelines.

(x)(?) The discharge complies with the guidelines, with the inclusion of the appropriate and practicable conditions listed in III.B.2.b.4 to minimize pollution or adverse effects to the affected ecosystem.

( ) The discharge fails to comply with the requirements of

( ) There is a practicable alternative to the proposed discharge that would have less adverse effect on the aquatic ecosystem and that alternative does not have other significant adverse environmental consequences.

( ) The proposed discharge will result in significant degradation of the aquatic ecosystem under 40 CFR 230.10(b) or (c).

( ) The discharge does not include all appropriate and practicable measures to minimize potential harm to the aquatic ecosystem, namely...

( ) There is not sufficient information to make a reasonable judgment as to whether the proposed discharge will comply with the guidelines.

c. **Public interest determination:** I find that issuance of a Department of the Army permit (with special conditions), as prescribed by regulations published in 33 CFR Parts 320 to 330, and 40 CFR Part 230, is not contrary to the public interest.

Mailing List, Comments Received, and Corps Response to Comments

Mailing List for Seepage Project

State:

So Coast Air Quality Management District - Diamond Bar, CA
Caltrans, Environmental Planning Branch - L.A., CA
Office of Historic Preservation and State Historical Resources - Sacramento, CA
Regional Water Quality Control Board - Monterey Park, CA
Fish and Game Dept., Environmental Services - Long Beach, CA

Federal:

US EPA - San Francisco, CA
USFWS - Carlsbad, CA

Los Angeles County:

LA County Dept of Public Works - Alhambra, CA
LA Co Dept of Parks and Recreation - Los Angeles, CA
LA Co Dept of Parks and Recreation, Trails Division, CA

Cities:

Pico Rivera, CA
Whittier, CA
Industry, CA
Montebello, CA
South El Monte, CA

Citizens:

Whittier Area Audubon
POB 548
Whittier CA
90608-0548

Evelyn Stafford
Equestrian Trails, Inc.