

I. **Proposed Project:** The Corps of Engineers is the federal lead agency pursuant to the National Environmental Policy Act for the *Los Angeles River Master Plan*. The *Los Angeles River Master Plan* provides guidelines and site specific recommendations for the rights of way of the Los Angeles River and Tujunga Wash. Sections 1 and 2 of the Programmatic Environmental Assessment/Negative Declaration describe the *Los Angeles River Master Plan* and the associated site specific project improvements. All of the project improvements are located in the rights of way of the Los Angeles River and Tujunga Wash or on public lands in nearby areas. There are no activities proposed within the Ordinary High Water Mark of the Los Angeles River or Tujunga Wash. However, implementation of environmental enhancements in association with the proposed Dominguez Gap Wildlife Habitat Restoration project will likely require work in "waters of the United States." Such work is expected to be limited to mechanized removal of non-native vegetation and installation of plant material in support of the habitat restoration effects. Implementation of Dominguez Gap Wildlife Habitat Restoration Project has been designed to avoid significant impacts on environmental resources. The proposed habitat restoration efforts would provide public benefits related to biological resources, recreation (bird watching), and aesthetics.

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

A. **Purpose and Need:** Described in Section 1.7 of the attached programmatic environmental assessment/negative declaration.

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

1. **No action:** Described in Section 3.1 of the attached programmatic environmental assessment/negative declaration.

2. **Other project designs:** Described in Section 3.2 of the attached programmatic environmental assessment/negative declaration.

3. **Other sites:** Described in Section 3 of the attached programmatic environmental assessment/negative declaration.

C. Physical / chemical characteristics and anticipated changes:

- () **substrate:** Described in Section 4.3 of the attached programmatic environmental assessment/negative declaration.
- () **currents, circulation or drainage patterns:** Described in Section 4.4 of the attached programmatic environmental assessment/negative declaration.
- () **suspended particulates; turbidity:** Described in Section 4.4 of the attached programmatic environmental assessment/negative declaration.
- () **water quality (temperature, salinity patterns and other parameters):** Described in Section 4.4 of the attached programmatic environmental assessment/negative declaration.
- () **flood control functions:** Described in Section 4.4 of the attached programmatic environmental assessment/negative declaration.
- () **storm, wave and erosion buffers:** Described in Section 4.4 of the attached programmatic environmental assessment/negative declaration.
- () **erosion and accretion patterns:** Described in Section 4.4 of the attached programmatic environmental assessment/negative declaration.
- () **aquifer recharge:** Described in Section 4.4 of the attached programmatic environmental assessment/negative declaration.
- () **baseflow:** Described in Section 4.4 of the attached programmatic environmental assessment/negative declaration.

For projects involving the discharge of dredged material;

- () **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:**

- Not applicable -

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):**

- Not applicable -

- () **wildlife habitat (breeding, cover, food, travel, general):**

Described in Section 4.7 and Appendix A and B of the attached programmatic Environmental Assessment/Negative Declaration

- () **endangered or threatened species:**

Described in Section 4.7 and Appendix A and B of the attached programmatic Environmental Assessment/Negative Declaration

- () **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:**

Described in Section 4.9 of the attached programmatic Environmental Assessment/Negative Declaration

E. Human use characteristics and impacts:

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

Described in Section 4.4 and 4.12 of the attached programmatic Environmental Assessment/Negative Declaration

() **recreational or commercial fisheries:**

- Not applicable -

() **other water related recreation:**

- Not applicable -

() **aesthetics of the aquatic ecosystem:**

Described in Section 4.13 of the attached programmatic Environmental Assessment/Negative Declaration

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

- Not applicable -

() **traffic / transportation patterns:**

Described in Section 4.6 of the attached programmatic Environmental Assessment/Negative Declaration

() **energy consumption or generation:**

Described in Section 4.8 of the attached programmatic Environmental Assessment/Negative Declaration

() **navigation:**

- Not applicable -

() **safety:**

Described in Section 4.11 of the attached programmatic Environmental Assessment/Negative Declaration

() **air quality:**

Described in Section 4.5 of the attached programmatic Environmental Assessment/Negative Declaration

- () **noise:**
Described in Section 4.10 of the attached programmatic Environmental Assessment/Negative Declaration
- () **historic properties:**
Described in Section 4.14 of the attached programmatic Environmental Assessment/Negative Declaration
- () **land use classification:**
Described in Section 4.1 of the attached programmatic Environmental Assessment/Negative Declaration
- () **economics:**
Described in Section 4.2 of the attached programmatic Environmental Assessment/Negative Declaration
- () **prime and unique farmland (7 CFR Part 658):**
- Not applicable -
- () **food and fiber production:**
- Not applicable -
- () **general water quality:**
Described in Section 4.4 of the attached programmatic Environmental Assessment/Negative Declaration
- () **mineral needs:**
Described in Section 4.8 of the attached programmatic Environmental Assessment/Negative Declaration
- () **consideration of private property:**
- Not applicable -
- () **other:**
- Not applicable -

F. Summary of secondary and cumulative effects:

There are no other proposed projects in conjunction with the Dominguez Gap Wildlife Habitat Restoration project. The proposed project is intended to restore existing degraded habitat. There are no anticipated significant impacts, secondary effects, or cumulative impacts on environmental resources expected as a result of implementing the *Los Angeles River Master Plan*.

III. Findings:

A. Other authorizations:

1. **Water quality certification:** The permittee is required to obtain a Section 401 certification, or waiver thereof, from the California Regional Water Quality Control Board.
2. **Coastal zone management consistency determination:**
- Not applicable -
3. **State and local authorization (if issued):**
- Not applicable -

B. The Programmatic Environmental Assessment/Negative Declaration will be circulated for public review between February 8 and March 10, 1996.

1. Summary of comments received.

a. Federal agencies:

- 1) U.S. Environmental Protection Agency (EPA):
On mailing list to receive EA/ND
- 2) U.S. Fish and Wildlife Service (FWS):
On mailing list to receive EA/ND
- 3) National Marine Fisheries Service (NMFS):
- Not applicable -

- 4) U.S. Coast Guard (USCG) :
- Not applicable -
- 5) Bureau of Land Management :
- Not applicable -
- 6) Bureau of Reclamation :
- Not applicable -
- 7) Federal Emergency Management Agency :
On mailing list to receive EA/ND
- 8) Federal Energy Regulatory Commission :
- Not applicable -
- 9) Federal Highway Administration :
- Not applicable -
- 10) National Park Service :
On mailing list to receive EA/ND
- 11) Soil Conservation Service :
On mailing list to receive EA/ND

b. State and local agencies:

- 1) California Coastal Commission :
- Not applicable -
- 2) California Department of Fish and Game :
On mailing list to receive EA/ND
- 3) California State Lands Commission :
- Not applicable -

4) Advisory Council - Historic Preservation :

On mailing list to receive EA/ND

5) General Land Office :

On mailing list to receive EA/ND

6) Regional Water Quality Control Board :

On mailing list to receive EA/ND

7) Soil and Water Conservation District :

On mailing list to receive EA/ND

c. Other organizations and individuals:

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:

Yes No

- a) Based on the discussion in IIB, are there available, practicable 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?

Not applicable

Yes No

b) Based on IIB, if the project is in a special aquatic site and is not water-dependent, has the applicant clearly demonstrated that there are no practicable alternative sites available?

____ X
Yes No

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

a) violate state water quality standards?

____ X
Yes No

b) violate toxic effluent standards (under Section 307 of the Act?)

____ X
Yes No

c) jeopardize endangered or threatened species or their critical habitat?

____ X
Yes No

d) violate standards set by the Department of Commerce to protect marine sanctuaries?

Yes No

e) Evaluation of the information in IIC and D above indicates that the proposed discharge material meets testing exclusion criteria for the following reason(s).

() based on the above information, the material is not a carrier of contaminants

() 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

(X) 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

 X
Yes No

 X
Yes No

 X
Yes No

- b) life states of aquatic life and other wildlife?
 - 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?
 - d) recreational, aesthetic and economic values?
- 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?

As a result of the environmental analysis contained in this Environmental Assessment and Negative Declaration it has been determined that the *Los Angeles River Master Plan* will not result in significant impacts that cannot be mitigated below the level of significance as defined by the National Environmental Policy Act, the California Environmental Quality Act, or other applicable statutes or regulations. Significant construction related impacts on air quality will be avoided by requiring the construction contractor(s) to comply with recommendations of the South Coast Air Quality Management District (SCAQMD). It is assumed that the proposed park improvements will be designed to avoid significant increases to peak period traffic. Phase I Site Assessment work must be completed prior to ground disturbing activities. All ground-disturbing projects must comply with the recommendations of Phase I Site Assessments. This Negative Declaration and Environmental Assessment identifies areas that require additional evaluation of cultural resources prior to the initiation of ground-disturbing activities. It is assumed that all tree planting and park improvements projects will be designed to avoid impacts on cultural resources.

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

- 1) The relative extent of the public need for the proposed work is described in Section 1 of the attached programmatic environmental assessment/negative declaration.

- 2) The practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed structure of work would not reduce impacts associated with the proposed activity. The net public benefits related to recreation, biological resources, aesthetics, and economics would be reduced as a result of project alternatives.
- 3) The extent and permanence of the beneficial effects that the proposed *Los Angeles River Master Plan* may have on the public uses to which the area is suited are documented in Section 4.17 of the attached programmatic environmental assessment/negative declaration.

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 IIB 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 these guidelines because:
 - () 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 judgement 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.