

PUBLIC NOTICE OF PROPOSED ACTIVITY AND PREPARATION OF ENVIRONMENTAL ASSESSMENT

Public Notice and Comment Period

April 3 to April 25, 2014

Proposed Implementation Date

Summer 2014

Proposed Federal Action (Project Description)

This public notice is issued by the Chief, Asset Management Division, to inform the general public that the Los Angeles District of the United States Army Corps of Engineers (Corps) is proposing to provide a program to offer guided and unguided nonmotorized boating access, to operate from Memorial Day through early to mid September for 2014 and seasonally for four years thereafter, within the Los Angeles River in Sepulveda Basin, with access points at Balboa Boulevard and Burbank Boulevard, first through licenses granted by the Corps and later through a lease granted to a qualified lessee. The Corps will prepare an Environmental Assessment to analyze the environmental impacts of the proposed action and alternatives.

Under the proposed action, the Corps would grant approximately three licenses for the summer season to governmental or qualified 501(c)(3) non-profit organizations for access and use for guided boating tours at designated times and may issue additional one-time or short-term use licenses to non-commercial unguided (social) groups and individuals through a registration system. A Request for Expressions of Interest is attached to this Public Notice for governmental or qualified non-profit organizations to apply for a license for guided paddling programs for the 2014 season.

As the second part of its action, the Corps proposes to issue a five-year lease to the Mountains Recreation and Conservation Authority (MRCA) to operate and manage the portion of the river from the first grade stabilizer above Balboa Boulevard to downstream of Burbank Boulevard within Sepulveda Basin for authorized passive recreational purposes under the authority of 16 U.S.C. 460d. Each summer season, the lessee would establish a system for guided, organized non-motorized trips by long- and short-term permit and manage non-motorized boating access and use by noncommercial unguided groups and individuals without requiring a permit. The lease is proposed to be granted during summer 2014, at which time Corps management of the area would transition to the lessee. The season-long licenses for guided trips issued by the Corps would continue in force for the 2014 season, but the MRCA would be able to issue short-term permits to additional guided groups and would not require a permit for unguided groups and individuals. After 2014, the MRCA would issue long and/or short term permits for guided groups and otherwise manage boating by unguided groups and individuals during the Memorial Day to early- to mid-September season in accordance with a system similar to that used for the Los Angeles River Recreation Zone at Glendale Narrows. Permits for commercially guided groups may be considered by the lessee after 2014, subject to applicable regulations and approval by the Corps and if carrying capacity allows.

Lands granted under lease would be available only for passive recreation activities, such as non-motorized boating, birdwatching, and fishing. No construction of active recreation facilities, such as ball fields, is contemplated. In assessing the appropriate lease footprint, the Corps will consider the extent of lands necessary to establish a safe and secure passive recreational area. At a minimum, the lease would

include the river along with approximately five feet on either side of the river, not to include the informal trail system, from just above the first grade stabilizer upstream of Balboa Boulevard to a point downstream of Burbank Boulevard and upstream of Sepulveda Dam. Downstream of Burbank Boulevard, the lease may include a wider portion of adjacent lands to allow for safe ingress/egress of the river by boaters and oversight by the lessee, including an area on river right at the Corps maintenance ramp access point and a portion of the area on river left under the Burbank Boulevard Bridge and downstream of the bridge on the river bank. If a lease is granted, the Corps would continue to be responsible for operation and maintenance for flood risk management purposes.

Boater ingress and egress of the river would be at the Balboa Boulevard Bridge and just downstream of Burbank Boulevard. Use of the river by boaters would extend from the first grade stabilizer upstream of Balboa Boulevard to the designated ingress/egress just downstream of Burbank Boulevard; no boating would be allowed beyond the designated grade stabilizer on the upstream end or the designated Burbank ingress/egress on the downstream end of the boating route. Conceptually, when entering or exiting the river at Burbank Boulevard, guided boating groups would use the river-right area, with vehicle access and equipment loading and unloading at the Corps access ramp, while unguided boaters may be advised to enter or exit the river by foot at river left and portage their watercraft via the established trail connecting to Burbank Boulevard near access to parking on Woodley Boulevard. The Balboa Boulevard access point for all boaters would be under the Balboa Boulevard Bridge on river right.

Under both the Corps licenses and the terms of the proposed lease, boating would be subject to rules and regulations of user conduct, including prohibitions on damage to the river area and harassment and feeding of wildlife, along with other standard restrictions. The lessee would overlay an ordinance to enforce rules and regulations within the leased area. Boating would be limited to the Memorial Day to early- to mid-September season, with use hours limited to sunrise to sunset. All users should be aware of river conditions that may change without notice. Weather events within the drainage area would trigger trip delays, cancellations, and/or closure of the area as appropriate. Only steerable, non-motorized craft would be allowed. No swimming or in-water recreation would be allowed. Boaters may portage on land around the three grade stabilizers within the boating area or traverse them in water, depending on safety and efficiency. The proposed action includes placement of signage to advise of rules, flood hazard, and ingress/egress points, and potential limited vegetation trimming or mowing for safe ingress/egress points and portage adjacent to grade stabilizers. The proposed boating access program would also require supplement to the Sepulveda Dam Basin Master Plan, 2011 to modify the land use classification applicable to the proposed program area.

Guided trip operators may charge a fee, and the lessee may charge a fee for long and short term permits it issues under a lease. The Corps will review all fees for reasonableness.

The Corps will evaluate the proposed action, along with reasonable alternatives and modifications, under the National Environmental Policy Act (NEPA) through an Environmental Assessment (EA). The Corps has made a preliminary determination that an Environmental Impact Statement is not required. The Corps will consider compliance with other laws, including the Endangered Species Act and Migratory Bird Treaty Act, in conjunction with this analysis.

Location

The subject area is located at and adjacent to the Los Angeles River within the boundaries of the Sepulveda Flood Control Basin, Los Angeles, CA. Sepulveda Basin is on the upper Los Angeles River in

the San Fernando Valley, about 17 miles northwest of downtown Los Angeles, about 43 miles above the mouth of the Los Angeles River, and 6 miles above the confluence of Tujunga Wash and the River. The Basin lies at the northwest corner of the junction of the Ventura Freeway (US Hwy 101) and the San Diego Freeway (I-405).

Sepulveda Basin is owned in fee by the Federal Government and operated and maintained by the Corps primarily for flood risk management purposes. Recreation and other land uses can be permitted to the extent compatible with flood risk management operations. The river and adjacent area within the Basin are outside the lands leased by the City of Los Angeles Department of Recreation and Parks for public recreation purposes.

Map



Purpose and Need

Historically, river access and use within Sepulveda Basin was discouraged or prohibited because the river is part of a flood risk management system within a flood control basin, posing considerable obstacles to safe boating within the flood risk management operation and maintenance. Conditions can change quickly, resulting in dramatically increased water levels and speeds that can put recreational users at risk of injury and death from low bridges, debris, or being swept into the dam gates. However, the Corps tested the feasibility of a summer boating program first in 2011. That program demonstrated that non-motorized boating within the basin was feasible and could be consistent with Corps project operation when safety measures were implemented.

As explained in the Corps' Public Notice and Expressions of Interest request two years ago, the Corps is considering long-term options to facilitate recreational access to the river within Sepulveda Basin consistent with the Corps' requirement to operate the basin for flood risk management purposes.

The portion of the Los Angeles River within the Sepulveda Basin may be one of the most natural portions of the river in appearance, but it is also part of a highly engineered system. The flood risk management system is not always visible to recreational users. The Basin is designed to contain the Standard Project Flood (SPF), and in the event of rain within the drainage area, flow velocities and water levels can rise quickly, flooding areas that are normally dry. The lowest part of the basin, below Burbank Boulevard and closest to the dam, is the first to experience high water levels. Even a relatively minor event can result in a dramatic increase in water levels and velocities, preventing safe recreational passage in the river and posing a high risk of injury from debris, bridge piers and roads, and other hazards.

Travel through the dam gates could result in severe injury or death, and boating near or through the dam is thus not permissible. At the top of the basin, the river channel transitions from a fully concrete channel to an earthen/cobble bottom and is highly constrained with vegetation, debris and trash that is carried in by heavy flows, making boating access at this time problematic. There are also no public entry points at the top of the basin. For these reasons, the river upstream of the first grade stabilizer above Balboa Boulevard is not being considered for boating use at this time. More generally, the river channel throughout the basin has an established invert with grade stabilizers provided periodically along the channel to maintain the low flow channel in place during flood events. These grade stabilizers cannot be altered or moved without compromising the channel design. Grade stabilizers require that boaters portage over or around them, sometimes exiting their crafts to do so, creating potential bottlenecks in boating "traffic" that require attention to carrying capacity and safety.

In 2011, the Corps granted a license to a multi-organization group to run a pilot program for non-motorized boating on the Los Angeles River within the Basin, from Balboa Boulevard to Burbank Boulevard. That program provided information about the feasibility of non-motorized boating in the river within the basin. In 2012, the Corps requested proposals from interested qualified organizations for licenses under Corps recreational authorities for the summer season. The Corps granted two licenses to non-profit organizations to provide guided trips using two routes: (1), put-in at Balboa Boulevard with travel upstream to the first grade stabilizer then travel downstream to Burbank Boulevard, and (2), put in at Burbank Boulevard with travel upstream to the first grade stabilizer encountered and return downstream to Burbank Boulevard. The licensees operated trips on separate days of the week.

In 2013, the Corps received requests from one previous licensee and one commercial entity for licenses or other permissions to provide boating tours for a fee. Due to resource and staffing limitations within the Corps, including furlough of employees, staff efforts on the Los Angeles Ecosystem Restoration Feasibility Study, and staff assistance and coordination on the LA River Pilot Recreational Zone within the Glendale Narrows, the Corps was unable to pursue options for short or long-term boating within Sepulveda Basin in 2013. In 2013, the recreation zone for the portion of the river in the Glendale Narrows area just northwest of downtown was very successful, but the Sepulveda portion remains of substantial interest to paddlers in the Los Angeles area. While financial and staff resource constraints continue, the Corps wishes to find ways to accommodate public access and use on this important waterway.

The purpose of the proposed action and alternatives is to provide a system for safe seasonal (Memorial Day to early- to mid-September) public access and use of the river within Sepulveda Basin, with access

points for non-motorized boating at Balboa Boulevard and Burbank Boulevard, consistent with the operation and maintenance of the Los Angeles County Drainage Area flood risk management project.

Alternatives

The reasonable alternatives currently identified for inclusion in the Environmental Assessment are the following:

(1) Grant of a lease to a governmental or non-profit organization to provide a permit system for guided group tours and public access and use without a permit for unguided groups and individuals;

(2) Issuance of one or more licenses to governmental and qualified 501(c)(3) non-profit organizations, similar to the 2012 program;

(3) (Proposed Action) Grant of seasonal licenses to approximately three governmental or non-profit organizations for guided group trips through an Expressions of Interest process and grant of short term licenses for noncommercial unguided (social) trips through a registration system, with transition to a lessee-managed operation providing a permit system for guided governmental and non-profit group tours and public access and use without a permit for unguided groups and individuals if a qualified lessee is approved. The 2014 season-long licenses for guided trips would remain in force for the the season, with the lessee taking on short-term permits for guided groups and managing public access and use for unguided groups and individuals without a permit. Under the remaining years of the lease, the lessee would manage both short and long term guided group permits through an approved system. If a qualified lessee is not approved, Corps management of the area with a seasonal license program and short term permit registration system would extend for up to five years;

(4) Corps grant of licenses to up to three governmental or non-profit organizations for guided group trips for the 2014 season, with transition to a lessee-managed operation providing a permit system and public access and use for unguided groups and individuals without a permit. (This alternative differs from the Proposed Action in that the Corps would not issue short term licenses to unguided groups prior to a lease); and

(5) No Federal Action: under this alternative, no access and use of the river for non-motorized boating would be permitted and the master plan would remain unchanged.

Public Involvement

The Corps invites the general public to submit comments on potential environmental impacts that could result from implementation of the proposed action and alternatives. The public comment period on preparation of an EA for the proposal and alternatives described above will extend from April 3 through April 25, 2014. All comments must be received by 5 p.m., April 25. Please direct your comments to Lisa Sandoval, U.S. Army Corps of Engineers, at lisa.m.sandoval@usace.army.mil or by mail at 915 Wilshire Boulevard, Los Angeles, CA 90017, Attn: Asset Management Division. If you have questions or would like additional information, please contact Lisa Sandoval, Realty Specialist, Asset Management Division at (213) 452-3147.

The Corps will actively consider any comments timely received regarding the proposed action and alternatives. The results of this consideration will be reflected in a section of the EA articulating responses to the comments, in addition to any changes to the EA made to incorporate the comments and suggestions. Once the EA is complete, and if a FONSI is determined to be appropriate based upon the analysis contained in the EA, pursuant to 33 C.F.R. 230.11, a notification will be sent to concerned agencies, organizations and the interested public stating that the FONSI is available for review. If you would like to receive notification, please provide an email address with your comment letter. The FONSI will also be posted on the Corps' website. If significant effects on the quality of the human environment are identified and cannot be mitigated to a level below significance, the Corps will initiate preparation of an EIS and afford the public opportunities to participate in the environmental review process.

Common Questions:

1. Why is an action by the Corps needed to allow boating access in this area?

A. This portion of the river is within Sepulveda Basin, which is owned in fee by the Federal government and managed by the Corps. The Sepulveda Basin and the Los Angeles River are features of the Los Angeles County Drainage Area project, a flood risk management project first constructed in the 1930s through 1950s. The Los Angeles River is subject to substantial changes in flow level and velocity. In short, water levels can rise quickly and flows can move extremely quickly, without much warning. The Sepulveda Dam is located at the bottom of the basin, and boaters could be pushed by flows into and through the dam, causing injury and death. For these reasons, boating access has been restricted historically. In 2011 and 2012, the Corps licensed limited guided boating tours with restrictions on time and duration of use, and has found that safe access and use consistent with the flood risk management constraints is possible. Changing the area's designation in the Master Plan to permit regular seasonal in-water recreation requires that the Corps analyze the impacts of the change (including the environmental assessment the Corps is undertaking, as announced by this Public Notice) and determine how it can open this area to the public safely while faced with limited funding for management and oversight. Traditionally in Los Angeles, the Corps does not have funding to directly manage its own recreation areas – lessees operate the areas as public parks or for other authorized purposes. Generally, areas where there is no lessee are considered closed to use other than trail access, except by permission of the District Engineer. Therefore, a license or other right to access the area is needed. In the past, no lessee has been identified to facilitate comprehensive safe, responsible boating access and use in this area. However, the Corps has recently identified the MRCA as an interested lessee. If a lease is issued to MRCA, no permit or license would be required for unguided noncommercial groups or individuals. (More on this below in Questions 4, 6, and 7.)

2. Why would the Corps propose to limit guided programs?

A. The experience of the first two years of licensed boating in the river within the Basin has shown that there is a strong interest in guided paddling tours in this portion of the river. Guided trips have offered guest speakers, basic paddling instruction, and other benefits. However, we lack at this time an efficient way to accurately predict what public interest may be in unguided boating, and free public use of project waters is a priority. The portion of the river available for boating is relatively short, with several grade stabilizers that interrupt the paddling experience. The river channel is also relatively narrow. These two issues affect the carrying capacity of the river. Based on reports of the experience during the past two years and data gathered from the 2013 Glendale Narrows pilot program run by the MRCA, we think that guided trips offered regularly throughout the season by up to three entities can safely coexist with

unguided groups and individuals, if guided trips operated on a designated schedule and unguided groups and individuals register so that their trips can be staggered with the guided trips.

3. Why must the Corps give permission to charge a fee for guided boating trips?

A. Corps regulations prohibit anyone from charging a fee or profiting from placement or operation of boats on Corps project waters without permission of the District Engineer. Governmental or non-profit organizations proposing a program of guided trips will be required to provide a fair and open system of registration.

4. What constitutes a noncommercial unguided group? Do I need a permit to access the area as part of an unguided group or by myself? When can I apply for a noncommercial unguided group license?

A. Noncommercial unguided groups, also referred to as social groups, are participatory in nature. Trip preparation costs and conduct of the trip, must be shared by all members of the group. Collecting a fee payable to an individual, group, or organization for conducting, leading, facilitating or guiding a noncommercial river trip is not allowed. No person may be hired or paid to participate in a trip under the noncommercial permit system. Participants must bring their own equipment or rent it offsite.

Under the proposed action, during the period prior to a lease being granted, individuals or noncommercial unguided groups would need a license to access the area for management and safety purposes. Individuals or groups interested in obtaining a noncommercial unguided group permit would register and obtain short term licenses under a registration system that the Corps would advertise upon a Finding of No Significant Impact. The permit registration system would require a request form to be submitted to a designated Corps email address no less than seven days prior to the proposed trip date. Requestors will be advised to submit alternate dates in addition to their preferred date. The request form will require that waivers of liability be submitted by all trip participants. Any permits or licenses issued would be nontransferable. As envisioned under the proposed action, a group may be any size up to 15 individuals.

If a recreational lease is granted to provide active oversight for all boaters, individuals and noncommercial unguided groups would not need a permit. Under the Proposed Action, such a lease would be granted during summer 2014. The Corps will also evaluate alternatives that do not include unguided boating.

5. What is the MRCA?

A. The Mountains Recreation and Conservation Authority (MRCA) is a local public agency exercising joint powers of Santa Monica Mountains Conservancy, the Conejo Recreation and Park District, and the Rancho Simi Recreation and Park District pursuant to Section 6500, et seq. of the Government Code. The MRCA is dedicated to the preservation and management of local open space and parkland, watershed lands, trails, and wildlife habitat. The MRCA manages and provides ranger services for almost 60,000 acres of public lands and parks that it owns and that are owned by the Santa Monica Mountains Conservancy or other agencies and provides comprehensive education and interpretation programs for the public. The MRCA works in cooperation with the Conservancy and other local government partners to acquire parkland, participate in vital planning processes, and complete major park improvement projects.

MRCA provided ranger services for the initial pilot program for feasibility of non-motorized boating within the Sepulveda Basin. It also managed usage and regulated safety in the pilot program for the Los

Angeles River Recreation Zone within the Glendale Narrows portion of the river, on behalf of the City of Los Angeles.

6. What about unregistered trips by the public?

A. If a lease is granted to an entity to provide active oversight of the area and manage it for public access, individuals and unguided groups of paddlers would be able to enter and use the river without a permit or registration during the general hours of use. Prior to such a lease, permit registration for all users would be required for safety and management purposes.

7. What are the advantages to the public of a recreational outgrant (lease) of the river in this area?

A. See above. The lessee would be able to manage the area with greater direct oversight. The lessee would be able to manage recreational use for small groups and individuals without requiring that a specific license or permit be obtained by the prospective boaters. Direct management of the area also has safety advantages for the public. A lessee would be likely to impose a fee schedule for guided trips, similar to that used at the Los Angeles River Recreation Zone in Glendale Narrows.

8. What about commercial operators of guided trips?

A. Granting a license to a commercial operator for commercial trips would require that the Corps charge fair market value for a concession or commercial license. The Corps is not proposing to consider a commercial concession or a license for which the Corps would need to charge fair market value at this time, until it can assess the use level by unguided members of the public. Without such limitations, public waters may not be sufficiently public, and user experience can be degraded. Noncommercial trips may not be used by any person or organization in any way to obtain a profit. Commercial permits or concessions may be considered under a lease after 2014, after review of carrying capacity and subject to approval of the Corps.

9. What are the requirements for a non-profit guiding license for the 2014 season?

A. The requirements are provided in the attached Expressions of Interest. The Corps will review and grant licenses in accordance with the requirements in the Expressions of Interest. If a lease is granted to MRCA, MRCA would establish its own permit system for 2015 and after, similar to the system in place for the LA River Recreation Zone in the Glendale Narrows.

10. What are the other responsibilities a lessee would have?

A. The lessee would be responsible for operation and maintenance of the area for recreational purposes, including seasonal boating. The lessee would be responsible for oversight of the activities undertaken by the public within the leased area, along with enforcement of applicable laws and regulations. The lessee would be anticipated to promulgate an ordinance incorporating limitations required for the safe operation of the zone, including the implementation of Corps regulations. The lessee would be charged with the fair administration of the boating permit program and appropriate oversight of the recreational activities undertaken. The lessee would manage film permits within the leased area. The lessee would also manage special events within the leased area. Special events contemplated by the environmental assessment and not considered to conflict with the enjoyment of the public waterway would not require additional environmental analysis. Those events not contemplated or exceeding the scope or number of those

contemplated would require additional environmental assessment with notice to the public sufficiently prior to the event.

11. What activities within the leased area would not be allowed?

A. Motorized watercraft of any kind would not be allowed except for safety/rescue craft by authorized personnel. Due to safety concerns, swimming and diving would not be allowed. Due to the significant bird population, leashed dogs would be allowed on existing trails only, outside the leased area.

Comments are welcome on facilitation of conflict avoidance, including potential for conflicts between recreational activities and wildlife and between fishing and boating.

12. What, if any, improvements would be made to the river and adjacent lands within the program area?

A. Generally, initial improvements would be minimal. Improvements to be considered and assessed under the Environmental Assessment of this action are anticipated to be limited to signage and minor vegetation trimming and mowing to allow for safe ingress/egress at put-in, take-out, and emergency exit locations as well as adjacent to grade stabilizers where in-channel negotiation of crossings can be difficult. The lessee may put up a temporary shade structure. The lessee may also keep one or more boats at the ready for patrols, including a craft with an electric motor to reach boaters in an emergency. If the lessee were to request additional improvements, not considered in the Environmental Assessment, that required modification of the channel, placement of structures, or ground-disturbing activities, additional public notice, environmental assessment, and approval would be required. Trash cans and restroom facilities would not be provided. The area would follow a “pack in, pack out” model for all trash. No parking facilities would be developed as part of the program, with users anticipated to park in public areas outside the program area. No active recreation development is contemplated.