


ADOPTED BY THE BOARD
PUBLIC WORKS OF THE CITY
of Los Angeles California

DEPARTMENT OF PUBLIC WORKS

APR 27 2018

BUREAU OF SANITATION
BOARD REPORT NO. 1
APRIL 27, 2018


Executive Officer
Board of Public Works

CD: ALL

AND REFERRED TO THE CITY COUNCIL

REQUEST TO APPROVE THE MITIGATED NEGATIVE DECLARATION PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE LOPEZ CANYON EQUESTRIAN TRAILS AND TRAILHEAD PROJECT (W.O. # SEQTRAILS)

RECOMMENDATIONS

1. Approve the Mitigated Negative Declaration (MND) prepared in accordance with the California Environmental Quality Act (CEQA) and forward to the City Council for adoption.

TRANSMITTALS

1. Initial Study
2. Appendix A – Air Quality and Greenhouse Gas Emissions
3. Appendix B – Biological Technical Report
4. Appendix C – Cultural Resources Report
5. Appendix D – Assembly Bill 52 Consultation
6. Appendix E – Response to Public Comments
7. CEQA MND
8. CEQA MMRP
9. Revised Proposed Equestrian Trail and Staging Area Map

DISCUSSION

Background

City of Los Angeles, LA Sanitation (LASAN), with the assistance of the Bureau of Engineering (BOE) and local residents, developed a conceptual plan mandated by City Council (Council File 95-0859-S4) in 1996 to develop a portion of buffer lands surrounding the closed Lopez Canyon Landfill for public recreational use. Part of this plan consists of a trail for equestrians and hikers, and an associated trailhead staging area. LASAN received input during several meetings with the community and stakeholders which helped LASAN to finalize the proposed trail alignment and staging area. This project is subject to CEQA, which requires state and local agencies to disclose impacts to the environment that might be caused by their actions. LASAN prepared an initial study and environmental checklist to identify the potential impacts resulting from the construction of this project and long-term trail use.

On April 26, 2016, LASAN awarded Task Order Solicitation (TOS) SN-55 to HDR Engineering, Inc. (HDR) for the Environmental Review and Analysis of the Lopez Canyon Equestrian Trails and Trailhead Project. The original proposed project included the formation of a 5-mile equestrian trail loop system and 4.1-acre trailhead staging area. The study area considered

areas within 100 feet of the proposed trail centerline that was mapped and evaluated for potential direct and indirect impacts to biological resources. HDR also performed a record search of all archaeological and historical resources within one-half mile of the project's area of potential effects.

On September 30, 2016, LASAN released the draft Initial Study (IS) (Transmittal #1) and MND (Transmittal #7) for public review and comment. The public review period concluded on December 2, 2016 at 5:00 p.m. The Draft IS/MND was made available in digital format on LASAN's website at www.san.lacity.org. Printed copies of the IS/MND were also available for review at two local libraries and the Lopez Canyon Environmental Center. In addition, LASAN held three public meetings to summarize the IS/MND findings and to receive oral and written comments.

During the public review period, LASAN received multiple letters expressing concerns regarding "Trail Connection 1," shown on page A-3 of the Initial Study. A shooting range is located approximately 1,000 feet west of "Trail Connection 1." These concerns relate to a direct line of sight between the shooting venues and the connecting trail along with the perpendicular orientation of range firing to this trail segment. All letters received during the public review period can be found in Appendix E, "Response to Public Comments" in the IS (Transmittal #6).

From July 2016 to September 2017, LASAN coordinated with the United States Forest Service to obtain a Special Use Permit for public use of all trails on Angeles National Forest property. Please refer to map on page A-3 of the IS for a map of all properties. LASAN shared all public comments with the USFS, and upon review of the shooting facility's concerns, the USFS requested a mitigation plan for "Trail Connection 1."

On June 15 2017, LASAN held an on-site meeting with the USFS, community residents, and members of the shooting range in order to resolve all concerns. LASAN presented a mitigation design shown on page A-11 of the IS, proposing to construct the connecting trail below the ridgeline on the eastside of the ridge to create a natural barrier between the equestrians and the shooting range, and to ensure there is no possible direct line of sight.

After conducting internal research, the USFS denied LASAN's proposal on September 12, 2017 because it did not meet their initial screening criteria. The findings that lead to this decision are as follows: 1) The neighboring target shooting range is positioned in a way that results in firearms being discharged in a direction perpendicular to the proposed connector trail; 2) The USFS recommended safety zone is 1.5 miles from the point of discharge, but the proposed connector trail is approximately 0.66 miles from the point of discharge; and 3) LASAN has not presented a supporting safety risk analysis from the National Rifle Association or other reputable organization's safety standards confirming that the proposed design modifications mitigate for the insufficient distance of the proposed trail from the point of discharge. Therefore, LASAN's proposal did not meet the safety requirements of the 36 Code of Federal Regulations 251.54 (e)(iii) which states that "The proposed use will not pose a serious or substantial risk to public health or safety."

In addition, the original proposed trail would traverse Assessor Parcel Number 2526004010, shown on page A-3 of the IS, which belongs to the private owner Frink Family Trust. This

property is in the process of being sold, and LASAN was not able to obtain an easement for public use of the existing access road at this time.

Furthermore, some local residents expressed concerns regarding the location of the staging area in the vicinity of Terra Vista Way and Terra Bella Street. The concerns of the public included the following: dust, smell from horse manure and urine, increased traffic and wear on the streets, noise pollution, exhaust pollution, crime that the construction of the staging area might create. LASAN responded with a mitigation plan that addresses these concerns, except all requests to not proceed with the project. Such comments do not raise any issues relating to the environmental information and findings as presented in the IS/MND.

Dust and Exhaust Pollution: Air quality emissions resulting from construction and operation of the project were quantified as provided on pages B-9 through B-10 of the Draft IS/MND. As provided, the emission estimates for particulate matter of 10 and 2.5 microns, for both construction and operation, would be less than significant. Additionally, as provided on page A-13, all construction would be performed in compliance with a stormwater pollution prevention plan (SWPPP), which would address dust generation during construction. Once constructed, the trailhead staging area would be graded and covered with a permeable layer of asphalt grindings, which would limit dust (see page A-8 of the IS/MND).

Increased Traffic: LASAN has proposed Mitigation Measure T-1 as part of the Draft IS/MND to address concerns identified in the comment related to project ingress/egress. This would include addressing vehicle loadings and pavement thickness.

Noise Pollution: LASAN has proposed Mitigation Measure N-1 to address construction-related noise (see pages B-53 to B-54). Compliance with the proposed mitigation would minimize noise impacts to a less than significant level during construction. Once operational, negligible increases in noise would result due to the proposed use (e.g. trail recreation) combined with the infrequent and low number of daily vehicle trips generated by the project.

Crime: As provided on page A-10 of the draft IS/MND, LASAN staff will be responsible for the daily management of the project. Security fencing would be installed where appropriate.

Odor: LASAN staff would be responsible for the daily management of the project, including refuse pick up, transport, and disposal. Further, given the distributed nature of equestrian uses throughout the trail network, LASAN does not expect a significant accumulation of manure and urine in a single location, including the staging area. Equestrians should also help reduce the workload on LASAN staff by cleaning up after themselves and their horses.

Therefore, LASAN has decided to reduce the limits of the original project to include only the eastern portions of the trail on lands owned by LASAN. The revised project will exclude all areas within and west of the Frink Family Trust, all areas within the Lopez Canyon Environmental Center, Future Connection 1, and all trail segments within U.S. Forest Service lands. The revised project limits are shown on the Revised Proposed Equestrian Trail and Staging Area Map (Transmittal #9). LASAN presented this revised Equestrian Trail to the community on October 10, 2017 and everyone agreed to the revised scope. The trail would be constructed as a two-way trail for equestrians and hikers.

CEQA Findings – Mitigated Negative Declaration

Per the requirements of CEQA, HDR prepared an Initial Study, which includes an Air Quality and Greenhouse Gas Emissions study (Transmittal #2), a Biological Technical Report (Transmittal #3), a Cultural Resources Report (Transmittal #4), and letter correspondence per the requirements of Assembly Bill 52 Consultation (Transmittal #5).

LASAN has determined that although the proposed project could have a significant effect on the environment, there will not be a significant impact in this case because revisions on the project have been made by or agreed to by LASAN. A Mitigated Negative Declaration (Transmittal #7) has been prepared since all environmental impacts would be less than significant with mitigation incorporated.

The following mitigation measures followed by the contractor, which will be LASAN, will reduce the potential impacts of biological resources; cultural resources; hazards and hazardous materials; noise; and transportation/traffic to below a level of significance.

Biological Resources

- 1) **Designate a Qualified Biologist.** Prior to commencement of construction activities, LASAN shall designate a qualified project biologist who shall be responsible for overseeing compliance with protective measures for biological resources during clearing and work activities within and adjacent to areas of native habitat. The project biologist shall be familiar with the local habitats, plants, and wildlife and shall maintain communications with the contractor to ensure that issues relating to biological resources are appropriately and lawfully managed. The project biologist shall review final plans, designate areas that need temporary fencing, and monitor construction. The biologist shall monitor activities within designated areas during critical times such as vegetation removal, the installation of Best Management Practices (BMPs) and fencing to protect native species, and ensure that all avoidance and minimization measures are properly constructed and followed. The project biologist shall conduct a training session for all construction personnel and biological monitors. At minimum, the training shall include: (1) a description of sensitive biological resources, including sensitive communities, plant species, and wildlife species; (2) avoidance measures being implemented for sensitive biological resources; and (3) identification of the boundaries of permitted access and work areas.

- 2) **Worker Awareness Training Program.** Project personnel and contractors that will be on-site during construction of the trail improvements shall complete environmental worker awareness training conducted by the project biologist. The training shall advise workers of potential impacts to sensitive habitat and sensitive species and the potential penalties for impacts to such habitat and species. At a minimum, the program shall include the following topics: occurrences of the sensitive species and sensitive vegetation communities in the area, a physical description and their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of Federal and State laws, reporting requirements, and work features designed to reduce the impacts to these species.

Included in this program shall be color photos of the sensitive species, which shall be shown to the employees. Following the education program, the photos shall be posted in the contractor and resident engineer's office, where they shall remain through the duration of the work. Photos of the habitat in which sensitive species are found shall also be posted on-site. LASAN shall be required to provide evidence of the employee training (e.g., sign-in sheet or stickers) upon request. Employees and contractors shall be instructed to immediately notify the project biologist of any incidents, such as construction vehicles that move outside of the work area boundary. The project biologist shall be responsible for notifying the appropriate regulatory agency within 72 hours of any similar incident.

- 3) **Management of Invasive Weeds.** The project biologist shall monitor the project site immediately prior to and during construction to identify the presence of invasive weeds (those identified by the California Invasive Plant Council as having a moderate or high level of invasiveness or plants considered locally invasive) and recommend measures to avoid their inadvertent spread in association with the project. Such measures may include inspection and cleaning of construction equipment and use of eradication strategies. All heavy equipment shall be washed and cleaned of debris prior to entering sensitive habitat areas to minimize the spread of invasive weeds.

- 4) **Establish Project Limits.** All native or sensitive habitat areas outside and adjacent to the project limits shall be designated as Environmentally Sensitive Areas (ESAs) on project maps. Prior to construction, LASAN shall delineate the construction area and erect construction fencing along the perimeter of the identified construction area to protect adjacent sensitive habitats and sensitive plant populations. ESAs shall be temporarily fenced by LASAN during construction with orange plastic snow fence, orange silt fencing, or, in areas of flowing water, with stakes and flagging. This fencing shall be marked clearly in the field and confirmed by the project biologist prior to any clearing, and the marked boundaries shall be maintained throughout the duration of construction work. Staging areas, including lay down areas and equipment storage areas, shall be flagged and fenced with ESA fencing. No personnel, equipment, or debris shall be allowed within the ESAs. Fencing and flagging shall be installed by LASAN in a manner that does not impact habitats to be avoided and such that it is clearly visible to personnel on foot and operating heavy equipment. LASAN shall submit final plans for initial clearing and grubbing of habitat and project construction 10 days prior to initiating impacts. Temporary construction fencing and markers shall be maintained in good repair until the completion of each phase of project construction and removed upon completion of each project phase.

No work activities, materials or equipment storage or access shall be permitted outside the identified work area without express written permission from LASAN. All parking and equipment storage related to the project shall be confined to the identified work area. Undisturbed areas and off-site sensitive habitat shall not be used for parking or equipment storage. Project-related vehicle traffic shall be restricted to the project limits, established roads and construction access points, and designated staging areas within the identified work area.

- 5) **Construction Staging and Vehicle Use.** All construction-related vehicles and equipment storage shall occur in the staging area and/or previously disturbed areas as approved by the project biologist. Project-related vehicle traffic shall be restricted to established roads, construction areas, and staging and parking areas. If construction activity extends beyond the construction fencing into sensitive vegetation communities, areas of disturbance shall be quantified and an appropriate restoration approach shall be developed in consultation with the appropriate resource agencies. For example, if construction extends beyond the limits of the construction fencing, temporarily disturbed areas shall be restored to the natural (preconstruction) conditions, which may include the following: salvage and stockpiling of topsoil, re-grading of disturbed sites with salvaged topsoil, and re-vegetation with native locally available plant species.
- 6) **Prepare Compensatory Restoration Plan.** Impacts to sensitive vegetation communities (blue elderberry stands, chaparral [both alliances], coastal sage scrub [all alliances], mule fat thickets, and willow riparian [Arroyo Willow and Black Willow Thickets]) shall be mitigated through the restoration or enhancement of habitat onsite at a 1:1 ratio. Restoration/enhancement shall be provided through the removal of non-native plant species onsite, including tree of heaven, pepper tree, olive tree, and non-native plants associated with non-native grasslands, and the replacement with native plant communities. If sufficient suitable area is not available within the vicinity of the project impact area, then offsite mitigation options will be pursued. A Restoration Plan shall be prepared for the project that will detail the communities to be restored, location for restoration, container plant palettes and/or seed mixes, and maintenance and monitoring requirements.
- 7) **Informational Signage.** Educational signage at the trailheads shall include information on the sensitivity of the vegetation communities (including jurisdictional resources) and native plant and animal species that naturally occur along the trail. Such signage shall include information reminding hikers and equestrians to stay on the designated trails. Periodic low stature signs shall be placed along the trails reminding hikers and equestrians of sensitive habitat areas and to please stay on the trails to help protect sensitive habitat, plants, and wildlife.
- 8) **Long-Term Management of Invasive Weeds.** Long-term trail maintenance shall include the removal of invasive weeds (those identified by the California Invasive Plant Council as having a moderate or high level of invasiveness or plants considered locally invasive) immediately adjacent to the trails.
- 9) **Pre-Construction Special Status Plant Surveys.** Prior to construction of each phase, a qualified biologist retained by LASAN shall conduct pre-construction surveys for special status plant species including Plummer's mariposa lily. If one or more species are detected, then LASAN shall consult with the appropriate resource agencies to develop additional minimization measures prior to project construction (if necessary). These additional measures may include construction monitoring, seed or bulb collection, and seeding or planting of bulbs.

10) Coastal California Gnatcatcher (CAGN) and Least Bell's Vireo (LBVI) Avoidance and Minimization Measures. LASAN shall implement the following avoidance and minimization measures prior to and during construction of the proposed project:

- a. If feasible, construction activities including vegetation trimming or removal within CAGN habitat (all coastal sage scrub communities) shall occur outside of the CAGN breeding season. The breeding season for CAGN is defined as February 15 through August 31 each year.

Regardless of the time of year that construction takes place, preconstruction clearance surveys shall be conducted in all coastal sage scrub habitat prior to habitat removal because CAGN is resident in coastal sage scrub year-round. Additionally, during the breeding season, preconstruction clearance surveys shall be conducted in all suitable habitat within 500 feet of proposed construction activities. A minimum of three focused surveys shall be conducted on separate days by a qualified biologist to determine the presence of CAGN. The surveys shall begin a maximum of seven (7) days prior to project construction and one survey shall be conducted by the project biologist the day immediately prior to the initiation of work. Should CAGN be detected within the work area, work shall be directed to unoccupied areas until the biologist determines that the CAGN has left the work area.

- b. If feasible, construction activities including vegetation trimming or removal with LBVI habitat (all willow riparian communities and mule fat thickets) shall occur outside of the LBVI breeding season. The breeding season for LBVI is defined as March 15 through September 15 each year.

If construction must occur during the breeding season for LBVI, then preconstruction nesting LBVI surveys shall be conducted by a qualified biologist. A minimum of three focused surveys shall be conducted on separate days by a qualified biologist to determine the presence of LBVI. The surveys shall begin a maximum of seven (7) days prior to project construction and one survey shall be conducted by the project biologist the day immediately prior to the initiation of work. Should LBVI be detected within the work area, work shall be directed to unoccupied areas until the biologist determines that the LBVI has left the work area.

- c. If an active CAGN or LBVI nest is found within the work area, work will be immediately halted and redirected to areas at least 500 feet away until the biologist determines that the young have fledged or nest(s) has been abandoned.

If an active CAGN or LBVI nest is found within 500 feet of project construction, the project biologist shall work with the contractor so as to maintain noise levels of less than 60 dBA Leq at the nest location. If noise levels cannot be maintained below that level, then construction work shall be postponed within 500 feet of the nest(s) until the young have fledged.

- d. A qualified biologist shall conduct full-time monitoring during clearing of CAGN and LBVI habitat to ensure that work limits are not exceeded and that these target wildlife species are not present during habitat removal.
- e. Pets of project personnel shall not be allowed on the project site.

11) Pre-Construction Nesting Surveys. Should clearing and grubbing be initiated during nesting season (February 15 through August 30), pre-construction nesting surveys shall be conducted within 7 days of construction commencement. Should a nest be found within or adjacent to the construction work area, a buffer shall be installed and the nest area shall be avoided until the young fledges or the nest becomes inactive. The size of the buffer shall be determined by a qualified biologist based on the topography, noise/activity in the vicinity, and bird behavior.

12) Prepare Stormwater Pollution Prevention Plan (SWPPP) and Secure Permit Authorizations. LASAN shall prepare a SWPPP in accordance with the Clean Water Act. The SWPPP shall prohibit the disposal or temporary placement of excess fill, brush or other debris in US Army Corps of Engineers, Regional Water Quality Control Boards and California Department of Fish and Wildlife jurisdictional areas or their banks. The City will be responsible for securing and complying with all required permits, including but not limited to, the National Pollutant Discharge Elimination System General Construction Permit per the requirements of the Clean Water Act.

The SWPPP shall require the storage of hazardous materials and equipment stored overnight, including small amounts of fuel to refuel hand-held equipment, to include secondary containment when within 50 feet of open water to the fullest extent practicable. Secondary containment shall consist of a ring of sand bags around each piece of stored equipment/structure. A plastic tarp/visqueen lining with no seams shall be placed under the equipment and over the edges of the sandbags, or a plastic hazardous materials secondary containment unit shall be utilized by LASAN.

No fuel containers or hazardous materials shall be placed or stored outside of the designated staging areas. Vehicle and equipment refueling shall occur within the designated staging areas, but at least 50 feet away from open water areas and 25 feet from habitat with potential to support federally listed species to the fullest extent practicable.

Appropriate BMPs shall be used by LASAN to control erosion and sedimentation to prevent deposition in waterways. No sediment or debris shall be allowed to enter drainages. Appropriate BMPs shall be used by LASAN during construction to limit the spread of re-suspended sediment and contain debris.

Construction and post-construction erosion and sediment control devices used for the proposed project, including fiber rolls and bonded fiber matrix, shall be made from biodegradable materials such as jute, with no plastic mesh, to avoid creating a wildlife entanglement hazard.

Cultural Resources

- 1) **Prepare Discovery of Archaeological Resources.** On-site workers will be informed of the potential for discovery of archaeological resources or human remains during excavation or trenching as part of the Project's worker awareness program training.

If an archaeological or cultural resource is encountered during ground- excavation activities within 50 feet of the discovery until a qualified archaeologist can evaluate whether the resource is a unique archaeological resource or historical resource as defined in Public Resources Code Section 21083.2 and/or 14 C.C.R. Section 15064.5 or a tribal cultural resource as defined in Public Resources Code Section 21074 in consultation with the tribes. Work may continue in other areas. The project archaeologist in consultation with the tribal representatives shall determine importance and significance of the resource as tribal cultural resources, historical resources or unique archaeological resources, defined above. Recovery of artifacts or excavation for resource evaluations will be the responsibility of the City under the direction of a qualified archaeologist.

Hazards and Hazardous Materials

- 1) **Fire Prevention and Response Plan.** LASAN shall be required to develop a Fire Safety Plan prior to beginning construction. The construction Fire Safety Plan shall address the following:
 - Procedures for reporting a fire.
 - Personnel and fire safety equipment the contractor will have on site.
 - Procedures to be taken on "red flag days" (days of extreme fire danger). On red flag days, trail construction would be discontinued.
 - Procedures to ensure that all power equipment is fire safe.
 - LASAN will bring only the necessary amount of fuel and fuel mixtures to operate the machinery on site. No flammable products will be stored or left on the project site. LASAN will be responsible for any clean-up of such contaminants in compliance with all applicable local, state, and federal laws.
 - All power equipment used on the trail will have spark arrestors.
 - LASAN shall have fire extinguishers and five gallon water pumps on site when operating power equipment.

Noise

- 1) **Construction Noise Mitigation.** Prior to any grading activity, the project operator will require all construction contractor/subcontractor employees to attend the Water Evaluation and Planning System training prior initiating their activities. All contract and subcontract employees will be required to implement the following noise attenuation measures during all phases of construction:
 - a. Noise levels of any Project use or activity will be maintained at or below adopted County noise standards (Section 41.40 of the Los Angeles Municipal Code). The use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only.

- b. No person shall, between the hours of 7:00 P.M. and 7:00 A.M. of the following day, perform any construction or repair work of any kind upon, or any excavating for, any building or structure, where any of the foregoing entails the use of any power driven drill, riveting machine excavator or any other machine, tool, device or equipment which makes loud noises to the disturbance of persons occupying sleeping quarters in any dwelling hotel or apartment or other place of residence. In addition, the operation, repair or servicing of construction equipment and the job-site delivering of construction materials in such areas shall be prohibited during the hours herein specified.
- c. Construction equipment will be muffled per manufacturer's specifications.
- d. All stationary construction equipment will be placed in a manner so that emitted noise is directed away or blocked from sensitive receptors nearest the project site.

Transportation/Circulation

- 1) **Project Ingress/Egress Safety.** LASAN shall include traffic safety improvements for the project access driveway at Terra Vista Way to increase sight distances from the point of access and from adjacent roadways (e.g. Terra Vista Way). This will include the provision of signage (as needed) in all directions to notify vehicles approaching or passing the site access driveway, roadway re-striping or median, and, if necessary, realignment. The roadway improvements will be coordinated with the City's Department of Transportation and Bureau of Engineering as part of the encroachment permit approval process. Traffic control measures will be implemented in conjunction with construction.

CEQA Findings – Mitigation Monitoring and Reporting Program


Assembly Bill 3180 (AB 3180) codified in Section 21081.6 of the California Public Resources Code, became effective January 1, 1989, and requires a lead or responsible agency to adopt a mitigation monitoring and reporting program (MMRP) (Transmittal #8) when approving or carrying out a project. The purpose of this program is to ensure that when an environmental document, either an environmental impact report or MND, identifies measures to reduce potential adverse environmental impacts to less-than-significant levels that those measures are implemented as detailed in the environmental document. As lead agency for the Lopez Canyon Equestrian Trails and Trailhead Project (Project), and pursuant to AB 3180, the City of Los Angeles, LASAN is responsible for implementation of this MMRP.

As such, this MMRP is required to ensure that adopted mitigation measures are successfully implemented and a monitoring strategy was prepared for each mitigation measure identified in the Project. Once LASAN adopts the MMRP, the mitigation monitoring/reporting requirements will be incorporated into the appropriate permits (i.e., engineering specifications, engineering construction permits, real estate entitlements, etc.). Therefore, in accordance with the aforementioned requirements, this document lists each mitigation measure, describes the methods for implementation and verification, and identifies the responsible party or parties as detailed below in the MMRP Implementation section.

STATUS OF FINANCING

There is no impact to the General Fund. Funding will not be necessary for the approval and adoption of the MND.

Respectfully Submitted,



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