#### LOS ANGELES DISTRICT U.S. ARMY CORPS OF ENGINEERS

## PUBLIC NOTICE OF PROPOSED ACTIVITY AFFECTING FEDERAL LANDS

Civil Works Branch, Asset Management Division Public Notice Comment Period: **June 19-July 19, 2013** 

City of Fullerton Bicycle Trail at Brea Basin Brea Dam and Flood Control Basin City of Fullerton ORANGE COUNTY, CALIFORNIA

This Public Notice is issued by the Chief, Asset Management Division, and accompanies the project's *Draft Environmental Assessment (dEA)* as required by the National Environmental Policy Act (NEPA). Environmental issues relating to the proposed project are discussed in the *dEA* which has been prepared for public review and which will be Noticed or sent to agencies, organizations, and local libraries. The public is invited to review and to comment on this documentation for the proposed Bike Trail.

For additional information please contact:

Carvel Bass, U.S. Army Corps of Engineers, at <u>carvel.h.bass@usace.army.mil</u>, (213) 452-3392 tel.; or Jaswinder S. Dhanda, City of Fullerton Engineering Dept. at jaswinderd@ci.fullerton.ca.us, (714)738-6321 tel.

**PROJECT DESCRIPTION**: The City of Fullerton (City) has submitted a request to construct a 1,000-ft.X10 ft. concrete Bike Trail which would follow an upper border of their recreation-leased area at Brea Dam Flood Control Basin (Basin) at Bastanchury Road, just east of North Harbor Boulevard. The Proposal consists of improvements to an existing unsurfaced trail, located adjacent to an off-site, recently-constructed St. Jude Hospital parking structure located adjacent to Fullerton Tennis Center. The Trail would support the City's recreational and park uses of leased lands within the Basin, currently leased to the City for recreational purposes, pursuant to 16 U.S.C. 460(d).

The Proposal would allow for Bike Trail construction at the Basin, within the existing footprint of the recreation lease. An existing Class I bike lane segment, to which the proposed would join, is already constructed to allow bicyclists/pedestrians passage, from Valencia Mesa Drive to the recreation area (accompanying Figure shows the constructed segment as Future Bike Path but is already constructed). The proposed Bike Trail would be 10 ft. in width and approximately 1,000 ft. in length, to run from Bastanchury Road to the terminus of the Valencia Mesa segment.

Improvements would involve demolition of existing elements as needed: Clear and Grub existing vegetation, which consists largely of non-native shrubs; Excavation of Trail footprint; Bike Trail construction including Retaining Wall construction; final Landscaping to replace non-native vegetation with natives and provide temporary irrigation.

**PROJECT LOCATION**: The proposed City of Fullerton Bike Trail (Proposed Action Area) is located in upper areas of the northwestern Brea Dam/Flood Control Basin (/FCB) in the City of Fullerton, Orange County, California. Immediately to the northwest of the Proposed Action Area is St Jude Medical Center. Access to the Proposed Action Area is Bastanchury Road, or from Valencia Mesa Dr. off of Harbor Blvd.

**PROJECT PURPOSE AND NEED**: The City has submitted the Proposal because it is seeking to improve the pedestrian and cycling safety environment for patrons of the northwest Brea Dam FCB/Recreation Area, which includes several densely-traveled traffic intersections. This alternate route's/Trail construction would enhance the City's existing recreation opportunity as well as general connectivity by providing access to existing amenities both at the recreation area and to the St. Jude Medical Center, and would improve street traffic safety in this general area for bicyclists and motorists for both recreation and general commuting. A project funding grant which would allow this construction is provided from Federal Transit Administration.

**PUBLIC REVIEW PERIOD**: Environmental documentation for the proposed Bicycle Trail improvement consists of a *Draft Environmental Assessment*. This document will be circulated for a 30-day public review period, to begin on June 21, 2013 and end on July 22, 2013.

A copy of the document may also be obtained by visiting the City website as provided below: http://www.cityoffullerton.com/depts/engineering

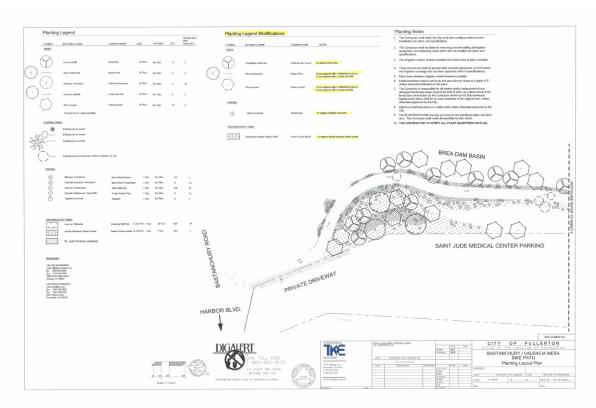
All comments must be submitted in writing no later than 3:00 p.m. on July 22, 2013. Please direct your comments to:

 $\textbf{Carvel Bass, USArmy Corps of Engineers at } \underline{\textbf{carvel.h.bass@usace.army.mil}} \text{ or by mail to:}$ 

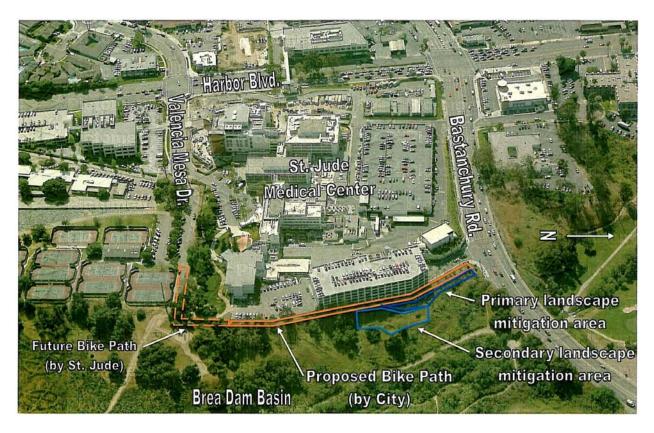
915 Wilshire Boulevard, Ste. 11098, Los Angeles, CA, 90017.

#### **Evaluation Factors**

The decision whether or not to proceed with this Proposal will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for protection and utilization of important resources. The benefit(s) which may reasonably be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include: conservation, economics, general environmental concerns, aesthetics, cultural resources, fish and wildlife values, flood hazards, floodplain values, land use, soil erosion, recreation, water supply and conservation, water quality, energy needs, safety, and the general needs and welfare of the public.



This is 1 of 2 pages to indicate the project landscaping; both pages are also provided at the end of the dEA. Note that the North arrow faces to the bottom of the page.



# **ENVIRONMENTAL ASSESSMENT** for Proposed Bike Path at Brea Dam Basin

#### Bastanchury/Valencia Mesa Bike Path

<u>Proposed Implementation Date</u>: Summer, 2013 <u>Proponent</u>: City of Fullerton

Location: Brea Dam Basin, south of Bastanchury Road

County: Orange County, CA

### I. Project Authority, Purpose and Scope

#### a. Authority for the Federal Action

The United States Corps of Engineers, pursuant to the specific authority granted by Congress in 10 USC 2667 is authorized to permit non-Federal entities the right to use Federal lands in a manner that is compatible with the Federal project, laws, regulations and policies.

**Flood Risk Management** - Although the authorized project Purpose in original legislation was originally referred to as flood control, it is now referred to as Flood Risk Management (/FRM). The Project purpose is to provide FRM to communities downstream of the Basin, and all other activities that may occur within the Basin must not impede or diminish the purpose of flood risk management. Brea Dam is a unit of the flood risk management project for the San Gabriel River Basin in Orange County, which was authorized by the Flood Control Act of 1938 (FCA) 6 (Public Law (P.L.) 74-738), as amended by P.L. 75-761, approved 28 June, 1938. The purpose of the authorized project is to provide flood risk management to the communities

along Brea and Coyote Creeks, downstream of the Basin. Construction of Brea Dam began in July 1940 and was completed in March 1942 at a Federal cost of \$1,417,815.

Recreation - Section 4 of the FCA of 1944 (P.L. 78-534) as amended, authorizes the Corps to construct, maintain, and operate public parks and recreation amenities at water resource development projects, and to permit the construction, maintenance, and operation of such amenities. It authorizes the Corps to grant leases of lands, including structures or amenities that are suitable for public parks and recreation purposes to Federal, state or local governmental agencies when such action is determined to be in the public interest. The Corps granted a lease of 184.4 acres for recreation purposes to the City of Fullerton (City) for a term of 50 years commencing on 1 June 1959 and terminating on 31 May 2009. A new lease for 192.4 acres was executed in 1966 for a term of 43 years with the lease terminating on 31 May 2009. Supplements 1, 2, 3, and 4 to the 1966 lease increased the acreage for the City's recreation development to approximately 224.0 acres. Supplement 3 extended the term of the lease to 31 May 2042. The City also subleases to the American Golf Corporation for operation of the Fullerton Municipal Golf Course, to the Harbor Golf LLC for operation of Golfer's Paradise, to the YMCA for operation of the North County YMCA, and to the Children's League of Fullerton for operation of the Child Guidance Center. The Corps has also granted a lease for approximately 3.0 acres to the American Youth Hostels (AYH) for operation of the Fullerton Hacienda AYH in the old dam tenders house. All subleases are subject to the Corps approval.

#### b. Purpose and Need

The proposal would allow the Proponent (City of Fullerton) to exercise its recreation lease with the U.S. Army Corps of Engineers which would both benefit by providing opportunity for a well-defined outdoor public recreation activity. The proposal also appears to be supported by the Corps' *Adaptive Habitat Management Plan* (*AHMP*, appended to the *Brea Basin Master Plan*, 2011) which reads in part that [new developments should] ... *Prioritize and promote the use of zero-emission transportation such as walking or bicycling within the Basin*. Additional suggestions from the AHMP include:

- Promote a system of trails and networks that encourage use in and around the Basin while keeping such areas separate from ecologically sensitive areas.
- Provide low-density recreation opportunities that are available to a broad socio-economic cross-section of the region's population without discrimination based on age, race, religion, gender preference, or physical capabilities.
- Promote low-density recreation that brings people together seamlessly without regard to physical abilities.
- Design amenities such as picnic areas, campsites, and interpretive displays that take advantage of unique views or landmarks and lead to a greater appreciation of the Basin's natural resources.

The City's purpose is also to provide a safer bicycle pathway than presently exists at the local roadways at this immediate location (Bastanchury Road and North Harbor Boulevard). This bike path is designed to be constructed as a concrete bike path near the top of slope in the Brea Dam Basin, from Bastanchury Road southerly along the easterly boundary of St. Jude Medical Center and ending at the Tennis Center south of St. Jude's Medical Center where, from an earlier project, St. Jude has already constructed a continuation of this proposed bike path, in a westerly direction through its shared parking lot with the City's Tennis Center, which is also included in the existing recreation outgrant and would be the terminus of this trail which would begin at Bastanchury. The City and local entities, thus, value this proposed route for bicyclists.

The proposal would benefit the local cycling public in the context of both recreational and commuting safety purposes. Following completion of the proposed action, bicyclists would be able to ride from Harbor Boulevard onto Valencia Mesa Drive and then to Bastanchury Road along this bike path, thus being able to avoid using the heavy traffic intersection of Harbor Boulevard and Bastanchury Road. The proposed project would also provide a new aesthetic experience as the proposed trail segment would border the edge of the picturesque, riparian Brea Basin where it would also meet a footpath which provides connectivity to Brea Creek.

A second major purpose in pursuing the proposal's review/approval process is to insure that appropriate recreation development would occur, per the existing outgrant and the *Brea Dam Basin Master Plan* (2011) conditions, so as to not infringe upon the Corps/Federal operations and maintenance activities during future Federal uses at the Dam and Basin, which also includes flood fighting on occasion. An existing, informal footpath already exists for a portion of this route.

#### c. **SCOPE OF ANALYSIS**

This analysis is offered to the interested public to solicit input on a potentially beneficial bike path project in the Brea Dam Basin. The document will be made available for review and input for 30 days, from June 21-July 22, 2013. Comments should be addressed to the Army Corps of Engineers. Please direct your comments to Carvel Bass, US Army Corps of Engineers at carvel.h.bass@usace.army.mil, or by mail at 915 Wilshire Boulevard, Suite 11098, Los Angeles, CA 90017. If you have questions or would like additional information, please contact Carvel Bass, Ecologist, Asset Management Division at (213) 452-3392.

#### **II. ALTERNATIVES**

#### a. No Action

The No-Action alternative would not see the proposed bike trail segment be built. The No-Action would result in potential loss of a \$434,000 federal grant which supports the proposal and would be available for City of Fullerton at this time to construct the subject bike route, which is a "green" alternative to bikers using the heavily-traversed State College Boulevard/Bastanchury Road intersection. This alternative would not be made available in the foreseeable future.

#### b. Onsite

A proposed Onsite Alternative is presented below. The proposed bike path would be constructed near the top of slope and thus avoid impacts to the stream below. A retaining wall would be constructed at a portion of the upper area where the bike path would be constructed into the slope, due to inadequate amount of flat terrain in certain portions of the proposed trail. The proposed concrete bike path is approximately 1000' in length and width of 10'. The Corps of Engineers is reviewing the proposal for consistency with Brea Dam operations and recreation policy. The proposal also appears to be supported by the Corps' Adaptive Habitat Management Plan which is appended in the *Brea Basin Master Plan* (2011) and reads, in part, that new developments [should] ... *Prioritize and promote the use of zero-emission transportation such as walking or bicycling within the Basin*.

The proposed bike path alignment would impact existing vegetation, including mature landscaped vegetation and topography which had been put in place during earlier decades at the Brea Basin and which consists primarily of non-native, woody shrubs or trees, at several locations along the proposed route. To minimize impacts to the landscaped environment, the proposed project would install additional landscaped areas to mitigate these impacts, with trees larger than 6" diameter mitigated on a 3:1 basis and smaller trees mitigated 1:1, in each case with native vegetative species. The proposed project would install shrubs, groundcover, and

irrigation. Drought-tolerant, native plants are proposed and would include temporary irrigation for two years.

#### c. Offsite

No offsite alternative is proposed, because the City leases this portion of the Basin for recreation purposes and wishes to enhance its lease's recreation and alternative transport amenities. Outside the Basin, land use and land management are handled differently as land outside the basin is largely privately owned with adjacent areas developed for commercial land use and by a different set of principles, not necessarily conducive to the concept of a constructed bike path.

#### **IV. PROPOSED ACTION**

#### Background

The Corps recently (2011) updated its earlier *Brea Basin Recreation Master Plan* from a 1996 edition and, among other changes, updated the classification of Basin acreage into new general land-use designations. In 2010, City of Fullerton proposed this project for the western, topmost Basin margin off Bastanchury Road in an area which (from 1996 Master Plan) had been classified as 'Low Impact Recreation' and (in current 2011 Master Plan) was classified as 'Vegetation Management Area'. In the current Plan, both 'Low Impact Recreation' and this region's 'Vegetation Management' areas are termed 'Multiple Resources Management'. Characteristics of the site allow its use as either/both recreation or vegetative management areas; the characteristics are listed below in Section V and elsewhere and the appropriateness of the site for a bike trail is further supported by the 2011 description that ... *Recreation areas are generally located in the higher elevations of the Basin*.

The proposed area contains a dirt path which has been informally used by pedestrians and/or bicyclists for Basin ingress/egress, and the proposed project would replace this informal trail with a 10-ft. wide, concrete, designated bike and pedestrian trail.

Project funding consists of a grant from Federal Transit Authority and with City funds. Federal Transit Authority funding is TE (Transportation Enhancement) funds that are for bicycle and pedestrian improvements. This grant-funded proposal would be comprised of a concrete bike path and retaining wall, landscaping, and irrigation (see attached project aerial photo map and drawings). Once engineering and environmental documentation has been circulated and comments reviewed and incorporated, the project would be ready for construction. Due to federal funding requirements, the proposal should ideally be approved during Summer, 2013, to allow for an anticipated construction start around January, 2014. The following are the main components of the project.

#### A. Clear and Grub

During the non-breeding season for birds (approximately September 15-March 15), the area for the proposed bike path will be cleared of trees and vegetation. There are approximately 15 non-native trees or large shrubs, varying in size and type, to be removed.

#### B. Excavation

The area for the bike path and retaining wall will be excavated. Due to the varying topography and cross sections, there would be cut in some areas and fill in other areas with a net cut export from the site.

#### C. Bike Path

The proposed concrete bike path is designed at approximately 1000' in length and width of 10'. The concrete is proposed to be 5" thick over 24" depth of compacted subgrade. 2'-wide graded shoulders are proposed adjacent to the bike path. Drainage inlets and pipes would be provided to collect storm flow from upslopes. A chain link fence is proposed for safety on the downslope side of the bike path.

#### D. Retaining Wall

In areas where the proposed bike path would encroach into existing slope, a masonry block retaining wall is proposed that would vary in height to about 6' maximum.

#### E. Landscape and Irrigation

As mitigation for vegetation planned for removal, new landscaping is proposed with 3:1 mitigation for trees greater than 6" diameter and 1:1 mitigation for smaller trees. Native Shrub and groundcover replacement planting is also proposed. The primary landscape area would be closest to Bastanchury Road between the bike path and St. Jude Medical Center where the ground is flatter. Secondary planting areas will be along the Trail's toe of slope, with some trees to be planted further down the slope where the slope is steeper. It is not proposed to plant trees closer to the bike path and retaining wall, due to the potential of irrigation to impact the walls and slope. Drought-tolerant plants are proposed with temporary irrigation for about two years. The following are proposed plants; the layout may be seen in two Figures at the end of the dEA:

- 1. Trees California Sycamore, Coast Live Oak, CA Bay Laurel (all 15" gallon size).
- 2. Shrubs Coyote Brush, Bush Monkeyflower, Wild Rye, Coastal Prickly Pear, Lemonade Berry, and other natives (all 1 gallon size).
- 3. Groundcover Bladderpod, and other native groundcover (all 1 gallon size).

#### V. ENVIRONMENTAL IMPACTS

IMPACTS ON THE PHYSICAL ENVIRONMENT		
DESCRIPTION OF RESOURCE AND BASELINE CONDITION	POTENTIAL DIRECT AND INDIRECT IMPACTS AND MITIGATION MEASURES	SIGNIFICANCE OF IMPACTS
GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:  Fragile, compactable or unstable soils are not present; there are no unusual geologic features, and there are no special reclamation considerations to be noted.	No significant direct effects expected to soils and geology. Construction Best Management Practices (BMPs) will be utilized to minimize impact to the ground. Project is proposed to be constructed during Fall, 2013.	No significant adverse effects.
The proposed work area is a south-facing down-slope at the interface of St. Jude Hospital and the Brea Flood Control Basin. This area has seen recent construction activity with respect to St. Jude's parking improvements.	No Action Alternative: Local Geology and Soil conditions would not be altered by the No-Action alternative.	

#### 2. WATER Resources:

Important surface or groundwater resources are not present; there is no potential for violation of ambient water quality standards; there will be no changes to stream flow regimes, floodplains, wetlands or groundwater discharge.

This proposal concerns a proposal to formalize, by construction, an informally-used trail in the area between Bastanchury Road and the Fullerton City Tennis Center.

Soil borings were taken to depths of 6'-21' with no groundwater encountered. Work would occur near the top of slope in the Basin.

No Action Alternative:
Water flow in both subsurface and surface would not be expected to change significantly as a result of No-Action. The basin exhibits a seasonally, naturally dynamic behavior with respect to hydrology.

No significant adverse effects.

#### 3. AIR QUALITY:

The proposed location for construction is at the busy Bastanchury Road, near North Harbor, which is a highly traveled intersection with typically predictable high traffic and air quality considerations.

Temporary air quality impacts may occur during the construction of this project because of machinery operation to be employed during the project construction. Construction machinery would produce internal combustion engine/hydrocarbon exhaust. The proposal involves a small number of heavy equipment vehicle sources of exhaust. However, the proper use/maintenance of construction machinery is necessary to minimize adverse effects to air quality. Best Management Practices (BMPs) will be utilized to minimize impact

While the contribution by plants is not significant, note that in addition to petrochemical greenhouse gas emissions from construction vehicle fuels, potential greenhouse gas emissions also include metabolic emissions from plants, both those to be removed as well as those to be planted (replacement of one type of plant by another). No Action Alternative: With no such construction as proposed, there would be no change to local air quality conditions.

No significant adverse effects.

## 4.VEGETATION COVER, QUANTITY AND QUALITY:

Rare floral species or cover types are not present within the proposed project area. The existing floral community is a common mix, largely of non-natives found in Orange County. In the Corps *Brea Basin Master Plan* (2011), the area is described as *Artemesia californica* shrubland alliance/Ruderal and also as having Restoration Possibilities as Native Habitat (Upland).

Vegetative Management is the updated (2011) designation including this uppermost portion of

At the upper Basin's northeast margin, the proposal would upgrade an existing dirt path to a concrete bike trail. The largely exotic, vegetative cover of the proposed 10'-X-1000' Trail area would be replaced by planting of native herb, shrub, and tree species, with temporary irrigation. While the proposed project would remove existing herbs, shrubs, and trees, no rare plants exist here or would be removed. To

No significant adverse effects.

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the Basin margin, although low-impact recreation use is also expected. The present proposal would upgrade a dirt path to a designated hard-surfaced bike trail. The following excerpts from the Master Plan (2011) are provided: Bicycles are allowed only on designated trails. Use of bicycles on dirt trails can contribute to erosion and also suggests value of: Vegetation management for native riparian buffer between Environmentally Sensitive and Recreation areas [and] Restoration areas next to Environmentally Sensitive areas, to create buffers.	mitigate loss of ground cover, the project would install new trees, shrubs and other groundcover limited to native species known to be drought-tolerant.  No-Action Alternative: The hillside slope would continue being vegetated by a mix of both native and Mediterraneantype non-native plants.	
5. WILDLIFE:  There is no substantial use of the proposed project area by wildlife, birds or fish, because this area is at margins of the urban landscape with better-protected wildlife habitat acreage at lower Basin elevations. However, birds and likely some wildlife may be observed, as they move across different Basin areas both upstream and downstream of Bastanchury Road.	The relatively minor and temporary use by wildlife and bird species is not likely to be seriously disrupted by the temporary, off-season construction, or its noise, or by the future use or maintenance of the proposed Bike Trail. Any future work would be evaluated in terms of adverse noise effect.  No-Action Alternative: No significant adverse effect would be likely occur to wildlife species as a result of not building the bike trail. However, use of the area as in the presently unsupervised manner may result in accidentally initiated wildfires which could damage wildlife habitat.	No significant adverse effects.  Additional attention should be paid to developing a maintenance plan to account for management methods designed to protect and sustain the immediate environment.
6. THREATENED OR ENDANGERED SPECIES:  Least Bell's Vireo is a Federally-listed-asendangered species which has been identified at riparian areas of Brea Basin. The proposed site is an Upland location which vireos do not frequent.  7. WETLANDS:  Although the perennial Brea Creek watercourse	No such listed species are known to inhabit the proposed project area and local listed species would not be affected by the proposed project.  No-Action Alternative: Habitat for any listed species would continue being unaffected by routine activities at Brea Basin.  The proposed project location is not in a wetland area. The project would be constructed	No significant adverse effects.  No significant adverse effects.
passes through lower-elevation areas at Brea Basin, wetlands or aquatic sites are not present in the immediate project area which is classified as Upland.	near the top of slope at Brea Basin with no work in the streambed below.  No-Action Alternative: The lower streamside locale, which contains a wetlands margin, would continue to be protected by the need for coordinated environmental	

	documentation in the case of future proposals in this area. No significant adverse impact at this time.		
8. CULTURAL RESOURCES:  Historical, cultural, archaeological or paleontological resources are not historically known to be present in this project area. As a result of several recent construction projects concerning St. Jude Hospital and the Corps' lessee at Fullerton Tennis Center, the area has been surveyed for cultural resources potential.	The proposed project is in the Brea Dam Basin, an open space area with no buildings and no known historical, archaeological, cultural or paleontololgical resources present. Army Corps will perform coordination with the State per SHPO requirements.	No significant adverse effects.	
	No-Action Alternative: When new ground disturbing activities are proposed at Brea Basin, such projects are reviewed prior to construction for impacts to cultural resources.		
9. AESTHETICS:  This project site is located at the border between St. Jude Hospital's newly-constructed parking structure and upper areas of the Brea Flood Control Basin. The Basin's topograph margin and aesthetic views of the Basin at this location are eclipsed by the Hospital's parking structure. The proposed project site is not in itself a prominent topographic feature.	The north entrance to the proposed Bike Trail would be visible as seen by west-bound travelers on Bastanchury Road Aesthetics will not be adversely affected. The area is not heavily populated since adjacent properties are for commercial land use.  There would be some temporary construction noise but the work would be significant distance from residential development, and no work is planned at night. The small amount of temporary noise is not likely to reduce the aesthetic experience of Basin visitors.  Non-Action Alternative: With no such project, the Basin	No significant adverse effects.	
10. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR	aesthetic experience would continue as at present.  Scarce resources will not be adversely affected.	No significant adverse effects.	
ENERGY: The proposed project would not use limited resources. Other local activities that could affect the proposed project include general traffic activity from Bastanchury Road, as well as St. Jude Hospital maintenance work at its parking structure's east side. In addition, City of Fullerton and/or St. Jude Hospital may occasionally need to work in or around the	There are no known nearby activities that will affect the project. Adjacent St. Jude Medical Center has recently completed improvements at the south end but, at this time, has completed such activities already begun.		

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Basin's subject western slope since each, respectively, maintains an outgrant for specified uses of Corps land at Brea Basin.	No-Action Alternative: Each new proposed activity receives attention and review prior to its implementation. At this time, no such activities are proposed.	
11. WATERS/NAVIGABLE WATERS OF THE UNITED STATES	Watercourses or waters of the US would not be affected.	No significant adverse effects.
Waters of the U.S. and/or navigable waters are not present at the project site and, thus, no Clean Water Act program is applicable to the proposed project.	No-Action Alternative: When waters are to be affected, then Clean Water Act analysis would be conducted.	
Noise impacts on the surrounding community are enforced through City Codes, supported by nuisance complaints and subsequent investigation. The City Code lists maximum allowable noise levels to be used as the baseline for determination of public nuisance on various land uses/zones. Noise impacts to wildlife are discussed above.	Ambient noise studies were not conducted for this specific project. The project area is bordered on north and west sides, respectively, by Bastanchury Road and the St. Jude Hospital Parking Structure which are, together, the greatest sources of ambient noise.  A slight and temporary increase of noise will exist during the construction phase of this project, but construction would be limited to daylight hours. Day work would be limited to 7 am to 4 pm in conformity with local noise regulations. Trail work and eradication of invasive species would result in intermittent increases in noise, but would not exceed local ordinances or state laws for noise restrictions  No-Action Alternative: The baseline sources of noise, due to the adjacent traffic and St. Jude Hospital parking structure, would continue as at present. This is not significantly adverse noise.	No significant adverse effects.
13. IMPACTS TO EXISTING FEDERAL	Within the precise project	No significant
FLOOD CONTROL PROJECT:  The Brea Dam and Basin is an existing flood control facility and provides opportunities for recreation in the Basin, most of which the City of Fullerton leases from the Corps for recreation purposes. The area under	construction area, near the top of slope in the Basin, the proposal would not affect any of Brea Dam's flood control efforts or facilities including the Dam itself which are located downhill/down-stream of the	adverse effects.

consideration for the proposed Trail is included within the City's recreational outgrant and, at this location, is near the 100-year flood elevation.	proposed project area. The Dam would not be impacted by the proposed project since no hydraulic, or topographic, characteristic would be significantly altered.  No-Action Alternative: A certain amount of natural erosion occurs at the Basin's western slope which results in some sedimentation at the Dam's gates; this would be likely to continue, absent the current proposal, but this is not a significant adverse effect.	
14. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES:  At this time, City of Fullerton is proposing a road-widening, including both sides of the Bastanchury Road bridge to account for additional traffic needs. The proposal is still in Design stage and is undergoing preliminary development and draft environmental documentation.	No other major projects at this time are noted for within the Basin, but a second proposal involving Bastanchury Road (road-widening) is undergoing development.  No-Action Alternative: This alternative would not affect other studies or the potential project planning for other projects or studies.	No significant adverse effects.

IMPACTS ON THE HUMAN POPULATION			
DESCRIPTION OF RESOURCE AND BASELINE CONDITION	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES	SIGNIFICANCE OF IMPACTS	
15. HUMAN HEALTH AND SAFETY:  City of Fullerton occasionally advances construction or other activities on its recreation-leased areas at Brea as well as at other City-related properties and provides oversight on other construction projects elsewhere within the City. This general area of Fullerton is managed by municipal and other Local and State guidelines which cover safety and human health considerations.	The construction of the bike path improvements will not add to health and safety risks and will provide a safer bike/ commuting environment for bicyclists.  No-Action Alternative:  City of Fullerton wishes to improve traffic/safety conditions for bicyclists in this area which includes several densely-used major streets and intersections. Safety conditions would not be improved if the Bike Trail were not constructed. This alternative would result in continuing adverse effects, with regard to existing safety conditions, for bicyclists.	No significant adverse effects.	

16. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION:  The background setting proposed for this short Bike Trail segment is a highly developed and highly trafficked urban setting. City of Fullerton is interested in undertaking this relatively minor construction project which would be largely incidental to the larger local economic scene.	The proposed project would not add or otherwise alter industrial, commercial, agricultural or production activities at this project site. The proposed project is in an open-space area although adjacent to industrial, commercial or agricultural activities.  Commercial land use adjacent to the project would not be affected by the Bike Trail construction or operation.  No-Action Alternative:	No significant adverse effects.
	No-Action would not allow local residents the flexibility, for bicyclists, of a safe bike trail or as an alternate route for biking commuters. This is an adverse effect although not significantly adverse.	
17. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:  The City of Fullerton includes a public works department which manages various City construction jobs. The proposed project would be a contract for which City-related contractors could bid.	The project would provide additional construction work for a relatively small number of contractors and their staff. City staff would also benefit by support from the grant which would fund the project	No significant adverse effects.
	No-Action Alternative: The grant which would fund the proposal would be lost to the City and to its contractors. This would be an adverse effect to City of Fullerton and to the local jobs market and economy. While the subject proposal is relatively small in scope, the impact of not dispensing the grant could be significantly adverse locally.	
18. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: At the foot of the subject upper slope exists an informal, unpaved trail for pedestrians and bicyclists which allows connectivity from north to south, at the riparian setting of Brea Creek.  The Subject area is described under the Corps Brea Basin Master Plan (2011) as a Vegetation Management Area, within the City's recreation lease and very nearly at the 100-yr. flood line. The Master Plan states that such areas should be specifically targeted for invasive plant eradication and native planting, as this would	Recreational trails for public use are a part of this project area, and the local trails system would be enhanced on culminating this project. The Master Plan recommends that trails be structured to discourage homeless encampments. Existing, informal recreation trails within the Brea Dam Basin would not be affected although closer connectivity with the natural Basin area would be achieved. The proposed project is for a	No significant adverse effects.

significantly improve the buffer conditions between Environmentally Sensitive land and more actively used recreation areas. The designation is not incompatible with temporary or fleeting recreation use such as by bicyclists.  Because City of Fullerton has a recreational interest (outgrant) over most of Brea Basin, the City continues to provide recreational amenities in the area which offers less a wilderness experience and simple more outdoor recreation such as hiking and nature-watching in nature. An enhanced recreation opportunity (including	new or formalized bikeway/ route and therefore would provide additional recreational opportunities. The proposal also appears to support a current Master Plan principle which describes a need for enhanced 'way-finding' at Brea Basin, including:  Install signage throughout the Basin to assist in navigation and location of amenities.	
for urban bicycle commuters) at this natural area is the scope of this bike path project.	Signage may include park personnel locations, emergency procedures, emergency phone numbers, trail name and related information.  No-Action Alternative: With this alternative, the proposed bike trail amenity would not be provided to the outdoor recreation community, which would be an adverse effect of the No-Action alternative.	
19. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:  The proposed project would not add to the	The project is intended for the Brea Flood Control Basin, which is an uninhabited area of Fullerton.	No significant adverse effects.
present population nor will it require additional housing. No minority or low income population is identified within the market area of Brea Dam Basin. Therefore, there would be no potential for housing impacts to result from approval of this relatively small construction project.	No-Action Alternative: There would be no change to existing or future circumstances concerning population or housing at Brea Basin.	
20. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES: There are no minority or low income populations identified within the market area of Brea Dam Basin.	Many individuals are likely to use this bike trail as an alternate route, and a different mode of transport. This is a positive social and economic impact for the community.	No significant adverse effects.
Social or economic circumstances to be considered with the implementation of this proposed bike path include the opportunity for alternate means and routes of transport in the immediate locale, besides autos at Bastanchury Road. A proportion of the population does not drive autos but does utilize bicycles in the area for commuting purposes, or for recreation.	No-Action Alternative: Fewer individuals would benefit bicycling in the area, which would be an adverse impact affecting a small but noticeable percentage of the local population.	

#### **Proposed Action Alternative**

Designation of a 10-ft. by 1000-ft paved Bike Trail would allow for an increase to awareness of environmental sustainability of this portion of the land.

With proper construction and management as proposed, no negative impacts are anticipated to Basin sustainability as a result of the proposed Action. Instead, the proposal

is expected to expand environmental protections and provide a more current understanding of visitation data and community needs, which will allow more informed and efficient management of the resources within the Basin for the benefit of future generations.

#### No Action Alternative

The proposed Bike Trail provides a beneficial land use plan that is based on principles of ecological, social, and economic sustainability. Without approval of the proposal the ability to utilize updated land management planning based on best available data which does indicate a need and support for the proposal, the sustainability of environmental resources, community use, and economic viability could erode. A result of the No-Action alternative would be limitations to the ability to manage the Basin to the greatest benefit of both human interests and natural protections.

#### **Determination of Impacts**

The Proposed Action Alternative would not create significant impacts to Basin energy, environmental, or economic sustainability. Based on additional attentions resulting from the proposal in this upper area of Brea Basin, it is expected that more visitation, as well as City oversight, would result in this area.

#### **VI. CUMULATIVE IMPACTS**

#### 6.1 Cumulative Impacts

A cumulative impact is an "impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions" (40 CFR § 1508.7). Cumulative impacts can result from individually minor, but collectively significant, actions taking place over time (40 CFR § 1508.7). CEQ's guidance for considering cumulative effects states that NEPA documents "should compare the cumulative effects of multiple actions with appropriate national, regional, state, or community goals to determine whether the total effect is significant" (CEQ 1997).

#### 6.1.2 Past Actions

Construction of Brea Dam in 1942 necessitated clearing the land that is now the Basin. In contrast to the land surrounding the Basin which has undergone an intense urbanization process, during the same time, the land within the Basin has reestablished with native plant and wildlife communities as well as with non-native, introduced species. As a result, the Basin is now an increasingly rare piece of open space with areas of relatively naturalized habitat within a highly urbanized region. In comparison with the surrounding area, sources of noise and air pollution within the Basin have remained fewer and of lower intensity, and within the Basin traffic is infinitely less than the surrounding area. The Basin's aesthetic value is higher due its natural character and the environmental quality that has evolved over time, while urbanization outside the Basin has destroyed most of the natural environment.

Brea Dam Basin was constructed in an area of continually increasing urbanization that has significantly altered the natural environment. Communities surrounding the Basin have become densely urbanized over the past century, marked by extensive automobile traffic, highly developed industrial and residential areas, numerous noise sources, and dense population. Construction of the Dam and development within the Basin also contributed to cumulative environmental impacts to the area. Following construction,

ongoing operation and maintenance of the Basin and its recreation amenities have continued to both preserve and to challenge the environmental baseline.

Cumulative impacts of development within and around the Basin have adversely affected water quality and quantity, air quality, and noise levels. Dense urbanization has adversely affected the presence of native fish, wildlife and vegetative habitats that were historically present in the Basin. Development both within and around the Basin has increased the possibility for introduction of pollutants, toxic materials, wastes, and non-native plant and animal species to the Basin. The overall quality of the natural environment at the Basin has diminished significantly since industrialization and urbanization of Orange County.

In 2005, St. Jude Hospital's parking structure construction project included landscaping and irrigation to be installed at the top of slope and adjacent to their property in the Brea Dam Basin.

#### 6.1.2 Present Conditions

By the City and Corps tailoring management of Brea Dam Basin to meet current conditions and needs, the approval of the proposed Bike Trail could temper some local and Basin effects of urbanization. A current land use classification plan divides the Basin into operations, high intensity recreation, low density recreation, and limited low density recreation. Compared to past classification systems (1996), the proposed updated land use classification plan also divides the Basin into a greater number and variety to allow for management of vegetative habitats, protection of environmentally sensitive land, and a reduction in the acreage of overall area devoted to high intensity recreation. The new designation implies greater restrictions of use and development within this environmentally valuable habitat and would to ensure the Basin's natural habitats are protected and that associated wildlife assemblages are managed in a way that is sustainable and compatible with public use.

The proposed Bike Trail is not expected to contribute to adverse impacts to the human environment.

#### 6.1.3 Future Actions

A recently updated Master Plan is intended to provide the baseline for future, sustainable management of the Basin. Approval of the updated Master Plan resulted in the reclassification of a significant acreage of land into more environmentally sustainable classifications throughout the Basin, but would not result in the construction of additional recreation amenities, roadways, structures, or utilities, nor does it advocate unnecessary development or development of natural areas.

Aside from the primary purpose of the Basin for flood risk management, the other primary authorization for development here is for recreation features and amenities. Lands classified as Recreation under the updated Master Plan are nearly completely built out and further development would be limited. If as determined by the local community that additional recreation amenities are needed in the future, the proposed action (as this one) will be subject to project-specific NEPA documentation and public review which would further ensure that significant cumulative adverse impacts, if any, are assessed.

Retaining the upper Basin margin as an open space and low-impact recreation area would continue to mitigate local impacts of increasing traffic, noise, air and light pollution, loss of natural habitat, and open space to minority populations that may grow within the surrounding

community, as crowding associated with greater infill of surrounding urban areas continues to occur over time.

The proposed Bike Trail would not impact the natural resources found within the Basin into the future, and may instead provide some improvement to those resources, both through continued enforcement of existing laws and regulations, and by defining areas of Environmentally Sensitive and MRM – Vegetative Management land.

# VII. SUMMARY OF ENVIRONMENTAL COMMITMENTS OF THE PROPOSED ACTION:

Construction BMPs will be employed to reduce potential soil, air quality and noise impacts.

This section describes the environmental commitments that would be implemented as part of the Proposed Action for the vegetation management activities. Due to the limited nature of disturbance, the activities of the Proposed Action are not expected to cause any long term adverse effects. The environmental commitments discussed below would decrease the severity of any short-term or temporary project related activities on resources. The environmental commitments described in this section are not legally binding and do not constitute a mitigation requirement that would be binding or enforceable against the United States.

#### **GEOLOGY AND SOILS**

- SG-1 Work would not occur during heavy storms.
- SG-2 Work would cease when wind speed exceeds 25 miles per hour.

#### **WATER RESOURCES**

- WR-1 A Storm Water Pollution Prevention Plan (SWPPP) would be prepared to reduce the potential for accidental release of fuels, pesticides, and other materials. A Notice of Intent (NOI) shall be sent to the California Water Resources Board in Sacramento. The SWPPP would be reviewed and approved by Corps team members, including ERB and Engineering. This plan will include the designation of refueling locations, emergency response procedures, and definitions of reporting requirements for any spill that occurs. Equipment for immediate cleanup will be kept at the staging area for immediate use.
- WR-2 When a storm event is forecast within 48 hours, work shall stop and all equipment and vehicles moved to an elevation greater than the 100-year event.

#### **AIR QUALITY**

- AQ-1 A Fugitive Dust Emission Control Plan would be developed, provided by the Contractor, and implemented. Measures to be incorporated into the plan would include, but not be limited to the following:
  - Water the unpaved road access and other disturbed areas of the active sites at least two times per day, or apply CARB certified soil binders.
  - Install wheel washers/cleaners or wash the wheels of trucks and other heavy equipment where vehicles exit the site or unpaved access roads.
  - Increase the frequency of watering, or implement other additional fugitive dust mitigation measures, of all disturbed fugitive dust emission sources when wind speeds (as instantaneous wind gusts) exceed 25 miles per hour.

- AQ-2 Diesel engine idle time would be restricted to no more than ten minutes duration.
- AQ-3 All on-road construction vehicles working within California would meet all applicable California on-road emission standards and would be licensed in the State of California. This does not apply to construction worker personal vehicles.
- AQ-4 Activities and operations on unpaved roads areas would be minimized to the extent feasible during high wind events to minimize fugitive dust.

#### **NOISE**

- N-1 Activities would comply with local ordinances. Any nighttime or weekend activities would be coordinated with local ordinances and would require a noise permit.
- N-2 All equipment used would be muffled and maintained in good operating condition. All internal combustion engine driven equipment would be fitted with well maintained mufflers in accordance with manufacturer's recommendations.
- NR-3 If, in the opinion of the Corps site Biologist that, any work would impinge upon least Bell's vireo territories, then such work shall be performed after September 15 and prior to March 15 to avoid impacting the listed species' bird nesting season.

#### **BIOLOGICAL RESOURCES**

- BR-1 Should work intrude to the nesting season, then prior to start of project the City would retain a qualified biologist on site to supervise ground disturbing activities and oversee all aspects of monitoring that pertain to biological resource protection.
- BR-2 Work would occur only during daylight hours to minimize disturbances to any urban wildlife species that move primarily at night.
- BR-3 Unpaved areas would be watered as needed (or other measures implemented) to control dust on a continual basis.
- BR-4 If, in the opinion of the Corps site Biologist that, any work would impinge upon least Bell's vireo territories, then such construction work would occur outside the migratory bird nesting/breeding season between March 15 and September 15. A project biologist with authority to stop work would be present on site during breeding-season work to ensure the limits of the operation do not encroach into suitable vireo habitat or within 250 ft (76.2 m) of a nesting vireo.
- BR-5 No harassing, killing, collecting, or intentionally harming any species of wildlife, fish or vertebrate would occur.

#### **CULTURAL RESOURCES**

CR-1 In the event that previously unknown cultural resources are uncovered, work in the immediate area would cease until satisfaction of the requirements in 36 CFR 800.13.

#### **AESTHETICS AND RECREATION**

- AR-1 Work and staging areas would be kept orderly and free of trash and debris.
- AR-2 A storage area for collection and storage of recyclable and green waste materials would be kept within the work area. All trash and debris would be removed from the work area at the end of each day
- AR-3 All recreation uses would be detoured from the area for safety of workers and the public.
- AR-4 Signs would be posted prohibiting trespassing via any approved work areas.

#### **TRAFFIC**

- TT-1 Public streets would be kept operational, particularly during the morning and evening peak hours of traffic.
- TT-2 There would be coordination with the local transportation department of the applicable jurisdiction to implement standard construction traffic controls, such as the posting of notices, signage, detours, flag men, and other appropriate measures as needed.

#### **SAFETY**

- PS-1 A Safety Plan, in accordance with applicable Corps standards, would be developed by Contractor and implemented during all phases of the proposed work to ensure safety of all personnel.
- PS-2 Construction and maintenance fluids (oils, antifreeze, fuels) would be stored in closed containers (no open buckets or pans) and disposed of promptly and properly away from the channel to prevent contamination of the site.
- PS-3 Refueling of heavy equipment machinery would be accomplished on site least 50 feet away from flowing water and with the use of liners. Best Management Practices (BMPs) would be used and include such actions as having hazardous waste clean-up equipment and spill kits staged on-site, using the appropriate size and gauge drip pans and absorbent diapers. Spill kits shall be in close proximity to the fuel truck and mower in case of fuel or other fluid spills. Contractor equipment would be checked for leaks prior to operation and repaired as necessary.
- PS-4 Fluids released because of spills, equipment failure (broken hose, punctured tank) or refueling would be immediately controlled, contained, and cleaned-up per Federal and regulations. All contaminated materials would be disposed of promptly and properly to prevent contamination of the site. Someone would be present to monitor refueling activities to ensure that spillage from overfilling, nozzle removal, or other action does not occur.

#### VIII. AGENCY COORDINATION

A public notice of the proposed action is to be issued on June 19, 2013. The comment period would be open from June 19 to July 19, 2013. Answers to comments received will be incorporated into the final EA following the comment period.

#### IX. RESPONSE TO COMMENTS

To be determined.

#### X. APPLICABLE ENVIRONMENTAL LAWS AND REGULATIONS

For each of the following, please provide a brief description of any consultation efforts made, and the results of those consultation efforts. All supporting documents are included in Appendices.

#### 10.1.1 National Environmental Policy Act (NEPA) Compliance

NEPA is the nation's primary charter for protection of the environment. It establishes national environmental policy which provides a framework for Federal agencies to minimize environmental damage and requires Federal agencies to evaluate the potential environmental impacts of their proposed actions. Under NEPA, a Federal agency must prepare an Environmental Assessment (EA) describing the environmental effects of any proposed action having a significant impact on the environment. The EA must identify measures necessary to avoid or minimize adverse impacts resulting from the proposed action or determine if further

analysis is required and prepare an Environmental Impact Statement (EIS). The proposal is in compliance with the Act.

#### 10.1.2 U.S. Fish and Wildlife Coordination Act (16 U.S.C. 661)

This Act requires Federal agencies to coordinate with the USFWS and local and state agencies when any stream or body of water is proposed to be modified. The intent is to give fish and wildlife conservation equal consideration with other purposes of water resources development projects. The proposal would not involve modification of a body of water, therefore, formal coordination and preparation of a Coordination Act Report is not required.

## 10.1.3 Endangered Species Act of 1973 (Public Law 93-205), as amended.

The Endangered Species Act (ESA) protects threatened and endangered species, as listed by the USFWS, from unauthorized take, and directs Federal agencies to ensure that their actions do not jeopardize the continued existence of such species. Section 7 of the Act defines Federal agency responsibilities for consultation with the USFWS. The Act requires preparation of a Biological Assessment to address the effects on listed and proposed species of a project. Due to the disturbed, park like landscape of the proposed location, there would be no impacts to listed or proposed species. The proposed Bike Trail would be in compliance with the Act.

#### 10.1.4 Migratory Bird Treaty Act (MBTA)

The Migratory Bird Treaty Act prohibits the taking or harming of any migratory bird, its eggs, nests, or young without an appropriate Federal permit. Almost all native birds are covered by this Act and any bird listed in wildlife treaties between the United States and several countries, including Great Britain, Mexican States, Japan, and countries once part of the former Soviet Socialist Republics. A "migratory bird" includes the living bird, any parts of the bird, its nests or eggs. The take of all migratory birds is governed by the MBTA's regulation of taking migratory birds for educational, scientific, and recreational purposes and requiring harvest to be limited to levels that prevent over-utilization. Section 704 of the MBTA states that the Secretary of the Interior is authorized and directed to determine if, and by what means, the take of migratory birds should be allowed and to adopt suitable regulations permitting and governing take. Disturbance of the nest of a migratory bird requires a permit issued by the USFWS pursuant to Title 50 of the Code of Federal Regulations (CFR). Because work would be conducted outside the nesting season, the proposal would be in compliance with the Act.

#### 10.1.5 Clean Water Act

Section 404 (b) prohibits the discharge of dredged or fill materials into the waters of the United States, including wetlands, except as permitted under separate regulations by the U. S. Army Corps of Engineers (Corps) and U. S. Environmental Protection Agency (EPA).

Waters of the U.S.: Under Section 404 of the Clean Water Act (CWA), the Corps regulates discharges of dredged or fill material into "Waters of the United States", including wetlands. "Waters of the United States" is defined in 33 CFR 328.3 as

- All waters which are currently used, or were used in the past or may be susceptible to use in interstate or foreign commerce;
- All interstate waters including interstate wetlands;
- All other waters such as intrastate lakes, rivers, streams, (including intermittent streams), the use, degradation or destruction of which could affect interstate or foreign commerce;

- All impoundment of waters otherwise defined as Waters of the U. S. under the definition;
   and
- Tributaries of waters, defined above.

The proposed project does not involve discharge of dredged or fill material in waters of the US, therefore a 404 (b)(1) permit is not required.

For the same reason, the project does not require State Water Quality Certification under Section 401 of the Act. The project would not require a Storm Water Pollution Prevention Plan (SWPPP) under the National Pollutant Discharge Elimination System under Section 402 of the Act. This Event is in compliance with the Act.

#### 10.1.6 Clean Air Act of 1970 (42 U.S.C. 7401 et seq.)

1977 Amendments to the Clean Air Act enacted legislation to control seven toxic air pollutants. USEPA adopted National Emission Standards for Hazardous Air Pollutants (NESHAP), which has been designed to control Hazardous Air Pollutants (HAP) emissions to prevent adverse health effects in humans.

1990 Amendments to the Clean Air Act determine the attainment and maintenance of NAAQS (Title I), motor vehicles and reformulation (Title II), hazardous air pollutant (Title III), acid deposition (Title IV), operating permits (Titles V), stratospheric ozone protection (Title VI), and enforcement (Title VII).

General Conformity. Under Section 176(c) of the Clean Air Act Amendments (CAAA) of 1990, the Lead Agency is required to make a determination of whether the Proposed Action "conforms" to the State Implementation Plan (SIP). Conformity is defined in Section 176(c) of the CAAA as compliance with the SIPs purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards. However, if the total direct and indirect emissions from the Proposed Action are below the General Conformity Rule "de minimis" emission thresholds, the Proposed Action would be exempt from performing a comprehensive Air Quality Conformity Analysis, and would be considered to be in conformity with the SIP.

The proposal would not have a significant impact on air quality. The total emissions of each criteria pollutant either meets or is below *de minimis* levels as prescribed in 40 CFR 93.153(b). The action is not considered to be regionally significant. Although there would be an increase in construction vehicle use, it would be temporary and intermittent in duration and emissions are expected to be minimal and below the *de minimis* thresholds and thus would not violate National or state standards. As a result, the proposal would have no long-term impacts on local or regional air quality.

Therefore, the proposal conforms to the Federal Clean Air Act as amended 1990, as required, and is in compliance with the Act.

#### 10.1.7 Noise Control Act of 1972, as amended (42 USC 4901 et seq.)

Noise generated by any activity, which may affect human health or welfare on Federal, state, county, local, or private lands, must comply with noise limits specified in the Noise Control Act as well as by local noise statutes. The Corps has determined that, by complying with local noise policies set by Fullerton and Orange County among other agencies, the proposal is in compliance with the Act.

## 10.1.8 National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470- 470m, as amended, 16 U.S.C. 460b, 470I-470n)

The Proposed Event is in compliance with Section 106 of this Act, as implemented by 36 CFR 800. The area has been recently surveyed, for work in adjacent areas, by Corps archaeological staff, and the proposal would not impact cultural resources

#### 10.1.9 Archeological Resources Protection Act, as amended

The Act requires oversight when cultural resources may be impacted when working on Federal lands or in case of other, work-related Federal connections. The Act allows for the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed. The proposal is in compliance with the Act because it is not anticipated that buried or other cultural resources would be affected by the Event.

#### 10.1.10 Uniform Fire Code

The Uniform Fire Code (UFC) contains provisions regarding the storage and handling of hazardous materials. These provisions are contained in Articles 79 and 80, most recently revised in 1997 (UFC 1997). These articles contain minimum setback requirements for storage of materials. The proposal would be in compliance with the act.

## 10.1.11 Comprehensive Environmental Response, Compensation and Liability Act

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) provides the USEPA with the authority to identify and clean up contaminated hazardous waste sites. Individual states may implement hazardous waste programs under RCRA with USEPA approval. California has not yet received this USEPA approval; instead, the California Hazardous Waste Control Law (HWCL) is administered by the California Environmental Protection Agency (CALEPA) to regulate hazardous wastes. While the HWCL is generally more stringent than RCRA, until the USEPA approves the California program, both the state and Federal laws apply in California. CERCLA also contains enforcement provisions for the identification of liable parties. It details the legal claims that arise under the statute, and provides quidance on settlements with the USEPA. Section 120 of this Act addresses hazardous waste cleanups at Federal facilities, and requires the creation of a Federal Agency Hazardous Waste Compliance Docket, which lists facilities that have the potential for hazardous waste problems. In addition, a Hazardous Substance Superfund was established to pay not only the USEPA cleanup and enforcement costs and certain natural resource damages, but also to pay for certain claims of private parties. Conformance with this law would only be engaged if unforeseen waste was found or was abandoned on site. The proposal is in compliance with this Act because no such CERCLA substances would be involved with or locally stored due to the proposed Bike Trail's activities.

#### 10.1.12 National Flood Insurance Program

The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency's (FEMA's) Flood Insurance Administration. The flood control capacity of the Basin would not be impacted by the proposal and therefore there would be no impact to NFIP users.

#### 10.1.13 Federal Water Project Recreation Act of 1965, as amended

This Act requires that any Federal water project must give full consideration to opportunities afforded by the project for outdoor recreation and fish and wildlife enhancement. The Proposal would be temporary in nature, and normal park use in non-construction areas would not be affected by the proposed construction.

## 10.1.14 Federal Land Policy and Land Management Act of 1976 (43 USC 1701 et seq.)

The Act regulates management of the public lands and their various resource values so that resources are utilized in a combination that will best meet the present and future needs of the American people. The proposal would provide recreation and other opportunities to the public, therefore meeting the intent of the Act.

#### 10.1.15 Americans with Disabilities Act of 1990, as amended (42 USC 126, et seq.)

The Act prohibits public entities, defined as any state or local government, or division thereof, from excluding any individual with a disability from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity. In ways that would make the Basin more accessible, , the Trail would be in compliance with the Act.

#### 10.1.16 Executive Order 11988: Floodplain Management

Executive Order 11988, signed by President Jimmy Carter on 24 May 1977, and published in 42 FR 26351. Its purpose is to "...avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative."

Each agency shall provide leadership, take action to reduce the risk of flood loss, and to minimize the impact of floods on human safety, health, and welfare. Agencies shall restore and preserve natural and beneficial values served by the floodplains. Each agency also has the responsibility to evaluate potential effects of Federal action that may be made within floodplains. Each agency will ensure planning and budget requests reflect consideration of flood hazards and floodplain management. This proposed bike trail would not adversely impact floodplain management or add to excessive floodplain development, because the proposal is to be located at the highest Basin margins, high in the potential inundation zone, in areas anticipated by planners as appropriate usage for the area.

## 10.1.17 Executive Order 12088, Federal Compliance with Pollution Control Standards

The head of each Executive agency is responsible for ensuring that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to Federal facilities and activities under control of the agency. Enactment of environmental commitments to minimize pollution impacts during this construction would meet the standards of this Act.

10.1.18 Executive Order 12898, Environmental Justice Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority and Low-Income Populations) was signed on February 11, 1994. This order was intended to direct Federal agencies "To make achieving environmental justice part of its mission by identifying and addressing... disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the [U.S.]..."

No minority or low-income communities would be disproportionately affected by implementation of the Proposed Action. The Proposed Action is in compliance with the Executive Order.

of the Proposed Ac	tion. The Propos	sed Action is in compliance v	with the Executive Order.
XI. REFERENCE	S (if any)		
XII. RECOMMEN	DATION:		
Conclusion:			
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EA Prepared By:	<u>Jaswinder Dha</u> Name	anda, Associate Engineer. Title	City of Fullerton 4-30-2012 Date
Reviewed By:	Carvel Bass, Name	Ecologist Title	6-14-2013 Date

