

April 13, 2016

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USACE:

Thank you for allowing me the opportunity to comment on the draft Environmental Assessment for the AngelFest Project proposal. I have read it thoroughly and have the following comments.

My comments are primarily restricted to impacts on wildlife that use the impacted area – of which I have a long and intimate experience. It is apparent that Corps biologists did not have all of the available and pertinent information about birds present in the area - although it is documented and researchable on ebird. No surveys were done during the proposed time period of the Project.

Below are some specific discrepancies in the draft Environmental Assessment that must be considered. Once these are addressed it will be readily apparent that significant adverse impacts will occur if this Project goes forward.

**3.6.1.1 Paragraph 5:**

This paragraph states that Woodley 3 “does not contain habitat for wildlife other than common resident birds”. That is plainly false. In fact, edge habitat is known for having the most diverse populations of wildlife. In early October the ground within 50 feet of the fence around the Wildlife Area is a prime feeding area for White-crowned Sparrow, Golden-crowned Sparrow, Savannah Sparrow, Chipping Sparrow, Lark Sparrow, American Pipit, Northern Flicker, Swainson’s Thrush, California Towhee, Spotted Towhee, Song Sparrow, Western Bluebird, California Thrasher, Mourning Dove, Lesser Goldfinch, etal. At the same time, the same area is used for flycatching by Western Wood Pewee, Yellow-rumped Warbler, Northern Rough-winged Swallow, Barn Swallow, Violet-green Swallow, Tree Swallow, Black Phoebe, Say’s Phoebe, Cassin’s Kingbird, etal. Furthermore, all of Woodley 3 is used to forage for gophers and ground

squirrels by Great Egret, Great Blue Heron, Red-tailed Hawk, Great-horned Owl, and the California Threatened Species Swainson's Hawk. All of these species are present in the first 2 weeks of October and the underlined species are all migrating birds protected by the Migratory Bird Treaty Act.

**Potential impacts on these species was not considered.**

Also, the 11 northern-most acres of designated Wildlife Reserve (west of Haskell Creek and east of the Cricket Fields) that is to be used for “backstage operations” is not only critical buffer habitat for Haskell Creek, it is some of the most mature oak woodlands in the Sepulveda Basin and has long been planned to become a “Memorial Grove” for those who have dedicated their lives to the designation, design, development, maintenance, and perpetuation of this sole Wildlife Reserve in Los Angeles. **Any intrusion upon this area would have significant impacts on the integrity of the Wildlife Area designation.**

#### **3.6.1.2 Paragraph 2**

This area, which was formerly designated Wildlife Area, has been allowed to develop in a natural state for more than 35 years. It is the last remnant of what covered all of the undeveloped areas in the Sepulveda Basin 50 years ago, and it was the most recent foraging area for Loggerhead Shrike and White-tailed Kite.

#### **3.6.2 Paragraph 1**

Osprey is not (as stated) a seasonal bird in the Sepulveda Basin. It has been seen every week of the year for the last 4 years. Often, 2 birds can be seen together, and occasionally there is a third bird present at the same time. Also, this paragraph minimizes the number of species and the importance of the species present. Attached is a list of 60 bird species present in the Project area during the first 2 weeks of October. Among those are 2 Federal Endangered Species, 1 Federal Threatened Species, and 2 California Threatened Species and several other California Species of Special Concern. **Only one of these species was discussed in the Draft Environmental Assessment.**

#### **3.6.3 Paragraphs 2, 3 and 4**

This section only mentions Bell's Vireo while 2 other federally listed species have also been seen in the Project area during the affected time period. The southwest form of the Willow Flycatcher (Federal Endangered Species) has been present in the Sepulveda Basin each of the last 3 years between

September 14 and October 7. Also, juvenile Bald Eagles have been seen in the Sepulveda Basin as they disperse from their breeding locations in the fall and winter. Furthermore, the least Bell's Vireos may still be present in the area (with young), but difficult to find because they are no longer on their nest sites calling and displaying.

And, as mentioned earlier, there are 2 California Threatened Species in the area at this time: Swainson's Hawk (seen each of the last 3 years in the Sepulveda Basin between October 5 and October 10) and Bank Swallow (seen intermittently during the fall).

### **3.6.5**

This section mentions that the "project site may provide stopover habitat for migrating birds" and provides "valuable resting and feeding zones". All 5 of the above mentioned "listed species" are migrating through at this time, as well as about 30 other species on the attached list of impacted birds.

**Potential impacts on these birds is not addressed in this document.**

### **3.13**

This section estimates that more than 2600 current users will be denied access to the Project area each of 3 days. Although this number may be approximate for a winter weekend, it is very low for a summer/fall weekend.

Furthermore, **people will be denied access for more than just 3 days!**

Access will also be severely restricted during much of the set-up and take-down time periods (25 days).

### **3.14.1**

Although the risk of a flood incident was calculated at 2%, when a flood incident does occur the entire basin is often closed for more than a week. Therefore, the risk of closure on any particular day by flooding is actually 7 times 2%, or 14%. That does not even take into account the significantly higher risk of a complete closure of the area by Los Angeles Parking Enforcement due to a prediction of potential flooding – as occurred last year in September. The entire Sepulveda Basin is closed approximately 10 additional times (often for more than a day) for every actual flood incident that does occur. **Therefore, the likelihood for evacuation and closure of the area is significant.**

#### **Table 14**

Potential noise exposure at 3 locations within the Wildlife Area was estimated to be as high as 83 dBA, not including fireworks. Noise levels as low as 60 dBA can interfere with bird communication. Noise levels from fireworks have caused the death of several thousand birds (i.e. Red-winged Blackbirds on 12-31-2010 in Beebe, Arkansas). Diurnal birds, which have poor night vision, when disturbed by loud noises at night, often collide with objects. **Potential impacts of noise on sensitive bird species was not considered.**

#### **4.5.1**

At least 2 of these “thresholds of significance” will be exceeded by this Project.

1. *“Substantial interference with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors”*. The Sepulveda Basin wildlife areas are the only suitable wildlife habitat available for many migratory birds passing through the San Fernando Valley at this time of year. The size of the designated Wildlife Area has been reduced significantly in the last 5 years as other uses and pressures have increased. **Eliminating Woodley 3 and parts of the Wildlife Reserve as usable habitat for 3 to 28 days will be devastating to resident and migratory birds that depend upon these areas for food and cover.**

2. *“Substantial increase in the ambient noise levels for adjoining areas that interfere with breeding behavior and/or movement of foraging of resident species, specifically birds of prey”*. The draft EA admits that a substantial increase in ambient noise levels will occur in adjoining areas. In fact, this **noise will adversely affect the movement of American White Pelicans, Canada Geese and numerous other waterfowl as well as birds of prey such as Great-horned Owl, Red-tailed Hawk, and Swainson’s Hawk.**

#### **4.5.2.3**

*“no impacts would occur to breeding pairs or their nests”*

**Great-horned Owls may be re-bonding and selecting nest sites at this time of year.** These resident owls have nested in the center of the proposed Project site for the last 4 years. They are the first and only breeding pair in the entire Sepulveda Basin.

*“The Festival itself may temporarily render the Proposed Project Site unsuitable for foraging during the event (three days); however, the construction, operation, and teardown of the event would not result in any direct impacts to raptors.”*

**These activities most certainly would prevent raptors from foraging** throughout most of the area due to the significantly increased noise, lights, materials, vehicles, and mechanical alteration of the habitat – 24 hours a day. This area is currently closed to the public after dark. This nocturnal intrusion is significant and will occur during the set-up, as well as the festival itself.

*“Overall, the implementation of the survey (EC BIO-4), use of ECs BIO-1 through BIO-6, and continued coordination between the Corps, RAP, and the event organizer, would ensure no significant impact to raptors.”*

**Surveys will “ensure” nothing. They will only document the impacts done.**

#### **4.5.2.4**

Although there will be no access to Haskell Creek, it will be surrounded (with no buffer zone) by intensive activities that **will eliminate nearly all productive use by wildlife** for the duration of the Festival and many days of set-up and take-down.

Thank you for your consideration. Additional comments may follow.

Sincerely,

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