

# APPROVED

APR 04 2021

## BOARD OF RECREATION AND PARK COMMISSIONERS

**BOARD REPORT**

NO. 24-072

DATE April 04, 2024

C.D. 1, 4, 13, 14

### BOARD OF RECREATION AND PARK COMMISSIONERS

**SUBJECT:** LOS ANGELES RIVER ECOSYSTEM RESTORATION (LARER) PROJECT – CONCURRENCE WITH THE 2016 CITY COUNCIL APPROVAL OF THE LARER RECOMMENDED PLAN, ALTERNATIVE 20, FOR IMPLEMENTATION OF THE PROJECT, AS IDENTIFIED IN THE FINAL RIVER ECOSYSTEM RESTORATION INTEGRATED FEASIBILITY REPORT (IFR) AND IN THE REAL ESTATE PLAN, LANDUSE ACTIONS, AND PROJECT PARTNERSHIP AGREEMENT, IN CONCURRENCE WITH THE ADOPTED LARER PROJECT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT (EIS/EIR) (SCH 2008121014), FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

B. Aguirre	_____	M. Rudnick	_____
B. Jones	_____	for * C. Santo Domingo	<u>DF</u>
C. Stoneham	_____	N. Williams	_____

*Nail Denise Williams*  
 \_\_\_\_\_  
 General Manager

Approved   X   Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

If Approved: Board President *[Signature]* Board Secretary *[Signature]*

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### RECOMMENDATIONS

1. Concur with the 2016 City Council Approval of the Los Angeles River Ecosystem Restoration (LARER) Recommended Plan, Alternative 20, for implementation of the Project, as identified in the Final River Ecosystem Restoration Integrated Feasibility Report (IFR) and in the Real Estate Plan (LARER Real Estate Plan, attached as Attachment No. 5);
2. Authorize the use of real property owned by the Department of Recreation and Parks (RAP's) for the LARER project, consistent with this Report and the LARER Recommended Plan, Alternative 20 as further described in this Report;
3. Find that use of RAP-owned real property as part of the LARER project and as set forth in this Report and the LARER Real Estate Plan is consistent with RAP's use of the real property for recreation and park purposes;
4. Direct RAP staff to conduct Initial Land Use Actions (as set forth in this Report) to implement the LARER Real Estate Plan;

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5. Find that the current action is consistent with the adopted LARER Project Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (SCH 2008121014), Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (MMRP); and,
6. Direct RAP staff to participate in the interdepartmental LARER Implementation Team, report on progress at regular intervals, and assist in the development of an Interdepartmental Memorandum of Understanding (MOU) between City Departments to document steps and processes for implementing the LARER project.

### SUMMARY

The Los Angeles River Ecosystem Restoration (LARER) Project will bring back hundreds of acres of lost riparian habitat, open space and miles of trails to provide multiple benefits and solutions to many current and future issues the City faces. The project aligns with the City LA River Revitalization Master Plan and responds to identified community priorities for the future of the LA River. Specifically, the project addresses:

- Climate Change: Adds thousands of trees and shrubs to reduce extreme heat, increases carbon sequestration, and reduces greenhouse gases with active recreation trails.
- Biodiversity and Habitat Loss: Creates hundreds of acres of habitat, improves regional habitat connectivity by five times, improves stream health and water quality, supports Endangered and Threatened Species and adds back lost riparian and aquatic habitats.
- Environmental Justice and Park Access: Increases access to open space and nature in traditional underserved communities, benefits community physical and mental health by adding hundreds of acres of parks and miles of recreation trails.
- Community Social and Economic Health: Improves mental and physical health, air quality, livability, community connectedness, cultural opportunity, economic benefits and provides jobs by increasing public education, increasing linkage with regional and local trails, and increased park space for community connections.

In June 2016, the Los Angeles City Council (City Council) approved the Recommended Plan, Alternative 20, for implementation of the Los Angeles River Ecosystem Restoration (LARER) Project with the U.S. Army Corps of Engineers (USACE) as identified in the Final Integrated Feasibility Report (IFR) and Environmental Impact Statement/Environmental Impact Report (EIS/EIR) with consideration of the Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (MMRP). In September 2017, the City Council approved a Design Agreement between the City of Los Angeles (City) and the USACE to initiate Preconstruction Engineering and Design, to initiate land use actions for the recommended plan, and coordination with departments and boards on these actions. The Design Agreement, entered into as of January 12, 2018 (Attachment 1).

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The LARER project proposes habitat restoration and recreation enhancements at key locations along an 11-mile stretch of the Los Angeles River (LA River) from Griffith Park to Downtown LA and is segmented into eight (8) project “reaches” or sections. The LARER project will restore 700+ acres of habitat value by establishing native plant habitats in and along the LA River, focusing on riparian plant communities, wetlands, native upland habitats, and improved recreation access to the LA River, while maintaining existing levels of flood risk management. The project includes approximately 17 RAP parcels covering 103 acres. The project was conceived to work with existing RAP uses with some interruptions of use during construction along with modifications to existing and future uses while seeking ways to add native habitat to support increased biodiversity and connections to the LA River as further described in the sections below.

This report discusses the background on the LARER project, and the RAP lands and current uses that will be affected by the project. It also outlines the actions and recommendations to proceed with the project to move toward the City’s execution of the Project Partnership Agreement (PPA) with USACE.

### PROJECT SCOPE

The LARER project proposes habitat restoration and recreation enhancements at key locations along an 11-mile stretch of the LA River from Griffith Park to Downtown LA and is segmented into eight (8) project “reaches” or sections (known to some as the ARBOR project or Alt 20). The LARER project will restore 700+ acres of habitat value by establishing native plant habitats in and along the LA River, focusing on riparian plant communities, wetlands, native upland habitats, and improved recreation access to the LA River, while maintaining existing levels of flood risk management. The project is a joint effort between the USACE and the City, as the local Non-Federal Sponsor (Sponsor). Additional background information regarding the existing conditions, project elements, and environmental analysis are included in the Abbreviated LARER Readers Guide (Attachment 2). The sections below include details on the Key Actions to Date, Community, Agency and Department Outreach, RAP Real Estate and RAP Uses Affected by LARER, Initial Land Use Actions, Future Pollywog Park Land Use Actions, LARER Implementation Team and Interdepartmental MOU, Project Partnership Agreement Description, Project Funding, Environmental Impact, and Fiscal Impact.

#### *Key Actions to Date*

In June 2016 (C.F. 14-1158-S2), the City Council certified the LARER Final Integrated Feasibility Report and “Recommended Plan” (or Project), which includes the Final Integrated Feasibility Report (IFR) and Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) along with the Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (MMRP). See the Environmental Impact section of this report for additional information.

In December 2016, the United States Congress (Congress) passed the Water Infrastructure Improvements for the Nation Act (WIIN Act), which included authorizing language for the LARER project Recommended Plan and President Barack Obama signed the bill into law. This authorized the project but required future Congressional appropriations of funds.

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Since 2016, the City and the USACE have taken numerous steps to support the LARER project. This includes the City's purchase of the 42-acre Taylor Yard G2 site in 2017 and joint work on Pre-Engineering and Design under the Design Agreement approved by the City Council in September 2017 (C.F. 14-1158-S2). This initial design work included items such as gathering of baseline information on historic resources, hazardous waste site investigations, hydrology and hydraulic modeling, topographic surveys, and initial design efforts for Taylor Yard and Pollywog Park.

The City's purchase of the Taylor Yard G2 site in 2017, located in Reach 6 of the LARER project, is critical to the fulfillment of the LARER project goals to restore ecosystem values. The Taylor Yard G2 River Park Project IFR, approved by City Council in June 2022 (C.F.14-1158-S10) outlines approaches to implement the restoration and recreation elements at this site.

In March 2020, USACE selected the LARER project as one of the initial three USACE Public Private Partnerships (P3)/Alternative Delivery Pilot Program participants. This provided additional federal resources and support for the initial stages of the project from the USACE Headquarters and Los Angeles District. This pilot status also provides new tools for the City and the USACE to streamline activities and help to expedite the project by reducing costs and risks to both entities. The alternative delivery pilot program enables the City and the USACE to use delivery approaches that are not available under the USACE's traditional process. This includes the ability for the City to lead the delivery for key portions of the LARER project and the possibility of using innovative risk-shifting models such as Design-Build, Design-Build-Finance, and Design Build Finance and Maintain scenarios. A Value for Money Analysis developed by the USACE found that Alternative Delivery could save the project 20 to 30% in costs over its lifecycle by expediting and reducing escalation of the project.

In early 2022, the President and Congress gave the LARER project a "construction new start" to proceed to implementation, with an initial funding allocation of \$28 million. These funds become available to use by the USACE upon signing the PPA between the City and USACE. The Congressional action was a significant step indicating the perceived importance of the project at the federal level, since many USACE authorized projects never receive construction New Start funding due to available funding being lower than the requested funding across the nation.

Since 2022, the BOE has been working with USACE and City departments to advance the project with site investigations and evaluations of lands, easements, rights-of-ways, relocations, and disposals (LERRDs). The City has also worked with the USACE to develop the general governance document for the implementation of the project through the PPA between the USACE and the City.

### *Community, Agency and Department Outreach*

Public and agency involvement and coordination have been integral to the development of the restoration planning efforts for the LA River for more than twenty years. During the development of the Los Angeles River Revitalization Master Plan (LARRMP) in 2005, the public was invited to engage in the decision-making process at each step, including review of the Programmatic EIS/EIR for the LARRMP. This was followed by the later development and review of the LARER

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Project Integrated Feasibility Report (IFR) and EIS/EIR. The LARER project is consistent with the LARRMP adopted by the City Council in 2007 (C.F. 07-1342), that included restoration of a functional riparian ecosystem as one of its key recommendations in this portion of the LA River.

The Feasibility Study for the LARER project was initiated in 2006 between the USACE with the City as the local sponsor. The LARER Feasibility Study included coordination and participation with City departments and extensive public and agency outreach and coordination. Over 40 meetings and outreach opportunities were held during the development of the LARER project. Public involvement activities started with a 3-day planning charrette in December 2009 with participants from the USACE, Los Angeles County, City departments, resource and municipal agencies, and interested Non-Governmental Organizations, as well as local community members and consultants. Seven public workshops called "River Update Meetings" were held starting in 2007 to share information and solicit public input on implementation of the LARRMP as well as discuss development of the LARER IFR and EIS/EIR. Between June 2012 and February 2013, the City and USACE held eight workshops on focused topics related to the proposed LARER project. The City also periodically briefed the Board of Public Works and elected officials and their staff members over the course of the LARER project.

In 2013, the draft Feasibility Study was released with four alternatives with escalating scale and benefits: Alternative 10, Alternative 13, Alternative 16, and Alternative 20.

During the public hearings and reviews of the LARER project there was overwhelming support (8,000 comments from the public and numerous organizations including Federal, State, and Local officials, LA and Glendale City Councils, LA County Board of Supervisors, LAUSD, LA Times Editorial Board, six state agencies, 13 local agencies, 17 key stakeholder organizations, and eight neighborhood councils) for the project to proceed with the Alternative that would deliver the largest ecosystem restoration benefit (Alternative 20). This was the plan that was selected and authorized by the City and Congress.

Since 2017, The City and its Partners (CA State Parks and Mountains Recreation and Conservation Authority) have been collaborating as the 100 Acre Partnership at Taylor Yard to provide extensive outreach to the community for the work on the Taylor Yard Parcels G1, G2 and Rio de Los Angeles State Park. These parcels and projects are in Reach 6 of the LARER and work on parcels G1 and G2 will contribute to implementing the goals and benefits of the LARER. In addition, the USACE has undertaken public outreach for the Reach 1 Phase A (Pollywog Park) regarding the conceptual design and National Environmental Policy Act (NEPA) analysis.

### *RAP Real Estate and RAP Uses Affected by LARER*

The LARER Project includes both public and private land. The City is responsible for providing access for construction of the project by either the USACE, City, and/or other partners. This includes City-owned property that is managed by RAP- approximately 17 RAP parcels covering 103 acres mostly in the first four reaches of the project (see descriptions below from the Abbreviated LARER Readers Guide (Attachment 2), Map of RAP Parcels (Attachment 3), and List of RAP Parcels (Attachment 4). The project, as developed and described in the LARER IFR, was conceived to work in conjunction with existing RAP uses while seeking ways to add native habitat to support increased biodiversity and connections to the LA River. Many of the areas of

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the project are adjacent to the river, roads or the freeway and are typically narrow strips of RAP parcels. Much of the RAP land is in the Griffith Park Area. City lands, including RAP lands will be retained by RAP and the City and the feasibility report considered that existing uses can remain with the addition of habitat and recreation. However, construction may interrupt current, and modify future, uses. At this point, because the project is at the feasibility design stage, many details have not yet been set. Following execution of the PPA, additional right-of-way design will take place and additional actions with City Department Staff, Boards and City Council will take place for the detailed design, access, use and maintenance of City Lands along with the development of an interdepartmental MOU to provide a process for the City Departments to implement the project. A description of the type of project improvements for Reaches (1-4), the reaches that contain most of the RAP parcels, is provided below.

### Reach 1 - Pollywog Park/Headworks to Midpoint of Bette Davis Park

Areas of restoration in this reach include the overbanks of both sides of the River. This includes the east overbank across the River from the USACE Headworks Ecosystem Restoration Study site, the Pollywog Park area of Griffith Park, the open area directly downstream of Headworks on the right overbank, and the left overbank of Burbank Western Channel (a tributary from the north/west). It includes irrigation and water harvesting features to sustain plants, including micro-grading and/or swales to create depressions in the land to capture and infiltrate water. Where stormwater or street runoff is excessive during storm events, a connection to the River allows overflow into the channel. There would be no substantial channel modifications within this reach. Planting in this area would comply with all levee regulations.

The key RAP parcels in this area include the Martinez Arena area where native plant restoration (mix of riparian and scrub species) would occur in the areas surrounding the Arena and along the edges of the trails. The permanent use of the Arena would be retained but temporary construction impacts and temporary closures may take place. Additional native plant restoration (mix of riparian and scrub species) would also occur adjacent to the trails and within the park portions between Zoo Dr. and the 134 Freeway including areas near the Griffith Park Maintenance Yard. The Equestrian Trails use and function would be retained but temporary construction impacts and closures may take place. The functions of the Maintenance Yard would be retained unless RAP desires to move those functions to another location. The schedule for construction activities is not yet known, nor is the anticipated completion date.

### Reach 2 - Midpoint of Bette Davis Park to Upstream End of Ferraro Fields

This reach includes riparian habitat corridors along the overbanks of both sides of the River as described for Reach 1. This includes restoration of riparian habitat in the Bette Davis Park area of Griffith Park on the left bank and the area between Zoo Drive and SR-134 with connections under the highway to a restored linear riparian planting along the River extending into Reach 3. This reach has a soft bottom and includes removal of invasives (non-native plants that impair restoration efforts). Unlike the other alternatives, the Recommended Plan also includes additional modification in Reach 2, increasing

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habitat by another 20 acres. The right bank would be modified to create 80 feet of additional soft bottom width in the riverbed with overhanging vines.

The key RAP parcels in this area include the Bette Davis Park where the park existing recreation uses will be protected and the landscaping will be enhanced with additional native plant restoration (mix of riparian and scrub species), temporary construction impacts and closures may take place. Another key area is the space between Zoo Dr. and the 134 Freeway where additional native plant restoration (mix of riparian and scrub species) will occur adjacent to the trails and within the park portions. The Equestrian Trails use and function would be retained but temporary construction impacts and closures may take place. The schedule for construction activities is not yet known, nor is the anticipated completion date.

### Reach 3 - Ferraro Fields to Brazil Street

This reach includes a side channel, a daylighted (uncovering and restoring a buried or piped forgotten stream path) stream, and the restoration of the Verdugo Wash confluence. The side channel is established on the right bank of the existing Ferraro Fields with water diverted from the River to support a riparian fringe. The stream that is currently confined in a large culvert just downstream of Ferraro Fields in the Zoo Drive area would also be daylighted. The daylighted stream would include a riparian fringe with freshwater marsh at the confluence. Riparian areas are located on the right bank along Zoo Drive and on the River's edge at Ferraro Fields. In the Verdugo Wash confluence, the channel mouth would be widened and the south bank would be sloped back to the existing overbank elevation.

The key recreational use of the Fields at Ferraro Fields will continue and temporary impacts from construction are not anticipated but may take place. However, portions of the Griffith Park Dog Park may be impacted during construction and small portions may be dedicated to restoration depending on the future design and if deemed appropriate by RAP. The schedule for construction activities is not yet known, nor is the anticipated completion date.

### Reach 4 - Brazil Street to Los Feliz Blvd.

A riparian corridor will be established on the east bank of the River. Wetland habitat would be restored in eight daylighted storm drain streams, as well as in a side channel of diverted River flows along Griffith Park's Harding Golf Course, and another side channel connecting Los Feliz Golf Course to the River to allow seasonal flooding within the course grounds. A riparian fringe of trees and marsh vegetation would line the new side channels. The daylighted streams would be planted with riparian vegetation and include freshwater marshlands at their confluences with the River.

Within the Harding Golf Course approximately 7 acres of restoration, consisting of a side channel stream and bank along the edge of the course near the Equestrian Trail and Freeway. This work would cause temporary construction impacts, but a full closure of the

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golf course is not anticipated. Portions of the Los Feliz Golf Course would be lowered, rebuilt, and allowed to flood during larger storm events (with no changes to the River channel levee walls) in order to establish a riparian habitat interspersed. This change does not anticipate significant changes to the golf course greens. Temporary full closure of the golf course is anticipated during construction. Any necessary flood protection on the outer edge of the golf course will be included in the design. The schedule for construction activities is not yet known, nor is the anticipated completion date.

### *Initial Land Use Actions*

As the project moves past the feasibility level, RAP staff will be asked to work with BOE and other departments to answer questions and take initial land use actions such as the example actions outlined below. However, the final approvals of the design of any improvements on RAP controlled property will be brought to the Board of Recreation and Park Commissioners (RAP Board) for approval. Initial land use actions are:

- Providing and reviewing real estate information.
- Resolving encroachments on proposed project lands.
- Reviewing, commenting, and providing staff concurrence on concept and draft designs.
- Reviewing, commenting and providing staff concurrence on proposed easements and land use agreements.
- Reviewing, commenting and providing staff concurrence on proposed operation and maintenance plans/agreements.
- Reviewing, commenting and providing staff concurrence on proposed environmental analysis and documents.

### *Future Pollywog Park Land Use Actions*

Future land use actions will require approval by the RAP Board for the proposed design and construction efforts at Pollywog Park. These actions are examples of the types of actions that will take place for other RAP lands as the LARER project is implemented. Pollywog Park (Reach 1 Phase A) is located on undeveloped park land that is accessed from 1598 W. Valley Heart Dr, Burbank, 91506. This site contains two RAP-owned parcels: 2443022901 and 5581001906. The parcels are on the north side of the Los Angeles River and divided by the 134 Freeway approximately between Buena Vista St (western boundary) and S Beachwood Dr (eastern boundary). These parcels are located in CD 4, and are a portion of Griffith Park that was granted to the City as Parkland from LADWP in the 1920's. Caltrans condemned portions of the site in the 1960's for the 134 Freeway. The project will be one of the first elements of the LARER and will be designed and constructed by USACE. The project will include: a) habitat restoration through planting of riparian community, b) irrigation for establishment of new plantings and a drought management plan, c) fine-grading, swales, and other localized water harvesting/infiltrating features to support new riparian community, and d) habitat and wildlife connectivity under SR-134.



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Future Pollywog Park Upcoming Initial Land Use actions, subject to RAP Board approval:

- 1) Approval of the 30% Design Build Design and Bid Documents.
- 2) Approval of an easement and long-term maintenance agreement on Caltrans Land abutting the Pollywog RAP parcel, and CEQA documents.
- 3) Final approval of the USACE Design and Long-Term Maintenance of the Caltrans Pollywog Park area.
- 4) Final approval of the Design and Construction Right-of-Entry.

### *LARER Implementation Team and Interdepartmental MOU*

To help streamline the completion of the LARER, RAP staff will participate in an Interdepartmental Implementation Team and also participate in the development of an Interdepartmental MOU between key City Departments such as RAP, BOE, LADWP, and GSD. The MOU will identify roles and responsibilities for land use actions, design review, final approval and construction access, and subsequent operations and management of the project elements. We anticipate this interdepartmental MOU will be developed within the next year and submitted to the RAP Board for approval.

### *Project Partnership Agreement Description*

The PPA is based on a nationally consistent template that the USACE uses for Non-Federal Sponsors like the City. USACE only allows for minor variances from their template. City and USACE staff have worked together to develop the PPA for more than a year working to incorporate comments from City departments and City Attorney where feasible by the USACE.

The PPA defines the working relationship between the City and USACE. City commitments for the project include: acquisition of all real estate needed for LARER, provision of construction access to City-owned lands, remediation of project used land as needed, USACE-delivered and City "In-Kind" delivered work and credit, and the expected cost share of the project. The PPA provides a structure to implement the LARER project in phases, subject to future Council and Board actions. The PPA does not include a set timeline for delivery of the project and does not obligate future appropriations by the Los Angeles City Council.

The Project includes public and private land that the City is responsible for providing for access for the construction of the project. This includes City-owned property that is managed by City Departments including RAP, LADWP and GSD. City lands will be retained by the City and the feasibility report considered that existing uses would remain in the City's ownership with additional and enhanced habitat and recreation resources. BOE will seek approval from the RAP, LADWP and GSD Boards or Commissions to secure access to those lands they manage to construct the project.

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Specifically, the PPA provides for:

- Provides ~ \$443 million in Federal Funds to support this multibillion project, see below.
- The immediate use of \$28 million in federal funds by USACE for design and construction of the restoration project starting at Reach 1.
- USACE commitment to use federally appropriated dollars for design and construction of their portions of the project.
- USACE commitment to credit the City for contributions for LERRDs, design and construction at Taylor Yard and other City delivered reaches (Article V).
- City commitment to pursue obtaining access and rights to lands for project implementation (including existing City lands, other public land, and private lands) and to pursue the LARER project in phases (Article III).
- City commitment to investigate hazardous, toxic, and radioactive wastes (HTRW) on lands covered by the LARER project, and if jointly agreed, to move forward with remediation by the City (Article IV).
- City commitment to seek additional funds and implement design and construction of the City reaches, starting with current funded work at Taylor Yard (Reach 6) (Article VI).
- City commitment to Operate and Maintain the restored areas as they are completed (Article II), pending future determination of the appropriate departments which may include RAP. Further information on the costs associated with this commitment are discussed in the next section, Project Funding.
- It does not include a set schedule or obligate future appropriations by the Los Angeles City Council and references the City Charter regarding future obligations (Article XV).
- Provides a Termination Clause (Article VII).
- References to a Project Management Plan that will be a living document that will lay out the conceptual schedule for the project, future tasks and costs (Article II).

The PPA does not include a set schedule. Implementation of the project will likely take more than ten years and will be broken into portions of reaches. Each reach will be led by the City or the USACE and will be dependent on future City and Federal approvals and secured funding. The City is already currently working on pre-design for Reach 6 and the USACE is currently working on pre-design for Reach 1.

### PROJECT FUNDING

As of 2021, the estimated full cost for the entire LARER project (all reaches) is \$1.990 billion (\$2.19 billion when including remediation estimates from 2015).<sup>1</sup> The Federal Government would contribute \$444 million. The portion of the project cost that the City is responsible for is estimated to be \$1.288 billion (\$1.495 billion when incorporating remediation), in addition to the estimated \$254 million credit the City receives for the value of existing public lands that the City provides for the LARER project to use and the \$4 million already contributed by the City).

Note that as of March, 2024, the USACE is currently updating the cost estimate. The City anticipates the total project cost to increase due to escalation seen in design and construction,

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<sup>1</sup> Values based on 2021 USACE cost estimates and includes escalation and inflation.

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but also due to the significant increase in real estate costs. We anticipate that the new cost estimate may increase by as much as \$1 billion, most of that tied to the increased cost of real estate acquisition that will be necessary in Reach 8.

Further, note that Reach 8 accounts for fifty three percent of the total LARER project cost with remediation (\$1.175 billion of the total \$2.19 billion). Because of the large scale of land acquisition, relocation, restoration, and remediation work at the Union Pacific LA Transfer Center (LATC), that encompasses most of Reach 8, will be initiated last and is anticipated to take place after the other reaches have been completed. This is anticipated to be after 2033 and will take another 10 years to complete.

Funding and funding needs for this project will be developed in partnership with CAO, CLA and the relevant departments.

### ENVIRONMENTAL IMPACT

The Board activity proposed in this Board Report consists of the concurrence with the 2016 City Council Approval of the Los Angeles River Ecosystem Restoration (LARER) Recommended Plan, Alternative 20, for implementation of the Project, and the authorization to use RAP-owned real property for LARER, consistent with the Project's Real Estate Plan.

On June 30, 2016 the Los Angeles City Council certified the Final River Ecosystem Restoration, Integrated Feasibility Report (IFR) and Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (State Clearinghouse # 2008121014), adopted the California Environmental Quality Act (CEQA) Findings of Fact and Statement of Overriding Considerations, approved the Recommended Plan, Alternative 20 for implementation of the Project, and adopted the Mitigation Monitoring and Reporting Program (MMRP) of the EIS/EIR.

The IFR EIS/EIR is a combination of a feasibility report, an EIS, a document required by the National Environmental Policy Act (NEPA) and an EIR, required by the California Environmental Quality Act (CEQA).

The River Ecosystem Restoration IFR and EIS/EIR was developed to inform the public agency decision-makers and general public of potentially significant environmental impacts of the proposed Project. It describes a reasonable range of alternatives, and recommends adoption of the Recommended Plan, Alternative 20 for Project implementation, recommends mitigation measures to reduce environmental impacts and includes the description of unavoidable adverse significant impacts, growth inducing impacts and cumulative impacts.

Among other factors, the LARER IFR and EIS/EIR evaluated socioeconomic and environmental justice impacts, as required by the National Environmental Policy Act (NEPA), and found that the Recommended Plan, Alternative 20, would have less than significant socioeconomic impacts and would not have disproportionately high and adverse human health or environmental effects on environmental justice populations.

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According to the document, with the approval of the Recommended Plan, Alternative 20, after implementation of the Mitigation Measures and/or BMPs, only Air Quality and Land Use impacts, and cumulative impacts related to Land Use, would remain significant and unavoidable.

The Mitigation Monitoring and Reporting Program (MMRP) addressed the potentially significant impacts identified in the EIS/EIR and provided implementation and monitoring of mitigation measures and best management practices (BMPs) required to reduce these impacts to a less-than-significant level. The MMRP includes Mitigation Measures and/or Best Management Practices for the following environmental impact areas: Geology, Seismology, Soils, and Minerals, Air Quality and Greenhouse Gases, Water Resources, Biological Resources, Cultural Resources, Traffic and Circulation, Noise, Recreation, Public Health and Safety, Including Hazardous, Toxic, and Radioactive Waste, and Utilities and Public Services.

The LARER IFR and EIS/EIR included Findings of Fact and Statement of Overriding Considerations, which identified major findings and conclusions, including a discussion of beneficial impacts of the project. According to the document, all the alternatives to the proposed Project would have beneficial cumulative impacts for water resources, recreation, and aesthetics as well as substantial beneficial long-term cumulative impacts for biological resources.

The River Ecosystem Restoration IFR and EIS/EIR is also intended to support future discretionary actions of the City regarding the proposed Project and the permitting and approval process of all agencies whose discretionary approvals must be obtained for particular elements of this Project.

Based on these considerations, staff recommends that the Board of Recreation and Park Commissioners (Board) find that the activities proposed in this Board Report are supported by the LARER IFR and EIS/EIR approved by the Los Angeles City Council on June 30, 2016.

Should the implementation of Recommended Plan, Alternative 20 require additional NEPA and/or CEQA action, staff will come back to the Board with appropriate environmental impact recommendations.

### FISCAL IMPACT

It is anticipated that the Project will be funded by a combination of funding sources to be developed with the relevant City departments; however, the specific funding sources and amounts have not yet been identified.

Additionally, as it is unknown at this time how exactly the restored areas will be developed nor if RAP or other departments or agencies will be responsible to operate and maintain portions of the restored areas. Therefore, there may be future impacts to RAP's General Fund as LARER is implemented. A 2021 estimate of O&M developed by the USACE over ten years for reaches 1-7 is \$7.79 million.

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This Report was prepared by Edward Belden, Project Manager, BOE Clean Water Division; Reviewed by Luz Rabelo, Civil Engineer, Christopher Johnson, Principal Civil Engineer, BOE Clean Water Division, Michael Affeldt, LA River Revitalization Coordinator, Mara Luevano, Mayor's Office Capital Projects Delivery Manager, and Darryl Ford, Superintendent, Planning, Construction and Maintenance Branch, Department of Recreation and Parks and Richard Tom, City Attorney Representing Recreation and Parks.

### LIST OF ATTACHMENTS

- 1) Attachment No. 1 – Design Agreement
- 2) Attachment No. 2 – Abbreviated LARER Readers Guide
- 3) Attachment No. 3 – Map of RAP Parcels
- 4) Attachment No. 4 – List of RAP Parcels
- 5) Attachment No. 5 – LARER Real Estate Plan

DESIGN AGREEMENT  
BETWEEN  
THE DEPARTMENT OF THE ARMY  
AND  
THE CITY OF LOS ANGELES  
FOR  
DESIGN  
FOR THE  
LOS ANGELES RIVER ECOSYSTEM RESTORATION PROJECT

THIS AGREEMENT is entered into this 12<sup>th</sup> day of January 2018, by and between the Department of the Army (hereinafter the "Government"), represented by the U.S. Army Engineer, Los Angeles District (hereinafter the "District Engineer") and the City of Los Angeles (hereinafter the "Non-Federal Sponsor"), represented by the City Engineer.

WITNESSETH, THAT:

WHEREAS, Federal funds were provided in the Consolidated Appropriations Act of 2016, P.L. 114-113, to initiate design of the project for ecosystem restoration and recreation, Los Angeles River, California;

WHEREAS, construction of the Project is authorized by the Water Resources Development Act of 2016, P.L. 114-322, Title I, Section 1401(7);

WHEREAS, Section 1402(b) of the Water Resources Development Act of 2016 specifies the cost-sharing requirements applicable to construction of the Project, and Section 105(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2215), provides that the costs of design shall be shared in the same percentages as construction of the Project;

WHEREAS, based on the Project's primary project purpose of aquatic ecosystem restoration, the parties agree that the Non-Federal Sponsor shall contribute 50 percent of the total design costs under this Agreement;

WHEREAS, pursuant to Section 221(a)(4) of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b(a)), the Non-Federal Sponsor may perform or provide in-kind contributions for credit towards the non-Federal share of the total design costs; and

WHEREAS, the Government and Non-Federal Sponsor have the full authority and capability to perform in accordance with the terms of this Agreement.

NOW, THEREFORE, the parties agree as follows:

## ARTICLE I - DEFINITIONS

A. The term “Project” means restoration of 11 miles of the Los Angeles River from Griffith Park to Downtown Los Angeles, Los Angeles County, California, including riparian corridor restoration, restoration of the Arroyo Seco and Verdugo Wash confluences, restoration of the Los Angeles Trailer and Container Intermodal Facility site, removal of concrete and riverbed restoration for 0.75 miles, restoration of freshwater marsh at the Los Angeles State Historic Park, restoration and reconnection to the historic floodplain at Taylor Yard, river widening, daylighting of 13 minor tributaries, establishment of side channels, and removal of invasive vegetation, along with compatible recreation features, as generally described in the Final Integrated Feasibility Report, dated September 2015 and approved by the Chief of Engineers on December 18, 2015, and the Assistant Secretary of the Army (Civil Works) on January 3, 2017.

B. The term “Design” means the performance of detailed pre-construction engineering and design, including hydrology analysis and hydraulic modeling; environmental and cultural surveys and coordination; geotechnical investigations and review; and preparation of plans and specifications for the initial construction contract for the Project.

C. The term “total design costs” means the sum of all costs that are directly related to the Design and cost shared in accordance with the terms of this Agreement. Subject to the provisions of this Agreement, the term shall include, but is not necessarily limited to: the Government’s costs for engineering and design, economic and environmental analyses, and evaluation; for contract dispute settlements or awards; for supervision and administration; for Agency Technical Review and other review processes required by the Government; for response to any required Independent External Peer Review; and the Non-Federal Sponsor’s creditable costs for in-kind contributions, if any. The term does not include any costs for dispute resolution; participation in the Design Coordination Team; audits; an Independent External Peer Review panel, if required; or betterments; or the Non-Federal Sponsor’s cost of negotiating this Agreement.

D. The term "in-kind contributions" means those materials or services provided by the Non-Federal Sponsor that are identified as being integral to design of the Project by the Division Engineer for the South Pacific Division. To be integral, the material or service must be part of the work that the Government would otherwise have undertaken for design of the Project. In-kind contributions also include any investigations performed by the Non-Federal Sponsor to identify the existence and extent of any hazardous substances that may exist in, on, or under real property interests required for the Project.

E. The term “fiscal year” means one year beginning on October 1<sup>st</sup> and ending on September 30<sup>th</sup> of the following year.

F. The term “betterment” means a difference in the design of a portion of the Project that results from the application of standards that the Government determines exceed those that the Government would otherwise apply to the design of that portion.

## ARTICLE II - OBLIGATIONS OF THE GOVERNMENT AND THE NON-FEDERAL SPONSOR

A. In accordance with Federal laws, regulations, and policies, the Government shall conduct the Design using funds appropriated by the Congress and funds provided by the Non-Federal Sponsor. The Non-Federal Sponsor shall perform or provide any in-kind contributions in accordance with applicable Federal laws, regulations, and policies. If the Government and non-Federal interest enter into a Project Partnership Agreement for construction of the Project, the Government shall include the total design costs in the calculation of construction costs for the Project in accordance with the terms and conditions of the Project Partnership Agreement.

B. The Non-Federal Sponsor shall contribute 50 percent of total design costs in accordance with the provisions of this paragraph and provide required funds in accordance with Article III.

1. After considering the estimated amount of credit for in-kind contributions, if any, that will be afforded in accordance with paragraph C. of this Article, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor for the initial fiscal year of the Design. No later than 15 calendar days after such notification, the Non-Federal Sponsor shall provide the full amount of such funds to the Government.

2. No later than August 1<sup>st</sup> prior to each subsequent fiscal year of the Design, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor during that fiscal year to meet its cost share. No later than September 1<sup>st</sup> prior to that fiscal year, the Non-Federal Sponsor shall provide the full amount of such required funds to the Government.

C. The Government shall credit towards the Non-Federal Sponsor's share of total design costs, the costs, documented to the satisfaction of the Government, that the Non-Federal Sponsor incurs in providing or performing in-kind contributions integral to the Design, including associated supervision and administration. Such costs shall be subject to audit in accordance with Article VII to determine reasonableness, allocability, and allowability, and crediting shall be in accordance with the following procedures, requirements, and limitations:

1. As in-kind contributions are completed and no later than 60 calendar day after such completion, the Non-Federal Sponsor shall provide the Government appropriate documentation, including invoices and certification of specific payments to contractors, suppliers, and the Non-Federal Sponsor's employees. Failure to provide such documentation in a timely manner may result in denial of credit.



2. No credit shall be afforded for interest charges, or any adjustment to reflect changes in price levels between the time the in-kind contributions are completed and credit is afforded; for the value of in-kind contributions obtained at no cost to the Non-Federal Sponsor; for any items provided or performed prior to the effective date of this Agreement unless covered by an In-Kind Memorandum of Understanding; for any items not identified as integral in the integral determination report; or for costs that exceed the Government's estimate of the cost for such item if it had been performed by the Government.

3. No reimbursement will be provided for any in-kind contributions that exceed the Non-Federal Sponsor's share of the total design costs under this Agreement. As provided in Article II.A., total design costs, including credit for in-kind contributions, shall be included in the calculation of construction costs for the Project in accordance with the terms and conditions of the Project Partnership Agreement.

D. To the extent practicable and in accordance with Federal laws, regulations, and policies, the Government shall afford the Non-Federal Sponsor the opportunity to review and comment on solicitations for contracts prior to the Government's issuance of such solicitations; proposed contract modifications, including change orders; and contract claims prior to resolution thereof. Ultimately, the contents of solicitations, award of contracts, execution of contract modifications, and resolution of contract claims shall be exclusively within the control of the Government.

E. The Non-Federal Sponsor shall not use Federal Program funds to meet any of its obligations under this Agreement unless the Federal agency providing the funds verifies in writing that the funds are authorized to be used for the Project. Federal program funds are those funds provided by a Federal agency, plus any non-Federal contribution required as a matching share therefor.

F. Except as provided in paragraph C. of this Article, the Non-Federal Sponsor shall not be entitled to any credit or reimbursement for costs it incurs in performing its responsibilities under this Agreement.

G. In carrying out its obligations under this Agreement, the Non-Federal Sponsor shall comply with all the requirements of applicable Federal laws and implementing regulations, including, but not limited to: Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto; the Age Discrimination Act of 1975 (42 U.S.C. 6102); and the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Army Regulation 600-7 issued pursuant thereto.

H. If Independent External Peer Review (IEPR) is required for the Design, the Government shall conduct such review in accordance with Federal laws, regulations, and policies. The Government's costs for an IEPR panel shall not be included in the total design costs.

I. In addition to the ongoing, regular discussions of the parties in the delivery of the Design, the Government and the Non-Federal Sponsor may establish a Design Coordination Team consisting of Government's Project Manager and the Non-Federal Sponsor's counterpart and one senior representative each from the Government and Non-Federal Sponsor to discuss significant issues or actions. Neither the Government's nor the Non-Federal Sponsor's costs for participation on the Design Coordination Team shall be included in the total design costs. The Non-Federal Sponsor's costs for participation on the Design Coordination Team shall be paid solely by the Non-Federal Sponsor without reimbursement or credit.

J. The Non-Federal Sponsor may request in writing that the Government perform betterments on behalf of the Non-Federal Sponsor. Each request shall be subject to review and written approval by the Division Engineer for the South Pacific Division. If the Government agrees to such request, the Non-Federal Sponsor, in accordance with Article III.F., must provide funds sufficient to cover the costs of such work in advance of the Government performing the work.

### ARTICLE III - METHOD OF PAYMENT

A. As of the effective date of this Agreement, total design costs are projected to be \$8,100,000, with the Government's share of such costs projected to be \$4,050,000, the Non-Federal Sponsor's share of such costs projected to be \$4,050,000; and the costs for betterments are projected to be \$0. These amounts are estimates subject to adjustment by the Government, after consultation with the Non-Federal Sponsor, and are not to be construed as the total financial responsibilities of the Government and the Non-Federal Sponsor.

B. The Government shall provide the Non-Federal Sponsor with quarterly reports setting forth the estimated total design costs and the Government's and Non-Federal Sponsor's estimated shares of such costs; costs incurred by the Government, using both Federal and Non-Federal Sponsor funds, to date; the amount of funds provided by the Non-Federal Sponsor to date; the estimated amount of any creditable in-kind contributions; and the estimated remaining cost of the Design.

C. The Non-Federal Sponsor shall provide to the Government required funds by delivering a check payable to "FAO, USAED, Los Angeles (L1)" to the District Engineer, or verifying to the satisfaction of the Government that the Non-Federal Sponsor has deposited such required funds in an escrow or other account acceptable to the Government, with interest accruing to the Non-Federal Sponsor, or by providing an Electronic Funds Transfer of such required funds in accordance with procedures established by the Government.

D. The Government shall draw from the funds provided by the Non-Federal Sponsor to cover the non-Federal share of the total design costs as those costs are incurred. If the Government determines at any time that additional funds are needed

from the Non-Federal Sponsor to cover the Non-Federal Sponsor's required share of the total design costs, the Government shall provide the Non-Federal Sponsor with written notice of the amount of additional funds required. Within 60 calendar days of such notice, the Non-Federal Sponsor shall provide the Government with the full amount of such additional funds.

E. Upon conclusion of the Design and resolution of all relevant claims and appeals, the Government shall conduct a final accounting and furnish the Non-Federal Sponsor with the written results of such final accounting. Should the final accounting determine that additional funds are required from the Non-Federal Sponsor, the Non-Federal Sponsor, within 60 calendar days of written notice from the Government, shall provide the Government with the full amount of such additional funds. Should the final accounting determine that the Non-Federal Sponsor has provided funds in excess of its required amount, the Government shall refund the excess amount, subject to the availability of funds or if requested by the Non-Federal Sponsor, apply the excess amount towards the non-Federal share of the cost of construction of the Project in the event a Project Partnership Agreement is executed for the Project. Such final accounting does not limit the Non-Federal Sponsor's responsibility to pay its share of total design costs, including contract claims or any other liability that may become known after the final accounting.

F. Payment of Costs for Betterments Provided on Behalf of the Non-Federal Sponsor. No later than 30 calendar days after receiving written notice from the Government of the amount of funds required to cover any such costs, as applicable, the Non-Federal Sponsor shall make the full amount of such required funds available to the Government by delivering a check payable to "FAO, USAED, Los Angeles (L1)" to the District Engineer, or by providing an Electronic Funds Transfer of such funds in accordance with procedures established by the Government. If at any time the Government determines that additional funds are required to cover any such costs, as applicable, the Non-Federal Sponsor shall provide those funds within 30 calendar days from receipt of written notice from the Government.

#### ARTICLE IV - TERMINATION OR SUSPENSION

A. If at any time the Non-Federal Sponsor fails to fulfill its obligations under this Agreement, the Government may suspend or terminate Design unless the Assistant Secretary of the Army (Civil Works) determines that continuation of the Design is in the interest of the United States or is necessary in order to satisfy agreements with any other non-Federal interests in connection with the Project.

B. If the Government determines at any time that the Federal funds made available for the Design are not sufficient to complete such work, the Government shall so notify the Non-Federal Sponsor in writing, and upon exhaustion of such funds, the Government shall suspend Design until there are sufficient Federal funds appropriated by the Congress and funds provided by the Non-Federal Sponsor to allow Design to resume.

C. In the event of termination, the parties shall conclude their activities relating to the Design and conduct an accounting in accordance with Article III.E. To provide for this eventuality, the Government may reserve a percentage of available funds as a contingency to pay costs of termination, including any costs of resolution of contract claims and contract modifications.

D. Any suspension or termination shall not relieve the parties of liability for any obligation incurred. Any delinquent payment owed by the Non-Federal Sponsor pursuant to this Agreement shall be charged interest at a rate, to be determined by the Secretary of the Treasury, equal to 150 per centum of the average bond equivalent rate of the 13 week Treasury bills auctioned immediately prior to the date on which such payment became delinquent, or auctioned immediately prior to the beginning of each additional 3 month period if the period of delinquency exceeds 3 months.

#### ARTICLE V – HOLD AND SAVE

The Non-Federal Sponsor shall hold and save the Government free from all damages arising from the Design, except for damages due to the fault or negligence of the Government or its contractors.

#### ARTICLE VI - DISPUTE RESOLUTION

As a condition precedent to a party bringing any suit for breach of this Agreement, that party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to the parties. Each party shall pay an equal share of any costs for the services provided by such a third party as such costs are incurred. The existence of a dispute shall not excuse the parties from performance pursuant to this Agreement.

#### ARTICLE VII - MAINTENANCE OF RECORDS AND AUDIT

A. The parties shall develop procedures for the maintenance by the Non-Federal Sponsor of books, records, documents, or other evidence pertaining to costs and expenses for a minimum of three years after the final accounting. The Non-Federal Sponsor shall assure that such materials are reasonably available for examination, audit, or reproduction by the Government.

B. The Government may conduct, or arrange for the conduct of, audits of the Design. Government audits shall be conducted in accordance with applicable Government cost principles and regulations. The Government's costs of audits for the Design shall not be included in total design costs.

C. To the extent permitted under applicable Federal laws and regulations, the Government shall allow the Non-Federal Sponsor to inspect books, records, documents, or other evidence pertaining to costs and expenses maintained by the Government, or at the request of the Non-Federal Sponsor, provide to the Non-Federal Sponsor or independent auditors any such information necessary to enable an audit of the Non-Federal Sponsor's activities under this Agreement. The costs of non-Federal audits shall be paid solely by the Non-Federal Sponsor without reimbursement or credit by the Government.

#### ARTICLE VIII - RELATIONSHIP OF PARTIES

In the exercise of their respective rights and obligations under this Agreement, the Government and the Non-Federal Sponsor each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other. Neither party shall provide, without the consent of the other party, any contractor with a release that waives or purports to waive any rights a party may have to seek relief or redress against that contractor.

#### ARTICLE IX - NOTICES

A. Any notice, request, demand, or other communication required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and delivered personally or mailed by certified mail, with return receipt, as follows:

If to the Non-Federal Sponsor:

City Engineer  
City of Los Angeles  
Department of Public Works  
Bureau of Engineering  
1149 South Broadway Suite 700  
Los Angeles, California 90015-2213

If to the Government:

Deputy District Engineer  
Program and Project Management Division  
Los Angeles District, US Army Corps of Engineers  
915 Wilshire Blvd  
Los Angeles, California 90017

B. A party may change the recipient or address for such communications by giving written notice to the other party in the manner provided in this Article.

ARTICLE X - CONFIDENTIALITY

To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.

ARTICLE XI - THIRD PARTY RIGHTS, BENEFITS, OR LIABILITIES

Nothing in this Agreement is intended, nor may be construed, to create any rights, confer any benefits, or relieve any liability, of any kind whatsoever in any third person not party to this Agreement.

ARTICLE XII - OBLIGATIONS OF FUTURE APPROPRIATIONS


The Non-Federal Sponsor intends to fulfill fully its obligations under this Agreement. Nothing herein shall constitute, nor be deemed to constitute, an obligation of future appropriations by the Los Angeles City Council, where creating such an obligation would be inconsistent with Section 320 of the City Charter of the City of Los Angeles. If the Non-Federal Sponsor is unable to, or does not, fulfill its obligations under this Agreement, the Government may exercise any legal rights it has to protect the Government's interests.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the District Engineer.

DEPARTMENT OF THE ARMY

CITY OF LOS ANGELES

BY:  \_\_\_\_\_

BY:  \_\_\_\_\_

KIRK E. GIBBS  
Colonel, U.S. Army  
District Engineer

GARY LEE MOORE  
City Engineer  
City of Los Angeles

DATE: 1-12-18

DATE: 1-5-18

APPROVED AS TO FORM

MICHAEL N. FEUER, City Attorney

EDWARD JORDAN

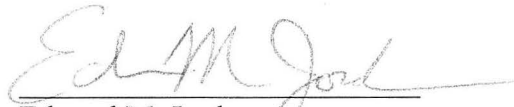
By   
Assistant City Attorney

Date: 1/4/2018

CERTIFICATE OF AUTHORITY

I, Edward M. Jordan, do hereby certify that I am an Assistant City Attorney for the City of Los Angeles and the principal legal officer for the Los Angeles River Ecosystem Restoration Project, that the City of Los Angeles is a legally constituted public body with full authority and legal capability to perform the terms of the Agreement between the Department of the Army and the City of Los Angeles in connection with the Los Angeles River Ecosystem Restoration Project, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of the Agreement, as required by Section 221 of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and that the person who executed the Agreement on behalf of the City of Los Angeles acted within his statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this  
4<sup>th</sup> day of January 2017.

  
Edward M. Jordan  
Assistant City Attorney



CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Gary Lee Moore  
Gary Lee Moore  
City Engineer

DATE: 1-9-18



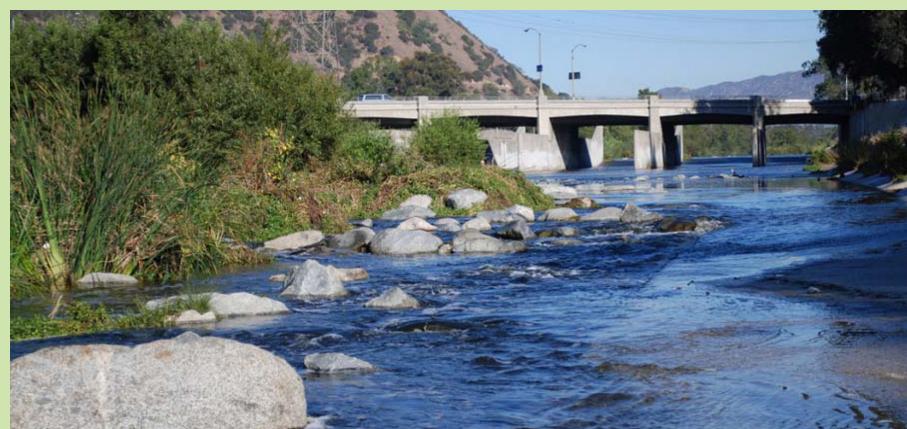
# READER'S GUIDE for the

## LA River Ecosystem Restoration Project

*A document by the Local Sponsor, the City of Los Angeles, California*

Final Integrated Feasibility Report (IFR) which includes the  
Final Environmental Impact Statement / Environmental Impact Report

April 2016



Cover photo descriptions, clockwise from top left: LA River's Glendale Narrows; LA River just south of the Verdugo Wash and State Route 134, and east of Interstate 5; LA River with Los Feliz Boulevard Bridge and Griffith Park in the background; Kayakers in the Sepulveda Basin section of the LA River; Rendering of the proposed Project at the G2 parcel of the Taylor Yard complex.

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# 1 Introduction

This *Reader's Guide* is intended by the City to guide you through the local environmental review and project approval process for the proposed **Los Angeles River Ecosystem Restoration Project (Project)**, a project of the U.S. Army Corps of Engineers (USACE) and locally sponsored by the City of Los Angeles (City). The proposed Project includes restoration of the aquatic riparian ecosystem native to the Los Angeles River along an approximately 11-mile stretch that would provide ecosystem benefits while maintaining existing levels of flood risk management. Recreation opportunities consistent with the restored ecosystem would also be provided.

The draft environmental review document, known as the Draft Integrated Feasibility Report (IFR), which included the Feasibility Study and Draft Environmental Impact Statement (EIS)/ Environmental Impact Report (EIR), for this Project was released for public review and comment in 2013. The final environmental review document is called the Final IFR and includes the Final Feasibility Report and Final EIS/EIR. The Final EIS/EIR included in the Final IFR were prepared respectively in compliance with the National Environmental Policy Act (NEPA), a federal law, and California Environmental Quality Act (CEQA), a state statute, and underwent its last round of public, State and Agency review in late 2015, as required under NEPA and the 1944 Flood Control Act (P.L. 78-534). Pursuant to CEQA, the Final IFR includes the Draft EIS/EIR updated with comments to those received and responses, and additional information added by the City and the USACE.

Alternative 20 is identified as the Recommended Plan for the Project in the Final IFR, which would require approval from the City, the USACE, and

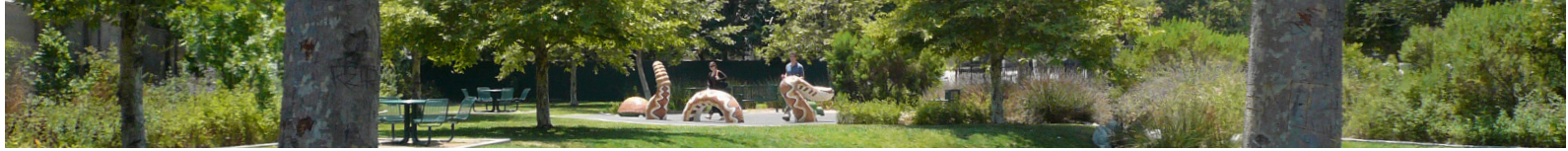
Congressional authorization before the project is eligible for Federal appropriations for Project construction.

This *Reader's Guide* serves as a reference to facilitate understanding of the proposed Project and key local issues. It strives to accomplish this by:

- Providing a brief summary of the proposed Project, and potential environmental impacts as analyzed in the IFR;
- Presenting the public involvement process for shaping the proposed Project;
- Describing the Recommended Plan (Alternative 20) and its benefits and costs;
- Highlighting issues of local interest, along with other complementary planning efforts; and
- Discussing the local environmental review process and next steps for project approval.

**Please note that the *Reader's Guide* is not an official part of the legal IFR document. The views and opinions expressed in this *Reader's Guide* are solely those of the City in order to summarize the key points of the IFR, highlight issues of local interest, and present the local environmental review process.**

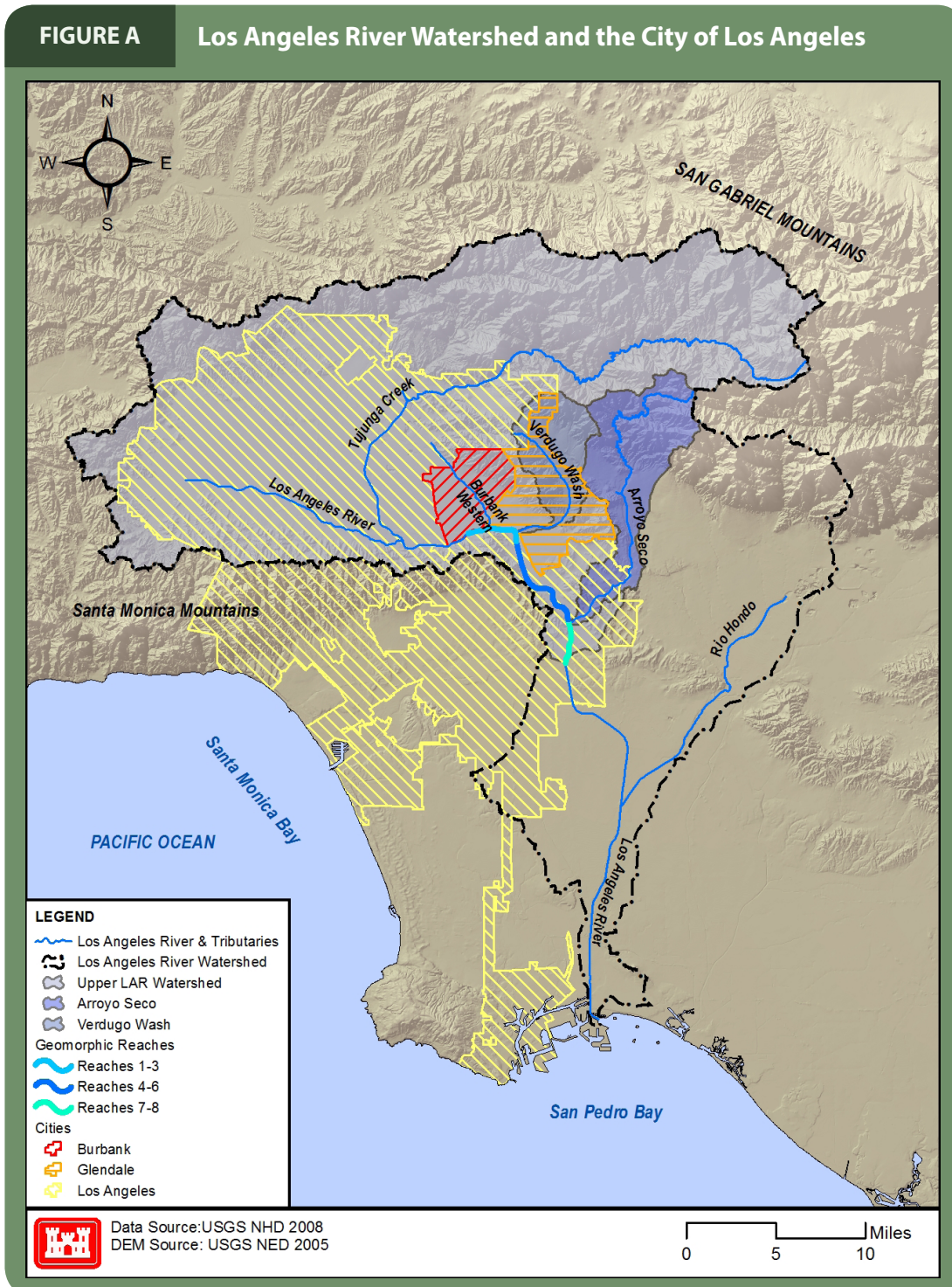
It is important to note that while this is primarily an ecosystem restoration project, it is being proposed in a highly urbanized environment that confronts local issues such as displacement, gentrification, industrial land conversion, flood risk management, eminent domain, and homelessness. Section 8 of this *Reader's Guide* addresses these topics, many of which continue to be highlighted in various local media, along with Project funding approaches.



## 2 Project Need

### Why is Ecosystem Restoration of the LA River Important?

The Los Angeles River (River) is **51 miles long** and has an approximately **870 square-mile watershed**<sup>1</sup>. The River runs from Canoga Park in the west San Fernando Valley to Long Beach where



<sup>1</sup> A watershed is an area of land within which all water drains to a common location, such as a stream or river.

it flows into the Pacific Ocean via the San Pedro/ Long Beach Harbor. The first 32 miles of the River flow through the City of Los Angeles and along the cities of Burbank and Glendale (see Figure A). The upper portion of the watershed (more than 300 square miles) is predominantly forest or open space including more than 100 square miles of the Angeles National Forest. The remainder of the watershed (more than 400 square miles) lies in the coastal plain and includes the City of Los Angeles. It is a highly developed area with commercial, industrial, and residential land uses.

Figure B is an artistic interpretation of the evolution of the River, showing how it has been affected by first agricultural and then industrial development. The River, which once served as the backbone of a vast system of riparian

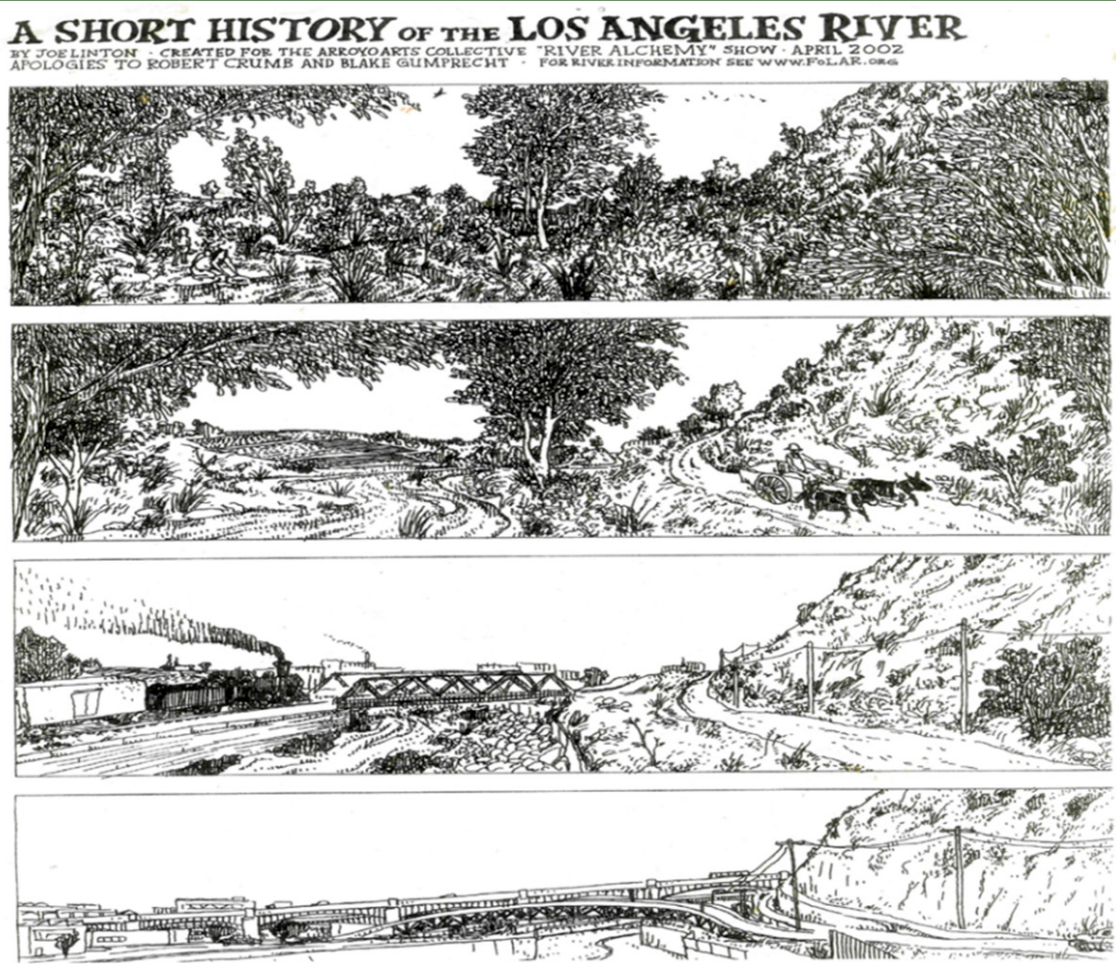
foothill, riverine, and freshwater marsh habitat that carried seasonal rains and subterranean flows to the coastal plain and ultimately the Pacific Ocean, has been degraded over time by a cycle of increasing urban development. The River typically appears nearly dry for much of the year, but can become a powerful torrent during the rainy seasons.

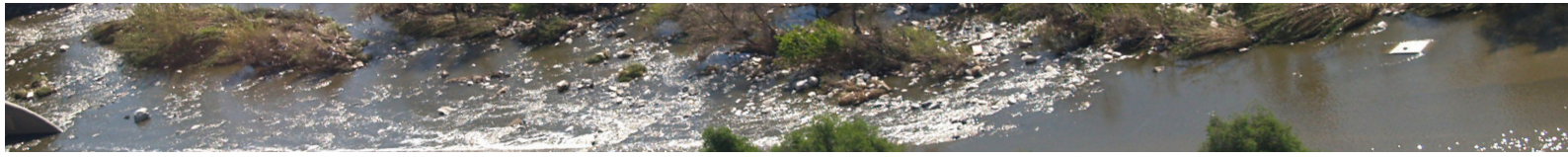
In the late 19th and early 20th centuries, very large storm flows in the River caused catastrophic flooding that resulted in the loss of lives and millions of dollars in property damage. As a result, City and LA County leaders initiated a formal flood risk management program (then known as “flood control”) to channelize the natural River system with the goal of moving flood flows to the ocean as efficiently as possible. In the 1930s, Congress tasked the

**FIGURE B**

**Artist’s Illustration of Changes to the Los Angeles River through Urbanization**

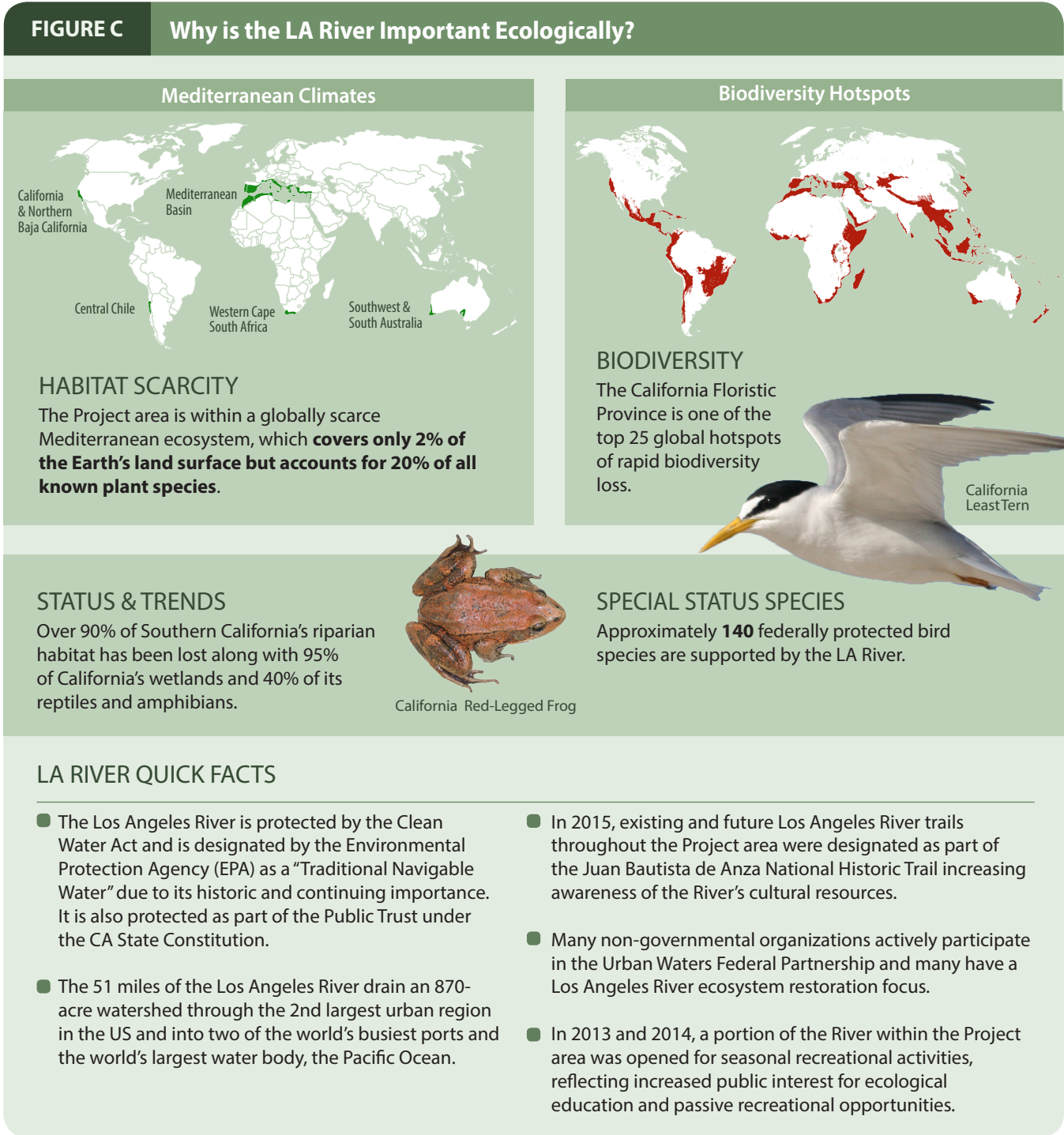
*(Source: Joe Linton, with permission)*



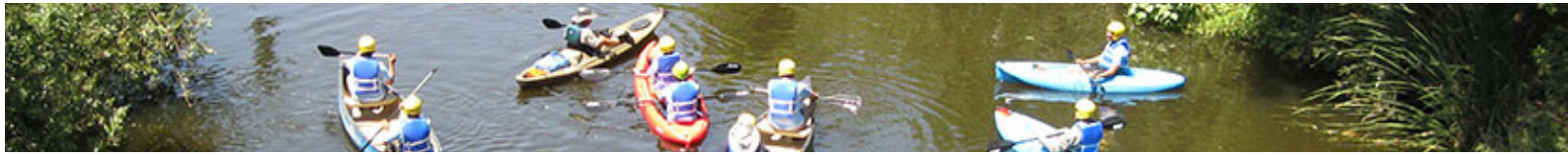


USACE with engineering the flood risk management system.

Channelization has degraded the remaining habitat values of the River by straightening the River’s course, diminishing its plant and wildlife diversity and quality, disconnecting it from its floodplain and significant ecological zones, and dramatically changing its appearance and function. Planning efforts for the proposed Project considered the significance of the ecological resources of the River, some of which are highlighted in Figure C.







### 3 Project Purpose & Area

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The Project area is known as the ARBOR (Area with Restoration Benefits and Opportunities for Revitalization) reach. It was selected because of its exceptional promise for restoration as it contains a large portion of “soft bottom” area (where concrete does not cover the bottom of the riverbed) that hosts existing native riparian habitat. The area also includes two major tributary confluences (the Arroyo Seco and the Verdugo Wash confluences) and connections to three large State Park sites. Figure D shows the 11-mile ARBOR reach, which includes eight reaches<sup>2</sup>, and the proposed Project’s location within the City of Los Angeles.

The primary purpose of the proposed Project is to reestablish riparian strand, freshwater marsh, and aquatic habitat communities and reconnect the River to major tributaries, its historic floodplain, and the significant ecological areas of the Santa Monica Mountains, San Gabriel Mountains, Elysian Hills, and Verdugo Mountains. Figure E shows the potential for regional habitat and wildlife connectivity by improving connections between the River and these significant ecological areas. The River’s channelization in concrete poses the biggest

challenge to restoring this connectivity.

Considering the importance and potential of the River and the challenges that it faces, the primary objectives of the proposed Project, as identified in the [Final IFR](#), include:

- **Restore Valley Foothill Riparian Strand and Freshwater Marsh Habitat.**
- **Increase Habitat Connectivity between the River and the historic floodplain, between habitat patches and nearby significant ecological zones, such as the Santa Monica Mountains, Verdugo Mountains, Elysian Hills, and San Gabriel Mountains.**
- **Increase Passive Recreation that is consistent with the restored ecosystem.**

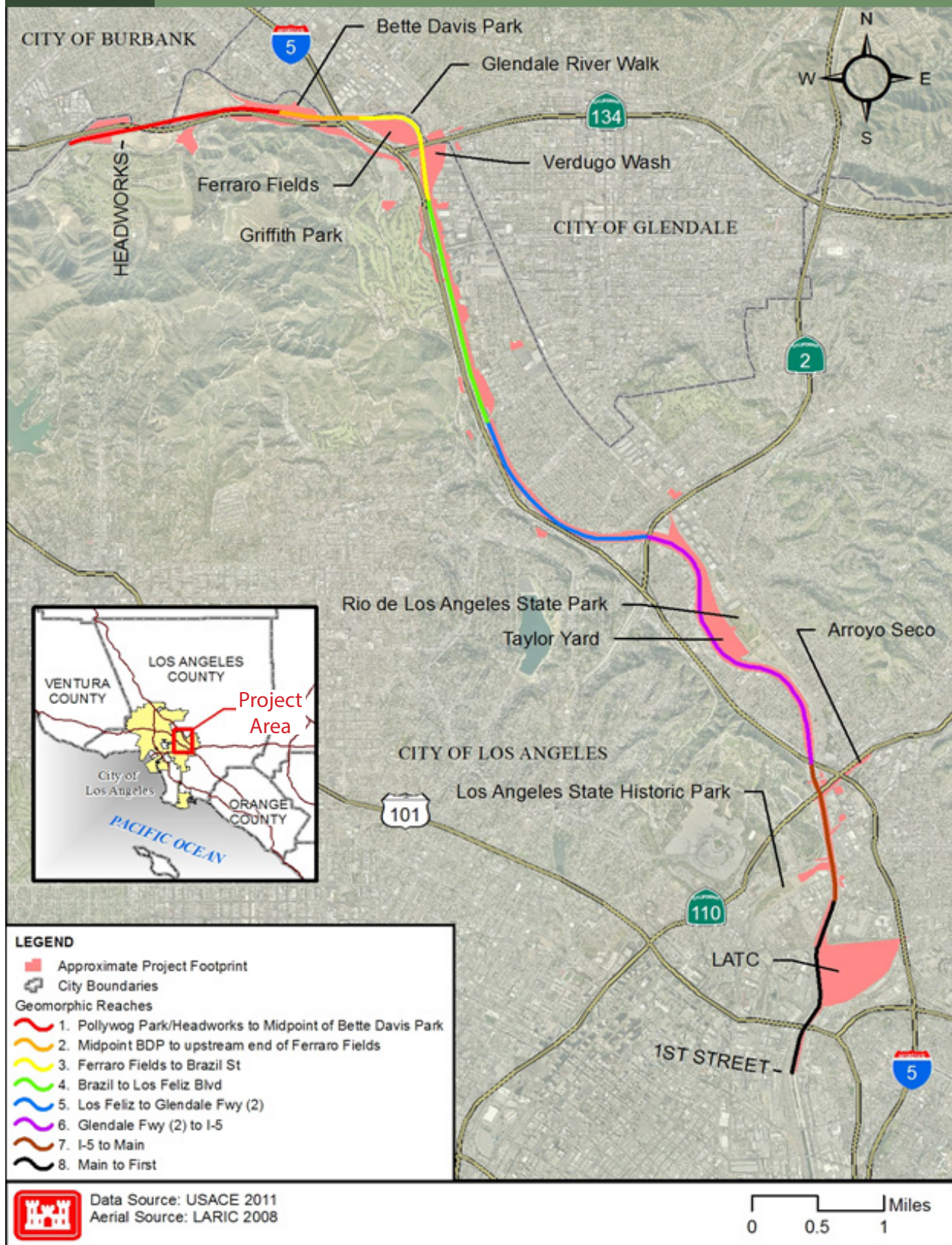
The City’s plan for the River, the Los Angeles River Revitalization Master Plan (LARRMP), which was adopted by the City Council in 2007, includes ecosystem restoration as one its key recommendations. The LARRMP applies to the first 32 miles of the River—the portion that flows through the City of LA and along the cities of Burbank and Glendale, and includes the approximately 11-mile ARBOR reach.

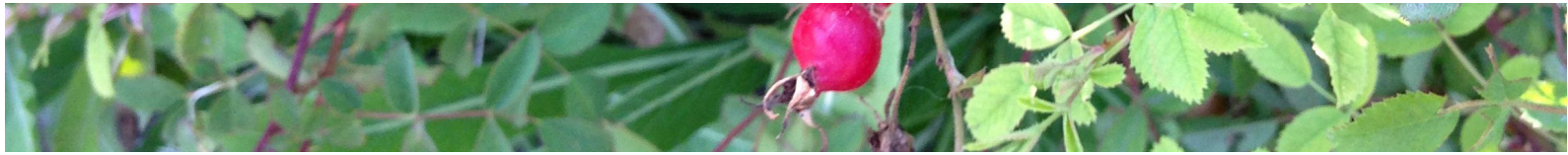
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<sup>2</sup> A reach is a general term for the length of a river of which the beginning and ending points may be selected for geographic, historical, topographical or other reasons. Eight of these were identified by the planning team to help understand the LA River and help communicate their findings.



**FIGURE D** Area with Restoration Benefits and Opportunities for Revitalization (ARBOR)





**FIGURE E**

**Regional Potential for Habitat Connectivity** (Source: Los Angeles River Revitalization Master Plan)



**Figure E** highlights habitat and linkages for the following study species: 1/ Coyote, *Canis latrans*, a KEYSTONE SPECIES, 2/ Shrike, *Lanius ludovicianus*, a GRASSLAND SPECIES, 3/ Acorn Woodpecker, *Melanerpes formicivorus*, an OAK WOODLAND SPECIES, 4/ California Quail, *Callipepla californica*, a SCRUB/CHAPARRAL SPECIES and 5/ Lorquin's Admiral, *Limenitis lorquini*, a WILLOW/RIPARIAN SPECIES.

## Project Area

The Project area extends from the northern edge of Griffith Park to Downtown Los Angeles near First Street and includes the soft bottom Glendale Narrows. The Glendale Narrows contains considerable riparian habitat within the soft bottom channel that has potential for connection to adjacent habitat areas. However, its survival is threatened by infestation from non-native invasive species. The Audubon Society has documented that there are already meaningful habitat connections for avian (bird) species between the LA River in the Glendale Narrows and nearby large habitat areas.

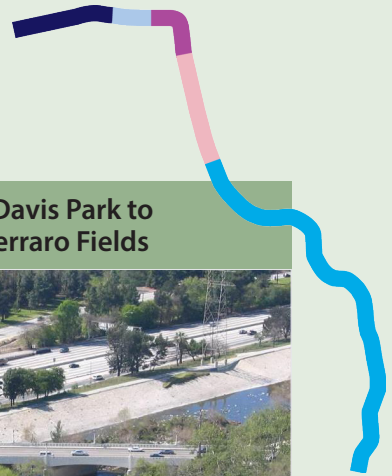
The IFR describes eight reaches within the Project area based upon their different geomorphic and channel configurations. See Figure F for their locations and summary descriptions.

**IFR** Please see **Section 2.3 Description of Project Reaches of the Final IFR** for a detailed description of the eight reaches.



**FIGURE F**

**Descriptions of the Eight Reaches Within the 11-Mile Project Area**

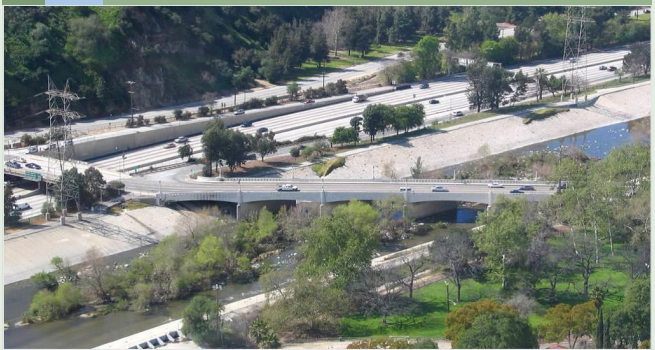


**REACH 1** Pollywog Park / Headworks to Midpoint of Bette Davis Park



Reach 1 is approximately 1.5 miles in length and connects the Pollywog Park area of Griffith Park, the USACE Headworks Ecosystem Restoration Study site, and the City of Burbank at Disney Studios. The River in this reach is concrete-lined.

**REACH 2** Midpoint of Bette Davis Park to Upstream End of Ferraro Fields



Reach 2 is approximately 0.75 mile in length and extends from the midpoint of Bette Davis Park area of Griffith Park, where the riverbed transitions from concrete-lined to a soft bottom bed, and then transitions back to concrete around the upstream edge of Ferraro Fields. This reach currently supports vegetation in the soft bottom channel.

**REACH 3** Ferraro Fields to Brazil Street



Reach 3 is approximately 1 mile in length and begins at the upstream edge of the Ferraro Fields where the riverbed transitions from soft bottom to concrete-lined and makes an approximately 90-degree curve to the south around Griffith Park and transitions back to soft-bottom around Brazil Street. State Route (SR)-134 (Ventura Freeway) crosses the River at the Verdugo Wash confluence in this area.

**REACH 4** Brazil Street to Los Feliz Blvd.



Reach 4 is approximately 1.75 miles long and extends from Brazil Street to the Los Feliz Boulevard Bridge. The riverbed transitions from concrete-lined to cobblestone and, where the reach ends at Los Feliz Boulevard, localized concrete lining of the bed is present. This reach currently supports vegetation in the soft bottom channel.



FIGURE F

Descriptions of the Eight Reaches Within the 11-Mile Project Area

REACH

5

Los Feliz Blvd. to SR-2



Reach 5 is approximately 1.55 miles long and extends from Los Feliz Boulevard Bridge, under the Sunnynook Drive Footbridge and the Hyperion Avenue Bridge, downstream to the Fletcher Drive Bridge, and ends at the SR-2 (Glendale Freeway) Bridge as the River approaches Taylor Yard. The channel bed is concrete under each of the large bridges and cobblestone between the bridges. This reach currently supports vegetation in the soft bottom channel.

REACH

6

SR-2 to I-5



Reach 6 is approximately 2.34 miles long and extends from the SR-2 Bridge to the downstream crossing of Interstate 5 (I-5), where the riverbed transitions from cobblestone to concrete-lined. This reach currently supports vegetation in the soft bottom channel.

REACH

7

I-5 to Main Street



Reach 7 is approximately 1 mile long and begins at the I-5 Bridge and extends to the Main Street Bridge. This reach has a concrete-lined channel. The Arroyo Seco confluence is located in this reach, and three bridges cross the River in this reach, including a railroad bridge, the North Broadway Bridge, and the Spring Street Bridge. Rail lines run adjacent to the channel on both banks.

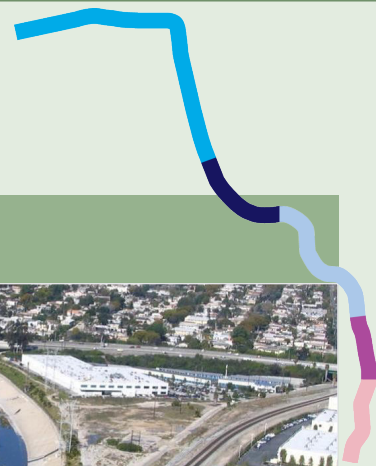
REACH

8

Main Street to First Street



Reach 8 is approximately 1 mile long and begins at Main Street Bridge extending downstream to First Street Bridge. The channel is concrete-lined in this reach. Rail lines run adjacent to the channel on both banks, and two railroad bridges cross the River. This reach includes the Union Pacific LA Trailer and Container Intermodal Facility (LATC also known as Piggyback Yard). US Highway 101 crosses the River between César E. Chávez Avenue and First Street.





## 4 Proposed Project & Alternatives

The proposed Project would result in ecosystem restoration along approximately 11-miles of the Los Angeles River from Griffith Park to Downtown Los Angeles by 1) reestablishing habitat communities, and 2) reconnecting the River to its major tributaries, historic floodplain, and the significant ecological areas of the Santa Monica Mountains, San Gabriel Mountains, Verdugo Mountains, and Elysian Hills. The proposed Project would maintain existing levels of flood risk management and include recreational opportunities consistent with the restored ecosystem.

### Project Alternatives

Six Project alternatives were analyzed in the IFR (numbered 10, 13, 13v<sup>3</sup>, 16, 20, and No Action (hereafter assumed to be equivalent to the No Project alternative under CEQA)) to assess which alternative would best achieve the Project objectives. Figure G highlights the comparable key restoration features of each of the five action alternatives, including the total number of acres restored under each. Under the No Project alternative, no proposed construction or restoration activities would occur and future development in the ARBOR reach would occur in accordance with currently-adopted plans.

**IFR** Please see [Section 4.13 No Action Alternative](#) for a detailed description of the No Project Alternative. Please see [Section 4.14 Action Alternatives of the Final IFR](#) for a detailed description of each Project alternative by reach.

<sup>3</sup> Alternative 13variation (v) was added by the USACE following the public review period of the [Draft IFR](#) after a detailed cost analysis identified Alternative 13v as more efficient than Alternative 13.

### Constraints in the Development of Project Alternatives for Restoration

Planning constraints represent significant barriers or restrictions that limit the physical or policy-related aspects of formulated plans. The location of the Project area resulted in several constraints that required consideration during the development of alternatives for restoration of the River. The following key issues were encountered in the Project area and represent the constraints that apply to the Project:

**High Costs of Real Estate.** Real estate costs for all plans identified exceeded the USACE policy limitation that real estate costs not exceed 25 percent of total ecosystem restoration cost. To allow the consideration and recommendation of any of the plans identified, the City offered to waive reimbursement for real estate costs exceeding the typical statutory share (consistent with a peer USACE case in Chicago).

**Presence of Sites Contaminated with Hazardous Substances.** Hazardous, Toxic and Radioactive Waste (HTRW) is present or suspected to be present in parcels key to the Project. Because the USACE policy is to avoid HTRW contaminated lands when practicable, the USACE confirmed that where contaminated lands were included in alternatives, they were necessary to meet Project objectives. As Local Sponsor, the City must ensure lands with soil contamination are remediated prior to any construction by the USACE.

**Levee Policies that Restrict Planting on Levees.** There are five levees within the ARBOR reach. Management and planting of vegetation on these levee systems must be compatible with USACE vegetation management guidelines.

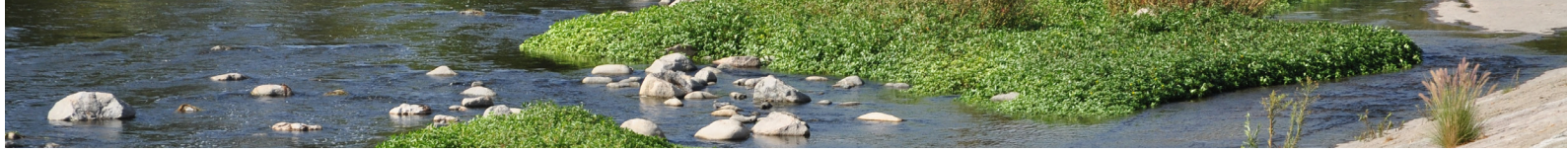
**Maintenance of Existing Levels of Flood Risk Management.** The ARBOR reach overlaps with the existing Los Angeles County Drainage Area (LACDA) flood risk management project. All alternatives were designed to maintain the flood risk management function or level of protection provided by LACDA, and thus, modifications that could be made to the River channel were limited.



**FIGURE G**

**Proposed Project Action Alternatives — Highlights of Restoration Features**

<p><b>ALT. 10</b></p>	<ul style="list-style-type: none"> <li>Provides restoration in all reaches, restores a historic wash at the LATC site, widens the River at Taylor Yard, restores a side channel and a seasonal flow area in Griffith Park, restores several daylighted streams, and provides transitions or connections between existing riparian corridors and concrete-lined River reaches.</li> <li>Provides <b>some restoration in all reaches</b>.</li> </ul>	<ul style="list-style-type: none"> <li><b>Increases habitat connectivity</b> through restoration and creation of riparian corridors and increases hydrologic connectivity through daylighted streams.</li> <li><b>Minimally meets objectives.</b></li> </ul>	<p><b>TOTAL ACRES</b> <b>528</b></p>
<p><b>ALT. 13</b></p>	<ul style="list-style-type: none"> <li>Includes most of the features in Alternative 10, and it restores an additional side channel, increases widening of the River at Taylor Yard, and restores the Arroyo Seco confluence.</li> </ul>	<ul style="list-style-type: none"> <li>Same restoration features as Alt. 10 in Reaches 1, 2, 4, 5, and 8 and <b>additional restoration in Reaches 3, 6 and 7.</b></li> <li><b>Meets objectives in all reaches.</b></li> </ul>	<p><b>TOTAL ACRES</b> <b>588</b></p>
<p><b>ALT. 13v</b></p>	<ul style="list-style-type: none"> <li>Alternative 13v is a variation of Alternative 13 with a change in Reach 7, where the Reach 7 plan from Alternative 20 is used. In addition to restoring the lower Arroyo Seco, it restores freshwater marsh at the Los Angeles State Historic Park, creates a terraced bank connection to the River, and daylights three streams rather than including a restructured bank with overhanging vines.</li> </ul>	<ul style="list-style-type: none"> <li>All restoration features of Alt. 13 except in Reach 7, where it includes the reach restoration plan included in Alt. 20 thereby <b>providing greater benefits than Alt. 13 at lower cost.</b></li> <li><b>Meets objectives in all reaches.</b></li> </ul>	<p><b>TOTAL ACRES</b> <b>598</b></p>
<p><b>ALT. 16</b></p>	<ul style="list-style-type: none"> <li>Includes most of the features in Alternative 13, and in addition, in Reach 5, it widens the River channel bottom and terraces the bank, and in Reach 8, it reconnects the River to the historic floodplain in LATC by removing the channel wall, restores the historic wash and freshwater marsh within the LATC site, removes concrete and restores wetlands</li> </ul>	<p>within the riverbed, and terraces channel banks.</p> <ul style="list-style-type: none"> <li>Same restoration features as Alt. 13 in Reaches 1-4 and 6-7 and <b>greater restoration in Reaches 5 and 8.</b></li> <li><b>Meets all objectives in all reaches.</b></li> </ul>	<p><b>TOTAL ACRES</b> <b>659</b></p>
<p><b>ALT. 20</b></p>	<ul style="list-style-type: none"> <li>Includes all the features of Alternative 16 except that in Reach 7 in addition to restoring the lower Arroyo Seco, it daylights three streams, restores freshwater marsh at the Los Angeles State Historic Park, and creates a terraced bank connection to the River. In addition, it widens the channel in Reach 2 and restores the confluence with Verdugo Wash in Reach 3.</li> <li>Same features as Alt. 16 in Reaches 1, 4, 5, 6, and 8 and <b>greater restoration in Reaches 2, 3 and 7.</b></li> </ul>	<ul style="list-style-type: none"> <li><b>Most fully meets planning objectives,</b> with some degree of channel naturalization and restoration in nearly all reaches, restoration of two major confluences, and of a connection between the River and the Los Angeles State Historic Park.</li> </ul>	<p><b>TOTAL ACRES</b> <b>719</b></p>



## Summary of Restoration Benefits Among Alternatives

All five action alternatives include substantial ecosystem benefits as shown in Figure G. Alternatives 16 and 20 provide more benefits, but as seen in Figure H, they do so at a higher relative increase in cost. As seen in Figure H, for each action alternative, additional habitat nodes<sup>4</sup> and/or corridors are restored, progressively increasing the level of “connectedness” in the Project alternatives, thereby facilitating greater opportunities for

wildlife movement.

Due to the support given by the City and local community, and the associated ecosystem restoration benefits, the City identified **Alternative 20** as the **Locally Preferred Plan (LPP)**.

As part of the federal environmental planning process, the USACE had to identify an NER<sup>5</sup> Plan, the National Ecosystem Restoration Plan.

<b>FIGURE H Proposed Project Action Alternatives — Comparison of Cost and Benefits</b>					
<b>CRITERIA</b>	<b>Alt. 10</b>	<b>Alt. 13</b>	<b>Alt. 13v</b>	<b>Alt. 16</b>	<b>Alt. 20</b>
Total Project Costs (October 2014 Price Levels)	\$591 million	\$708 million	\$667 million <sup>6</sup>	\$1.05 billion	\$1.31 billion <sup>6</sup>
<b>ECOSYSTEM RESTORATION BENEFITS</b>					
Total Average Annual Habitat Units <sup>7</sup>	5,321	5,902	5,989	6,509	6,782
Percent Increase in Habitat over Existing Conditions	93%	104%	105%	114%	119%
<b>CONNECTIVITY BENEFITS</b>					
Nodal Connectivity <sup>8</sup>	Minor improvement	309% over Alt. 10	33% over Alt. 13	39% over Alt. 13v	120% over Alt. 16
Added Regional Connections to Significant Ecological Areas	Santa Monica Mountains	Santa Monica & San Gabriel Mountains	Santa Monica & San Gabriel Mountains, Elysian Hills	Santa Monica & San Gabriel Mountains	Santa Monica, San Gabriel & Verdugo Mountains, Elysian Hills
Total Acres Restored	528	588	598	659	719

<sup>4</sup> Remaining fragments of habitat in the urban landscape are referred to as habitat nodes. Restoration of large nodes that are close together, connected by natural habitat and wildlife corridors increase the level of “connectedness.”


<sup>5</sup> The NER Plan is the alternative with the maximum monetary and non-monetary beneficial effects over monetary and non-monetary costs and is developed to determine the level of Federal interest in restoration projects.

<sup>6</sup> The Total Project Costs for Alt. 13v is \$704 million and Alt. 20 is \$1.357 billion per October 2015 Price Levels (pages 7-21 and 7-22 of the [Final IFR](#)). The costs shown here are for comparison’s sake. The NER and LPP costs were subsequently refined, but not the other alternatives.

<sup>7</sup> A Habitat Unit is a measure of habitat quality and is used to quantify restoration benefits.

<sup>8</sup> Nodal connectivity was measured based on the sizes of habitat nodes in the Project area and the minimum distance of vegetated corridors between nodes.





In the Final IFR, the USACE identified **Alternative 13v** as the **National Ecosystem Restoration (NER) Plan**. The NER Plan is not always the plan recommended for authorization by Congress, as the local sponsor can decide to take on the additional costs of implementing the LPP. Either an NER plan or an LPP can be the Recommended Plan. The Final IFR identified the LPP, Alternative 20, as the Recommended Plan for restoration. The LPP, Alternative 20, includes additional restoration benefits above those identified for the NER plan, Alternative 13v, although at an increased cost. These are presented in detail in Section 7.

## 5 Summary of Environmental Impacts

### CEQA and NEPA Impacts Analysis

In compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), a joint Environmental Impact Statement (EIS) (pursuant to NEPA) and Environmental Impact Report (EIR) (pursuant to CEQA) was prepared to analyze and compare the potential environmental impacts of the proposed Project alternatives. An EIS/EIR is both a public disclosure document and a decision-making tool. The purpose of the environmental analysis included in the EIS/EIR is to:

- Identify impacts of a proposed project on the environment;
- Identify potential alternatives to the project to reduce impacts; and
- Indicate ways to avoid or mitigate, if possible, significant impacts.

Under CEQA, when significant impacts cannot be avoided or mitigated, the project could still be approved if there are economic, legal, social, technological, or other benefits that outweigh unavoidable significant environmental effects (referred to as overriding considerations).

In EIRs, environmental impacts are determined in a step-wise process:

1. Analyze the environmental conditions when the analysis began (called baseline conditions).
2. Analyze the environmental conditions over the life of a project.

3. Compare baseline and project conditions. The difference between baseline and project conditions is compared to thresholds established by the City of Los Angeles and State CEQA guidelines.
4. If the change in conditions exceeds the threshold, the impact is considered significant. If the change does not exceed the threshold, the impact is considered less than significant. If the analysis finds that there are significant impacts, mitigation measures are applied to reduce the impacts. If feasible mitigation measures are not available or are not able to reduce impacts below the threshold, impacts remain significant and unavoidable.

The IFR analyzed a range of potential environmental impacts that could result during construction and operation of the proposed Project across the five action alternatives and the No Project alternative. The environmental resource areas analyzed include the following: Geology, Soils, Seismic Hazards, or Mineral Resources; Air Quality; Land Use; Water Resources; Biological Resources; Cultural Resources; Traffic and Circulation; Noise; Recreation and Public Access; Aesthetics; Public Health and Safety, including Hazardous, Toxic and Radioactive Waste; Utilities and Public Services; Socioeconomics and Environmental Justice; and Cumulative Impacts.

Except for impacts related to **air quality** and **land use**, all other impacts were found to be less than significant or no impacts were



identified. Impacts related to aesthetics are expected to be less than significant; impacts to all other resource areas would be less than significant with the incorporation of mitigation measures or best management practices. See Figure I for details of the significant adverse unavoidable impacts across all action alternatives.

**IFR** Please see **Table 5-1 Comparison of Potential Impacts in the Final IFR** for a summary of potential environmental impacts under all Project alternatives.

**IFR** Please see **Appendix H, Part 3, of the Final IFR** for details on the mitigation measures and best management practices that the City and USACE have identified to reduce potential significant environmental impacts to less than significant levels.

No impacts from construction and operation of the proposed Project would occur under

the no Project alternative. Further, if the proposed Project is not implemented, certain beneficial impacts would also not occur, such as improved land use conditions adjacent to the River, improved water quality and quantity, development of new riparian, marsh, and other habitats, locating, cataloging, and identifying potential cultural resources, pedestrian, bicycle, and equestrian (horse-riding) traffic related benefits through the Project area, recreational and aesthetics benefits, and benefits to the well-being of local residents, including historically-disadvantaged people and those living at or below the poverty level, through the improvement of existing recreational access, aesthetic improvement, biological restoration and associated ecosystem services.

When considering the CEQA analysis and the significant and unavoidable impacts to air quality and land use, the City of Los Angeles could decide to adopt Findings and Overriding Considerations, which discuss why the benefits of the Project outweigh these impacts.

<b>FIGURE I Project Alternatives Comparison of Significant Adverse Environmental Impacts (per NEPA) and Significant and Unavoidable Impacts (per CEQA)</b>					
<b>RESOURCE</b>	<b>Alt. 10</b>	<b>Alt. 13</b>	<b>Alt. 13v</b>	<b>Alt. 16</b>	<b>Alt. 20</b>
<b>AIR QUALITY</b>	Equipment used during construction of the proposed project is expected to exceed the CEQA localized significance thresholds for nitrogen oxides. This results in a significant unavoidable impact under CEQA. Impacts under NEPA would be less than significant.	Same as Alt. 10.	Impacts under all air quality significance criteria would be less than significant.	Same as Alt. 10.	Same as Alt. 10.
<b>LAND USE</b>	Restoration in Reach 8 would conflict with the Industrial and Light Industrial land use designation. This results in a significant adverse impact under NEPA and a significant and unavoidable impact under CEQA for both construction and operations.	Same as Alt. 10.	Same as Alt. 10.	Same as Alt. 10.	Same as Alt. 10, additional conflict with Industrial designation in Reach 3, resulting in a significant adverse impact under NEPA, and significant and unavoidable impact under CEQA for both construction and operations.

**Figure I** summarizes the significant adverse impacts under NEPA and significant and unavoidable impacts under CEQA for each Project alternative related to air quality and land use. For air quality, six mitigation measures and best management practices during construction shall be required to reduce impacts.



## 6 Public Involvement

Public involvement has been critical in restoration planning efforts for the Los Angeles River. Beginning with the development of the LA River Revitalization Master Plan (LARRMP) in 2005, the public has been invited to engage in the decision-making process at each step, including review of the Programmatic EIS/EIR for the LARRMP and development and review of this [Final IFR](#). Public involvement activities specifically for the [IFR](#) began in December 2009 when a 3-day planning charrette was held to introduce the proposed Project and solicit feedback on the Project area's problems and opportunities, objectives to address them, and measures that could be used to meet the objectives. Participants included staff from the USACE, Los Angeles County, City, resource and municipal agencies, non-governmental organizations (NGOs), and local community members and consultants. Meetings with agencies on the Habitat Evaluation Team, the Urban Waters Federal Partnership, transportation authorities, and other agencies were also held to solicit input. In addition, seven public workshops called River Update Meetings were held to share information and solicit public input on the LARRMP as well as discuss development of the [IFR](#).

### Public Review of the [IFR](#)

The public review of the [Draft IFR](#) included opportunities for the public to provide input on the proposed Project, including the alternative plans and their development. The [Draft IFR](#) was circulated for a 60-day public review period that started on September 20, 2013 and ended on November 18, 2013. During the public review period, a public hearing was held on October 17, 2013. The Arroyo Seco Foundation organized a community rally in support of Alternative 20 on September 28, 2013 during the public review period. At the close of the review period, nearly 500 comments were submitted

from agencies, organizations, and individuals. Key commenters included Federal agencies, U.S. Senators, members of Congress, California state legislators, six state agencies, 13 local agencies, the LA City Council, 17 key stakeholder organizations, eight neighborhood councils, and numerous individuals. All comments and responses are included in Appendix L of the [Final IFR](#).

Comments from federal, state, and local agencies, elected officials, and the general public demonstrated overwhelming support for Alternative 20. At the [Draft IFR](#) public meeting, close to unanimous support for Alternative 20 was expressed by over 300 attendees. Eighty-four percent of the public comments received supported a large-scale restoration project and the USACE received petitions with over 8,000 signatures in support of Alternative 20.

The nature of the comments submitted during the public comment period of the [Draft IFR](#) ranged from technical comments and questions to general support of the overall Project. Comments submitted included the issues presented below:

- Connectivity benefits and their consideration in the decision making process;
- Environmental benefits, including water quality and air quality improvements, increased groundwater recharge, and value of biodiversity and habitat in an urban setting;
- Public support for a large-scale restoration project as expressed in the comments, including over 8,000 petition signatures in support of Alternative 20;
- Collaborative perspective related to the proposed Project aligning with Federal

**IFR** All comments and responses are included in **Appendix L** of the [Final IFR](#).



investment into other aspects of the LA River and River-related community revitalization, Alternative 20 providing opportunities to achieve goals and support missions of other Federal, State, and local agencies;

- Reasonableness of cost in light of Project location, options for more significant restoration within the already reduced Project area (from 32 miles to 11 miles), thereby making restoration even more valuable, and use of additional outputs in calculating habitat restoration;
- Regional economic development and its consideration in the selection of the Recommended Plan, including regional income and employment benefits created by the proposed Project with significantly greater regional economic development benefits for larger scale alternatives from construction expenditures and area redevelopment;
- Other social effects and environmental justice issues and their consideration in selection of the Recommended Plan, presence of a large historically-disadvantaged population in the area, and larger scale alternatives creating greater benefits to this local population through public access, enhanced recreation opportunities, local job creation by the Project's construction and redevelopment, and enhanced local area aesthetics, public safety, public health benefits, and community cohesion;
- Recreation benefits, providing more opportunities for development of compatible passive recreation features, and better connectivity to recreation features maintained by other agencies to help serve historically-disadvantaged communities, which have a disproportionate lack

of access to natural open space and recreation facilities, and opportunity to achieve public health benefits generated from recreation facilities.

**IFR** Please see **Table 8-2 Public Comment Summary of the Final IFR** for additional details on the public comments summary and specific commenters, and **Appendix L Public Comments and Responses to Comments** for all the public comments received and responses to comments on the [Draft IFR](#).

After the release of the [Draft IFR](#) in September, 2013, more than ten public and key stakeholder focus group meetings were held to discuss the draft document to receive input on the alternatives and [Final IFR](#). In addition, the LA City Council's Ad Hoc River Committee and successor Arts, Parks, and River Committee held at least seven public meetings during the formulation of alternatives and [Draft IFR](#) public review period, plus more than twenty meetings during the feasibility and scoping stage of the proposed Project.

**IFR** Please see **Chapter 8 Public Involvement and Collaboration of the Final IFR** for a detailed description of public outreach activities, general collaboration and outreach efforts, and agency and stakeholder collaboration conducted for the proposed Project.

In the fall of 2015, the public commented on the [Final IFR](#) during the State and Agency NEPA review and final public review of the [IFR](#). The nature of these comments and responses are detailed in Section 10 of this document.

## 7 The Recommended Plan: Alternative 20

### Key Reasons for Selection of Alternative 20

- Habitat Value
- Significant Benefits
- Substantial Federal, State, and Local Interest
- Strong Agency, Stakeholder and Public Support

The [Final IFR](#) identified Alternative 20, which is the LPP, as the Recommended Plan for restoration of the Los Angeles River.

Alternative 20 meets all three planning objectives for the Project: Restoration of Valley Foothill Riparian Strand and Freshwater Marsh Habitat, Increased Habitat Connectivity, and Increased Passive Recreation.

Alternative 20 includes the most restoration benefits among all the alternatives. Specifically, Alternative 20 would include restoration of 719 acres and provide 6,782 habitat units (HU) of restoration benefits. It would expand and restore the area where the River meets with the Verdugo Wash in Reach 3, expand the River’s soft bottom in Reaches 2 and 5, provide restoration of the lower Arroyo Seco tributary, and restore the River’s bed in Reach 8 while connecting it to an extensively restored LATC site. Restoration benefits would also include opportunities for a direct connection to the significant habitat areas of the Verdugo Mountains, the Elysian Hills, the Santa Monica Mountains, and the San Gabriel Mountains. Figure J presents the number of acres restored by reach under Alternative 20.

The following Figures M, N, and O provide additional information about Alternative 20. Figure M highlights the key proposed restoration features for each reach. Figure N shows the potential regional connections to significant habitat areas. Lastly, Figure O describes the restoration proposed in each reach and shows renderings of key areas.

Cost estimates for Alternative 20 were further updated and refined after the release of the [Draft IFR](#). The total Project construction costs (not including operation and maintenance costs) for Alternative 20 are estimated to be \$1.357 billion. Figures K and L show a detailed breakdown of Project costs. Ecosystem restoration and recreation costs are included in the capital costs of construction. Maintenance and remediation costs are not included in these numbers.

The City, as Non-Federal sponsor of the Project, would be responsible for remediation of any preexisting contamination associated with real estate that is necessary to achieve the Project’s objectives. Environmental Site Assessments (ESAs) to characterize the expected contamination in the Project area

**FIGURE J** The Recommended Plan: Alternative 20 **Approximate Acres Restored By Reach**

REACH	1	2	3	4	5	6	7	8	Total Acres Restored: 719
<b>Acres Restored</b>	82	59	80	59	68	159	59	153	



would be performed to inform real estate transactions, cleanup planning, and cost estimating. Costs for cleanup are conservatively estimated to be as much as \$200 million or more based upon a preliminary analysis of zoning, known site uses, and peer cases of remediation.

On December 18, 2015, the Chief of Engineers of the USACE submitted for transmission to Congress his report, called a “Chief’s Report,” on the Los Angeles River Ecosystem Restoration Project. The Chief’s Report recommended authorization of Alternative 20 with Federal cost sharing. Under the cost share recommended in the Chief’s Report the City’s estimated portion of the Project costs would be \$980.8 million, and the Federal government would contribute \$375.8 million.

<b>FIGURE K Cost Summary Table of the Recommended Plan: Alternative 20</b>	
<b>PROJECT ITEM</b>	<b>TOTAL COST (\$1,000)</b>
Lands and Damages (P.L. 91-646 Included)	\$526,285
Utility/Facility Relocations	\$228,562
Fish and Wildlife Facilities	\$462,483
Recreation Facilities	\$14,921
Pre-construction Engineering and Design (PED)	\$85,135
Construction Management (S&A)	\$39,222
<b>Total First Cost</b>	<b>\$1,356,608<sup>9</sup></b>

**IFR**

Please see [Table ES-7](#) of the [Final IFR](#).

<b>FIGURE L Cost Share Summary for the Recommended Plan: Alternative 20</b>			
<b>PROJECT ITEM</b>	<b>FEDERAL COST</b>	<b>NON-FEDERAL COST</b>	<b>TOTAL COST</b>
Lands, Easements, Rights-of-way, Relocations and Disposals (LERRD) <sup>10</sup>	\$0	\$771,025,000	\$771,025,000
Ecosystem Restoration (Design and Construction) <sup>11</sup>	\$366,746,000	\$200,783,000	\$567,529,000
Recreation (Design and Construction) <sup>12</sup>	\$9,027,000	\$9,027,000	\$18,054,000
<b>Total First Cost</b>	<b>\$375,773,000 (28%)</b>	<b>\$980,835,000 (72%)</b>	<b>\$1,356,608,000<sup>9</sup></b>

<sup>9</sup>Total First Cost excludes the expense of remediating lands to prepare them for ecosystem restoration. The City, as Non-Federal or Local Sponsor, would pay for these remediation costs.

<sup>10</sup>LERRD costs include Lands and Damages, Utility/Facility Relocations, PED and S&A cited in Figure K.

<sup>11</sup>Ecosystem Restoration costs combine the soft and hard costs from the following Project Items listed in Figure K: Fish and Wildlife Facilities, PED and S&A.

<sup>12</sup>Recreation costs total soft and hard costs from the following Project Items listed in Figure K: Recreation Facilities, PED and S&A.



**FIGURE M** The Recommended Plan: Alternative 20 **Key Restoration Features**



**IFR** Please see **Chapter 7 Recommended Plan** of the **Final IFR** for a detailed description of key restoration features of the Recommended Plan

**FIGURE N** The Recommended Plan: Alternative 20 **Regional Connectivity**

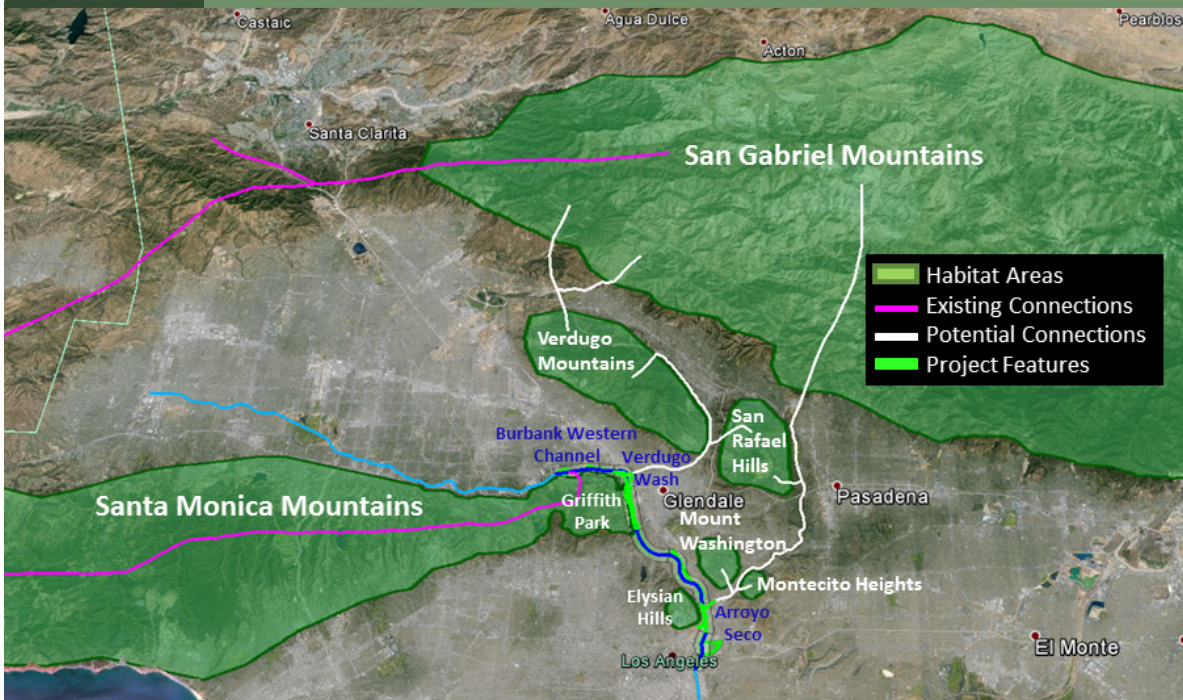


Figure O shows the potential regional connections to significant habitat areas that could be made with implementation of the Recommended Plan. Under the Recommended Plan, opportunities for connectivity to the Elysian Hills, Santa Monica Mountains, Verdugo Mountains and San Gabriel Mountains would be added.



FIGURE O

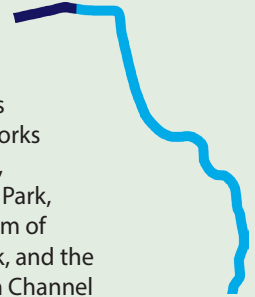
The Recommended Plan: Alternative 20 Renderings of Proposed Restored Reaches

REACH

## 1 Riparian Corridor



Areas of restoration in this reach include the overbanks of both sides of the River. This includes the east overbank across the River from the USACE Headworks Ecosystem Restoration Study site, the Pollywog Park area of Griffith Park, the open area directly downstream of Headworks on the right overbank, and the left overbank of Burbank Western Channel (a tributary from the north/west). It includes irrigation and water harvesting features to sustain plants, including micro-grading and/or swales to create depressions in the land to capture and infiltrate water. Where stormwater or street runoff is excessive during storm events, a connection to the River allows overflow into the channel. There would be no substantial channel modifications within this reach. Planting in this area would comply with all levee regulations.



REACH

## 2 Widening and Riparian Corridor



This reach includes riparian habitat corridors along the overbanks of both sides of the River as described for Reach 1. This includes restoration of riparian habitat in the Bette Davis Park area of Griffith Park on the left bank and the area between Zoo Drive and SR-134 with connections under the highway to a restored linear riparian planting along the River extending into Reach 3. This reach has a soft bottom and includes removal of invasives (non-native plants that impair restoration efforts). Unlike the other alternatives, the Recommended Plan also includes additional modification in Reach 2, increasing habitat by another 20 acres. The right bank would be modified to create 80 feet of additional soft bottom width in the riverbed with overhanging vines.







FIGURE O

The Recommended Plan: Alternative 20 Renderings of Proposed Restored Reaches

REACH

3 Verdugo Wash Tributary Confluence Restoration

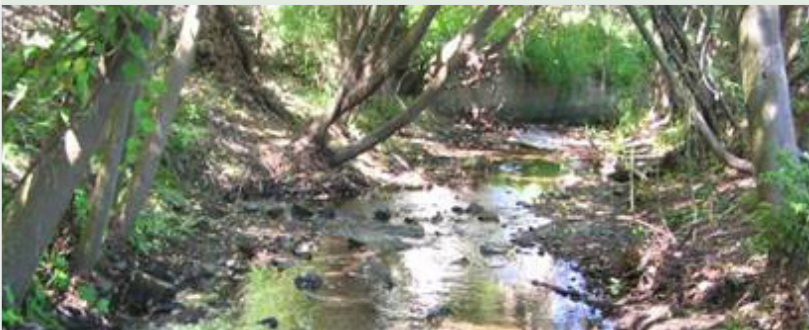


This reach includes a side channel, a daylighted stream, and the restoration of the Verdugo Wash confluence. The side channel is established on the right bank at Ferraro Fields with water diverted from the River to support a riparian fringe. The stream that is currently confined in a large culvert just downstream of Ferraro Fields in the Zoo Drive area would be daylighted. The daylighted stream would include a riparian fringe with freshwater marsh at the confluence. Riparian areas are located on the right bank along Zoo Drive and on the River's edge at Ferraro Fields. In the Verdugo Wash confluence, the channel mouth would be widened and the south bank would be sloped back to the existing overbank elevation.

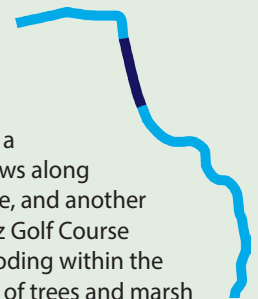


REACH

4 Side Channel and Daylighted Streams



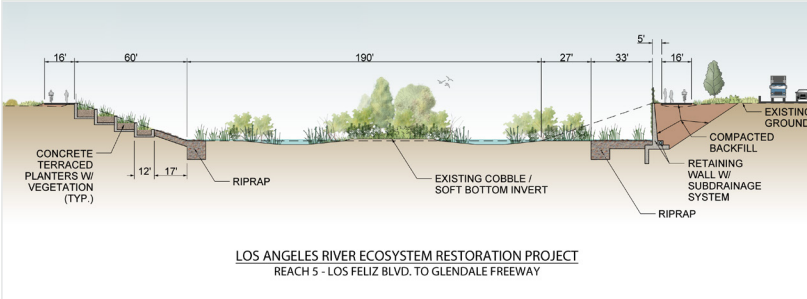
A riparian corridor will be established on the east bank of the River. Wetland habitat would be restored in eight daylighted storm drain streams, as well as in a side channel of diverted River flows along Griffith Park's Harding Golf Course, and another side channel connecting Los Feliz Golf Course to the River to allow seasonal flooding within the course grounds. A riparian fringe of trees and marsh vegetation would line the new side channels. The daylighted streams would be planted with riparian vegetation and include freshwater marshlands at their confluences with the River.





**FIGURE O** The Recommended Plan: Alternative 20 **Renderings of Proposed Restored Reaches**

**REACH 5** Widening and Terracing



The right bank would be modified from a trapezoidal bank to a vertical bank. This increases the width of the soft bottom riverbed by more than 100 feet. The top of the bank would be notched and planted with overhanging vines. The left bank would be modified with terraces planted with herbaceous (leafy, non-woody) vegetation and necessary erosion measures, which would consist of concrete-lined beds. The inland bank would be planted with riparian vegetation. At the downstream end of this reach, the River would also be widened on the left bank with appropriate erosion control measures in place. This would further increase the soft bottom area of the River.



**REACH 6** Floodplain Restoration and Widening



In this reach, the River would be widened and sloped back to the east to restore freshwater marsh habitat, expanding the soft bottom. At the upstream end of the reach, a backwater wetland would be created within the "Bowtie" parcel. These measures would help restore some of the River's natural floodplain, restoring aquatic riparian habitat. This reach includes the G2 parcel of the Taylor Yard complex, which has long been identified as a cornerstone site for LA River restoration.



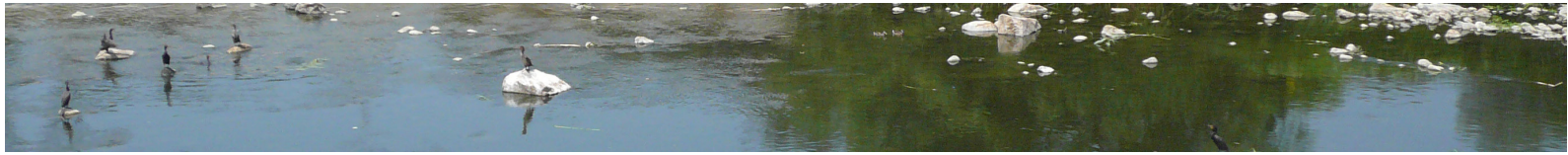


FIGURE O

The Recommended Plan: Alternative 20 **Renderings of Proposed Restored Reaches**

REACH

**7** Arroyo Seco Tributary Confluence Restoration, Marsh Restoration and Terracing



The Arroyo Seco would have the banks and bed softened by removing concrete for approximately one-half mile upstream from the confluence and stabilized with erosion control elements to maintain the existing flood protection. At the confluence, on the upstream edge of the River, a backwater riparian wetland and marsh would be established. This reach would also involve daylighting three streams currently confined in storm drains.

Within the River channel itself, the banks would be restructured to support vegetation. Downstream, a freshwater marsh would be restored and connected under a railroad bridge with water flowing back into the River from the freshwater marsh, connecting the main channel of the River with the Los Angeles State Historic Park via terraces.



REACH

**8** Floodplain Restoration, Widening, Naturalization, and Terracing



This section would be modified with terracing on the right bank upstream of Union Pacific LA Trailer and Container Intermodal Facility (LATC) and on the left bank downstream of LATC. This terracing would be planted with riparian vegetation. The riverbed would be changed from concrete-lined to soft bottom to support aquatic habitat including freshwater marsh, and the reach would be widened. The marsh would extend into the LATC site by 500 feet, with the riparian area extending another 1,000 feet into the LATC site, gradually sloping up to existing bank elevations. The historical wash would be restored through the property with a riparian fringe as well as other side channels, and river flows would be diverted out of the River into the LATC site creating a large wetland area. A railroad bridge would be included with this alternative to allow River flows from the riverbed to exchange with the restored areas to the east.





## 8 Related Local Issues

The City has identified Project-related local issues that were either raised during the project planning process or have been highlighted in various local media. These issues are discussed below.

### Displacement & Gentrification

As higher-income people become interested in living and working in urban areas, gentrification has affected cities across the nation and neighborhoods across Los Angeles. Many factors contribute to the character and economy of a neighborhood, including its demographics, businesses, local land use regulations, and the built and natural environments. The City's investments in better infrastructure, open spaces, and other public amenities, such as revitalization of the Los Angeles River, also play a role in improving or preserving local economies and quality of life.

Land and building values adjust to changing demographics, preferences, and levels of investment, with increasing values leading to economic benefits for landowners, but potential displacement of existing renters. Residential tenants can face pressure to vacate leased properties. City regulations do not currently offer protections for renters residing in single-family homes, but many residents in multi-family housing are protected by the Rent Stabilization Ordinance (RSO).

The RSO applies to any property with two or more units built before 1978, representing approximately 80% of the City's multi-family rental housing. The ordinance limits annual rent increases to approximately 3%, prohibits evictions without just cause, provides for significant relocation payments under some circumstances, and offers a number of other protections to tenants.

In the short-term, the City is focused on ensuring that landlords and tenants are aware

of their rights and responsibilities under the RSO and that the ordinance is being adequately enforced. In the long-term, the City is actively building its Affordable Housing Trust Fund, evaluating land use tools that can help create and preserve affordable housing, and expediting the processing of projects that include at least 20% affordable housing.


More information about the RSO is available at <http://hcidapp.lacity.org/lahdinternet/RentStabilization/tabid/247/language/en-US/Default.aspx>

### Industrial Land Conversion

Job-producing land is a critical component of a healthy and prosperous city, and the City's adopted policy is to retain industrial land for job-producing uses, as established in the General Plan Framework Element and Community Plans. Land uses in the Project area are governed by several community plans: Northeast Los Angeles, Boyle Heights, Central City North, and Silver Lake-Echo Park-Elysian Valley.

The Framework Element and Community Plans represent comprehensive and long-term goals and policies for development of the City. Specific planning areas, such as the Los Angeles River Revitalization Master Plan, indicate where public and private investment is currently being directed, and where new types and mixes of uses may be encouraged. Updates to the Community Plans and the development of Specific Plans, such as the Cornfield/Arroyo Seco Specific Plan (CASP), allow for a reevaluation of land uses to align them with current needs. Updates to the Boyle Heights and Central City North Community Plans are currently underway; the Northeast Los Angeles Community Plan and Silver Lake-Echo Park-Elysian Valley Community Plan are not currently slated for updates.

Since the Los Angeles River has historically played a role in the industrial economy, there



is a concentration of industrial land and businesses along its banks in each community plan area. Some parcels required for ecosystem restoration are currently zoned for industrial uses.

Restoration in Reach 3 (Ferraro Fields to Brazil Street) and Reach 8 (Main Street to First Street) would affect the Industrial and Light Industrial land use designations on some properties planned for open space. This results in a significant adverse impact under NEPA and a significant and unavoidable impact under CEQA for both construction and operations. Despite this, the conversion of these properties to open space provides increased habitat units due to their ecological significance and their potential to increase hydrological connectivity needed for aquatic riparian restoration. The acquisition and conversion of these properties for open space is also supported by policies adopted in the Mobility Plan 2035 and the Plan for a Healthy Los Angeles (see 'Other Planning Efforts').

More information about the City's industrial land can be found at [http://planning.lacity.org/Code\\_Studies/LanduseProj/TOC\\_IndustrialLUProj.htm](http://planning.lacity.org/Code_Studies/LanduseProj/TOC_IndustrialLUProj.htm). The City's general framework for economic development can be found at <http://planning.lacity.org/cwd/framwk/chapters/07/07.htm>, refer to Goal 7B, Objective 7.2 and Policies 7.2.8 through 7.2.14.

## Flood Risk Management

In the late 19th and early 20th centuries, storm flows in the River caused catastrophic flooding that resulted in the loss of lives and millions of dollars in property damage to areas in the River's floodplain. As a result, City and County leaders initiated a formal flood risk management program (then known as "flood control") to channelize the River and tributary system with the goal of moving flood flows to the ocean as efficiently as possible.

As mandated by the USACE, the restoration implemented as part of the proposed Project would continue to provide, at minimum, the current protection against flooding of surrounding and downstream areas. The

Recommended Plan facilitates restoration and recreation where compatible with flood risk management.

More information about the USACE Flood Risk Management policy can be found at <http://www.iwr.usace.army.mil/Missions/FloodRiskManagement/FloodRiskManagementProgram.aspx>

## Land Acquisition

As the Non-Federal Sponsor of the proposed Project, the City must provide project-ready lands for restoration. Land and easement rights will be acquired at the specific future direction from the City Council. However, it may not always be possible to reach acceptable terms with property owners. In those cases, it is possible that acquisition by eminent domain could be utilized to transfer the title of a property from a private owner to the government. Eminent domain can be controversial and is generally a last resort to acquire private land. Preferably, the City would work cooperatively with private landowners to acquire the lands needed over time to implement the proposed Project.

The selection of the areas of land in the Project area where ecosystem restoration alternatives might reasonably and appropriately be implemented was accomplished through an iterative process by the project team composed of USACE personnel, representatives of the City of Los Angeles, and their respective technical specialists and consultants. The team considered the recommendations of the LA City Council-adopted LA River Revitalization Master Plan, advice of local non-governmental organizations (NGOs) with an interest in River restoration, City Council representatives, and agencies, including the US Fish and Wildlife Service, California Department of Fish and Wildlife, and the State Water Resources Control Board. The Project's footprint was delineated using the following tools: Geographic Information System mapping resources, recent aerial photographs, field inspections, the local knowledge base and professional opinion.



## Homelessness

The City of Los Angeles has one of the largest populations of homeless people in the country with about 26,000 people who are homeless on any given night. Two-thirds of those are unsheltered, meaning they sleep in places not intended for human habitation, such as cars, sidewalks, alleys, hillsides and the River.

While the homeless count is tragically large, the City has initiated a system to permanently house homeless people. From January 1, 2014 through May 31, 2015, the City has housed 3,960 veterans and 2,015 chronically homeless people. This housing is a result of the Coordinated Entry System (CES), developed under the collaboration Home for Good, which seeks to know and assess every homeless person in the City and County and then matches them to affordable housing paired with supportive services like case management, health, mental health and drug treatment services. In conjunction with CES, the Homeless Family Solutions System has helped to rapidly rehouse homeless families.

These housing achievements are in part a result of substantial housing and service resources committed from a wide range of sources, including the US Department of Housing and Urban Development, the Housing Authority of the City of Los Angeles, the Housing and Community Development Department of the City of Los Angeles, the County Department of Health Services, the US Veterans Administration, the United Way, Hilton Foundation, the private sector and dozens of housing and service providing nonprofits and faith-based institutions. However, many more resources need to be dedicated in order to substantially decrease homelessness.

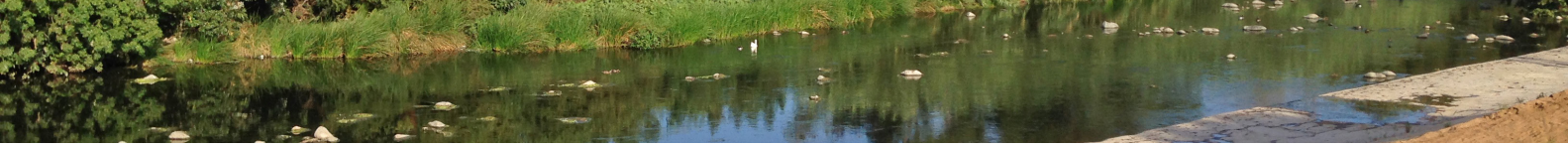
While the past few years have proven that the City can house homeless veterans and chronically homeless people, the demand has not been met. Every day in the City of Los Angeles 4 to 5 veterans become newly homeless. This inflow is in large part a consequence of having the least affordable

housing in the country (based upon resident income). Any solutions to homelessness must not only house homeless people, but also prevent more people from becoming homeless. To help make housing more affordable, the City recently increased the minimum wage. Another focus area for the City is to substantially increase its supply of affordable housing. In addition to housing, the City's comprehensive homelessness strategy aims to balance health and safety concerns with the rights and needs of homeless people. The City Council Homelessness and Poverty Committee has regular meetings, which the public can attend to learn more about what the City is doing to address homelessness and poverty.

## Cost Sharing and Funding

As the Non-Federal Sponsor of the proposed Project, the City must share in the cost to implement the Project. Typically the Federal government pays for 65% of the total project cost, comprised mostly of the design and construction costs; while the Non-Federal Sponsor pays for 35%, primarily in the provision of Project-ready lands. The City offered to waive reimbursement of real estate costs exceeding 35% due to the Project site's land costs, which are among the highest in the nation. Given the Project's unique potential to offer nationally-significant ecosystem restoration benefits in a highly urbanized area that exists within a habitat type of not only national, but global significance, USACE has allowed an alternate cost share in which the Federal government pays 28% (\$375.8 million) and the City pays 72% (\$980.8 million) of the total Project cost of \$1.357 billion. (Costs for the recreation plan (included in the total Project cost) would be shared equally between the Federal government and the Non-Federal Sponsor. The City would also be responsible for all costs to clean up contaminated project sites.)

Please see [Section 7.5 Plan Implementation of the Final IFR](#) for additional details on the two cost-sharing options that were considered.



Project construction and project-specific cost sharing is subject to Congressional authorization. Because the cost sharing recommended by the Chief of Engineers differs from statutory cost sharing under Section 103 of the Water Resources Development Act of 1986, express statutory authorization of an alternate cost sharing would be required. Thus, the US Congress must approve by authorization the alternate cost share scenario and could, if it so chooses, authorize a different one. The [Final IFR](#) describes Project implementation and costs over a 15-year horizon per USACE policy, although it is reasonable for the public to expect that the Project would be implemented over a longer period of time given the unpredictability of future Congressional appropriations cycles.

On February 23, 2015 the City's Chief Administrative Officer submitted for Council consideration a proposed funding framework for the proposed Project (CAO File No. 0220-05133-0000, Council File No. 14-1158-51). As existing sources of funding would likely only cover a portion of the City's total obligation, the Project funding framework would necessitate establishment of new funding sources that may require voter approval. Successful implementation of the funding framework would require extensive efforts by the City to coordinate with various parties to seek and obtain existing funding resources and to develop new sources of funding.

## Other Planning Efforts

### *Mobility Plan 2035*

Mobility Plan 2035, an update to the City's General Plan Transportation Element adopted in 2015, provides the policy foundation for achieving a transportation system that balances the needs of all road users. Mobility Plan 2035 incorporates "complete streets" principles and lays the policy foundation for how future generations of Angelenos interact with their streets.

The Plan acknowledges that the Los Angeles

River plays a significant role in Los Angeles's environmental, non-motorized transportation and recreational identity, and that the 2007 Los Angeles River Revitalization Master Plan (LARRMP) calls for the continued "development of non-motorized transportation and recreation elements including bicycle and pedestrian paths and multi-use trails in the River and tributary rights-of-way."

To that end, it contains the objective of completing the Bicycle Path segments along the Los Angeles River by 2025.

More information about Mobility Plan 2035 can be found at <http://la2b.org/>

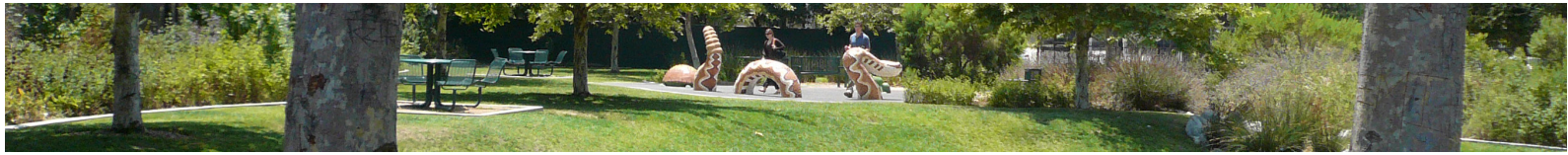
### *Plan for a Healthy Los Angeles*

The Plan for a Healthy Los Angeles, a new Health and Wellness Element of the General Plan adopted in March 2015, also supports River revitalization with an objective to increase the miles of the Los Angeles River that are converted to natural open space encouraging physical activity, particularly in historically disadvantaged areas. The Plan for a Healthy Los Angeles supports a recommendation of the LARRMP which is to create a continuous greenway along the River comprised of interconnected parks, open space and recreation opportunities. It proposes to pursue grant funding to build out the bicycle and greenway trail system identified in the LARRMP.

More information about the Plan for a Healthy Los Angeles can be found at <http://healthyplan.la/>

### *The RRC and the Gehry Planning Effort*

The LA River Revitalization Corporation (RRC), soon to be rebranded as "River LA," was initially established by the City of Los Angeles in 2009 per a recommendation of the LARRMP. The RRC was founded to function independently and entrepreneurially in the non-profit sector to help implement the LARRMP. The RRC recently engaged architect Frank Gehry and his firm, Gehry Partners, in work to develop a design framework for the LA River's 51 mile total length. As presented by the RRC, this framework would build upon prior decades of analysis and planning to offer an integrated decision and



## 9 Key Decisions

In April 2014, the City requested that the USACE identify Alternative 20 as the Recommended Plan for the proposed Project. The Assistant Secretary of the Army (Civil Works) issued approval in May 2014 for Alternative 20 to be the Recommended and Locally Preferred Plan and in July 2014 provided further guidance directing that the Final IFR should present the LPP (Alternative 20) as the Recommended Plan instead of the NER Plan (Alternative 13v). Therefore, the Final IFR identifies Alternative

20, the City's LPP, as the Recommended Plan. On July 16, 2015, the USACE Civil Works Review Board approved release of the Final IFR for State and Agency NEPA review.

Figure P provides a summary of how Alternative 20 meets the stated objectives and Figure Q provides depictions of existing conditions and of what restored reaches may look like after implementing Alternative 20.

### FIGURE P

### The Recommended Plan: Alternative 20 and Project Objectives

#### Significantly Increase Nationally - Critical Riparian Habitat

- Restoration of rare southwestern riparian and aquatic habitats
- Potential to support two (2) federally threatened and endangered species
- Significant benefits to local and migratory species

#### Increase Connectivity

- Restoration of natural hydrologic connectivity
- Restoration of floodplain connections
- Restoration of habitat nodes and movement corridors
- Opportunities for regional habitat connections
- Increased connection to the Pacific Flyway<sup>13</sup>

#### Increase Recreation

- Increased public education and awareness
- Increased linkage with regional recreational trails
- Improved overall recreation experience compatible with restored environment

<sup>13</sup> The Pacific Flyway is a north south avian highway stretching from the Bering Strait to South America. Millions of birds representing over 350 species follow the Pacific Flyway in search of food stops, resting areas and warmer climates for wintering. In the US, the Pacific Flyway includes California, Alaska, Arizona, Idaho, Nevada, Oregon, Utah, Washington and parts of Colorado, Montana, New Mexico and Wyoming.





FIGURE Q

The Recommended Plan: Alternative 20 Renderings of Key Reaches

REACH 3 — Verdugo Wash



EXISTING CONDITIONS

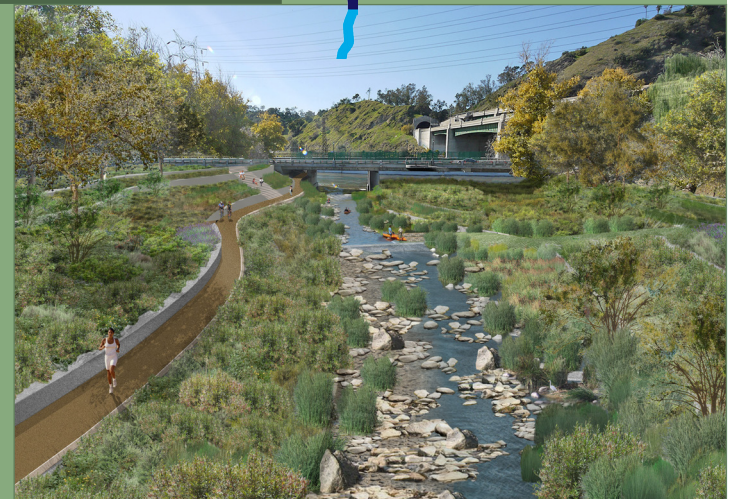


AFTER PROJECT

REACH 7 — Arroyo Seco



EXISTING CONDITIONS



AFTER PROJECT

FIGURE Q

The Recommended Plan: Alternative 20 Renderings of Key Reaches

REACH 6 — Taylor Yard



EXISTING CONDITIONS



AFTER PROJECT

REACH 8 — LATC



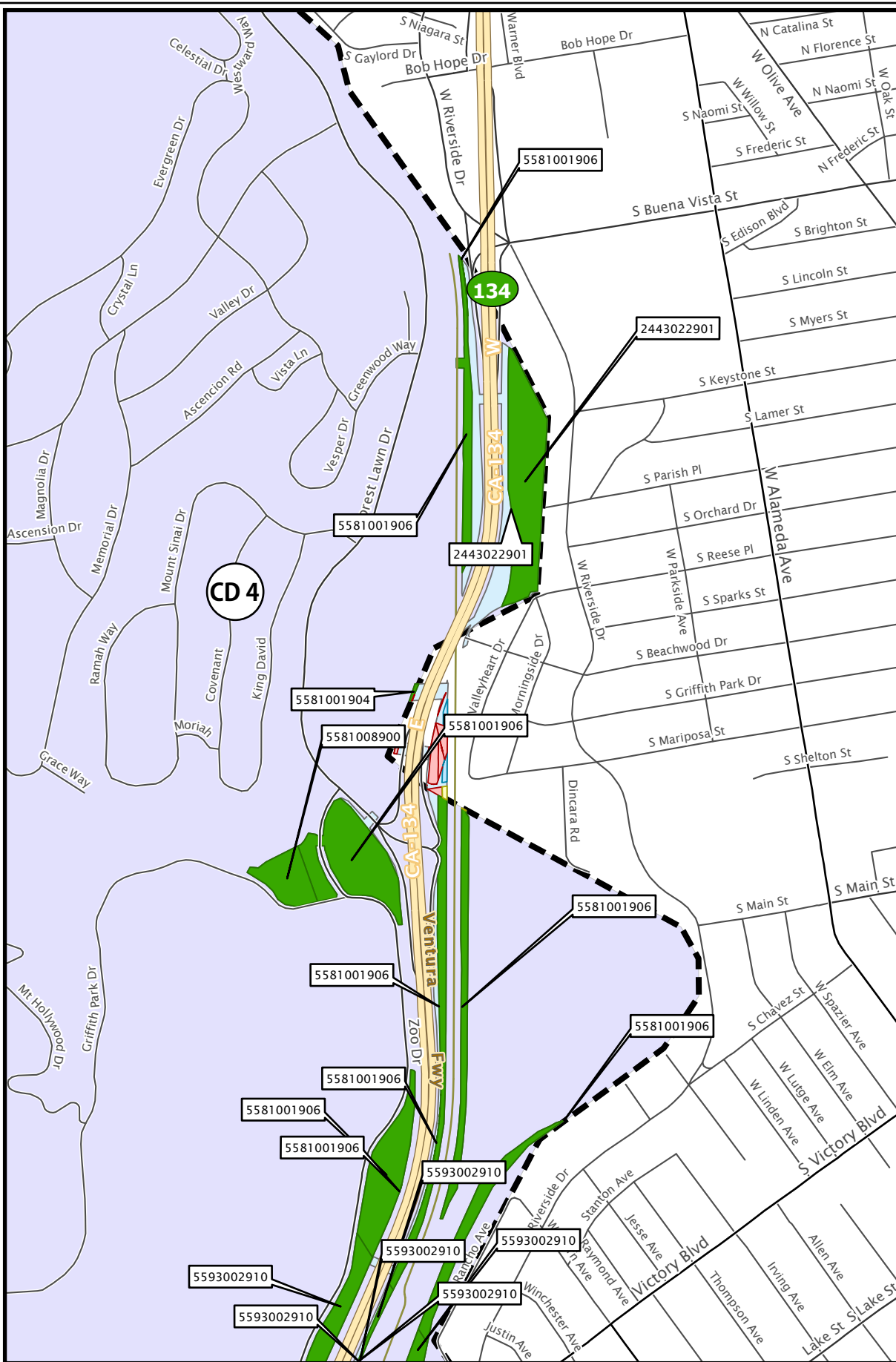
EXISTING CONDITIONS



AFTER PROJECT

# LA River Ecosystem Restoration Project

Page 1



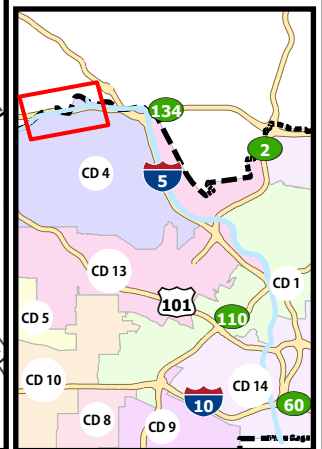
### Parcel Ownership

- LA Co Flood Control District
- Other LA City
- Private
- RAP

City of Los Angeles Boundary

### Council District

- 4 - Nithya Raman



Karen Bass  
Mayor

## ENGINEERING



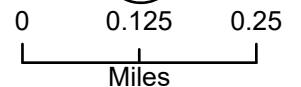
CITY OF LOS ANGELES  
Ted Allen, P.E.  
City Engineer



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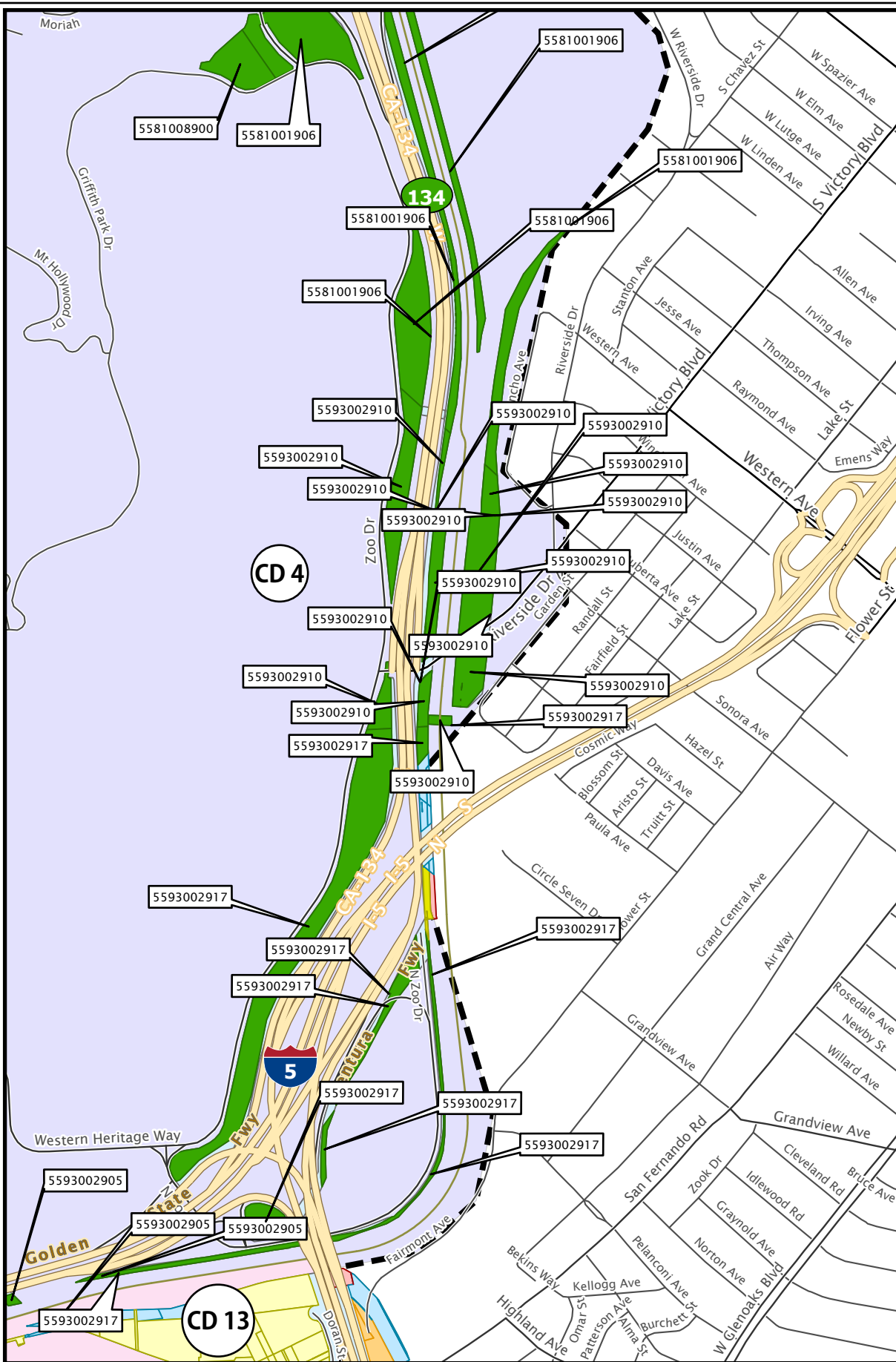
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# LA River Ecosystem Restoration Project

Page 2



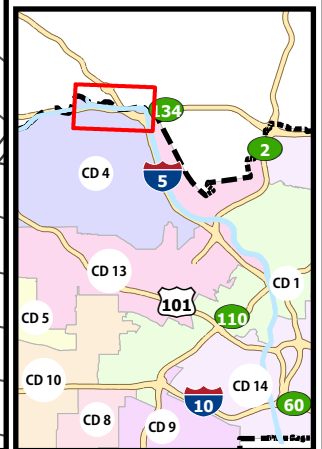
### Parcel Ownership

- GSD
- Glendale City
- LA Co Flood Control Distric
- Other LA City
- Private
- RAP

City of Los Angeles Boundary

### Council District

- 4 - Nithya Raman
- 13 - Hugo Soto-Martinez



Karen Bass  
Mayor

## ENGINEERING



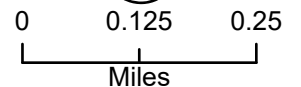
CITY OF LOS ANGELES  
Ted Allen, P.E.  
City Engineer



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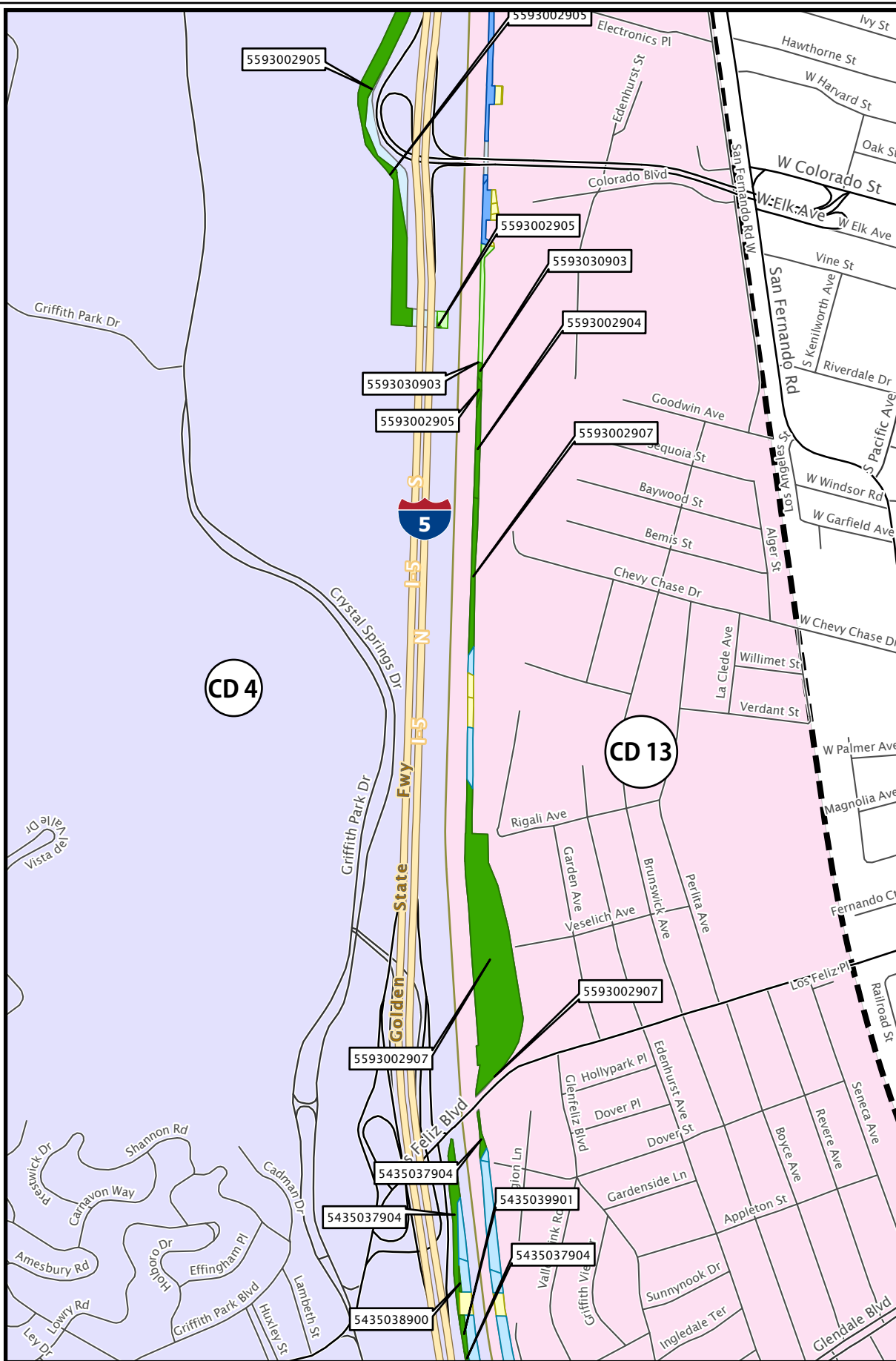
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# LA River Ecosystem Restoration Project



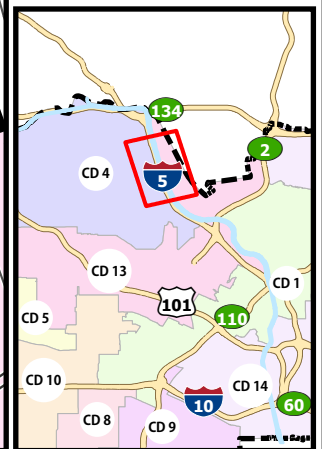
### Parcel Ownership

- LA Co Flood Control District
- LADWP
- LASAN
- Private
- RAP

City of Los Angeles Boundary

### Council District

- 4 - Nithya Raman
- 13 - Hugo Soto-Martinez



Karen Bass  
Mayor

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CITY OF LOS ANGELES  
Ted Allen, P.E.  
City Engineer

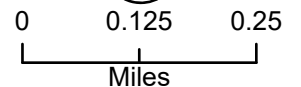


Our River, Our Future

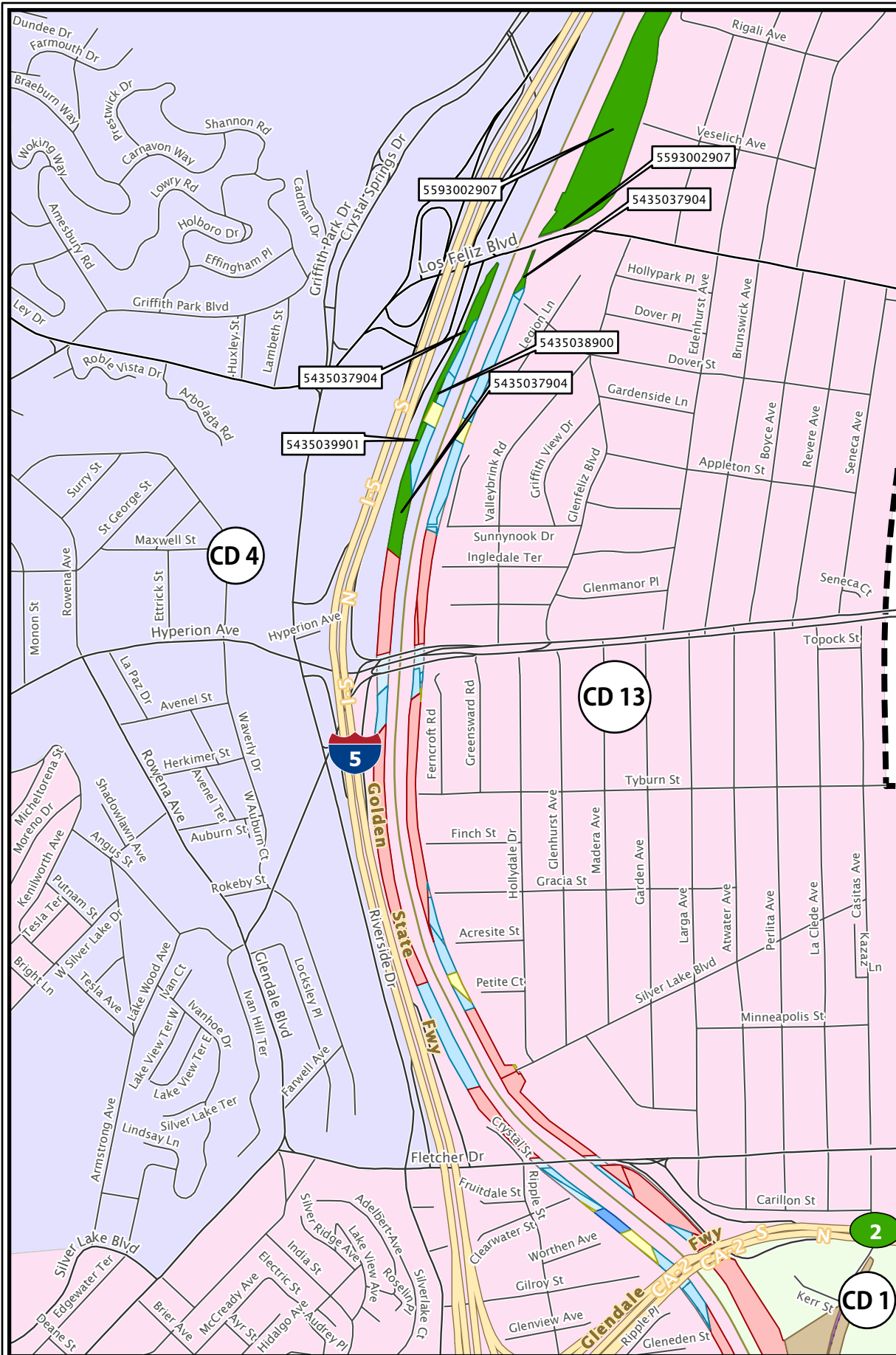
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# LA River Ecosystem Restoration Project



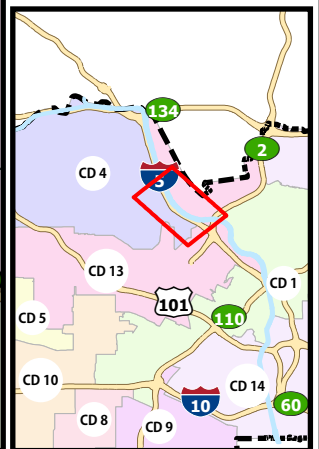
### Parcel Ownership

- LA Co Flood Control District
- LADWP
- Other LA City
- Private
- RAP
- Railroad
- State of California

City of Los Angeles Boundary

### Council District

- 1 - Eunisses Hernandez
- 4 - Nithya Raman
- 13 - Hugo Soto-Martinez



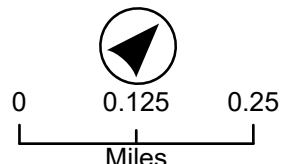
Karen Bass  
Mayor

## ENGINEERING

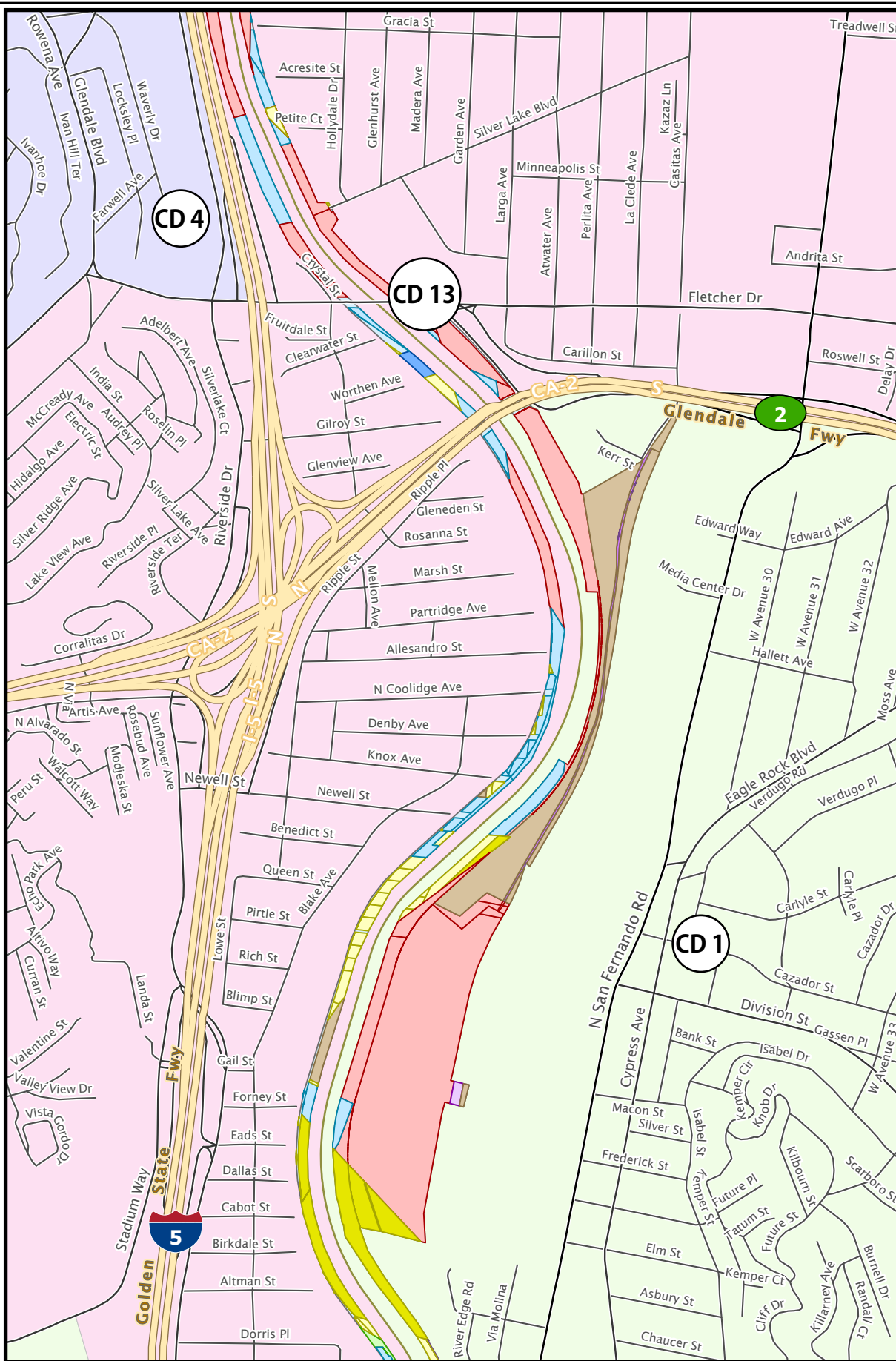
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# LA River Ecosystem Restoration Project



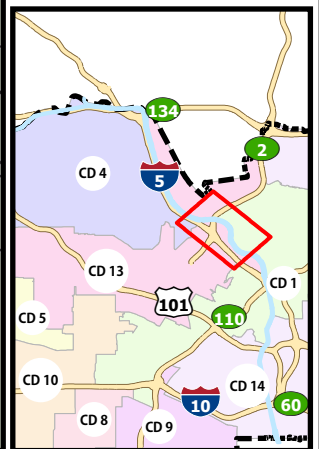
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- GSD
- LA Co Flood Control District
- LADWP
- LASAN
- Metro
- Other LA City
- Private
- Railroad
- State of California

### City of Los Angeles Boundary

### Council District

- 1 - Eunisses Hernandez
- 4 - Nithya Raman
- 13 - Hugo Soto-Martinez



Karen Bass  
Mayor

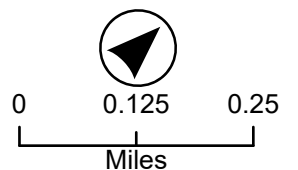
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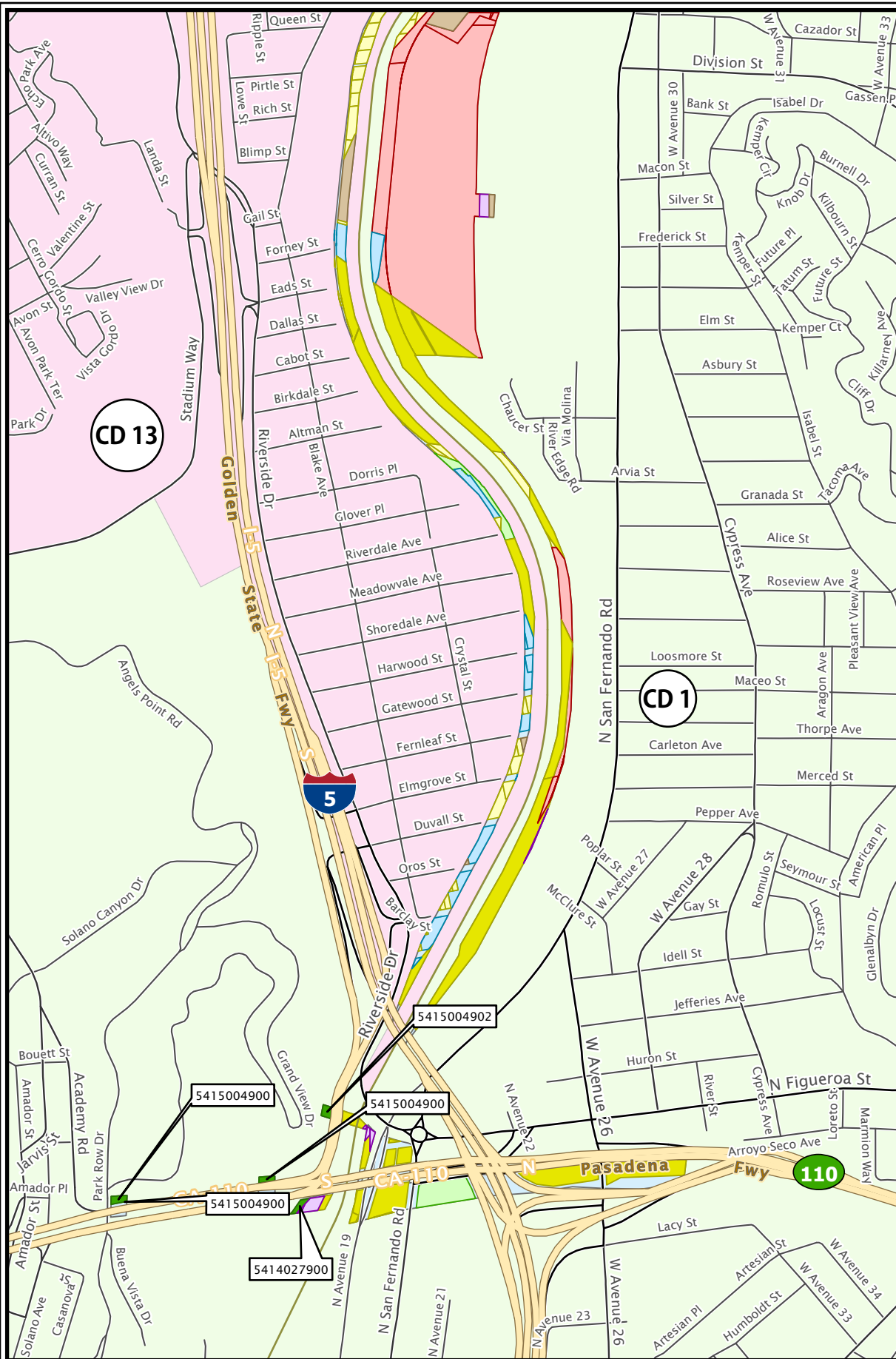
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# LA River Ecosystem Restoration Project

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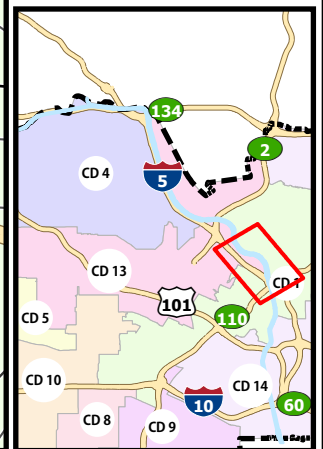
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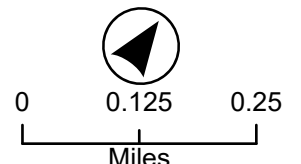
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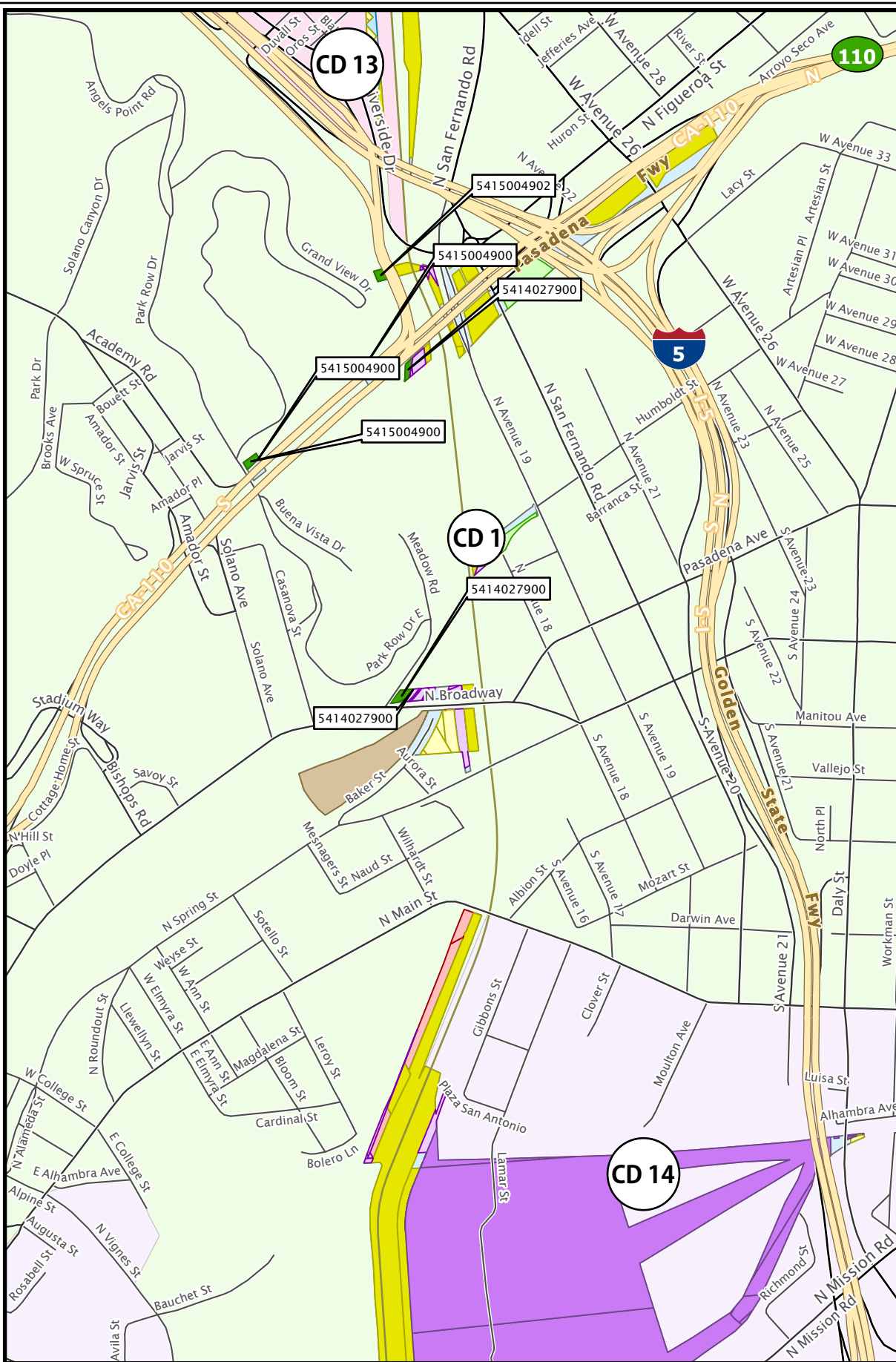
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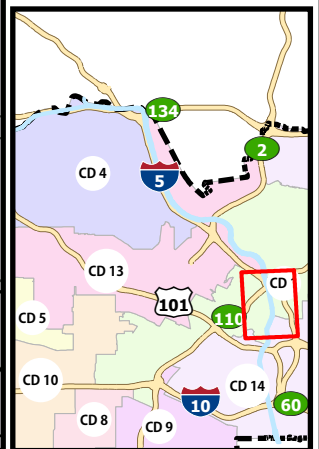
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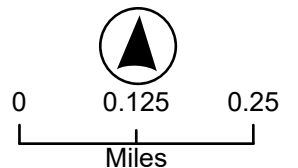
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- 14 - Kevin de León



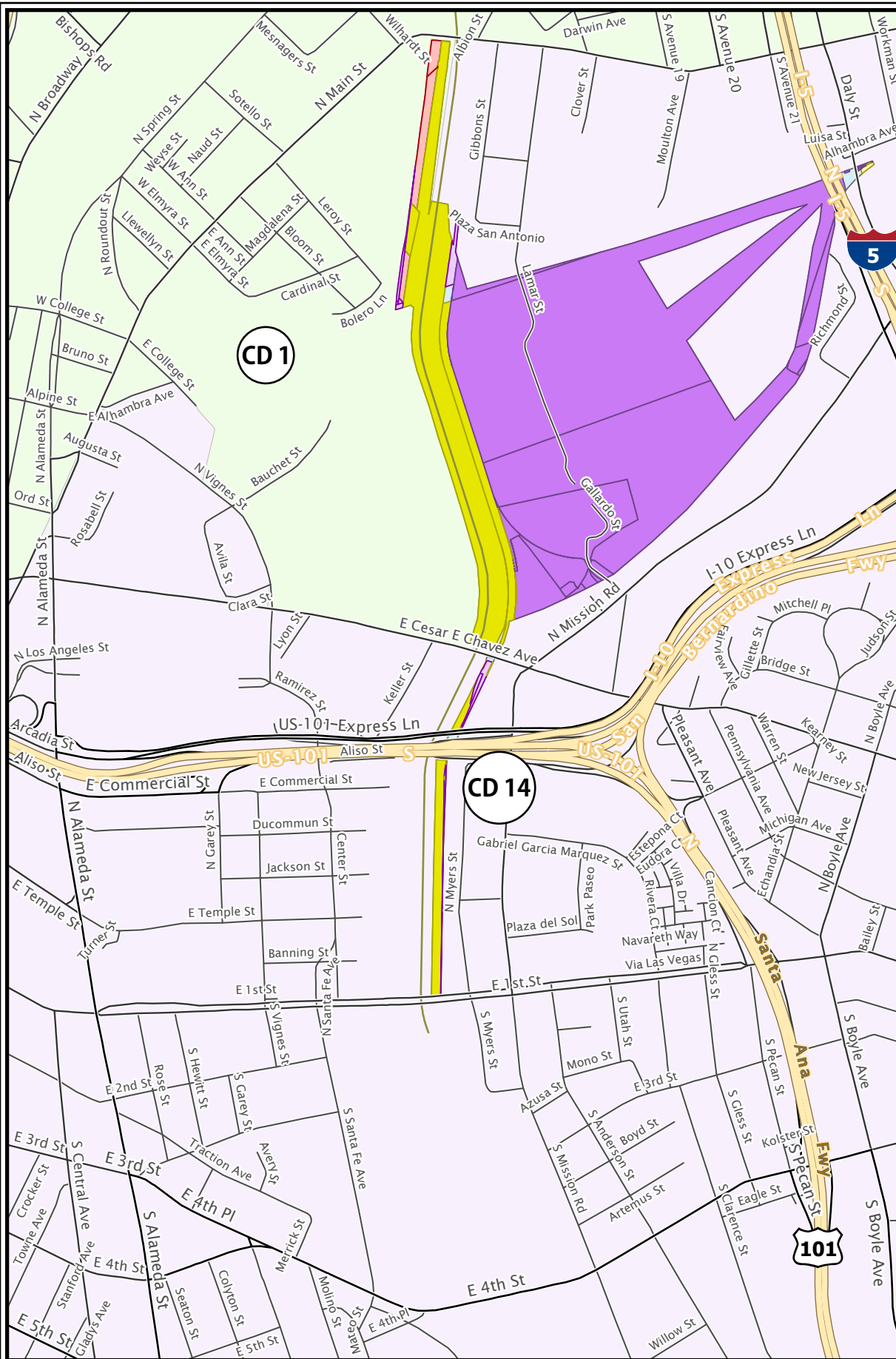
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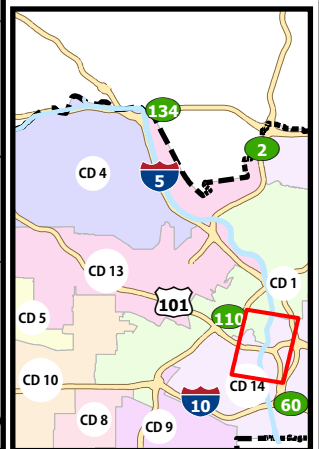
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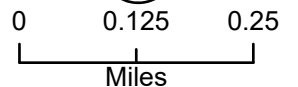
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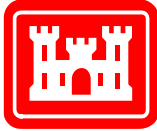
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**US Army Corps  
of Engineers**

Los Angeles District

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# **Los Angeles River Ecosystem Restoration Feasibility Study**

## **APPENDIX J Real Estate Plan**

**May 2015**

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**Attachment A: Estates**

**Attachment B: Parcel Ownership Mapping**

**Attachment C: Assessment of Non-Federal Sponsor's Real Estate**

**Acquisition Capabilities**

**Attachment D: Risk of Early Acquisition Letter to Sponsor**

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## **1. PURPOSE**

This appendix is prepared in accordance with Engineering Regulation (ER) 405-1-12, 12-16, Real Estate Plan, and presents the real estate requirements for the Los Angeles River Ecosystem Restoration Study Locally Preferred Plan (LPP), described below. The City of Los Angeles (City) is the non-Federal sponsor for the study.

### **1.1 Project Purpose**

The primary purpose of the proposed project and alternatives considered in the study is to restore 11 miles of the Los Angeles River from approximately Griffith Park to downtown Los Angeles by reestablishing riparian strands, freshwater marsh, and aquatic habitat communities and reconnecting the river to major tributaries, its historic floodplain, and the regional habitat zones of the Santa Monica, San Gabriel, and Verdugo Mountains while maintaining existing levels of flood risk management. A secondary objective is to provide recreational opportunities consistent with the restored ecosystem within this 11-mile reach of the river. This reach is identified as the “Area with Restoration Benefits and Opportunities for Revitalization” reach, or ARBOR reach (referred to herein as ARBOR reach or study area).

The Los Angeles River, once the backbone for a vast natural system of riparian foothill and freshwater marsh habitat, carrying seasonal rains and subterranean flows to the coastal plain and the Pacific Ocean, has been degraded over time by a cycle of increasing urban development, flooding, and channelization, culminating in the mid-20<sup>th</sup> century with the Federal flood risk management project known as Los Angeles County Drainage Area (LACDA). LACDA was undertaken by the US Army Corps of Engineers (USACE) in partnership with the Los Angeles County Flood Control District (LACFCD), today known as the Los Angeles County Department of Public Works but referred to as

LACFCD throughout this real estate plan for consistency). The LACFCD, the non-Federal sponsor for LACDA, and the City of Los Angeles, the non-Federal sponsor for the restoration study, are separate governmental bodies. The LACDA project encased the river in concrete banks and a partially concrete bed which straightened the river's course, diminishing its plant and wildlife diversity and quality, disconnecting it from its floodplain and significant ecological zones, and dramatically changing its appearance.

The ARBOR reach has the greatest potential for restoration compared to the rest of the river because it includes the Glendale Narrows, one of the few reaches in the river with a non-concrete bed with natural flows fed by underground sources, and has connections to the Verdugo Wash and Arroyo Seco tributaries that can link to significant habitat areas as well as adjacency to Griffith Park, the eastern terminus of the Santa Monica Mountains. For these reasons, the ARBOR reach is the focus of the restoration alternatives.

## **1.2. Study Authority**

This Study is authorized as a partial response to Senate Committee on Public Works Resolution, approved June 25, 1969, reading in part:

*Resolved by the Committee on Public Works of the United States Senate, that the Board of Engineers for Rivers and Harbors, created under Section 3 of the River and Harbor Act, approved June 13, 1902, be, and is hereby requested to review the report of the Chief of Engineers on the Los Angeles and San Gabriel Rivers and Ballona Creek, California, published as House Document Numbered 838, Seventy-sixth Congress, and other pertinent reports, with a view to determining whether any modifications contained therein are advisable at the present time, in the interest of providing optimum development of all water and related land resources in the Los Angeles County Drainage Area.*

Section 4018 of the Water Resources Development Act of 2007 (Public Law 110-114) provided authorization for a “feasibility study for environmental ecosystem restoration,

flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles....” The Corps of Engineers (Corps) implementation guidance for this section identified that the scope and substance of the study under the Senate resolution is identical to the study mandated by section 4018 and directed that the ongoing study incorporate the section 4018 study.

### **1.3. Locally Preferred Plan – Alternative 20**

This Real Estate Plan will focus on the real estate requirements for the locally preferred plan, Alternative 20, “ARBOR Riparian Integration via Varied Ecological Reintroduction (RIVER),” referred to herein as the Locally Preferred Plan or LPP.

Alternative 20, RIVER, includes restoration features throughout the 11-mile project reach. Alternative 20 widens the river at Verdugo Wash, Taylor Yard, and the Los Angeles Trailer and Container Intermodal Facility (LATC). Alternative 20 also restores the confluence with the Arroyo Seco tributary, restores habitat at the Los Angeles State Historic Park, and includes several daylighted streams and side channels.<sup>1</sup>

In this Real Estate Plan, an appendix to the Integrated Feasibility Report, the Corps must, for each project purpose and feature, fully describe the lands, easements, and rights-of-way, relocations, and disposal sites (LERRD) required for construction, operation, and maintenance of the project, including the acreage, estates, number of tracts/parcels, ownership, and estimated value. The Corps must include other relevant information on sponsor ownership of land, proposed non-standard estates, existing Federal projects and ownership, required relocations under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (P.L. 91-646, as amended) (“the

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<sup>1</sup> More detailed feature descriptions are provided, relative to the LERRD required, below.

Uniform Act”), presence of contaminants, and other issues as required by ER 405-1-12. This real estate plan does not contain a comparison of LERRD requirements and costs of the LPP with the NER Plan, Alternative 13v, because the Federal share of total ecosystem restoration cost for the LPP excludes any LERRD cost and is not affected by the difference in LERRD cost between the NER and LPP, as identified in the main IFR and in Section 20 of this real estate plan. The LERRD requirements for the NER Plan are on file with the Los Angeles District. This real estate plan is tentative in nature for planning purposes only and both the final real estate acquisition lines and the estimate of value are subject to change even after approval of the report.

## **2. DESCRIPTION OF LANDS, EASEMENTS, RIGHTS OF WAY, RELOCATIONS AND DISPOSAL SITES (LERRD)**

The Los Angeles River Ecosystem Restoration Feasibility Study is analyzing the ecosystem restoration opportunities along the ARBOR reach. The non-Federal sponsor owns lands within and adjacent to the river in several cases, discussed in Section 3, below. As noted above, the study area also overlaps with a part of the existing Federal flood risk management project on the Los Angeles River, LACDA. The interests previously provided for that project and their inadequacy to fully support the restoration project are discussed in Section 5, below.<sup>2</sup> The study area has been divided into 8 reaches based on their physical characteristics for purposes of formulation and evaluation of restoration measures and alternatives. The lands required for each reach are described below, with discussion of number of parcels, acreage, non-Federal sponsor ownership,

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<sup>2</sup> Because the interests in land previously provided for the LACDA flood risk management project are not sufficient to support the proposed restoration project features, and the restoration project sponsor must provide the remaining interests needed, the lands affected by the LACDA project are identified below as “within the existing LACDA project boundary” rather than “previously provided for the LACDA project.” This complex issue is discussed in detail in Section 5 of this real estate plan.

public and private ownership, and whether the lands are within the existing LACDA project boundary. A discussion of the type of estates required for the project is also discussed for each reach. A brief discussion of non-standard estates is included for each reach and discussed in greater detail in Section 4 of this report. In addition to the lands required for specific constructed restoration features by reach, the channel bottom of the river and lower tributaries is required for the general measure of invasives removal during construction and invasives management during operation and maintenance of the project. These acreages are discussed in Section 2.2 below rather than by reach and are included in the summary table in Section 2.4.5.

## **2.1 Description by Reach**

### *2.1.1 Reach 1 Pollywog Park Area of Griffith Park*

Reach 1 extends from Pollywog Park/Headworks to the downstream edge of the concrete portion of the river. It is approximately 1.5 miles in length. In this reach, lands for the LPP will be used for riparian planting on the overbanks of the river, overbank of the Burbank Western Channel, and in the Pollywog Park area of Griffith Park. Overbanks are defined in the report as "...areas adjacent to the river where overland flow in flood events could occur in a natural river environment."

There are 33 parcels needed for this reach. The 33 parcels total 48.58 acres, of which 12.87 acres are within the existing LACDA project boundary. The non-Federal sponsor owns fourteen parcels in fee totaling 35.56 acres, of which 12.01 acres are within the existing LACDA project boundary. Six other parcels in public and private ownership total 0.86 acres and are within the existing LACDA project boundary. The non-Federal sponsor would need to acquire fee interest in the six parcels that are under public and private ownership.



There are also 13 parcels totaling 12.16 acres that do not have Assessor Parcel Numbers (APNs) and do not show an owner according to county assessor data. These parcels are adjacent to and may be a part of existing road and highway rights of way. Currently, it is anticipated that, for ten parcels of land, the non-Federal sponsor will request to acquire a lesser estate (perpetual ecosystem restoration easement) since in these areas the land in question is within Caltrans right of way. The remaining three parcels appear to be adjacent to street rights of way and may already be owned by the non-Federal sponsor. The non-Federal sponsor will provide fee where it is the fee owner and acquire fee where a private entity is determined to be the owner of the underlying fee. If a public entity is determined to be the underlying fee owner, the non-Federal sponsor may request to acquire a perpetual ecosystem restoration easement.

The following table lists the acreages needed for Reach 1 of the LPP:

	Acres outside of LACDA Boundary	Acres in LACDA Boundary	Total Acres needed for project including LACDA in Reach 1	Number of Parcels	Recommended Estates
Non Federal Sponsor	23.55	12.01	35.56	14	Fee
Public other than NFS	0	0.78	0.78	4	Fee
Private	0	0.08	0.08	2	Fee
Non-APN (owner not defined in gross appraisal)	12.16	0	12.16	13	Perpetual Easement (10 parcels) Fee (3 parcels)
TOTAL	35.71	12.87	48.58	33	

### *2.1.2 Reach 2 Bette Davis Park Area of Griffith Park*

Reach 2 begins at the midpoint of Bette Davis Park to just past the bridge crossing of Interstate 5. It is approximately  $\frac{3}{4}$  miles in length. The plan in this reach would create riparian habitat corridors along the overbanks of the river similar to Reach 1. Restoration of the Bette Davis Park area of the right bank of the river and a portion of Griffith Park of the left bank will also take place in this reach. In the LPP, there will also be modifications

to the channel changing the right bank from trapezoidal to a vertical bank with overhanging vines, creating an additional 80 feet of soft bottom channel width.

A total of 28 parcels have been identified as necessary for the implementation of the LPP. The non-Federal sponsor owns 12 parcels in this reach with a total acreage of 35.33 acres. Seven parcels totaling 0.53 acres that are located within the LACDA right of way will need to be acquired from other public agencies. Nine parcels with a total acreage of 5.82 acres do not have APNs. It is anticipated that the non-Federal sponsor will request a lesser estate (perpetual ecosystem restoration easement) from Caltrans for five of the nine non-APN parcels that are between the existing LACDA right of way and the 134 freeway and within Caltrans right of way. The other four non-APN parcels are within city road rights of way. For those parcels, the non-Federal sponsor will provide fee where it is the fee owner and acquire fee where a private entity is determined to be the owner of the underlying fee. If a public entity is determined to be the underlying fee owner, the non-Federal sponsor may request to acquire a perpetual ecosystem restoration easement.

The following table lists the acreages needed for Reach 2 of the LPP:

	Acres outside of LACDA Boundary	Acres in LACDA Boundary	Total Acres needed for project including LACDA in Reach 2	Number of Parcels	Recommended Estates
Non Federal Sponsor	25.55	9.78	35.33	12	Fee
Public other than NFS	0	0.53	0.53	7	Fee
Private	0	0	0	0	
Non-APN (owner not defined in gross appraisal)	5.82		5.82	9	Perpetual Easement (5 parcels) Fee (4 parcels)
TOTAL	31.37	10.31	41.68	28	

### *2.1.3 Reach 3 Ferraro Fields/Verdugo Wash Area of Griffith Park*

Reach 3 begins at Ferraro Fields and ends at Brazil Street. It is approximately 1 mile long. Under the LPP, the Corps will construct a side channel along Ferraro Fields to divert water from the river. A stream will also be daylighted on the right bank of the river in the Zoo Drive area. Two smaller streams will be daylighted on the left bank.

Daylighted streams will support a riparian fringe, open water and freshwater marsh at their confluence. In the Verdugo Wash confluence, the channel mouth would be widened and the south slope would be sloped back to the existing overbank elevation, thus creating a combined riparian and marsh community.

A total of 49 parcels (53.18 acres) will need to be acquired for Reach 3. A total of 10 parcels, 17.87 acres, are owned by the non-Federal sponsor. Of the 17.87 acres, 7.40 acres is within the existing LACDA right of way. The non-Federal sponsor will need to acquire 28 parcels totaling 26.35 acres from other public agencies and private parties within the reach. There are also 11 non-APN parcels, totaling 8.96 acres, which are within existing highway and street right of way. Six of the 11 parcels are within the Verdugo Wash area where the LPP would widen the channel, and the remaining five are in the area where the LPP would construct a side channel to divert water flows adjacent to where the 134 freeway connects with Interstate 5. Of these parcels, eight are believed to be within Caltrans right of way. For those parcels, it is likely the non-Federal sponsor will request a non-standard estate (perpetual ecosystem restoration easement) with rights to construct, operate and maintain the project. The other three non-APN parcels are within city road rights of way. For those parcels, the non-Federal sponsor will provide fee where it is the fee owner and acquire fee where a private entity is determined to be the owner of the underlying fee. If a public entity is determined to be the underlying fee

owner, the non-Federal sponsor may request to acquire a perpetual ecosystem restoration easement.

The following table lists the acreages needed for Reach 3 of the LPP:

	Acres outside of LACDA Boundary	Acres in LACDA Boundary	Total Acres needed for project including LACDA in Reach 3	Number of Parcels	Recommended Estates
Non Federal Sponsor	10.47	7.40	17.87	10	Fee
Public other than NFS	0	4.69	4.69	4	Fee
Private	21.35	0.31	21.66	24	Fee
Non-APN (owner not defined in gross appraisal)	8.96	0	8.96	11	Perpetual Easement
TOTAL	40.78	12.4	53.18	49	

#### *2.1.4 Reach 4 Griffith Park*

Reach 4 starts at Brazil Street and ends at Los Feliz Boulevard. It is 1.75 miles long. The restoration in this reach would daylight streams in eight areas, create a side channel through the Griffith Park Golf Course on the right side of the river, lower the Los Feliz Golf Course on the left bank to allow seasonal flooding, and provide a riparian habitat corridor. The storm drains in this reach will be opened and naturalized as tributaries within the right of way of the existing LACDA project and adjacent lands.

In this reach, 17 parcels (totaling 17.42 acres) are needed for the LPP. Eight parcels totaling 13.70 acres are already owned in fee by the non-Federal sponsor. Of those 13.70 acres, 1.59 acres is part of the existing LACDA footprint. The non-Federal sponsor will also need to acquire two parcels (0.60 acres) within the existing LACDA right of way from the LACFCD. Two parcels totaling 0.60 acres will need to be acquired in fee from private owners. In addition, a total of five parcels identified as necessary for the project do not have APNs, four within Caltrans right of way and one within the non-

Federal sponsor's road right of way. It is anticipated the non-Federal sponsor will request a lesser estate (perpetual ecosystem restoration easement) for the four parcels within Caltrans right of way. In this area, the LPP would divert river flows into a side channel and plant on the banks of the channel. For the non-APN parcel within existing City road right of way, the non-Federal sponsor will provide fee where it is determined to be the fee owner and acquire fee where a private entity is determined to be the fee owner; if it is determined that a public entity is the underlying fee owner, the non-Federal sponsor may request to acquire a perpetual ecosystem restoration easement.

The following table lists the acreages needed for Reach 4 of the LPP:

	Acres outside of LACDA Boundary	Acres in LACDA Boundary	Total Acres needed for project including LACDA in Reach 4	Number of Parcels	Recommended Estates
Non Federal Sponsor	12.11	1.59	13.70	8	Fee
Public other than NFS	0	.60	.60	2	Fee
Private	0	.41	.41	2	Fee
Non-APN (owner not defined in gross appraisal)	2.71	0	2.71	5	Perpetual Easement (4 parcels) Fee (1 parcel)
TOTAL	14.82	2.60	17.42	17	

### *2.1.5 Reach 5 Riverside Drive*

Reach 5 starts at the Los Feliz Boulevard Bridge and ends at the Glendale Freeway. It is approximately 1.55 miles in length and the right bank would be modified from a trapezoidal bank to a vertical bank. This would increase the width of the soft bottom of the riverbed by over 100 feet. Overhanging vines will be planted on the top of the new bank. The left bank will be terraced and planted with herbaceous vegetation. Erosion measures will be taken by installing concrete-lined beds which would then be

planted with riparian vegetation. At the downstream end of this reach, the river will also be widened.

A total of 63 parcels totaling 32.05 acres are needed for this reach of the LPP. Of the 32.05 acres, 29.34 acres are within the existing LACDA right of way. The non-Federal sponsor will need to acquire 23 parcels totaling 9.92 acres within the LACDA boundary from the LACFCD and 8 parcels from private owners which are also within the existing LACDA footprint. There are also 2.40 acres, 16 parcels, without APNs. Two of the 16 parcels are within existing Caltrans highway rights of way and it is anticipated the non-Federal sponsor will request to acquire a lesser estate (perpetual ecosystem restoration easement) to plant riparian vegetation. The remaining 14 parcels are within existing City road rights of way which are under the City’s control. The City will provide fee where it is the fee owner and acquire fee where a private entity is determined to be the owner of the underlying fee for the 14 parcels. If a public entity is determined to be the fee owner, the City may request to acquire a perpetual ecosystem restoration easement. In this area the channel walls will be modified from trapezoidal to vertical and bioengineered.

The following table lists the acreages needed for Reach 5 of the LPP:

	Acres outside of LACDA Boundary	Acres in LACDA Boundary	Total Acres needed for project including LACDA in Reach 5	Number of Parcels	Recommended Estates
Non Federal Sponsor	0	16.47	16.47	16	Fee
Public other than NFS	0	9.92	9.92	23	Fee
Private	0.31	2.95	3.26	8	Fee
Non-APN (owner not defined in gross appraisal)	0	2.40	2.40	16	Perpetual Easement (2 parcels) Fee (14 parcels)
TOTAL	2.71	29.34	32.05	63	

### *2.1.6 Reach 6 Taylor Yard*

Reach 6 extends from the Glendale Freeway to the Interstate 5 freeway. It is approximately 2.34 miles in length. In this reach, the LPP includes riparian corridors and widening of the soft bottom river bed by over 300 feet into Taylor Yard with additional slope back to the overbank elevation along the length of the reach. At the upstream end of the reach, a back water wetland will be developed in the Bowtie parcel at river level. There will also be a small terraced area on the downstream end of the Bowtie parcel as the channel transitions into the widening at Taylor Yard. In this reach, the entirety of the right bank and a portion of the left bank of the river will also be restructured to support overhanging vines and other vegetation.

Reach 6 contains the parcel known as Taylor Yard, a key opportunity area. The Taylor Yard area is considered an important parcel in the study because it provides an opportunity for restoration of large contiguous expanses of riparian and aquatic habitat. The Taylor Yard area is also one of the main areas in the LPP where the channel will be widened and connectivity between the river and the historic floodplain will be restored. Widening of the channel will allow the river and overbank to approach more natural dynamics, enhancing riparian and in-stream habitat for plants and wildlife.

A total of 76 parcels are needed in this reach. The total acreage needed for this reach is 94.53 acres, of which 33.01 acres are within the existing LACDA project boundary. The non-Federal sponsor has ownership of 5 parcels (6.12 acres) within the existing LACDA project boundary. The non-Federal sponsor will need to acquire 28 parcels (44.88 acres, of which 6.04 acres are within the existing LACDA project boundary) from private owners and 22 parcels (40.71 acres, of which 20.85 acres are within the existing LACDA project boundary) under public ownership from the

California State Parks, the Mountains Recreation and Conservation Authority (MRCA) and the LACFCD. Twenty-one parcels do not have APNs and are part of existing highway or street right of way. It is anticipated that the non-Federal sponsor will request approval to acquire a lesser interest (perpetual ecosystem restoration easement), for 5 State-owned parcels (17.58 acres) at the Rio de Los Angeles State Park and for two of the 21 non-APN parcels which are within Caltrans highway rights of way, as discussed in Section 4, below. The remaining 19 non-APN parcels are within the LACDA right of way and at the end of the city streets. For these parcels, the City will provide fee where it is the fee owner and acquire fee where a private entity is determined to be the owner of the underlying fee. If a public entity is determined to be the owner of the underlying fee of a non-APN parcel, the City may request to acquire a perpetual ecosystem restoration easement.

In this reach the LPP calls for planting built into the walls of the channel.

As stated above, there is also one parcel within LACDA right of way owned in fee by the MRCA, a local government public entity established pursuant to the Joint Powers Act. Although the non-Federal sponsor will seek to acquire this small parcel in fee, it is possible the non-Federal sponsor may request approval of a lesser estate (perpetual ecosystem restoration easement) as discussed in Section 4.



The following table lists the acreages for Reach 6 of the LPP:

	Acres outside of LACDA Boundary	Acres in LACDA Boundary	Total Acres needed for project including LACDA in Reach 6	Number of Parcels	Recommended Estates
Non Federal Sponsor	0	6.12	6.12	5	Fee
Public other than NFS	19.86	20.85	40.71	22	Perpetual Easement (5 parcels) Fee (17 parcels)
Private	38.84	6.04	44.88	28	Fee
Non-APN (owner not defined in gross appraisal)	0	2.82	2.82	21	Perpetual Easement (2 parcels) Fee (19 parcels)
TOTAL	61.52	33.01	94.53	76	

### *2.1.7 Reach 7 Arroyo Seco/LA State Historic Park*

Reach 7 extends from the Interstate 5 freeway downstream to Main Street. It is about 1 mile in length. In this reach of the project the Arroyo Seco tributary will be restored with riparian habitat. The stream itself will have its banks and bed softened for approximately one-half mile upstream. At the confluence of the Arroyo Seco and the River a backwater riparian wetland will be established. Downstream, freshwater marsh would be restored at the LA State Historic Park, and the right bank of the river would be terraced to connect the restored area with the river. The railroad line along the bank would be trestled to allow for the terracing (further discussed in Section 16 below).

A total of 81 parcels are required for this reach. The total acreage needed for this reach is 48.11 acres, of which 28.58 acres are within the existing LACDA right of way. The non-Federal sponsor owns 23 parcels in this reach totaling 24.22 acres. Of the 24.22 acres, 22.92 acres are within the existing LACDA right of way. In this reach, 28 parcels under private ownership will need to be acquired. Approximately 1.37 acres are within the LACDA right of way, and 1.2 acres are out of the existing LACDA right of way footprint. The non-Federal sponsor will need to acquire 10 parcels totaling 12.24 acres

from the Los Angeles County Metropolitan Transportation Authority (LACMTA), LACFCD, MRCA, and California State Parks. It is anticipated the non-Federal sponsor will contemplate a lesser estate (perpetual ecosystem restoration easement) for parcels owned by LACMTA in which we plan to plant riparian vegetation within parts of the right of way without affecting the operations of the railroad track, and to daylight a stream which will run below the tracks. Although the non-Federal sponsor will seek to acquire fee title for the two parcels owned by LACMTA where we plan to trestle the railroad track and daylight a stream on the west bank of the channel in this reach, it is possible the non-Federal sponsor may request approval of a lesser estate (perpetual ecosystem restoration easement). It is also contemplated the non-Federal sponsor will request a lesser estate (perpetual ecosystem restoration easement) for lands owned by the California State Parks at the Los Angeles State Historic Park. Lastly, there are 20 non-APN parcels identified as being part of existing highway and road right of way. It is contemplated the non-Federal sponsor will request a lesser estate (perpetual ecosystem restoration easement) for six of the 20 non-APN parcels, which have been identified as within Caltrans highway right of way. The remaining 14 of the 20 non-APN parcels are within existing City road right of way. The non-Federal sponsor will provide fee where it is the fee owner and acquire fee where a private entity is determined to be the owner of the underlying fee. If a public entity is determined to be the owner of the underlying fee, the non-Federal sponsor may request to acquire a perpetual ecosystem restoration easement.

Lastly, this reach also has one parcel within LACDA right of way owned in fee by the MRCA, a local government public entity established pursuant to the Joint Powers Act. Although the non-Federal sponsor will seek to acquire this small parcel in fee, it is

possible the non-Federal sponsor may request approval of a lesser estate (perpetual ecosystem restoration easement).

The following table lists the acreages required for Reach 7 of the LPP:

	Acres outside of LACDA Boundary	Acres in LACDA Boundary	Total Acres needed for project including LACDA in Reach 7	Number of Parcels	Recommended Estate
Non Federal Sponsor	1.30	22.92	24.22	23	Fee
Public other than NFS	7.95	4.29	12.24	10	Perpetual Easement
Private	1.2	1.37	2.57	28	Fee
Non-APN (owner not defined in general appraisal)	8.71	0.37	9.08	20	Fee
TOTAL	19.53	28.58	48.11	81	

### *2.1.8 Reach 8 Los Angeles Trailer and Container Intermodal Facility (LATC)*

This reach extends from Main Street to First Street. It is approximately 1 mile in length and will restore riparian habitat, restore a historic wash, and create a fresh water marsh at the Los Angeles Trailer and Container Intermodal Facility (LATC). The channel would be changed from concrete to soft bottom and the left bank of the channel adjacent to the LATC site would be removed. The marsh would extend into the LATC site 500 feet, with the riparian area extending another 1,000 feet into the property. A trestle (further discussed in Section 16 below) will be required to allow the active rail lines to remain in place and create connectivity between the river and the adjacent restored lands. In this reach, the right bank of the channel upstream of LATC and the left bank of the channel downstream of LATC will be modified to incorporate terracing and the planting of riparian vegetation.

LATC is a key opportunity area due to its location, close proximity to Downtown Los Angeles, lot size, number of owners and lack of buildings. It is also one of two

parcels identified in the LPP which provide an opportunity to restore large expanses of riparian and aquatic habitat which is rare in highly-urbanized Los Angeles. It is a key site because it allows for restoration of the historic floodplain including restoration of a historic wash marsh and riparian habitat.

In this reach, 51 parcels are required for the project (141.7 acres, of which 25.95 acres are within the existing LACDA project boundary). The non-Federal sponsor owns 8 parcels totaling 25.40 acres which are part of the existing LACDA right of way. Eleven parcels are owned by the Los Angeles County Metropolitan Transportation Authority (LACMTA) for a total of 7.68 acres. There are active rail lines located on the 11 parcels owned by the LACMTA; currently we are assuming the non-Federal sponsor will acquire fee for two of the parcels where the river would be reconnected to the LATC, with the non-Federal sponsor trestling the active railroad tracks adjacent to the LATC. We anticipate the non-Federal sponsor will propose to acquire a lesser estate (perpetual ecosystem restoration easement) for the remaining nine parcels in Reach 8 outside of trestled railroad tracks to plant vegetation in part of the right of way. A total of 25 privately owned parcels (108.08 acres) will need to be acquired in fee. Eleven of the 25 parcels make up the area known as the LATC. There are also six non-APNs that are within existing City road right of way and one non-APN parcel that is within Caltrans right of way. It is anticipated the non-Federal sponsor will request to provide a lesser estate (perpetual ecosystem restoration easement) for the one parcel within Caltrans right of way. For the parcels in City road rights of way, the non-Federal sponsor will provide fee where it is the fee owner and acquire fee where a private entity is determined to be the owner of the underlying fee. If a public entity is determined to be the owner of the

underlying fee for a non-APN parcel, the non-Federal sponsor may request to acquire a perpetual ecosystem restoration easement.

The following table lists the acreages needed for Reach 8 of the LPP:

	Acres outside of LACDA Boundary	Acres in LACDA Boundary	Total Acres needed for project including LACDA in Reach 8	Number of Parcels	Recommended Estates
Non Federal Sponsor	0	25.40	25.40	8	Fee
Public other than NFS	7.13	0.55	7.68	11	Perpetual Easement
Private	108.08	0	108.08	25	Fee
Non-APN (owner not defined in gross appraisal)	0.21	0.33	0.54	7	Perpetual Easement (1 parcel) Fee (6 parcels)
<b>TOTAL</b>	<b>115.75</b>	<b>25.95</b>	<b>141.7</b>	<b>51</b>	

## 2.2 Other lands and rights of way

The LPP is designed with specific project features on the lands discussed above. In addition to the lands identified for construction and operation of specific features, the project also includes a general measure for removal of invasive species throughout the features and existing channel and lower tributary bottom areas, and the project requires management of invasives throughout the same area as part of the non-Federal sponsor's operation and maintenance of the project. Therefore, the LERRD required for the project includes 236.66 acres within the channel and tributary bottom areas (both hard and soft bottom) that is not required for other specific restoration measures. These areas are within the existing LACDA right of way and are already subject to the LACDA project encumbrances (generally flood risk management easement), as further described below in Section 5. The existing interests are not considered sufficient to allow for the removal of

invasive species vegetation from the channel on a recurring basis to ensure restoration benefits throughout the life of the project.

### *2.2.1 Rights of way to be further defined during PED*

Geotechnical analysis has identified that tie backs or counterforts may be determined to be needed during the detailed design (PED) phase to support features such as vertical walls. A scouring analysis and other technical evaluations are scheduled to take place during detailed design which may modify the identified right of way required to construct and maintain such features. A permanent easement (such as a flood protection levee or rock anchor easement) is the likely interest, but the interest and estate required will be determined once the feature(s) has (/have) been further designed and analyzed.

In addition, design refinements for locations of measures such as wildlife access slopes and maintenance ramps could in some cases require minor additional real estate interests within the existing LACDA right of way if they extend into areas not included in the identified restoration footprint. Although such design refinements are expected to be located within the identified restoration footprint, specific locations for such design refinements will be further developed during the detailed design phase, as they are dependent on data and hydraulic analysis to be generated during that phase to ensure they are consistent with the constraints of the restoration project, including the function and conveyance of the existing LACDA project. These refinements may require small portions of land in fee with low remaining value, as the affected lands are already subject to the LACDA project encumbrances (generally flood risk management easement), as further described below in Section 5.

## **2.3 Staging areas**

Throughout the 8 reaches of the project, potential staging areas have been identified. In most cases, the staging areas identified are areas the non-Federal sponsor owns in fee. The LPP identifies the non-Federal sponsor already owns approximately 32 acres in various locations of the project area that would be used for staging areas.

Currently, the LPP identifies the following additional staging areas to be acquired through a temporary work area easement:

- In Reach 4 and 5, three parcels (11.77 acres).

- In Reach 5, one parcel (three acres) (site known as North East Interceptor Sewer 2 Shaft Site).

- In Reach 6, parcels totaling 10 acres owned by Los Angeles Community College District, State of California, and a private owner.

- In Reach 7, four acres in private ownership.

- In Reach 8, 6.5 acres in private ownership.

Additionally, in some cases in Reaches 3, 4, and 6, the study team has identified potential to use lands to be acquired in fee for restoration as staging areas prior to construction at those sites if the timeline permits. These areas total 32.14 acres.

## **2.4 Borrow and Disposal Site Assumptions**

No LERRD for borrow and disposal sites has been identified as required for this project.

### *2.4.1 Borrow sites*

Borrow material for construction is expected to come from within the project footprint whenever practicable; however, to the extent that small amounts of borrow material are needed from outside the project footprint, it will be supplied by the

construction contractor through use of a commercial site or sites. Because of the urbanized character of the Los Angeles region and the length of project construction (15 years), borrow from a designated borrow site (as LERRD) is not anticipated to be practicable.

#### *2.4.2 Borrow required for future maintenance*

At this time, borrow material is not anticipated to be required for future maintenance. However, if monitoring identifies insufficient substrate being retained in the system to support aquatic habitat (e.g., sufficient cobble/gravel for native fish habitat compared), adaptive management may include import of such substrate. According to the Monitoring and Adaptive Management Plan (Appendix H), if import of substrate is required more than once during the monitoring period, adjustments to O&M may be made to require substrate import. This substrate would be anticipated to come from a commercial source as well.

#### *2.4.3 Disposal*

Project assumptions include a least-cost disposal plan that includes disposal capacity for excavated earth material exceeding quantities re-used for project purposes being provided by the contractor through use commercial facilities. Disposal facilities were limited to a 20-mile radius in part to reduce/minimize air quality impacts. The cost for commercial disposal facilities was captured in the cost appendix as a construction cost item.

#### *2.4.4 Disposal required for future maintenance*

No disposal sites are anticipated to be required for maintenance. Maintenance activities would generally gather debris and trash for commercial disposal.



All assumptions associated with borrow and disposals are captured in the risk register for the project.

#### 2.4.5. Summary

The Figure below provides a summary of the LERRD required for the LPP.

Fig. 1 – Summary Table – acreages and ownerships

	<b>Acres Outside LACDA Boundary</b>	<b>Acres Within LACDA Boundary</b>	<b>Total Acreage</b>
<b><i>Lands Required for Specific Restoration Measures</i></b>			
Non-Federal Sponsor owned	72.98	101.69	174.67
Public parcels to be acquired (Fee)	15.08	42.14	57.22
State parcels to be acquired with Ecosystem Restoration Easement (Non-Standard Estates)	19.86	0.07	19.93
Non-APN parcels (Owners not defined by gross appraisal)	38.57	5.92	44.49
Private parcels to be acquired (Fee)	169.78	11.16	180.94
<b>Sub-Total</b>	<b>322.19</b>	<b>155.06</b>	<b>477.25</b>
<b><i>Lands Identified as Channel Bottom Needed for General Restoration Measures*</i></b>			
<b>Soft Bottom Channel</b>	<b>0</b>	<b>145.64</b>	<b>145.64</b>
<b>Hard Bottom Channel</b>	<b>0</b>	<b>91.02</b>	<b>91.02</b>
<b>Sub-Total</b>	<b>0</b>	<b>236.66</b>	<b>236.66</b>
<b><i>Staging Area</i></b>			
Non-Federal Sponsor owned	32	0	32
Staging areas within lands being acquired for restoration (no additional credit)**	32.14	0	32.14
Temporary Work Area Easement (TWAE) to be acquired	35.27	0	35.27
<b>Sub-Total</b>	<b>99.41(67.27 for TWAE credit)</b>	<b>0</b>	<b>99.41 (67.27 for TWAE credit)</b>
<b><i>Other Rights of Way (for design refinements)</i></b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>
<b>Grand Total</b>	<b>389.46</b>	<b>391.72</b>	<b>781.18</b>

\* This is the channel bottom acreage required for general measures for invasives removal during construction and operation and maintenance of the project that is not otherwise required for specific restoration features.

\*\*This acreage is included in fee acquisitions under “lands required for restoration” above and would not be additionally credited for staging area use.

### **3. SPONSOR-OWNED LERRD**

The non-Federal sponsor for the Los Angeles River Ecosystem Restoration Study is the City of Los Angeles. The non-Federal sponsor currently owns approximately 96 parcels of land, 345.93 acres out of the 713.91 acres needed, for the Locally Preferred Plan. Of the 345.93 acres owned by the non-Federal sponsor, 272.95 acres are within the existing LACDA project boundary. The 96 parcels, although owned by the City of Los Angeles, are managed by different departments within the City. The 96 parcels do not include non-APN parcels for which the City may have fee or easement interest, as described in Section 1 and further discussed in Section 4. Ownership of these parcels will be further defined during PED.

### **4. PROPOSED NON-STANDARD ESTATES**

The standard estate for an ecosystem restoration project is fee simple. The Los Angeles District has reviewed the capability of the non-Federal sponsor to acquire fee simple and assessed that there are instances where LER required is owned by a public entity and where acquisition of a fee simple estate may be infeasible for the non-Federal sponsor. As briefly discussed in Section 2 above, State Parks, LACMTA, Caltrans, and the MRCA are currently the fee owners of some of the LER required to implement the project.

We have reviewed the standard estates provided in exhibit 5-29 to EC 405-1-11, which have been incorporated into ER 405-1-11, and determined that the standard estates provided, other than the fee simple estate, do not include sufficient rights to establish, operate and maintain an ecosystem restoration project. Based upon preliminary discussions with the non-Federal sponsor, we understand that fee simple cannot be acquired in some locations which are owned by public entities; therefore, we anticipate

that the non-Federal sponsor will request approval to acquire a perpetual ecosystem restoration easement for cases in which fee simple estate cannot be acquired. ER 405-1-12, while indicating fee as the appropriate estate for ecosystem restoration, allows that a lesser, or easement estate, may be appropriate based on the extent of interest required for the operation or requirements of a project. An easement estate will serve the intended project purpose, and will not increase costs nor result in potential liability of the Government. A perpetual ecosystem restoration easement would provide sufficient perpetual rights necessary to construct, operate, and maintain the affected project features. Because each site is unique, we anticipate that sites may require language that takes into consideration specific site requirements. Where the lands are also required for compatible passive recreation features such as trails, the interest for construction, operation, and maintenance of those features would also be proposed as part of the specific easement language. We acknowledge that each site-specific perpetual easement would require careful legal and policy review to ensure that appropriate prohibitions on conflicting activities are included, and we are prepared to work closely with the non-Federal sponsor to ensure that project needs and the federal investment are satisfied. This REP presents the non-standard estates based upon the assumption that each perpetual ecosystem restoration easement will require separate Headquarters US Army Corps of Engineers (HQUSACE) and South Pacific Division (SPD) approval. A description of the needs and requirements for each public-entity-owned site for which a non-standard estate is proposed is below.

With respect to the lands owned by California State Parks, we anticipate that the non-Federal sponsor will request approval to acquire a perpetual ecosystem restoration easement. State Parks is a state entity established pursuant to the California Public

Resources Code, entrusted with the jurisdiction and management of public lands for the benefit of the people of the State and whose stated mission includes preservation of “. . . the state’s . . . biological diversity, protecting its most valued natural and cultural resources . . .” Granting of a fee simple estate to the non-Federal sponsor for LER required in Reaches 6 and 7 at the Rio de Los Angeles State Park and the Los Angeles State Historic Park would not be consistent with State Parks’ mission. Fee acquisition of these lands is not considered practicable as the state has acquired the lands for use as a state park and would not allow for the negotiated sale of the property. The non-Federal sponsor has indicated that, as a practical matter, it generally cannot condemn lands owned by or under the jurisdiction of the State of California as discussed further in Section 13.

With respect to the proposed perpetual ecosystem restoration easement, State Parks has determined that ecosystem restoration is compatible with its park land and supports the implementation of the ecosystem restoration features proposed to be constructed at the two State Park areas identified. Therefore, a perpetual ecosystem restoration easement would be the most efficient means of satisfying the real estate requirements necessary to support the project. Both the Corps and non-Federal sponsor continue to coordinate with the State Parks on specific perpetual ecosystem restoration easement language. Sample language attached to this document as Attachment “A” has been provided to State Parks for discussion purposes. As required by ER 405-1-12, the specific language of the proposed perpetual ecosystem restoration easement, once fully negotiated, will be submitted for approval separate from this Real Estate Plan to HQUSACE through SPD.

The second proposed non-standard estate is for a site-specific perpetual ecosystem restoration easement on land owned by the LACMTA in Reaches 7 and 8. In Reach 7, the project proposes to daylight a stream to run below the LACMTA tracks outside of the trestle component, described in section 2.1.7, and in Reach 8, proposes to plant riparian vegetation. Where relocation of active rail lines to trestles at grade has been identified as required to facilitate construction of restoration features, as described in Section 17, the non-Federal sponsor will pursue acquisition of fee simple underlying LER, but may need to acquire a non-standard perpetual ecosystem restoration easement, if fee simple acquisition is too difficult to obtain through negotiated transaction. As required by ER 405-1-12, the specific language of a proposed ecosystem restoration easement, once fully negotiated, will be submitted for approval separate from this Real Estate Plan to HQUSACE through SPD.

The third proposed non-standard estate is for a site-specific perpetual ecosystem restoration easement to be acquired on lands which, based on the best available information,<sup>3</sup> we understand are owned in fee by the California Department of Transportation (Caltrans). The specific parcels at issue are located adjacent to freeway on-ramps and underneath the freeway overpasses. The areas of Caltrans ownership include parcels in all reaches, mainly needed for establishment of riparian planting. Additionally, in Reach 3, LER required includes areas for widening of the confluence of the river with the Verdugo Wash within and adjacent to existing LACDA right of way, and in Reaches 3 and 4, for diversion of tributary and river flow into small side

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<sup>3</sup> Because the subject parcels do not have APNs assigned to them, it was not possible to identify an owner as part of development of the Gross Appraisal.

channels.<sup>4</sup> As required by ER 405-1-12, the specific language of a proposed ecosystem restoration easement, once fully negotiated, will be submitted for approval separate from this Real Estate Plan to HQUSACE through SPD. In limited circumstances, a perpetual ecosystem restoration easement may also be proposed for parcels without APNs that are part of existing City street right of way. For these parcels, the City may be the fee owner or hold an easement. Where the City is determined to be the fee owner, the City will provide the fee interest to the project, and where a private entity is determined to own the underlying fee, the City will acquire and provide the fee interest. However, if a public entity is determined to be the fee owner, the City may request to acquire a perpetual ecosystem restoration easement. As required by ER 405-1-12, the specific language of a proposed ecosystem restoration easement, once fully negotiated, will be submitted for approval separate from this Real Estate Plan to HQUSACE through SPD.

Lastly, on two small parcels within the LACDA right of way in Reach 6 and 7, the sponsor may request to acquire a site-specific perpetual ecosystem restoration easement from MRCA, the fee owner, to implement alterations to the channel wall to facilitate implanting of vegetation. MRCA provides natural resources and scientific expertise and other educational and park services, and is one of the lead agencies for the revitalization of the Los Angeles River. In the MRCA-owned areas identified as LER, lands are used primarily for pocket parks along the river, outside the LACDA right of way. The two MRCA-owned areas identified as LER required for the project are the portions of such parcels that extend into the LACDA right of way. While the non-Federal sponsor will make best efforts to acquire the standard fee estate for land owned by

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<sup>4</sup> It is anticipated that additional LER may be identified that would be necessary for sub-surface tiebacks and/or counter forts for which a standard estate, rock anchor easement, may be acquired, as identified in Section 2.2, under “Rights of way to be further defined during PED.” It is not anticipated at this time that a non-standard estate would be required for these areas.

MRCA, the non-Federal sponsor may request approval to acquire a site-specific perpetual ecosystem restoration easement in lieu of fee. MRCA is a local joint powers entity dedicated to the preservation and management of local open space and parkland, watershed, lands, trails and wildlife habitat. As a public entity managing a recreational zone in this stretch of the river, it may not support the sale of land in fee. If negotiated acquisition of fee simple is unsuccessful, the Corps will, as required by ER 405-1-12, submit the specific language of a proposed ecosystem restoration easement, once fully negotiated, for approval to HQUSACE through SPD.

## **5. EXISTING FEDERAL PROJECT**

Where there is an existing Federal project within the area proposed for a new project, such lands must be identified, and the sufficiency of those lands for the proposed project must be evaluated. In addition, the value of lands provided as an item of local cooperation for a previous Federal project should not be included in the valuation of lands for the current project, and no credit may be afforded for such interests.<sup>5</sup> In this case, the existing project footprint/boundary for LACDA overlaps with the lands required for the restoration project LPP. The interests previously provided for the LACDA project are not sufficient to support the full construction, operation and maintenance of the ecosystem restoration project because they are less than fee, but they do not conflict with the restoration project. The interests previously provided by the LACFCD for the flood risk management project would not be required to be provided by or credited to the City as restoration project sponsor. The underlying fee ownership would generally be needed to support the construction, operation and maintenance of restoration features of a

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<sup>5</sup> This is the rule regardless of whether the sponsors of the existing and proposed projects are different, as they are in this case.

restoration project, and that is the interest that would be required to be provided.

Valuation is discussed briefly at the end of this section.<sup>6</sup>

As described above, the study area includes part of the existing LACDA flood risk management project. The portion of LACDA within the study area was constructed by the Corps from the 1930s through the 1950s with the partnership of the LACFCD. The existing LACDA project within the study area consists of channel and levee, some reaches with stone side slopes and other reaches with concrete side slopes. A portion of the lands within the LACDA right of way within the study area would be included in the LPP features, for the specific restoration measures as well as the general measure for invasives removal and management, as discussed in Section 2, above.

The LACDA project in the study area was constructed under several authorizations with evolving requirements. Portions of the project were begun under the Emergency Relief Acts, under which the LACFCD was required to make a cash contribution and provide rights of way. The project was further authorized and expanded under the Flood Control Acts (FCAs) of the 1930s and 1940s. According to the Flood Control Act of June 22, 1936, LACFCD was responsible for acquiring all lands, easements and rights of way for the construction of the project, some of which it already held at the time of the project.<sup>7</sup> Although certain lands for the LACDA project outside

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<sup>6</sup> The credit to be afforded to the non-Federal sponsor for the value of LERRD required to be provided for the project is subject to limitations specific to this project. This project includes a policy exception allowing the sponsor to forgo reimbursement for LERRD exceeding its statutory share, and it also considers alternative cost sharing that includes a limitation on LERRD credit to be afforded to the sponsor. These issues are further described in Section 20 of this REP and in Chapter 7 of the IFR.

<sup>7</sup> The Operation, Maintenance, Repair, Rehabilitation, and Replacement (OMRRR) Manual for the LACDA project, LADM No. 1130-2-13, summarizes the history of the real estate and operations and maintenance responsibility changes in the early years of the project. The June 22, 1936, Flood Control Act directed the local sponsor to provide all LER needed for the construction of the project. However, the action of June 28, 1938 amended this provision to direct that title to all LER should be acquired by the United States or obtained by the local sponsor and conveyed to the United States, and that the United States should operate and maintain the system. According to the manual, in response to the 1938 law, the United



the study area, such as lands within flood control basins, were acquired in fee and are owned by the United States, a lesser interest or right was generally acquired for construction and operation of channels, and the existing LACDA project area within the study area contains a patchwork of ownerships, easements, and permits.

Due to the age of the existing LACDA project, the Corps does not have detailed records showing what specific interests were required to be provided for the project as the necessary “rights of way” within the LACDA boundary in the study area. The understanding at this time is that for most parcels, LACFCD, and in a few cases both LACFCD and the United States, hold(s) an easement “for the purpose of the construction and maintenance thereon of a channel and appurtenant works to carry and confine the flood and storm waters of the Los Angeles River and its tributaries in, over and across [the described real property]” or similar language. In other cases, LACFCD is the fee owner of parcels within the existing project boundary in the study area, but based on the rest of the LACFCD ownerships in the study area and other channel reaches, it does not appear fee was required to be provided for LACDA.<sup>8</sup> Where the City of Los Angeles is the fee owner of LACDA lands, as it is for a portion of the existing LACDA project area within the study area as described in Section 3 above, it granted permits for construction and long-term operation of the flood risk management project rather than an easement,

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States retained or took on operation and maintenance responsibilities for facilities completed after the date of the law and arranged for responsibilities for completed facilities to be transferred back to the Corps. The FCA of 1941 repealed certain parts of the 1938 law and reinstated the parts of the June 1936 law directing local sponsors to operate and maintain the project after completion, but the Corps continued to operate certain features. The FCA of 1941 approved the general comprehensive plan for the LACDA project. Other FCAs further amended and appropriated funds for the LACDA project.

<sup>8</sup> If additional research during project design and implementation identifies, contrary to the current understanding, that LACFCD was required to provide the fee interest for the LACDA project in the areas where it owns fee, the non-Federal sponsor for the restoration project would not be required to acquire, nor would it be credited for, the underlying fee interest in the areas with LACFCD fee ownership within the LACDA boundary.

and committed under City ordinance that river lands shall not be transferred from City ownership. Permit language from the City to the County and United States is similar to the easement language. These ownerships and interests will be confirmed through the course of the acquisition process.

The easements and permits provided for the LACDA project by LACFCD would not be sufficient to support construction and operation of all aspects of an ecosystem restoration project. The underlying fee ownership would generally be needed to support a restoration project, and that is the interest that would be required to be provided. This remaining interest has a very low value compared to unencumbered fee. Although a detailed examination of all easements, permits, and other rights in land for existing LACDA LER has not been conducted, as noted above, the easements reviewed do not contain language that would directly conflict with an ecosystem restoration project. The Corps is in the process of a longer-term effort with LACFCD to assess rights in the portion of the river the Corps must OMRRR and ensure that the Corps has adequate assignment of rights from LACFCD. Compatibility with the purpose of the existing project as a flood risk management channel is a central constraint of the proposed project alternatives, and the two OMRRR manuals will be complementary.

The valuation of LERRD for this project excludes the value of the interests and rights in land (the easement interests and permit rights) previously provided for the LACDA project or held by the Federal government. To avoid “double-counting” lands previously provided for the LACDA project, the City, as sponsor of the restoration project, will be required to provide the underlying fee interest to support the restoration project, with LACFCD (and the United States in some limited cases) continuing to hold

the existing easements and permits. This encumbrance and previous provision of LERRD is reflected in the land valuation conducted for these parcels in the Gross Appraisal.

## **6. FEDERALLY OWNED LAND**

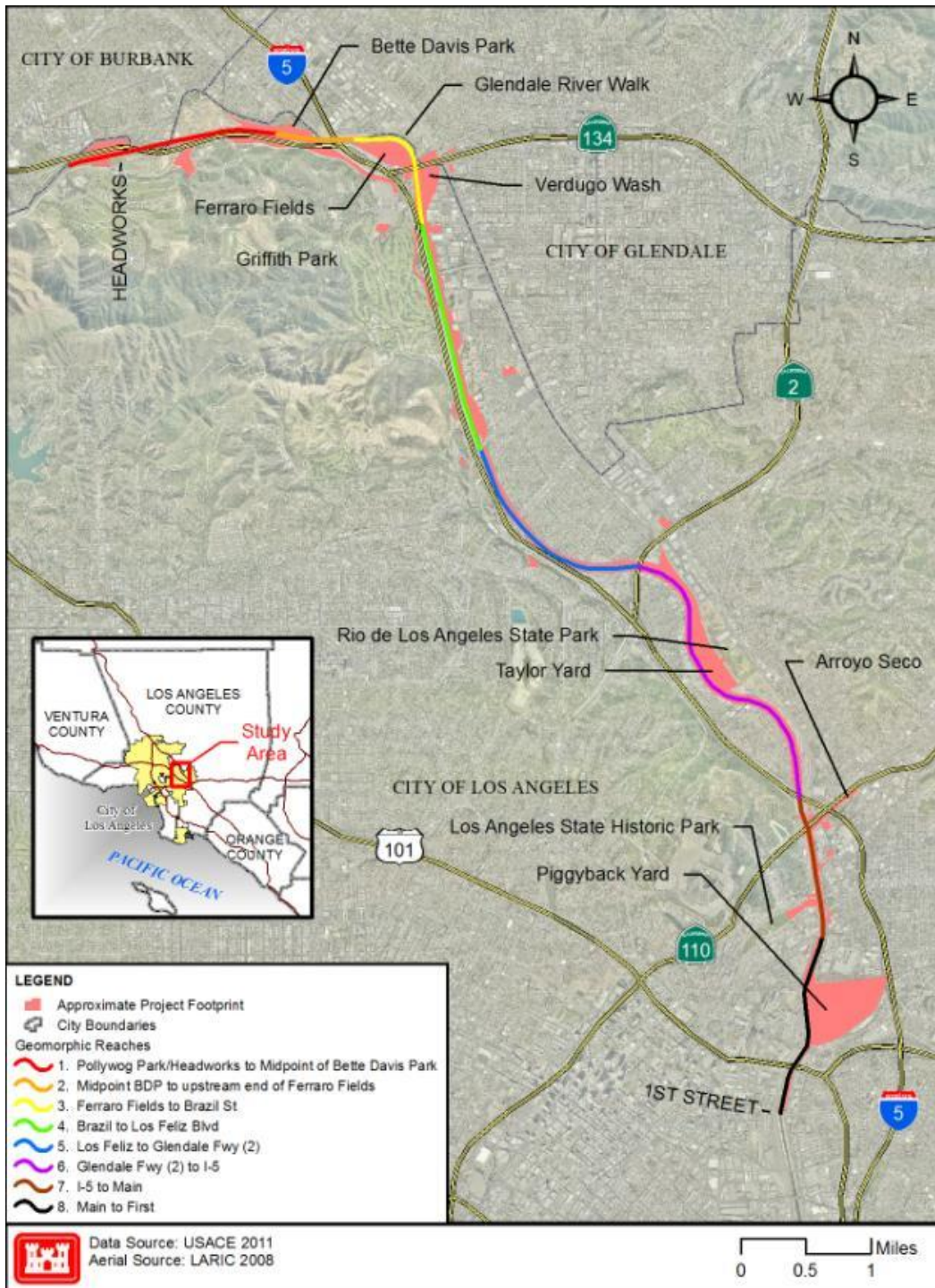
Although the Corps has operation and maintenance responsibility for LACDA in all 8 reaches of the Los Angeles River within the study area, no land is owned in fee by the United States. As discussed in Section 5 above, in some cases the United States has easements that were transferred from the LACFCD. In other cases where the study non-Federal sponsor, City of Los Angeles, has ownership within the existing Los Angeles River, permits were issued to both the LACFCD and the United States to construct, operate, and maintain the LACDA, as discussed in Section 5 above. The value of interests and rights previously provided for the LACDA project or held by the United States is excluded from the LERRD cost estimate, and no credit shall be afforded for such interests and rights previously provided or held by the United States.

## **7. EXTENT OF NAVIGATIONAL SERVITUDE**

Navigational servitude is the dominant right of the Government under the Commerce Clause of the U.S. Constitution that allows use, control and regulation of navigable waters of the United States and the submerged lands.

Exercise of Federal navigational servitude is not applicable to this project and is not being invoked.

## 8. MAP



This map shows the overall project. More detailed maps by reach are included at the end of this Real Estate Plan as Attachment “B.”

## **9. EXTENT OF INDUCED FLOODING**

As stated in the Hydrology and Hydraulics Appendix, the restoration project will not create induced flooding compared to existing conditions. The study screened out any alternatives that adversely impacted the water surface elevation in a way that could not be addressed through detailed design.

While initial assessment by the Hydrology and Hydraulics Branch of the Engineering Division identified that an increase in water surface elevation could occur at transition areas (areas where the channel has geometric changes (transitioning from trapezoidal to rectangular or from a widened section to a narrow section)) or changes in construction material (transitioning between soft-bottom and concrete) in the final array of alternatives, including the LPP, any change in water surface in the transition areas will be avoided through design refinements to the project modifications to channel geometry and/or avoidance of introduction of vegetation and enforcing requirements limiting vegetation growth in those areas. With implementation of such design refinements, there will be no increase in flood damages as compared to existing conditions. Therefore, no flooding would be induced by the project.

## **10. BASELINE COST ESTIMATE**

The Baseline Cost Estimate for Real Estate (BCERE) is presented below. A gross appraisal of the LPP was completed, which forms the basis for the Lands portion of the BCERE. The BCERE also includes an estimate of administrative and incidental costs associated with the acquisition of the real estate required for the project. The incidental costs include those costs associated with title work, appraisals and their review, review of documents, review of P.L. 91-646 actions, legal support and other costs associated with acquisition and provision of LERRD required for the project. The BCERE also includes

the estimate of costs for facility/utility relocations currently expected to be required for the project.

The BCERE includes contingencies for lands and relocations. A contingency was added to the estimated land costs pursuant to information provided by the Corps appraiser during the gross appraisal process. The estimate and contingency for the sponsor's costs of constructing facility/utility relocations was provided by the Corps' Engineering Division. The costs of preconstruction engineering and design (PED) and construction management for relocations were calculated separately and are thus displayed as a sub-line item in the table below. Note that the cost shown below is the Estimated Cost using 2014 year price levels rather than the First Cost of LERRD (including PED and Construction Management) shown in the IFR's cost apportionment tables. The table below includes references to the different accounting codes the Corps uses to organize cost estimates for Civil Works. Those accounting codes are known as the "Work Breakdown Structure" (WBS).

Locally Preferred Plan	(LERRDs) <sup>9</sup>	Contingency% <sup>10</sup>	Contingency Value
<b>Non-Federal Sponsor Cost</b>			
<b>Land and Damages (01)</b>			
<b>Lands</b>	<b>\$402,649,086</b>	<b>15.1%</b>	<b>\$60,939,573</b>
<b>PL 91-646 Entitlements</b>	<b>\$22,617,000</b>	<b>15.1%</b>	<b>\$3,423,006</b>
<b>Non-Federal Admin</b>	<b>\$16,141,875</b>	<b>15.1%</b>	<b>\$2,443,018</b>
<b>Sub-Total</b>	<b>\$441,407,961</b>	<b>15.1%</b>	<b>\$66,805,597</b>
<b>Facility/Utility Relocations (02)</b>			
<b>Relocations Facility/Utility</b>	<b>\$165,624,000</b>	<b>35.5%</b>	<b>\$58,746,000</b>
<b>PED - Relocations<sup>11</sup></b>	<b>\$10,412,422</b>	<b>36.7%</b>	<b>\$3,821,359</b>
<b>Construction Management - Relocations<sup>12</sup></b>	<b>\$5,419,549</b>	<b>36.6%</b>	<b>\$1,983,555</b>
<b>Sub-Total</b>	<b>\$181,455,971</b>		<b>\$64,550,914</b>
<b>Total Non-Federal Cost</b>	<b>\$ 754,220,443</b>		
<b>Federal Cost</b>			
<b>Federal Admin.<sup>13</sup></b>	<b>\$5,380,625</b>	<b>15.1%</b>	<b>\$814,339</b>
<b>Total Federal Cost</b>	<b>\$ 6,194,964</b>		
<b>Total Real Estate</b>	<b>\$ 760,415,407</b>		

<sup>9</sup> BCERE shows the estimated cost for LERRD and Federal administrative cost using 2014 year price levels. According to ER 405-1-12, Section 12-18, a Baseline Cost estimate for Real Estate (BCERE) is the estimated cost for LERRD. The BCERE includes Fair Market Value of LER required for the project, cost of PL 91-646 entitlements, incidental cost for both the Federal government and the sponsor, and estimated risk based contingencies.

<sup>10</sup> Contingencies are rounded to the tenth of a percent for the table. The actual contingency used to come up with the contingency is 15.1346608% for the Lands and Damages (01) account and 35.4694971% for the Relocations (02) account.

<sup>11</sup> This cost is shown in the 30 account in the cost tables by WBS in the IFR and Cost Appendix.

<sup>12</sup> This cost is shown in the 31 account in the cost tables by WBS in the IFR and Cost Appendix.

<sup>13</sup> Federal administrative costs are part of the overall real estate costs and part of the 01 account but not part of sponsor LERRD requirements.

## **11. PL 91-646 RELOCATION ASSISTANCE BENEFITS**

Currently, the LPP identifies displacement of businesses in Reaches 3, 7, and 8 of the project. In Reach 3, where the project calls for the widening of the Verdugo Wash confluence with the river, 11 businesses have been identified as being displaced due to the project features. These businesses currently consist of a recycle plant, yogurt manufacturer, window and door manufacturing plant, entertainment lighting company, film industry rental equipment business and a large scale printer. In Reach 7, two buildings have been identified for acquisition, and the businesses they house would be displaced in order to create connectivity between the river and Los Angeles State Historic Park. Reach 8 has land that is leased out for a concrete recycling plant and windshield repair shops, which would be displaced in addition to the LATC facility discussed in facility relocations below.

The non-Federal sponsor is aware of and will comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Act of 1970, Public Law 91-646, as amended, in acquiring the lands, easements and rights-of-way and performing relocations. According to Public Law 91-646, each business is entitled to search expense payments not to exceed \$2,000, reestablishment expenses not to exceed \$25,000, moving costs, and lost revenue. Preliminary relocation costs for Reach 3, 7, and 8 total approximately \$26,032,000. These estimates were based on information provided for Reaches 3 and 7 by contract appraisers hired by the non-Federal sponsor and data acquired by the Corps for Reach 8. A preliminary inventory was put together by internet and visual research (driving past the businesses), as well as moving-companies providing average costs for moving office and specialized equipment. Databases were also used in formulating the final PL 91-646 entitlements estimates.



## **12. DESCRIPTION OF PRESENT OR ANTICIPATED MINERAL ACTIVITY**

There are no present or anticipated mineral activities in the proposed project area.

## **13. PROJECT SPONSOR'S LAND ACQUISITION ABILITY**

A thorough assessment of the non-Federal sponsor's legal and professional capability and experience to acquire and provide the LER has been completed through the Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability, which is in the format prescribed in ER 405-1-12, Chapter 12 & Appendix 12-E. Based on the information provided by the non-Federal sponsor, the District's overall assessment is that the non-Federal sponsor is "anticipated to be highly capable." The assessment was coordinated with the non-Federal sponsor and is attached to the real estate plan as Attachment C. The District's assessment is based upon the overall capability to acquire the LER required and perform the necessary relocations. The District supports this assessment, acknowledging that the non-Federal sponsor is limited in its capacity to acquire the fee simple estate for LER required for the project on certain lands.

The non-Federal sponsor has limited condemnation authority that does not extend to all lands. The eminent domain provisions of the California Code of Civil Procedure do not contain specific authority that would allow the non-Federal sponsor to acquire for ecosystem restoration purposes land owned by the State of California, including parcels owned by Caltrans or State Parks, and they create presumptions that the non-Federal sponsor has accurately concluded would preclude it from being able to take a fee estate in these parcels.

Section 1240.610 of the California Code of Civil Procedure permits generally that the power of eminent domain may be exercised to acquire property that is already appropriated to public use "if the use for which the property sought is to be taken is a

more necessary public use than the use to which the property is appropriated.” Other provisions of the Code further limit the exercise of this authority by creating presumptions affecting the burden of proof. Section 1240.640 states that “[w]here property has been appropriated to public use by the state, the use thereof by the state is presumed to be a more necessary use than any other use to which such property might be put by any person.” Section 1240.660 creates a similar presumption in favor of a local public entity which has already appropriated the property sought to public use. Section 1240.680 states that “property is presumed to have been appropriated for the best and most necessary public use” if used as “(1) A state park, regional, county, or city park, open space, or recreation area. . . . (3) A historic site included in the National Register of Historic Places or state-registered landmarks.”

Where property is sought to be taken under section 1240.610, section 1240.630 provides that “the defendant is entitled to continue the public use to which the property is appropriated if the continuance of such use will not unreasonably interfere with or impair, or require a significant alteration of the more necessary public use as it is then planned.” If the taking is contested and the court determines that the defendant is entitled to continue use of the property, the court will direct the parties to “make an agreement determining the terms and conditions” concerning, among other things, “the manner and use of the property by each party.” The non-standard estates that the non-Federal sponsor proposes for acquiring interests in land appropriated to public use by other public entities is the type of agreement that a court would likely direct if the non-Federal sponsor brought a successful condemnation action to acquire these parcels.

As discussed in Section 4, the Corps and non-Federal sponsor have evaluated the potential for acquiring a lesser estate, a site-specific perpetual ecosystem restoration

easement, and found that acquisition of this estate would support the project purposes and protect the federal investment. The continued use of the land by the current public owner which would be permitted by such an easement will not unreasonably interfere with, impair, or require a significant alteration of the project as planned. Initial discussions with State Parks about the proposed restoration and passive recreation features that would occupy State Parks lands at the Rio De Los Angeles State Park and Los Angeles State Historic Park have been successful to the extent that State Parks understands and supports the construction, operation and maintenance of the proposed ecosystem restoration and passive recreation features on their land. The Corps and non-Federal sponsor have been and are closely coordinating with State Parks, to ensure that the proposed ecosystem restoration and passive recreation features of the Federal project are consistent with State Parks' general plans for these areas. We anticipate that an acceptable perpetual ecosystem restoration easement would be proposed for review and approval as a non-standard estate and that the non-Federal sponsor is capable of acquiring sufficient real estate interests from State Parks.

With respect to Caltrans, as noted in Section 4, the lands required for restoration are largely for riparian planting, although some lands in Reach 3 are required for the widening of the Verdugo Wash confluence and construction of a combined riparian and marsh community. Caltrans generally does not support sale of lands it holds in fee, but a review of Caltrans general plans indicate that the proposed planting and improvements would be compatible with Caltrans use of these areas. The non-Federal sponsor has indicated in the "Assessment of Non-Federal Sponsor's Real Estate Acquisition Capabilities" that it is unlikely it would pursue fee acquisition or condemnation of lands owned by Caltrans and would seek a non-standard estate. Based upon past dealings with

Caltrans, we anticipate that an easement could be acquired through a negotiated transaction. As stated in Section 4, a perpetual ecosystem restoration easement would adequately address the needs of the project. The Corps and non-Federal sponsor will coordinate closely with Caltrans during design, as Caltrans requires design plans in order to review grants of rights of way. We anticipate that an acceptable perpetual ecosystem restoration easement would be proposed for review and approval as a non-standard estate and that the non-Federal sponsor is capable of acquiring sufficient real estate interests from Caltrans.

In addition, with respect to active railroad lines and facilities, the provisions of the Interstate Commerce Commission Termination Act (ICCTA) preempt state law allowing the City to condemn property. One railroad facility owned by UPRR and two rail lines owned by the LACMTA would be affected by the LPP, as discussed in Sections 2 and 16. The City would work with UPRR on relocation of the existing LATC site functions to a new location within the Los Angeles Basin, as described in Section 16.5. UPRR has expressed willingness to cooperate with the City in a sale or exchange of the property subject to relocation of the site functions to a comparable facility, as discussed in Section 18. Although we anticipate a negotiated transaction based upon discussions with UPRR, if the City cannot reach agreement with UPRR, the City may apply to the Surface Transportation Board for abandonment and relocation of the facility. Based upon our assessment, the non-Federal sponsor is capable of acquiring sufficient real estate interests through the two options described above.

Two active rail lines owned by the LACMTA would be affected by the project, along the right bank of the channel in Reach 7 and along the left bank of the channel in Reach 8. To allow terracing of the channel bank in Reach 7 and to allow restoration of

more natural water movement and habitat between the river and the LATC site in Reach 8, the existing rail lines would have to be removed for lengths of 500 ft. and 1500 ft., respectively. As identified in Section 16, these lines would be relocated at grade on trestles. The project has taken into account design considerations such as maintaining the grade of the existing lines and will minimize effects on rail service during physical relocation. Coordination between the Corps and non-Federal sponsor and the LACMTA during the study period has identified no issues with the relocation of the lines to trestles at grade, and other LACMTA needs, such as those outlined above, have been incorporated into the planning for the restoration project. Although we anticipate a negotiated transaction based upon discussions with LACMTA, if the City cannot reach agreement with LACMTA, the City may apply to the Surface Transportation Board for abandonment and relocation of the lines if necessary. Based upon our assessment, the non-Federal sponsor is capable of acquiring sufficient real estate interests through the two options described above.

The non-Federal sponsor is aware of and will comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Act of 1970, Public Law 91-646, as amended, in acquiring the lands, easements and rights-of-way and performing relocations. The non-Federal sponsor has been advised of the requirement to document expenditures and maintain records for LERRD valuation and crediting purposes.

#### **14. ENACTMENT OF ZONING ORDINANCE**

After consulting with the project delivery team and the non-Federal sponsor it was determined that at this time there are no foreseen enactments of zoning ordinances to facilitate acquisition of real property.

## 15. LAND ACQUISITION SCHEDULE AND MILESTONES

Currently, the study is anticipated to be implemented in phases by reach; thus the acquisition of rights of way needed for the LPP will be accomplished over an 11-year period. The following is a preliminary acquisition schedule for each reach:

REACH	CALENDAR YEAR	LERRDS ACQUISITION NUMBER OF MONTHS
REACH 6	February 2017- August 2018	18 MONTHS
REACH 5	May 2019 – November 2020	18 MONTHS
REACH 4	May 2020 – October 2021	17 MONTHS
REACH 7	June 2022 – November 2023	17 MONTHS
REACH 3	May 2023 – October 2024	17 MONTHS
REACH 1 & 2	June 2026- November 2027	17 MONTHS
REACH 8	May 2027 – November 2028	18 MONTHS

## 16. DESCRIPTION OF FACILITY/UTILITY RELOCATIONS

A preliminary assessment of the utilities within the LPP has been completed using a desktop survey of utilities within the study area in the design appendix and guidance set forth in Real Estate Policy Guidance Letter No. 31. Based on the preliminary assessment of the utilities, Reaches 6, 7 and 8 have been identified as having potential facility and/or utility relocations. The total potential relocations are more than 30% of the estimated total project cost; therefore, preliminary opinions of compensability have been prepared. The identified utilities or facilities are generally of the type eligible for compensation under the substitute facilities doctrine, and the District has consulted data or evidence that demonstrates that it has identified an owner with a compensable interest in the property.

### *16.1 Electrical Transmission Towers*

There are six electrical transmission tower structures identified in Reach 6 of the LPP that will be impacted by the project as they are situated on parcels identified for restoration. The LPP plans to widen the channel in this section of the river (thus removing the existing channel wall where the transmission tower structures are located) and expand the channel to create marsh/wetland on the property. Based on the Corps' assessment, the transmission towers are of the type eligible for compensation and LADWP has been identified as having a compensable interest in the property. Four out of the six towers identified as requiring relocation are on parcels owned in fee by the LADWP. The other two transmission towers that will need to be relocated in Reach 6 are on land owned by the non-Federal sponsor with an easement to the LADWP.

The second area identified as having utility towers requiring relocation is Reach 7. There are two electrical transmission towers identified for relocation on the west bank of the channel. These structures are also of the type generally eligible for compensation. Based on aerial photography, the two towers sit on land owned by the non-Federal sponsor and the Los Angeles County Metropolitan Transportation Authority (LACMTA). The LADWP is believed to have an easement for the transmission towers in this reach. The LPP would require these towers be moved to allow restructuring of the banks of the river to create a terraced connection between the LA State Historic Park's restored freshwater marsh and the river.

The third area identified with transmission tower relocations is the left bank of the channel in Reach 8. The non-Federal sponsor owns the real estate on which the transmission towers are located, with the LADWP possessing an easement. Similar to

Reach 6, these towers must be moved to allow widening of the channel into the LATC site, restoring the connection to the historic floodplain.

### *16.2 Railroad lines*

A portion of the active rail lines in Reaches 7 and 8 have also been identified as requiring relocation in order to create connectivity between restored habitat and the river. LACMTA owns the property where the active rail lines are located and has use agreements with Metrolink, Union Pacific, and Amtrak. LACMTA holds a compensable interest. To allow construction and operation of project features planned in these reaches, the rail lines will be placed on trestles at grade for a length of approximately 500 ft in Reach 7 and approximately 1,500 ft in Reach 8.

### *16.3 Sewer lines*

Two LADWP sewer lines running parallel to the river on the left bank, along the LATC site in Reach 8, would require relocation in order to create connectivity between marsh land and the river. These lines would otherwise be affected by flows from the river into the historic floodplain once restored. The land is owned by Southern Pacific Railroad, with an easement to LADWP for the two sewer lines. It has been determined that the sewer lines are of the type generally eligible for compensation and LADWP has a compensable interest. One of the sewer lines is in regular use, while the other is a backup/emergency line for recurring use during maintenance and emergency situations.

### *16.5 LATC*

Lastly, the Union Pacific Railroad's LATC has been identified as a facility subject to relocation to implement the LPP. Union Pacific Railroad is the fee owner of the land and operator of the LATC facility. According to the Los Angeles County Assessor, the LATC facility is approximately 141.67 acres, of which 102.67 acres of the



LATC site will be required for the project for conversion to restored habitat. Under the LPP, the majority of the LATC site would be restored to a historic wash with braided channels and fresh water marsh connecting to the Los Angeles River. According to correspondence received from Union Pacific Railroad, the LATC was described as follows:

“UP first established its rail maintenance facility at the LATC in the early 1900s. Today, UP’s modern 120 acre intermodal, i.e., truck to rail and rail to truck container facility receives, sorts and distributes approximately 240,000 cargo containers per year, ninety-five percent of which are domestic (UP Operating Data, October 2013). Activities at the LATC include receiving inbound trains, switching cars, loading and unloading intermodal trains, storing intermodal containers and chassis, building and departing outbound trains, and repairing freight cars and intermodal containers and chassis. The LATC also provides forty-seven percent of California car transport...serves as a relief valve for the Port of Los Angeles traffic...”

According to published UPRR documents, LATC is one of four intermodal facilities operated by UPRR in the Los Angeles Basin. The other facilities are East Los Angeles, City of Industry, and the Intermodal Container Transfer Facility (ICTF) in Long Beach. Relocation of the site functions is anticipated to occur within the Los Angeles Basin at a site within an industrial zone, with proximity to existing rail lines, able to host equivalent functions. The IFR analyzes the relocation impacts in Chapter 5, “Evaluation of Alternative Plans and Environmental Consequences,” by resource area. Prior to site selection, the lead CEQA agency would conduct a detailed CEQA analysis of the relocation of site functions. Should any additional NEPA documentation be required, it would be undertaken by the NEPA lead agency.

Relocation cost for purposes of the feasibility phase was based on relocation of equivalent site functions, including improvements and fixtures, to a parcel of similar size within the parameters identified above. Because only a portion of the LATC site would be required for the project and the remainder of the existing parcel was determined to be an economic unit with access, no severance damages were estimated or included in the cost estimate.

**Any conclusion or categorization contained in this report that an item is a utility or facility relocation to be performed by the non-Federal sponsor as part of its LERRD responsibilities is preliminary only. The government will make a final determination of the relocations necessary for the construction, operation, or maintenance of the project after further analysis and completion and approval of final attorney's opinions of compensability for each of the impacted utilities and facilities.**

## **17. KNOWLEDGE OR SUSPECTED PRESENCE OF CONTAMINANTS**

The study area is located in a highly urbanized corridor that has been home to industrial development, with associated Hazardous, Toxic, and Radioactive Waste (HTRW) contamination and petroleum product contamination. The District has identified HTRW sites in accordance with ER 1165-2-132 (26 Jun 92) and is avoiding them wherever practicable. Where HTRW-contaminated lands cannot be avoided, the appropriate procedures and requirements as described in ER 1165-2-132 will be applied.

A preliminary assessment of HTRW sites has identified three known HTRW sites that cannot be avoided by any proposed project alternative, including the LPP. These sites are the Taylor Yard G1 and G2 parcels, in Reach 6, and the San Fernando Valley

Superfund Site (SFVSS), a groundwater plume that runs underneath the majority of the study area. For sites with soil contamination, the sponsor must undertake or ensure the remediation of the sites to the standards necessary to support the restoration project prior to providing the lands to the project for construction. This cost is 100 percent sponsor cost and not a project cost. The sponsor understands its responsibility to ensure the remediation of the sites prior to providing the lands to the project.

The SFVSS is currently being remediated through pumping and treatment under the oversight of Los Angeles Department of Water and Power. However, the project would be unable to avoid all contact with the plume during construction activities such as dewatering, and the sponsor would be responsible for ensuring the proper treatment, handling and disposal of contaminated groundwater during construction at 100% non project cost.

One additional site within the project footprint, LATC, has undetermined levels of HTRW contamination, but based on the similarity of historical use at this site to Taylor Yard, some HTRW contamination can reasonably be anticipated. Further information on the nature and extent of contamination, remediation status, and impacts to the restoration project alternatives is contained in Appendix K, HTRW Survey Report. Like the Taylor Yard sites, any contamination at the LATC would be required to be remediated to the level required for the project prior to the lands being provided to the project. The sponsor understands its responsibility to ensure the remediation of the site at 100% non-project cost prior to providing the land to the project.

The survey of HTRW sites identified 19 smaller sites within 500 feet of the LPP footprint that would be avoided by the LPP. However, remaining contamination on these sites may have some indirect impacts to the LPP if groundwater contamination from

these sites enters the LPP area. If localized groundwater contamination is identified, such contamination would require an approach similar to addressing ancillary SFVSS contamination during dewatering activities, but the HTRW impacts of these sites on the project are likely to be more limited because none of these sites are included in the LERRD required for the project. These sites are in various stages of remediation, and there are groundwater monitoring wells in several locations to provide information on the location and levels of contamination. A fuller discussion of these issues is contained in Appendix K and the IFR.

## **18. SUPPORT/OPPOSITION FOR PROJECT**

The project is supported by Federal, State, and local governmental entities and several non-profit organizations, as well as the public, and it has strong Congressional support. Several local non-profit organizations have an active involvement in the river from organizing cleanups to building pocket parks. Both residents and non-residents are in favor of a restored Los Angeles River. One such group that advocates for a restored River is Friends of the Los Angeles River (FOLAR). FOLAR has been instrumental in bringing people out to the river for cleanups, walking tours and studying adjacent parcels that can connect to the river. FOLAR has won six planning awards for the work it did in studying restoration potential at LATC, a key location for this restoration study. Another group involved in working for a natural restored river is North East Trees. North East Trees has been instrumental in building pocket parks affording passive recreation, removal of non-native vegetation and planting native vegetation. Currently, North East Trees and FOLAR are working together on the Forest Lawn-Sennett Creek Los Angeles River Greenway. According to the project description this project aims to create a public park and green space on an 8.3-acre parcel just above where the Los Angeles River

Ecosystem Restoration Study begins. Along with creating recreational opportunities on this site both FOLAR and North East Trees plan to plant native vegetation, create a riparian area that will capture and treat urban runoff and create an inviting healthy environment for birds and other wildlife. A further discussion of public and institutional support for the project is contained in the main IFR.

By letter dated November 18, 2013, received during the public comment period on the Draft IFR, Union Pacific Railroad (UPRR) indicated that it currently has no intention of moving the LATC. The November letter expressed UPRR's opposition to the action alternatives "... to the extent they impact the LATC." In a subsequent letter dated March 28, 2014, UPRR stated that it has a long history of working cooperatively with the City of Los Angeles on a variety of matters and that a future sale or exchange agreement for the LATC could be reached if the City were to acquire, in cooperation with UPRR, a suitable replacement facility with all necessary permits and approvals necessary for UPRR's use as a rail yard fully comparable to the current facility at LATC. This represents a modification of UPRR's previous position as expressed in its letter of November 18, 2013.

## **19. LAND ACQUISITION PRIOR TO PPA**

The non-Federal sponsor has been advised in writing of the risks associated with acquiring land prior to the execution of the project partnership agreement. A copy of the letter has been attached to this appendix as Attachment D.

## **20. OTHER RELEVANT REAL ESTATE ISSUES**

One relevant real estate issue for the study is that of high land costs. In addressing the issue of high land costs and high LERRD percentage of total project costs, the study team has undertaken several efforts, including (1) a sequenced search of public lands

within the study area to ensure all lands are adequately considered and the reasons for not including them well-documented, and (2) submittal of a request by the non-Federal sponsor to the Assistant Secretary of the Army (Civil Works) (ASA (CW)) to allow it to forgo reimbursement for LERRD value above its required share of ecosystem restoration costs. The ASA(CW) granted the requested policy exception on August 8, 2013, and directed that the IFR document the offer and grant of waiver of reimbursement.

Although land acquisition was minimized as part of the planning process, the high land values unavoidable in urban Los Angeles resulted in each alternative having LERRD costs that substantially exceeded 35 percent of the total ecosystem restoration plan costs, with higher LERRD percentages for the smaller alternatives. Lands outside the existing LACDA flood risk management channel boundary, including high-cost private lands at critical opportunity areas (Taylor Yard, Verdugo Wash, and LATC), are essential to meeting the planning objectives. Because of these issues, the District was unable to identify best buy plans or highly cost effective plans that would have LERRD percentages under 35 percent of total ecosystem restoration costs. As part of its commitment to the study and the proposed project, the non-Federal sponsor offered to waive reimbursement of LERRD. The policy exception for waiver of reimbursement for LERRD has been approved, and the sponsor's request letter and the ASA (CW)'s approval of the policy exception are included as part of Appendix P, "Letters and Guidance Memoranda."

Subsequent to the circulation of the Draft IFR, the City of Los Angeles requested that Alternative 20 be the plan recommended to Congress for authorization and proposed cost sharing different from that generally applicable to ecosystem restoration projects under WRDA 1986. The ASA (CW) granted consideration of Alternative 20 as a Locally

Preferred Plan and granted the Corps permission to consider recommending alternative cost sharing to Congress, subject to certain restrictions, including a limitation that no reimbursement or credit shall be given for LERRD costs exceeding 35 percent of total ecosystem restoration costs. The IFR therefore outlines two cost sharing options: one consistent with statutory cost sharing applicable to Locally Preferred Plans, and one consisting of a non-standard cost sharing option in response to a request by the non-Federal sponsor. As stated above, the highly effective plans, including the NER Plan and LPP, all had LERRD percentages exceeding 35 percent of the total ecosystem restoration cost including the NER and LPP; therefore the Federal share of total ecosystem restoration cost of the LPP is not affected by the difference in LERRD cost between the NER and LPP.



**US Army Corps  
of Engineers**

Los Angeles District

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## **Attachment A: Estates**



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## Attachment A

### STANDARD ESTATES

#### TEMPORARY WORK AREA EASEMENT

A temporary easement and right-of-way in, on, over and across (the land described in Schedule A) (Tracts Nos. \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_), for a period not to exceed \_\_\_\_\_, beginning with date possession of the land is granted to the City of Los Angeles or the United States, for use by the United States, its representatives, agents, and contractors as a (borrow area) (work area), including the right to (borrow and/or deposit fill, spoil and waste material thereon) (move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the \_\_\_\_\_ Project, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

#### ROCK ANCHOR EASEMENT

A perpetual and assignable right and easement to construct, operate and maintain underground anchors or tie-backs under and through Tract Nos. \_\_\_\_, \_\_\_\_, and \_\_\_\_, where needed, as part of the \_\_\_\_\_ Project, with such anchors or tie-backs installed from (name of stream or river) located at a minimum, \_\_\_\_ feet below ground level; limited, however, to such rights and easement hereby acquired as may be used without disturbing the surface of the land and without interfering with or abridging the surface owner's right to use the surface of the land except to the extent the surface owner's use does not include removal, excavating or constructing around the anchor or tie-back; subject however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

### NON-STANDARD ESTATES

#### PERPETUAL ECOSYSTEM RESTORATION EASEMENT (PERE)

A perpetual and assignable right, easement, and right-of-way in, on, over and across the land described in Appendix A attached hereto (Tract No(s). \_\_\_\_; hereinafter the "Easement Area"), to construct, operate, maintain, repair, rehabilitate, and replace aquatic ecosystem restoration features, and appurtenances thereto, including: [features], which structures are illustrated generally on Exhibits(s) \_\_ attached hereto, to [do what], all for the purposes of providing for aquatic ecosystem restoration and protection in connection with the Los Angeles River Ecosystem Restoration Project, Los Angeles County, California, implemented under the authority of [insert authority once authorized] and otherwise conserving, restoring, and managing the use of natural resources; TOGETHER WITH the right to plant vegetation in the Easement Area and to trim, cut, fell, and remove therefrom all trees, underbrush, and other vegetation; to remove and dispose of any and all obstructions, structures, debris, or obstacles within the Easement Area; to excavate and place soil, stone, rock, and other materials within the Easement

## Attachment A

Area that may be required in connection with said features; to post signs and Easement Area boundary markers; and TOGETHER WITH the right to construct, install, maintain, repair, rehabilitate, and replace: [other features] all in the approximate locations as depicted on Exhibit \_\_ attached hereto; and TOGETHER WITH the right of ingress and egress over and across the Easement Area for the purpose of exercising the rights set forth herein; subject, however, to existing easements for [are there any existing easements].

The Grantor(s), (his) (her) (its) (their) (heirs), successors and assigns, reserves unto (itself) (themselves) all such other rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired. However, any activity on or use of the Easement Area inconsistent with the purposes of this easement is prohibited. Without limiting the generality of the foregoing, the following uses by Grantor(s), (his) (her) (its) (their) (heirs), successors and assigns, agents or third parties are expressly prohibited in or on the Easement Area:

- (a) constructing, locating, placing, or installing any building or structure of any kind, whether permanent or temporary, or any signage of any type including billboards;
- (b) removal, destruction, cutting, or altering of trees, shrubs, or other vegetation by mechanical, chemical, manual or other means;
- (c) filling, excavation, or other alteration to the surface or subsurface including, without limitation, the excavation or removal of soil, sand, gravel, rock, peat, or sod;
- (d) dumping or other disposal or storage of rubbish, garbage, debris, hazardous or other waste material; and
- (e) agricultural use or activities including grazing or watering of livestock; except that watering of livestock may occur at constructed livestock stream crossings and off-stream oxbow areas that are depicted on Exhibit\_\_ attached hereto.



**US Army Corps  
of Engineers**

Los Angeles District

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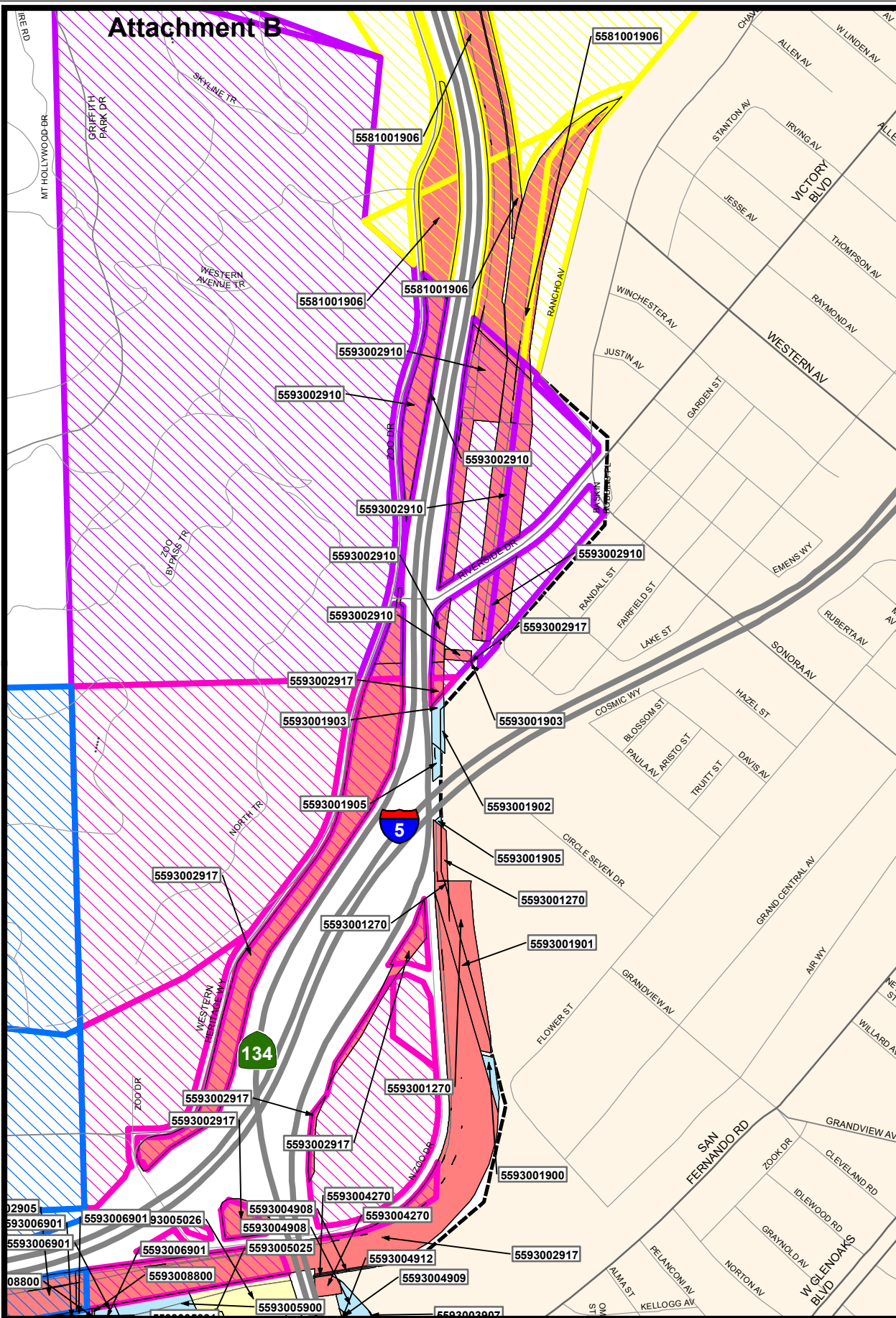
## **Attachment B: Parcel Ownership Mapping**

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# Attachment B

# LA River Project



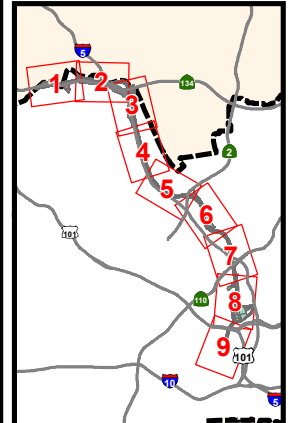
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- LA City
- LA Co Flood Control District
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- Railroad
- State of California

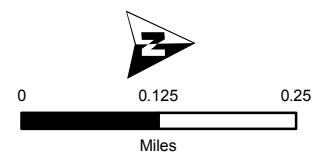
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- DWP Yard
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**LA City Boundary**

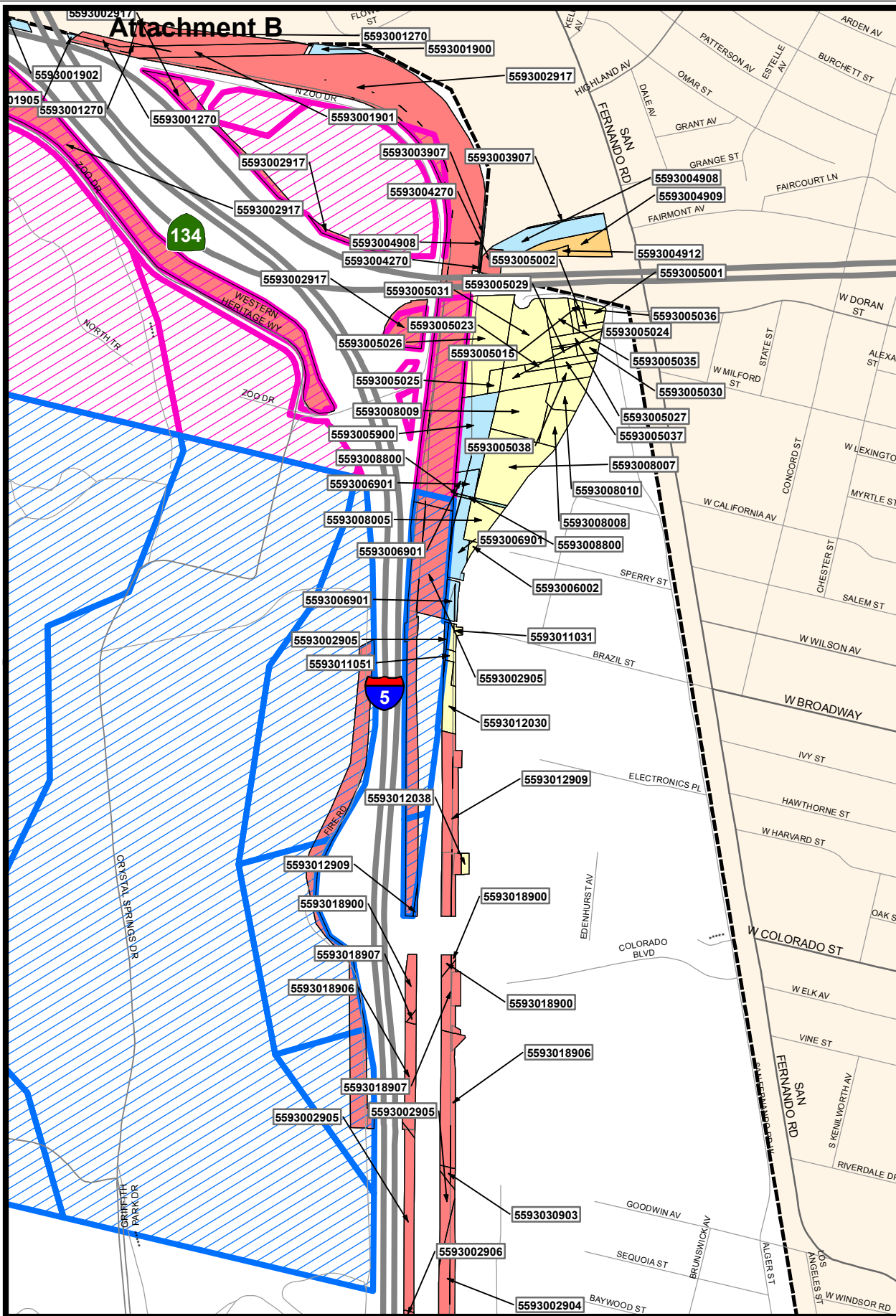


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# LA River Project

Page 3



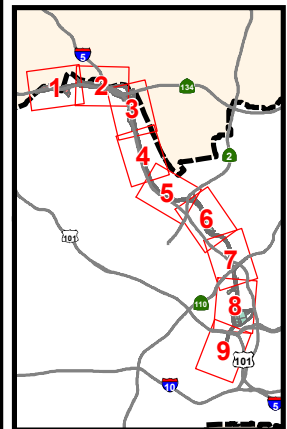
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**LA City Boundary**



**LA DPW ENGINEERING**  
TRANSFORMING LOS ANGELES

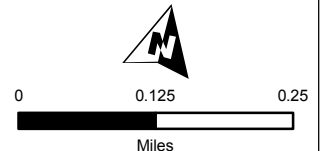


Antonio R. Villarraigosa  
Mayor

Gary Lee Moore, P.E.  
City Engineer

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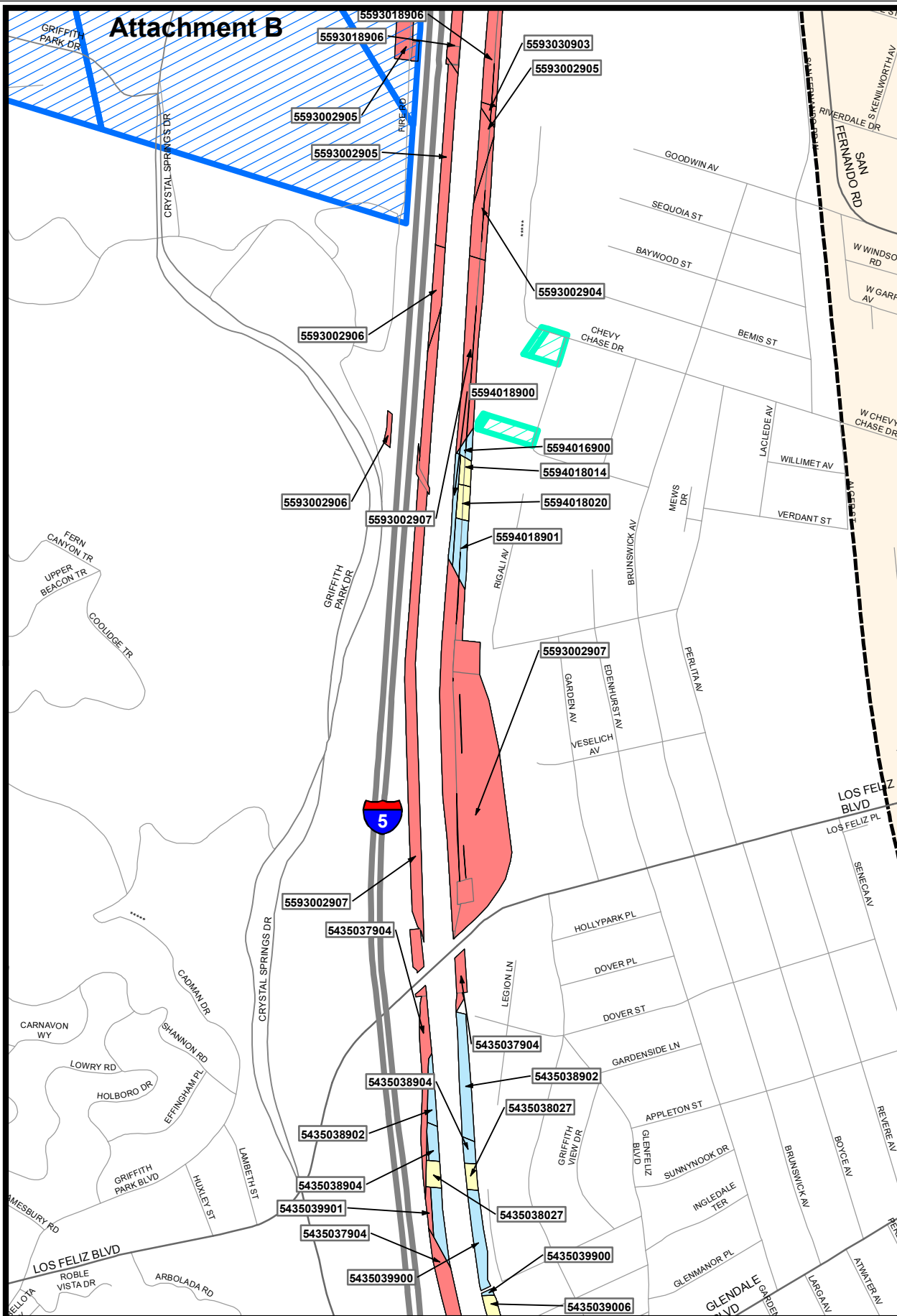
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# LA River Project

Page 4



**Parcel Ownership**

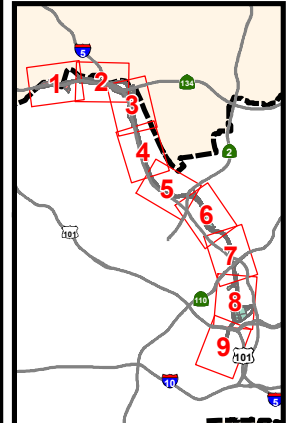
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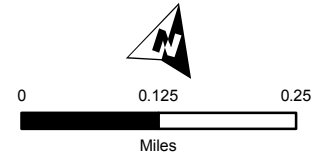
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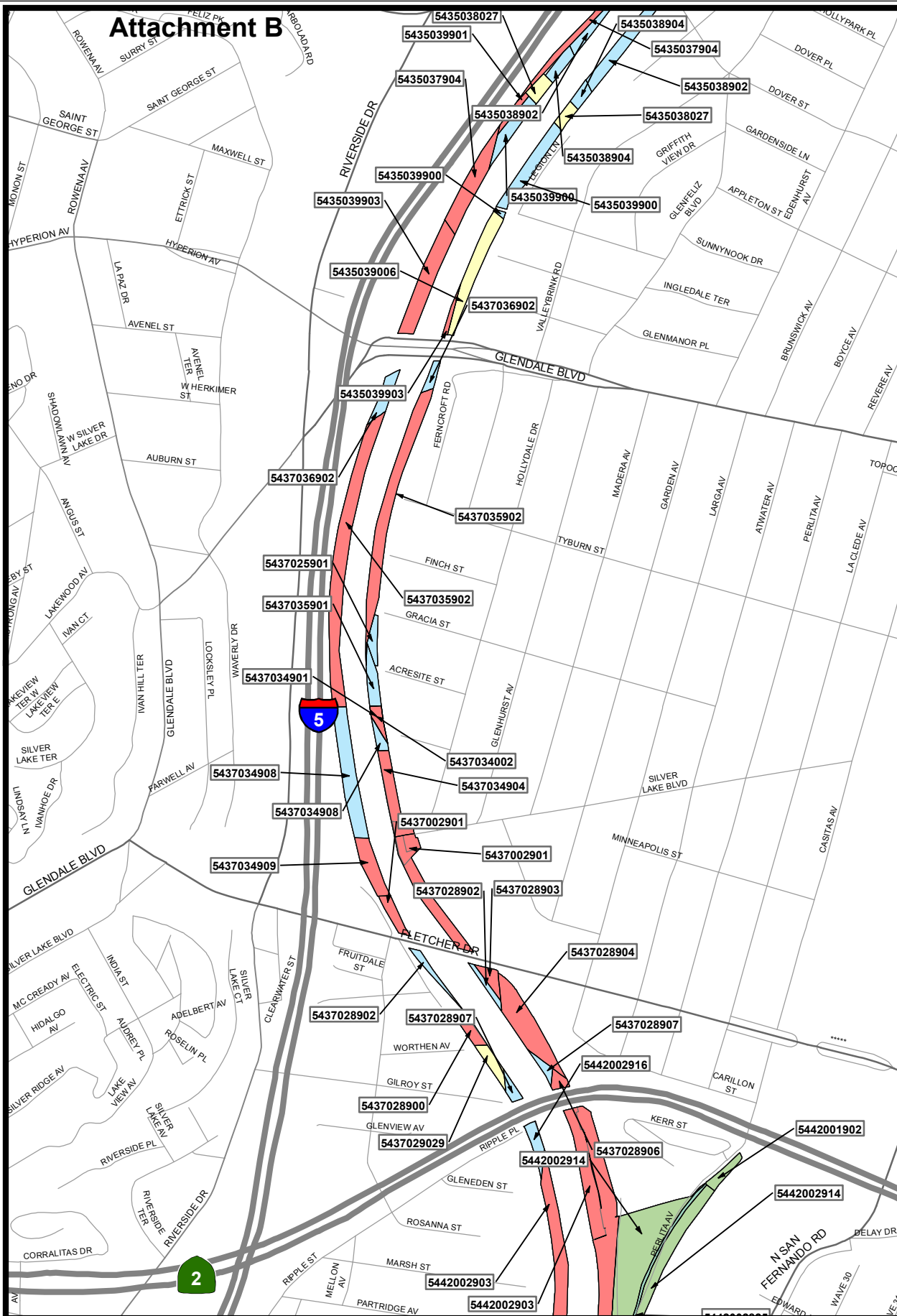
**LA City Boundary**

- LA City Boundary



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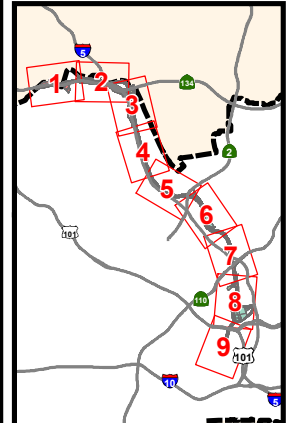
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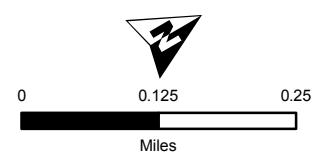


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Mayor

Gary Lee Moore, P.E.  
City Engineer

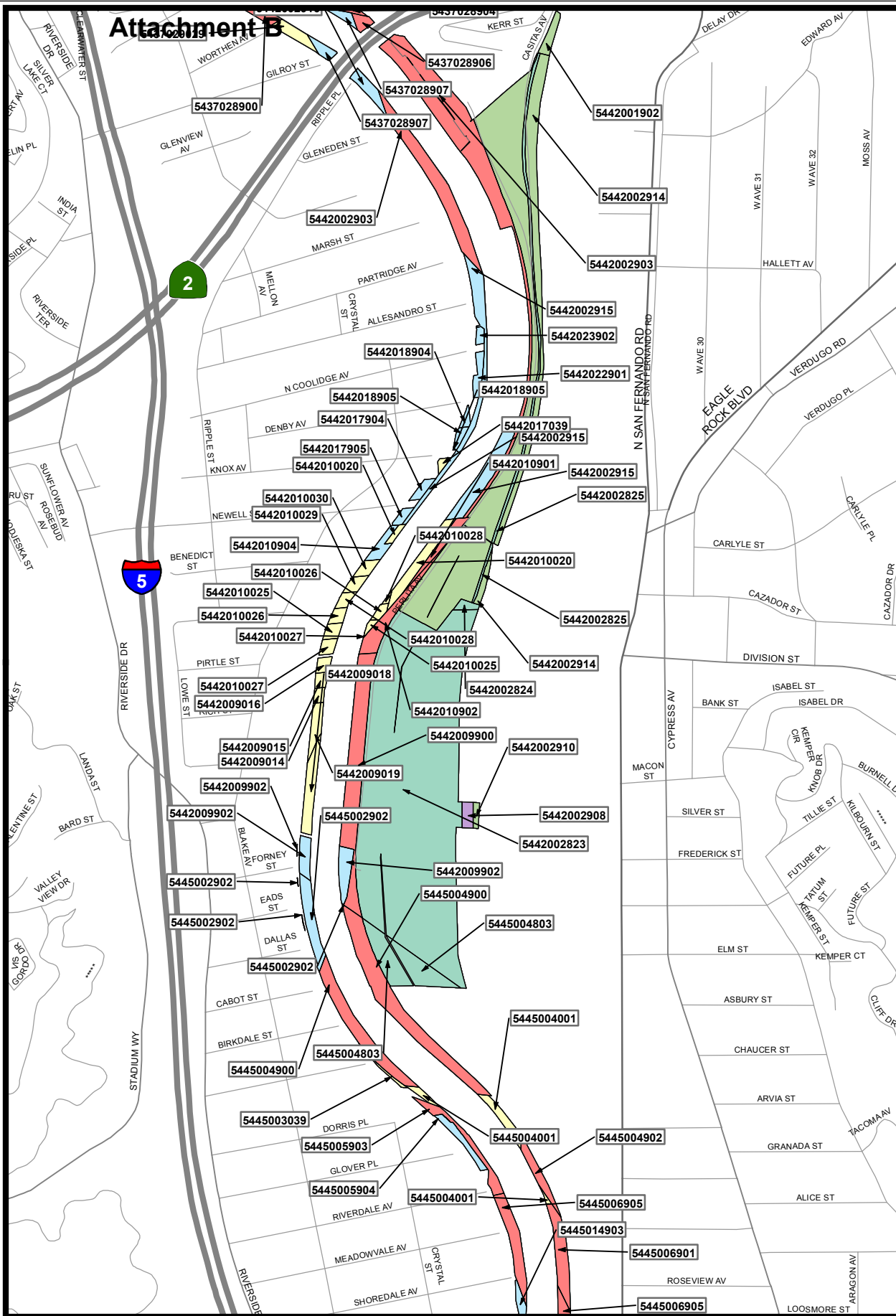
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# Attachment B

# LA River Project



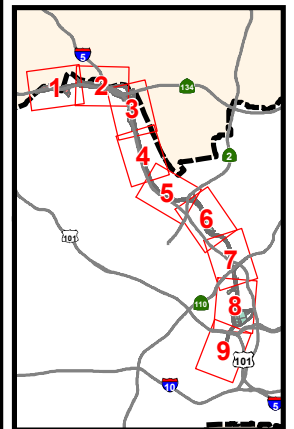
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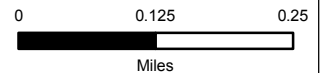


Antonio R. Villaraigosa  
Mayor

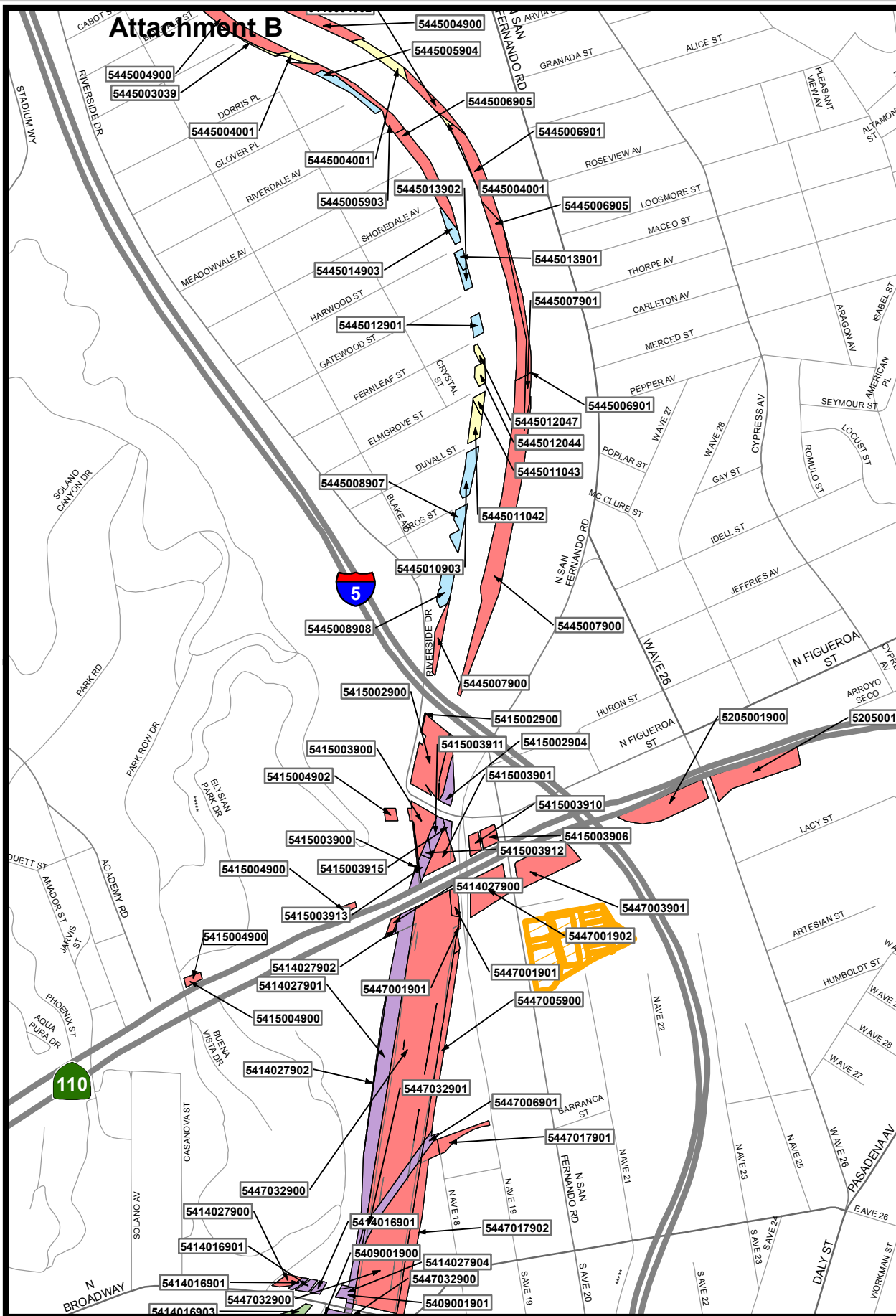
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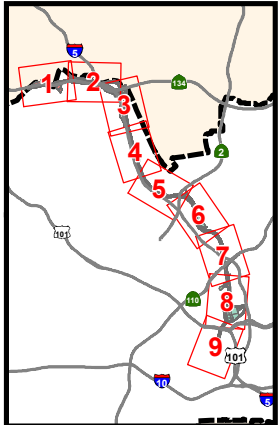
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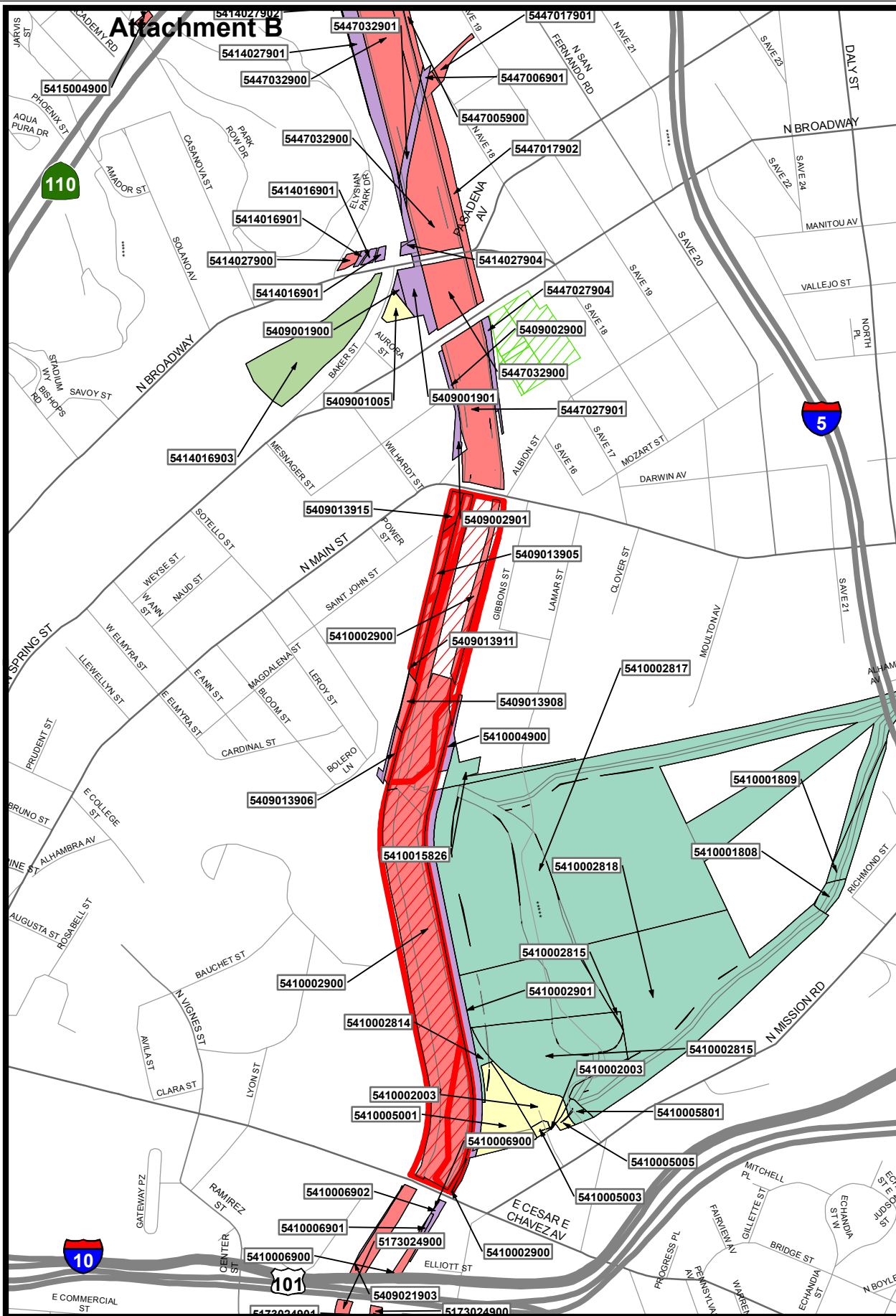
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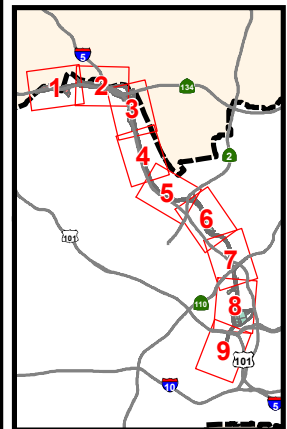
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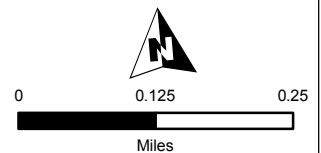


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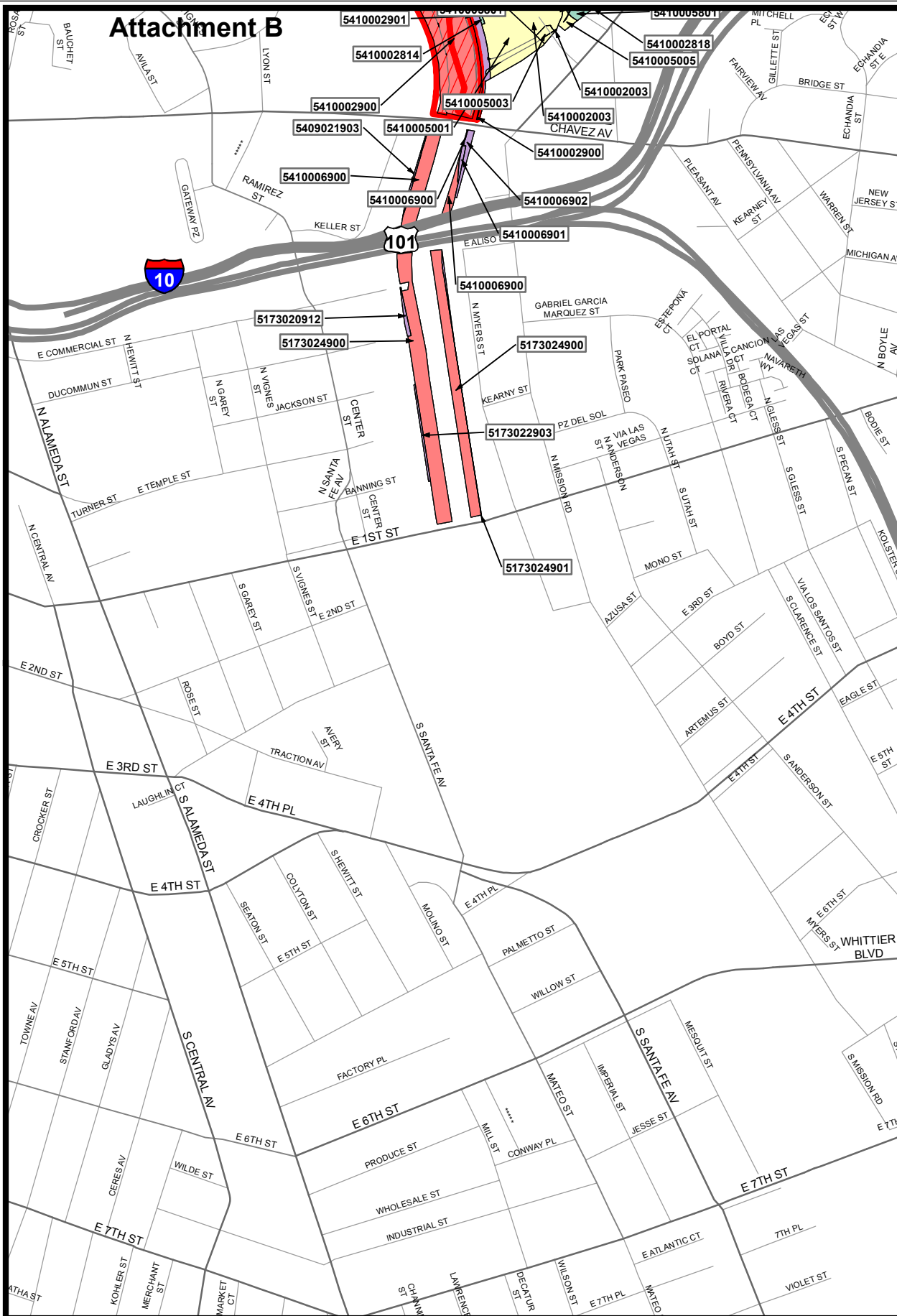
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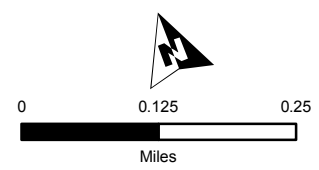
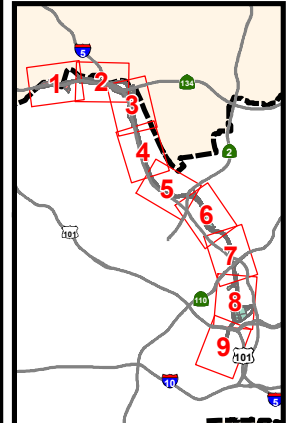
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**US Army Corps  
of Engineers**

Los Angeles District

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## **Attachment C: Assessment of Non-Federal Sponsor's Real Estate Acquisition Capabilities**



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# Attachment C

## ASSESSMENT OF NON-FEDERAL SPONSOR'S REAL ESTATE ACQUISITION CAPABILITIES

January 27, 2015

### I. Legal Authority:

a. Does the Sponsor have legal authority to acquire and hold title to real property for project purposes?

Yes

b. Does the Sponsor have the power of eminent domain for this project?

Yes

c. Does the Sponsor have "quick-take" authority for this project?

Yes

State of California law gives a public entity authority to seek immediate possession of a condemned property by depositing probable compensation with the court; under the California Code of Civil Procedure 1255.410 and 1255.450.

For example: (*Mt. San Jacinto Community College Dist. v. Superior Court* (2007)40 Cal.4th 648, 653 [54 Cal.Rptr.3d 752, 151 P.3d 1166])

d. Are any of the lands/interests in land required for the project located outside the Sponsor's political boundary?

Yes

A relatively small portion of the project area is within the City of Glendale. The land in the City of Glendale's political boundary includes two parcels for only approximately 2 acres of restoration at the Verdugo Wash confluence with the Los Angeles River.

The City of Glendale has been supportive of Los Angeles River Revitalization and has improved its riverfront with the Glendale Riverwalk project, providing public access and recreational space to its citizens. On October 29, 2013, the Glendale City Council passed a resolution in support of the project and identifying Alternative 20 as its preferred alternative. Alternative 20 includes the land that falls within the City of Glendale's political boundary.

## Attachment C

- e. Are any of the lands/interests in land required for the project owned by an entity whose property the Sponsor cannot condemn?

**Yes**

The project area includes land owned by or under the jurisdiction of the State of California, including California State Parks (State Parks) and the California Department of Transportation (Caltrans). State Parks has been a strong supporter of Los Angeles River Revitalization and is specifically supportive of their land in the project area being used for this project. It is extremely unlikely that any sort of condemnation action would be necessary for inclusion of State Parks land in the project area.

The project area includes land alongside and beneath Caltrans freeways. It is unlikely that the City would pursue fee acquisition or condemnation of that land. Rather, a lesser estate, such as a restoration easement or encroachment permit is the likeliest scenario for the City to provide that land to the project.

### II. Human Resource Requirements:

- a. Will the Sponsor's in-house staff require training to become familiar with the real estate requirements of federal projects including P.L. 91-646, as amended?

**No**

- b. If the answer to II.a. is "yes", has a reasonable plan been developed to provide such training?

**N/A**

- c. Does the Sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

**Yes**

- d. Is the Sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule?

**Yes**

- e. Can the sponsor obtain contractor support, if required in a timely fashion?

**Yes**

## Attachment C

f. Will the sponsor likely request U. S. Army Corps of Engineers assistance in acquiring real estate?

No

### III. Other Project Variables:

a. Will the sponsor's staff be located within reasonable proximity to the project site?

Yes

b. Has the sponsor approved the project/real estate schedule/milestones?

Yes

The City has been an integrated member of the project team and has participated fully in discussions regarding the project schedule and the real estate milestones for the Study. The Study milestones as included in the Project Management Plan have been approved by the City. Formal approval of the implementation schedule and real estate actions will follow the Feasibility Phase.

### IV. Overall Assessment:

a. Has the sponsor performed satisfactorily on other U. S. Army Corps of Engineers projects?

Yes

The City regularly works with the Army Corps on projects that involve Army Corps property and or property over which the Army Corps has jurisdiction. These projects are planned and with Army Corp participation in the review and approval of plans project scope.

Among these projects are bridge rehabilitations that have taken place over the Los Angeles River, and projects that involve the Tillman plant such as; the Berm Improvements Project, the Multi-Purpose and Office Building Exhibits, the In Plant Storage; and the Advanced Water Purification Facility.

b. With regard to this project, the sponsor is anticipated to be:

**Highly Capable**

### V. Coordination:

a. Has this assessment been coordinated with the sponsor?

Yes

## Attachment C

ASSESSMENT OF NON-FEDERAL SPONSOR'S  
REAL ESTATE ACQUISITION CAPABILITIES  
Page 4

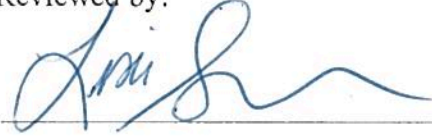
b. Does the sponsor concur with this assessment?

Yes

Prepared by:

  
Uriel Jiménez  
Chief Real Estate Officer  
City of Los Angeles

Reviewed by:

  
Lisa Sandoval  
Real Estate Specialist  
US Army Corps of Engineers

Reviewed and Approved by:

  
Theresa M. Kaplan  
Chief, Real Estate Division  
US Army Corps of Engineers



**US Army Corps  
of Engineers**

Los Angeles District

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## **Attachment D: Risk of Early Acquisition Letter to Sponsor**

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## Attachment D

DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
915 WILSHIRE BOULEVARD, SUITE 930  
LOS ANGELES, CALIFORNIA 90017

March 25, 2015

Office of the Chief  
Asset Management Division

SUBJECT: Los Angeles River Ecosystem Restoration Study- Real Estate Acquisition

Mr. Gary Lee Moore, P.E. City Engineer  
City of Los Angeles  
Department of Public Works Bureau of Engineering  
1149 South Broadway Suite 700  
Los Angeles, California 90015-2213

Dear Mr. Moore:

The intent of this letter is to formally advise the City of Los Angeles as the non-Federal sponsor for the proposed project, of the risk associated with land acquisition prior to the execution of the Project Partnership Agreement (PPA) or prior to the Government's formal notice to proceed with acquisition. If a non-federal sponsor deems it necessary to commence acquisition prior to an executed PPA for whatever reason, the non-federal sponsor assumes full and sole responsibility for any and all costs, responsibility, or liability arising out of the acquisition effort.

Generally, these risks include but may not be limited to, the following:

- a. Congress may not appropriate funds to construct the proposed project;
- b. The proposed project may otherwise not be funded or approved for construction;
- c. A PPA mutually agreeable to the non-Federal sponsor and the Government may not be executed and implemented;
- d. The Non-Federal sponsor may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of CERCLA, as amended;
- e. The non-Federal sponsor may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project



## Attachment D

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f. The non-Federal sponsor may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under P.L. 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until after PPA execution and the Government's notice to commence acquisition and performance of LERRD; and

g. The non-Federal sponsor may incur costs or expenses in connection with its decision to acquire or perform LERRD in advance of the executed PPA and the Government's notice to proceed which may not be creditable under the provisions of Public Law 99-662 or the PPA otherwise not required for the project.

We appreciate the City's participation in this project. Should you have questions or concerns pertaining to this letter please feel free to contact Ms. Lisa M. Sandoval at (213) 452-3147 or by email at [lisa.m.sandoval@usace.army.mil](mailto:lisa.m.sandoval@usace.army.mil).

Sincerely,

  
Theresa M. Kaplan  
Chief, Asset Management Division  
Real Estate Contracting Officer