
4.12 Wetlands

4.12.1 Introduction

The wetlands analysis addresses the potential effects to lakes, rivers, streams, wetlands, and other special aquatic habitats protected by the federal government and the State of California, as more fully described in Section 4.12, *Wetlands* (subsection 4.12.1), of the Draft EIS/EIR. Supporting information is provided in Appendix J2, *Jurisdictional Delineation*, of the Draft EIS/EIR and Technical Report 7, *Biological Resources - Memoranda for the Record on Floral and Faunal Surveys*, of the Draft EIS/EIR. Information pertaining to biotic communities is provided in Section 4.10, *Biotic Communities*. Information pertaining to protected species that may exist in association with wetland areas is provided in Section 4.11, *Endangered and Threatened Species of Flora and Fauna*.

4.12.2 General Approach and Methodology

The analysis of wetlands presented below is based on the general approach and methodology described in Section 4.12, *Wetlands* (subsection 4.12.2), of the Draft EIS/EIR. In addition, the analysis completed for this Supplement to the Draft EIS/EIR includes consideration of changes to baseline conditions (see Section 4.12.3 below), using the same methodology applied to the 1996 baseline analysis.

4.12.3 Affected Environment/Environmental Baseline

The affected environment/environmental baseline related to wetlands used in this Supplement to the Draft EIS/EIR is the same as described in Section 4.12, *Wetlands* (subsection 4.12.3), of the Draft EIS/EIR, with the exceptions identified below. Evaluation of Year 2000 conditions indicated that no material physical changes to the affected environment/environmental baseline have occurred that alter the conclusions of the Draft EIS/EIR. However, new information pertaining to the understanding and analysis of the affected environment/environmental baseline include the following:

- ◆ On January 9, 2001, the U.S. Supreme Court, in its ruling in *Solid Waste Agency of Northern Cook County v. United States Army Corp of Engineers* ("SWANCC"), determined that the Clean Water Act did not extend to isolated wetlands that are not adjacent to navigable waters.²³⁰ The City believes that, as a result of the SWANCC decision, the ephemerally wetted areas within the airfield operations area may no longer be subject to the jurisdiction of the U.S. Army Corps of Engineers (USACOE) under Section 404 of the Clean Water Act. However, the FAA and the City of Los Angeles have identified a mitigation program for the federally endangered Riverside fairy shrimp (*Streptocephalus woottonii*) that would adequately mitigate these ephemerally wetted areas if they were determined to be subject to the jurisdiction of the USACOE.
- ◆ On October 17, 2001, the USACOE issued a letter of jurisdictional determination (provided in Appendix S-A, *Agency Consultation Letters*, of this Supplement to the Draft EIS/EIR) in concurrence with the findings of the *Jurisdictional Delineation* (Appendix J2 of the Draft EIS/EIR) that the proposed project does discharge dredged or fill material into 1.3 acres of vernal pool wetlands, requiring a permit under Section 404 of the federal Clean Water Act.²³¹

4.12.4 Thresholds of Significance

4.12.4.1 CEQA Thresholds of Significance

A significant wetlands impact would occur if the direct and indirect changes in the environment that may be caused by the particular build alternative would potentially result in one or more of the following future conditions listed below. These thresholds have been revised since publication of the Draft EIS/EIR, as noted below.

- ◆ Alteration of the flow, bed, channel, or bank of rivers, streams, or lakes as defined in Section 1600 of the State Fish and Game Code.

²³⁰ *Solid Waste Agency of Northern Cook Cty. v. Army Corps Of Engineers*, (99-1178) 531 U.S. 159 (2001) 191 F.3d 845, reversed.
²³¹ Castanon, David, Chief, North Coast Section Regulatory Branch USACOE, *Personal Communication*, October 17, 2001.

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- ◆ A substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruptions, or other means.
- ◆ Impact in excess of 0.1 acre of wetland habitat (including marsh, riparian, or vernal pools) or lakes, rivers, streams, or other special aquatic habitats, as defined in Section 404 of the Clean Water Act. (Modified since publication of the Draft EIS/EIR to clarify aquatic habitats regulated under Section 404 of the Clean Water Act.)
- ◆ Alteration of an existing wetland habitat.

The above thresholds are utilized in criteria established in Section 404 of the Clean Water Act, the NWI, Section 1600 of the State Fish and Game Code, the *Draft L.A. CEQA Thresholds Guide* and the 1998 Revisions to Appendix G of the *State CEQA Guidelines*. These thresholds address the concerns relative to wetlands associated with the Master Plan build alternatives, namely destruction, loss, alteration, or degradation of wetlands. An evaluation of whether or not an impact on wetlands would be significant must consider both the wetland resource and how it fits into a regional context. The criteria for determining the significance of impacts are based on the importance of the wetland area, the proximity of the area to the project site, the proportion of the area that would be affected, the sensitivity of the area to the type of impact being considered, and the extent and degree of the proposed impact.

4.12.4.2 Federal Standards

Federal standards related to wetlands are incorporated within the CEQA thresholds of significance defined above. Such federal standards include Section 404 of the Clean Water Act, which regulates discharge of dredge or fill material into lakes, rivers, streams, wetlands, and other special aquatic habitats. (Modified since publication of the Draft EIS/EIR to clarify aquatic habitats regulated under Section 404 of the Clean Water Act.)

4.12.5 Master Plan Commitments

No Master Plan commitments for wetlands are proposed.

4.12.6 Environmental Consequences

4.12.6.1 No Action/No Project Alternative

The environmental impacts to wetlands under the No Action/No Project Alternative have not materially changed from those described in Section 4.12, *Wetlands* (subsection 4.12.6.1), of the Draft EIS/EIR. However, the following discussion, modified since publication of the Draft EIS/EIR, provides clarification of impacts to wetlands associated with the No Action/No Project Alternative.

Under the No Action/No Project Alternative, the existing 1.3 acres that meet the USACOE criteria for wetland hydrology within the Master Plan boundaries would be retained. However, minimization of impacts or avoidance of jurisdictional wetlands are not practical because the 1.3 acres of jurisdictional wetlands are located within the western Airport Operations Area (AOA), and are therefore subject to routine operations and maintenance activity in compliance with Title 14, CFR Part 139. Title 14, CFR Part 139 mandates that the AOA be maintained in such a condition so as to minimize or eliminate hazards to public safety resulting from wildlife utilization of the AOA. Such routine maintenance activities may include mowing or discing of vegetation to reduce its attractiveness to wildlife and elimination of standing water. Long-term operations and maintenance of the western AOA, which includes the 1.3 acres of jurisdictional areas, would result in the loss of habitat values and functions normally associated with wetlands.

4.12.6.2 Alternatives A, B, and C

The environmental impacts to wetlands under Alternatives A, B, and C have not changed from those described in Section 4.12, *Wetlands* (subsection 4.12.6), of the Draft EIS/EIR.

4.12.6.3 Alternative D - Enhanced Safety and Security Plan

Under Alternative D, the 1.3 acres that meet the USACOE criteria for wetland hydrology (see Figure 4.12-9, Areas Subject to USACOE Jurisdiction, in Section 4.12, *Wetlands*, of the Draft EIS/EIR) would be

converted as a result of construction staging, airfield operations and maintenance activities, and/or airfield improvements. This conversion would result in significant impacts to wetlands, either directly (e.g., wetlands are filled) or indirectly (e.g., wetland hydrology is altered), that exceed thresholds established by the USACOE pursuant to Section 404 of the Clean Water Act.

Under Alternative D, EW001 and EW002 would be affected by construction staging activities, within designated Staging Area #2, in support of development of the proposed airside service road. Should construction avoidance measures be implemented for proposed Staging Area #2 such that EW001 and EW002 would be avoided, these areas would nevertheless continue to be subject to long-term operations and maintenance activities in support of airport operations pursuant to Title 14, CFR Part 139. Therefore, long-term operations and maintenance activities would result in the loss of habitat values and functions associated with EW001 and EW002.

EW014, EW015, and EW016 would be affected by construction staging activities, within and adjacent to designated Staging Areas #4 (for EW014) and #5 (EW015 and EW016), in support of the development of the Taxiway/Aircraft Apron and the employee parking garage. Should construction avoidance measures be implemented for proposed Staging Areas #4 and #5 such that impacts to EW014, EW015 and EW016 would be avoided, these areas would nevertheless continue to be subject to long-term operations and maintenance activities in support of airport operations pursuant to Title 14, CFR Part 139. Therefore, long-term operations and maintenance activities would result in the loss of habitat values and functions associated with EW0014, EW015, and EW016.

The ephemerally wetted complex composed of EW009, EW012 and EW013 would be potentially affected by the development of the proposed employee parking garage that would be located adjacent to and within a distance of approximately 60 feet of EW013. Implementation of the proposed parking garage would alter the hydrology upland to sites EW014, EW015, and EW016. Moreover, should construction avoidance measures be implemented in support of the implementation of the employee parking garage, EW009, EW012 and EW013 nevertheless would be subject to long-term operations and maintenance activities in support of airport operations pursuant to Title 14, CFR Part 139. These activities would result in the loss of habitat values and functions associated with EW009, EW012, and EW013.

EW006 would be potentially affected by the development of the proposed employee parking garage that would be located adjacent to and within a distance of approximately 50 feet of EW006. Should construction avoidance measures be implemented in support of the implementation of the employee parking garage, EW006 would nevertheless be subject to long-term operations and maintenance activities in support of airport operations pursuant to Title 14, CFR Part 139. Therefore, long-term operations and maintenance activities would result in the loss of habitat values and functions associated with EW006.

Long-term operations and maintenance of the western AOA under Alternative D, which would include the 1.3 acres of jurisdictional areas, would result in the loss of habitat values and functions of EW001, EW002, EW006, EW009, EW012, EW013, EW014, EW015 and EW016. This impact would also occur under the No Action/No Project Alternative as a result of long-term operations and maintenance activities.

4.12.7 Cumulative Impacts

The cumulative impacts to wetlands under the No Action/No Project Alternative and Alternatives A, B, or C, in combination with other past, present, and probable future projects, have not changed from those described in Section 4.12, *Wetlands* (subsection 4.12.7), of the Draft EIS/EIR.

4.12.7.1 Alternative D - Enhanced Safety and Security Plan

Alternative D would require the conversion of 1.3 acres of jurisdictional wetlands as a result of construction staging, airfield operations and maintenance activities, and/or airfield improvements. This conversion would result in significant impacts to wetlands that exceed thresholds established by the USACOE pursuant to Section 404 of the Clean Water Act.

With respect to other local development projects that could impact wetlands, the Playa Vista project is expected to impact salt marsh and freshwater wetlands; however, the impacts to the salt marsh would occur primarily in conjunction with implementation of the proposed restoration program, and impacts to freshwater wetlands would be subject to the review and mitigation requirements of state and federal regulatory agencies. The potential for impacts to wetlands from other projects and ongoing growth in the

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local area, including growth induced by implementation of Alternative D, is considered to be more limited, based on the urban nature of the area and the likelihood that such projects would occur primarily as infill development. In summary, there is a very limited potential for cumulative impacts to wetlands. There would be no net loss of habitat values as a result of Alternative D as the recommended mitigation measure is adequate to reduce project impacts to a less than significant level. Also, the loss of wetlands at Playa Vista would be offset by implementation of the salt marsh restoration program and by the wetland mitigation requirements of state and federal regulatory agencies.

4.12.8 Mitigation Measures

The following mitigation measure from Section 4.11, *Endangered and Threatened Species of Flora and Fauna*, of this Supplement to the Draft EIS/EIR, shall be implemented to mitigate impacts resulting from the permanent conversion of 1.3 acres of wetlands.

- ◆ Mitigation Measure MM-ET-1, Riverside Fairy Shrimp Habitat Restoration (Alternatives A, B, C, and D).

4.12.9 Level of Significance After Mitigation

4.12.9.1 Alternatives A, B, and C

As stated in Section 4.12, *Wetlands* (subsection 4.12.9), of the Draft EIS/EIR, implementation of Mitigation Measure MM-ET-1 would reduce impacts to wetlands to a level that is less than significant.

4.12.9.2 Alternative D - Enhanced Safety and Security Plan

Implementation of Mitigation Measure MM-ET-1 would reduce impacts to wetlands to a level that is less than significant.