PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT
REAUTHORIZATION OF RGP51

Public Notice/Application No.: SPL-2013-00484-AOA
Project: Reauthorization of RGP 51 (Pepperdine University Maintenance)
Comment Period: August 6, 2013 – September 5, 2013
Project Manager: Aaron O. Allen; 805-585-2148; Aaron.O.Allen@usace.army.mil

Applicant
Pepperdine University
Office of Regulatory Affairs
24255 Pacific Coast Highway
Malibu, CA 90263-4702

Contact
Rhiannon Pregitzer
Pepperdine University
Office of Regulatory Affairs
(310) 506-4702

Location

The proposed project is located in Marie Canyon, Winter Canyon, and Middle Canyon near the City of Malibu, Los Angeles County, California (at latitude 34.0403 N, longitude 118.7093 W).

Activity

The proposed Regional General Permit (RGP) would authorize long-term impacts to 0.72 acres of jurisdictional waters of the United States for the ongoing removal of sediment/debris and general maintenance activities for six existing debris basins and storm drains and an earthen stockpile on the Pepperdine University Campus (see attached Figures 1-2). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that support the Corps' decision-making process. All comments received

during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act (22 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers
ATTENTION: Regulatory Branch (SPL-2013-00484-AOA)
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Alternatively, comments can be sent electronically to: Aaron.O.Allen@usace.army.mil

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will

be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. The Regional Water Quality Control Board previously issued a 401 Certification (No. 08-094) for the proposed maintenance activities (RGP 51) on September 30, 2008 (401 Certifications were also issued in 1998 and 2003).

Coastal Zone Management- The applicant has certified that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. In a letter dated February 20, 1998, the California Coastal Commission stated that the proposed maintenance clearing activities were consistent with the Commission-certified Long-Range Development Plan for the University.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. Furthermore, the proposed project is located in previously-disturbed areas, such that historical properties would not be expected within the project area. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material in to a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is flood risk management, which is water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to regularly maintain existing flood control facilities, which are integral to the protection of the Pepperdine University Campus from large storm events and associated debris flows.

Project Description

The proposed reauthorization of RGP 51 would continue to allow impacts to 0.72 acres of waters of the United States for an additional five years for the ongoing removal of sediment/debris and general maintenance in six existing debris basins and storm drains and the construction of a long-term earthen stockpile in Marie Canyon, Middle Canyon and Winter Canyon and several unnamed drainages on the Pepperdine University Campus near the City of Malibu, Los Angeles County, California (Figures 1-2). The original RGP 51 was issued in May 1998 and was reauthorized in January 2003 and December 2008. The purpose of the proposed Regional General Permit would be to authorize ongoing maintenance activities for existing flood control facilities, which are integral to the protection of the Pepperdine University campus from large storm events and associated debris flows.

The applicant proposes to impact 0.72 acres for the following construction activities, which have not changed in size or scope since the previous authorization of RGP 51:

1. Maintenance and sediment/debris removal in a small concrete water collection facility for an existing storm drain. This storm drain facility is located in an unnamed tributary to Marie

Canyon Creek and is approximately 6 feet wide in the project area. Sediment and debris removal would include the annual excavation of approximately 10 cubic yards of material. The proposed maintenance activities would impact 733 ft^2 (0.017 acres) of jurisdictional waters of the United States.

2. Maintenance and sediment/debris removal in the Middle Canyon sub-drain outlet structure. This facility consists of a concrete outfall pipe and a holding pond (earthen bottom). Sediment and debris removal would include the annual excavation of approximately 15 cubic yards. The maintenance activities would impact a 10-foot-wide by 11-foot-long (0.003 acres) section of this tributary to Marie Canyon Creek.

3. Maintenance and sediment/debris removal in the Winter Canyon debris basin. This debris basin consists of a concrete apron and a stand pipe. The construction and maintenance activities would impact 5,600 ft^2 (0.13 acres) of this tributary to Marie Canyon Creek. On average, approximately 1,000 cubic yards of sediment and debris is deposited in this debris basin annually.

4. Maintenance and sediment/debris removal in the First Huntsinger drainage outlet. This structure consists of a concrete apron and an inlet structure. In the project area, the unnamed drainage is approximately four feet wide and is dominated by upland vegetation. Sediment and debris removal would include the annual excavation of approximately 50 cubic yards. A total of 100 ft^2 (0.002 acres) would be affected by the proposed maintenance and sediment removal activities.

5. Maintenance and sediment/debris removal in the Second Huntsinger drainage outlet. This structure consists of wood and concrete, which is designed to collect sediment, colluvial deposits and debris. In this area, the unnamed drainage is approximately seven feet wide and the construction/maintenance activities would impact approximately 175 ft^2 (0.004 acres) of jurisdictional waters of the United States. Sediment and debris removal would include the annual excavation of approximately 15 cubic yards.

6. Bank stabilization, maintenance and sediment/debris removal in Marie Canyon debris basin. The existing structures in the debris basin include a metal trash rack, two stand pipes and an existing storm drain. The proposed RGP would authorize the applicant to line up to 200 linear feet of the channel upstream of the debris basin with rip rap to stabilize eroding channel banks. Approximately 20 cubic yards of sediment and debris is deposited upstream of the basin annually. The proposed RGP would also authorize the placement and future maintenance of the above bank stabilization as well as routine repairs to the existing structures and the removal of sediment and debris from the center portion of the debris basin and upstream of the basin. On average, approximately 3,600 cubic yards of sediment and debris is deposited in the debris basin annually. The construction and maintenance activities would impact 0.54 acres of jurisdictional waters in Marie Canyon Creek and adjacent tributaries.

7. Stockpile of earthen material in an upland area adjacent to Marie Canyon debris basin. The applicant proposes to retain a long-term stockpile area for clean fill material that would

be utilized for campus construction and maintenance projects. A small unvegetated tributary (5 feet wide) flows through the stockpile area. With RGP 51, the applicant proposes to place clean upland material in 0.025 acres of jurisdictional waters of the United States and divert flows from the tributary around the stockpile area.

8. Temporary access and dewatering activities associated with the above maintenance and sediment/debris removal activities. The proposed RGP 51 would authorize the discharge of fill material in the above areas associated with temporary access roads and the construction of earthen berms to divert channel flow around construction areas.

Additional Project Information

In the project area, the drainages are surrounded by upland habitat dominated by chaparral and coastal sage scrub species. Species within and surrounding the flood control facilities include ashy-leaf buckwheat, giant wildrye, coast goldenbush, non-native smilo grass, Geraldton carnation spurge, dwarf nettle, pitseed goosefoot, scarlet pimpernel, short-pod mustard, wart cress, laurel sumac, California encelia, birch-leaf mountain mahogany, native California brome, annual beard grass, tree tobacco, pride of Madera, red brome, soft chess, horseweed, greenbark ceanothus, blue-leaf wattle, Bermuda grass, cocklebur, and coyote brush. Winter Canyon and Marie Canyon debris basins do support scattered stands of riparian species, including arroyo willow and mulefat.

In general, the upstream tributaries are dominated by overhanging upland species. In Middle Canyon and other unnamed tributaries to Marie Canyon, the stream channels have either been scoured by past storm events or are dominated by upland species.

To minimize impacts to existing habitat, sediment removal activities would only occur when approximately 25% of the design capacity of the basin is occupied by sediment (5% if burned watershed conditions exist upstream of the basin). By minimizing excavation activities, riparian and upland species could naturally revegetate the debris basins in between the proposed sediment removal activities, providing some riparian habitat for wildlife in the project vicinity.

As mitigation for the above long-term impacts to 0.72 acres, the applicant proposes to continue monitoring an existing 0.93-acre mitigation area located on the side-slopes of the Marie Canyon debris basin. The above mitigation site is located outside of the proposed sediment and debris removal areas. The mitigation site was planted in 1995 using a hydroseed mix of native plants and seeds collected on-site, and was required for impacts to 0.93 acres of jurisdictional waters in Marie Canyon debris basin that were completed in the fall of 1996 (95-00483-AOA). Recent mitigation monitoring reports indicate that re-establishment of native vegetation at the mitigation site has been problematic in recent years due to the proliferation of invasive species. As such, the applicant proposes to improve the mitigation site using an appropriate replacement program.

Proposed Special Conditions

1. The applicant shall maintain the existing 0.93-acre mitigation site on the side-slopes of the Marie Canyon debris basin as stipulated in Permit No. 95-00483-AOA with the added provision that the above mitigation area shall be monitored for the life of the proposed Regional General Permit No. 51. The applicant shall submit annual mitigation monitoring reports to the Corps of Engineers by January 1 of each year.

2. The applicant shall only remove sediment from the above two debris basins when 25% of the basin design capacity is occupied by sediment and debris. If burned watershed conditions exist upstream of the debris basin, the above threshold shall be lowered to 5% of the design capacity for the basin. Burned watershed conditions shall exist when more than 20% of the watershed above the debris basin has burned within the previous five years.

3. The applicant shall minimize construction/maintenance activities during the wet season, November 1 to April 1. If construction/maintenance activities are required during the wet season, the applicant shall implement standard best management practices to minimize impacts to downstream water quality.

4. To renew Regional General Permit No. 51, the applicant shall submit a report that documents the existing conditions in the 0.72-acre project area and the 0.93-acre mitigation site at least four months prior to the expiration date of the permit. If the Corps determines there are no changes in the project area that would warrant further in-depth analysis, Regional General Permit No. 51 would be issued for another five-year period with minimal environmental review. If there are substantial changes in the project area, Regional General Permit No. 51 could still be reissued; however, the Corps would be required to complete a more substantive environmental review to address the changes in the project area.

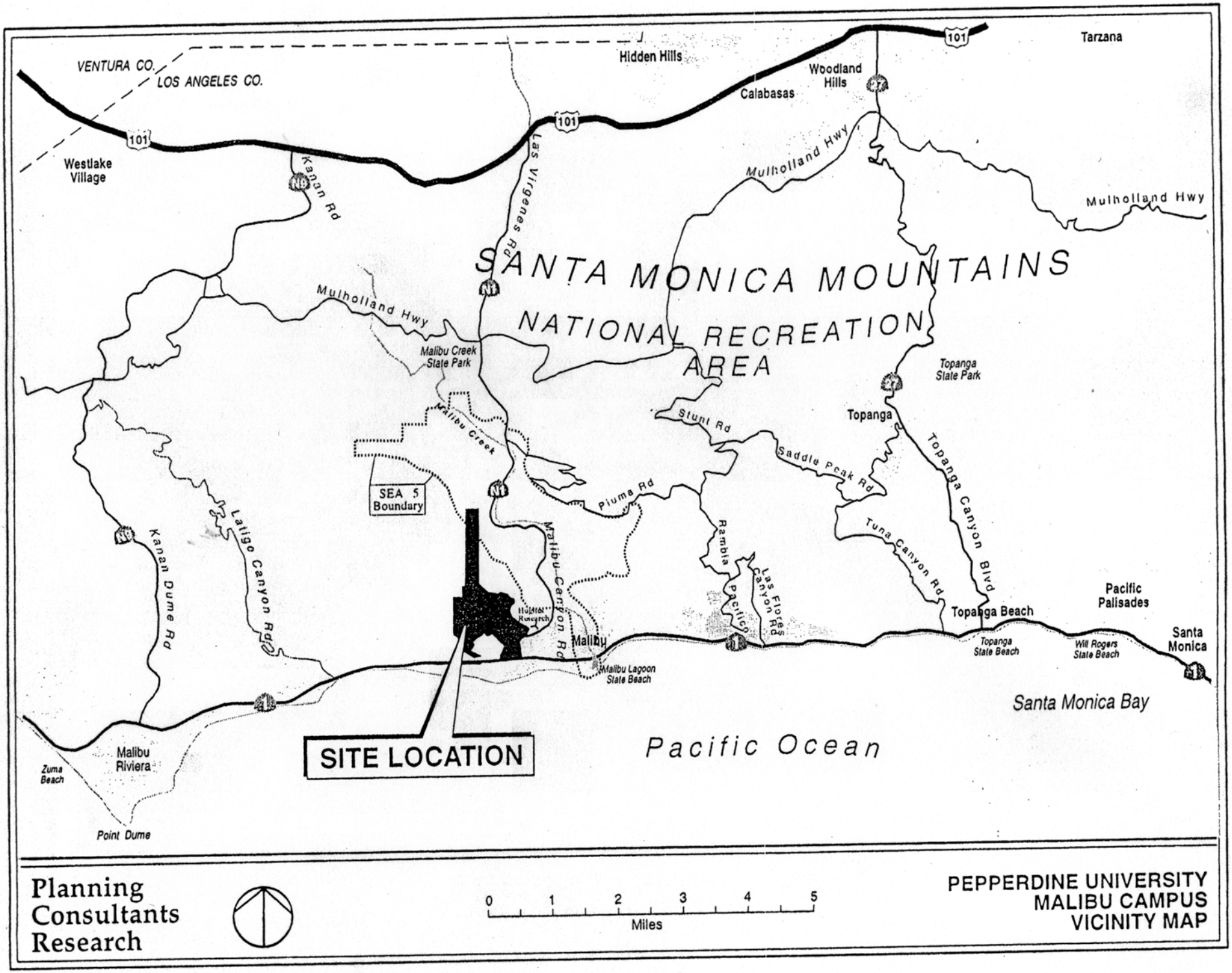
5. The applicant shall not perform any construction activities during the nesting season (March 1 to August 30) unless a qualified biologist surveys the project area and submits the results to the Corps of Engineers, in coordination with the U.S. Fish and Wildlife Service, for approval.

6. The applicant shall complete an annual report that documents the proposed sediment removal and maintenance activities for the following year. The report shall also document compliance with all the above special conditions. The above report shall be submitted to the Corps of Engineers, in coordination with the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency, by June 1 of each year.

For additional information please call Aaron O. Allen of my staff at 805-585-2148 or via e-mail at Aaron.O.Allen@usace.army.mil . This public notice is issued by the Chief, Regulatory Division.

Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.



Planning
Consultants
Research

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PEPPERDINE UNIVERSITY
MALIBU CAMPUS
VICINITY MAP

PEPPERDINE UNIVERSITY – FLOOD CONTROL FACILITY PERMITTING

ENVICOM CORPORATION

Location of Permitted Flood Control Facilities

FEET 0 300 600

FIGURE 1