



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR EMERGENCY PERMIT LADWP Castaic Power Plant

Public Notice/Application No.: SPL-2013-00659-GS

Project: L.A. Department of Water and Power Castaic Plant Emergency Permit

Comment Period: September 25, 2013 through October 2, 2013

Project Manager: Gerardo Salas; 213-452-3417; Gerardo.Salas@usace.army.mil

Applicant

Charles Holloway
Los Angeles Department of Water and Power
111 North Hope Street, #1044
Los Angeles, California 90012

Contact

Nadia Parker
Los Angeles Department of Water and Power
Environmental Planning and Assessment
111 N. Hope Street, #1044
Los Angeles, California 90012-2694

Location

In Castaic Creek, at Los Angeles Department of Water and Power (LADPW) Castaic Power Plant, near the City of Castaic, Los Angeles County, California (34.5904, -118.6577), as shown on the attached figures

Activity

The Project consists of the temporary discharge of fill material onto 14.7 acres of non-wetland waters of the United States to inspect and conduct necessary repairs to the three check dams in the Bypass Channel to ensure the structural integrity and proper function of the structures. The work would include clearing rocks, vegetation and debris in the area behind and around the sills and check dams, filling the area behind or in front of sills with rip rap, and adding as-needed shotcrete to the area between the check dams and the sills (see attached drawings). 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 of 1972 (33 U.S.C. 1344). Comments should be mailed to:

LOS ANGELES DISTRICT CORPS OF ENGINEERS
ATTN: CESPL-RG-2013-00659-GS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

Alternatively, comments can be sent electronically to: Gerardo.Salas@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 applied for and received water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board October 3, 2011 (File No. 11-137). 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.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates that it would not affect coastal zone resources. After a review of the comments received on this public notice and in consultation with the California Coastal Commission, the Corps will make a final determination of whether this project affects coastal zone resources after review of the comments received on this Public Notice.

Essential Fish Habitat- Preliminary determinations indicate the proposed activity would not adversely affect essential Fish Habitat. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required at this time.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. The Corps has also made a preliminary "no potential to cause effect" determination with regard to historic properties and cultural resources. Furthermore, none would be expected to be present within the Area of Potential Effect, as the project site is a maintained facility at this location. Finally, there are no major earth moving activities proposed which would excavate beyond the surface of the maintained facility. In addition, a draft Special Condition would be included in the 404 permit authorization to help ensure compliance with the National Historic Preservation Act.

Endangered Species- The Project may affect the Federal endangered arroyo toad (*Anaxyrus californicus*), which is known to be present in a metapopulation within the upper reaches of Castaic Creek, and which has been documented in the Project area during the breeding season. As recently as 2005, nearly 350 juvenile and metamorph arroyo toads were removed from the basin area by Frank Hovore & Associates prior to construction (FH&A 2005).

The applicant previously applied for and received a standard individual 404 permit to conduct routine and emergency maintenance activities within 52-acres of waters of the U.S. at the Castaic Power Plant (2007-01230-VEN). As part of the permit process, formal Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) was initiated for the federally endangered arroyo toad (*Anaxyrus californicus*), which resulted in a Biological Opinion (BO), 1-8-96-F-55, issued on April 21, 1997. However, since the BO was issued, data from annual surveys indicated the Castaic Creek population of arroyo toad increased and that arroyo toads were actively breeding within the project area. Furthermore, seven miles of Castaic Creek, including the Project area, were approved for Critical Habitat designation in February 2011(74 FR 52611 52664) by U.S Fish and Wildlife Service (USFWS). As a result, the effects of the proposed maintenance activities on the arroyo toad were likely to significantly exceed the effects anticipated in the original BO. After reviewing the BO and recent arroyo toad survey information for the project area, the USFWS determined that the original BO was no longer valid (i.e. LADWP's maintenance activities may be adversely affecting the arroyo toad to an extent that was not considered within the original BO). To ensure that adverse effects to the arroyo toad do not exceed those anticipated in the original BO, the Los Angeles Regulatory District suspended LADPW's Department of the Army Permit (SPL-2007-01230-VEN) on April 1, 2010 per 33 CFR §325.7(c). Therefore, pursuant to Federal regulation, formal Section 7 consultation with USFWS is currently required (50 CFR 402.16(b)). Regulatory recently reinitiated formal Section 7 consultation with the USFWS to comply with the Endangered Species Act.

The avoidance measures for the arroyo toad that were required under the original BO would be implemented while the emergency repair and maintenance activities are conducted. Coordination would occur under emergency procedures with the USFWS for reasonable and prudent measures, and the formal Section 7 consultation would continue to facilitate the issuance of a new BO, ultimately for the reissuance of SPL-2007-01230-VEN.

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). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary. The basic project purpose for the proposed project is maintenance of existing flood control structures in non-wetland waters of the United States. The project 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 inspect and conduct necessary repairs to the three check dams in the Bypass Channel.

Additional Project Information

Baseline information- The project area supports a total of 51.95-acres of non-wetland waters of the United States. The Castaic Creek Storm Bypass Channel contains 28.7 acres of non-wetland

waters of the United States; Elderberry Reservoir contains 8.55 acres of non-wetland waters of the United States; Check Dams 1-3 contain 15 acres of non-wetland waters of the United States. The approximate 15- acres of waters within the check dam areas are the sole project impacts, which are temporary in nature. LADWP conducts routine maintenance of its three Castaic Power Plant check-dam basins as required by levels of sediment deposition, generally every five years. The basins are located within Castaic Creek adjacent to the power plant and encompass approximately 0.5 mile of the lower reach of the creek before draining into Elderberry Forebay.

Project description- The LADWP last completed basin maintenance in 2011, under emergency permit SPL-2011-00879. It is now estimated that approximately 80,000 cubic yards of sediment has accumulated since that time and needs to be removed. The existing flood control structures have reached their design capacity for accumulated sediment. Any additional sediment flow from the bypass channel would be deposited in the adjacent Tailrace Channel, causing mechanical damages during the plant's pump-back operations. If the plant's pumps are damaged and the plant has to go off-line for repairs, LADWP would lose valuable energy generating capabilities and the important conveyance of State Water Project Water (from Pyramid Lake) to serve Southern California customers would be hindered. Therefore, as completion of the pending Section 7 consultation with the USFWS may take several months and may overlap with the coming storm season, and the lack of a permit to remove the accumulated sediment, Los Angeles Regulatory District intends to process this application under emergency permit procedures found at 33 CFR 325.2(e)(4).

Maintenance activities take place east and north of the Castaic Power Plant. The proposed maintenance activities being proposed typically utilize an approximate 21-acre area (the three 14.7 acre basins and adjacent uplands). The Project area consists of the three check-dam basins, which are accessed by LADWP access roads from the power plant and by Castaic Canyon Road, which runs along the eastern side of the basins and from which all three basins can be accessed. Castaic Canyon Road also provides access to the spoils pile, located on the western side of the streambed, but access across the streambed is prohibited under normal conditions. During the maintenance operations, a temporary haul road measuring 25 feet wide and 150 – 200 feet long would be built across the streambed to connect the basins with the spoils pile. Furthermore, all vegetation and habitat within the basins would be removed. Basin 2 is believed to sit atop a spring that supplies water at ground level. Therefore, maintenance may also involve the temporary creation of an open water area in Basin 3 as water is pumped out of Basin 2 during construction.

Project activities would progress in multiple stages. The first stage would involve creating two-way traffic access from the basins to the spoils pile. Castaic Canyon Road runs along the eastern side of the basins and provides access to each one. At Basin 1, the road diverges and the western section of it is aligned with the spoils pile haul road on the opposite side of the creek. Under normal circumstances, these two road sections are separated by Castaic Creek, but during maintenance activities, a temporary road is built with bulldozers within the creek to allow two-way access. The road is built on top of culverts, which allow water flow in the event of rain.

The second and third stages involve the removal of all vegetation and sediment from the basins, respectively. During the second stage, a bulldozer is used to grub the vegetation and push it to the sides of the basins so that it is accessible for removal. Excavators then remove the grubbed vegetation and haul trucks take it away. The third stage, which is the longest, involves removing the sediment, which in most cases is mixed in with the vegetation, and is then deposited on the spoils pile. Access roads are maintained throughout the Project with a road grader.

In addition, the department would inspect and make minor repairs to the check dams in the Bypass Channel to ensure the structural integrity and proper function of the structures. The work, if needed, would include clearing rocks, vegetation and debris in the area behind and around the sills and check dams, filling the area behind or in front of sills with rip rap, and adding as-needed shotcrete to the area between the check dams and the sills.

Proposed Mitigation– The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: There are 51.95 acres of non-wetland waters of the United States within the entire project area. The approximate 15- acres of waters within the check dam areas are the sole project impacts, which are temporary in nature.

Minimization: The applicant LADWP would minimize impacts to Waters of the US by clearing basin 1 (approximately 5.7 acres), Basin 2 (approximately 6.9 acres) and only a portion of the larger Basin 3 (approximately 2.1 acres).

Compensation: The applicant has been performing mitigation activities at the project site since the issuance of the original permit, 96-000218-AOA. Such mitigation activities have included the removal of invasive species, including *Arundo donax*, *Ricinus communis*, and *Tamarix sp.*, from the project 52 acre project area and monitoring for regrowth for the life of the project, implementing all terms and conditions stipulated in the US Fish and Wildlife Service's Final Biological Opinion (1-8-96-F-55) dated March 7, 1997, and employing all standard Best Management Practices to ensure that toxic materials, silt, debris, or excessive erosion do not enter Castaic Creek during project construction.

Proposed Special Conditions

The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects:

1. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Archeology Staff within 24 hours (Steve Dibble at 213-452-3849 or John Killeen at 213-452-3861). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.
2. The applicant shall implement all terms and conditions stipulated in the U.S. Fish and Wildlife Service's Final BO (1-8-96-F-55) dated March 7, 1997.
3. Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memorandum including the following information:

- A) Date(s) work within waters of the U.S. was initiated and completed;
- B) Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance);
- C) Color photographs (including map of photopoints) taken at the project site before and after construction for those aspects directly associated with permanent impacts to waters of the U.S. such that the extent of authorized fills can be verified;
- D) One copy of "as built" drawings for the entire project. Electronic submittal (Adobe PDF format) is preferred. All sheets must be signed, dated, and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches; and
- E) Signed Certification of Compliance (attached as part of this permit package).

4. No later than one month following completion of authorized work in waters of the U.S., the permittee shall ensure all sites within waters of the U.S. subject to authorized, temporary impacts are restored to pre-project alignments, elevation contours, and conditions to the maximum extent practicable to ensure expeditious resumption of aquatic resource functions. No later than 45 calendar days following completion of authorized work in waters of the U.S., the permittee shall submit a memorandum documenting compliance with this special condition.

For additional information please call Gerardo Salas of my staff at 213-452-3417 or via e-mail at Gerardo.Salas@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.

U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

WWW.SPL.USACE.ARMY.MIL

CITY OF LOS ANGELES
DEPARTMENT OF WATER & POWER
POWER SYSTEM

CASTAIC POWER PROJECT
OUTLET WORKS & SERVICE SPILLWAY
& GRADING OF RIGHT ABUTMENT
FOREBAY DAM

SPECIFICATION NO. 7727

LIST OF DRAWINGS

CIVIL

GENERAL

- PA-CA165 LOCATION MAP AND LIST OF DRAWINGS
- PA-CA166 LIST OF DRAWINGS
- PA-CA167 PROJECT MAP-NORTHERLY AREA
- PA-CA168 PROJECT MAP-SOUTHERLY AREA
- PA-CA169 SITE DEVELOPMENT

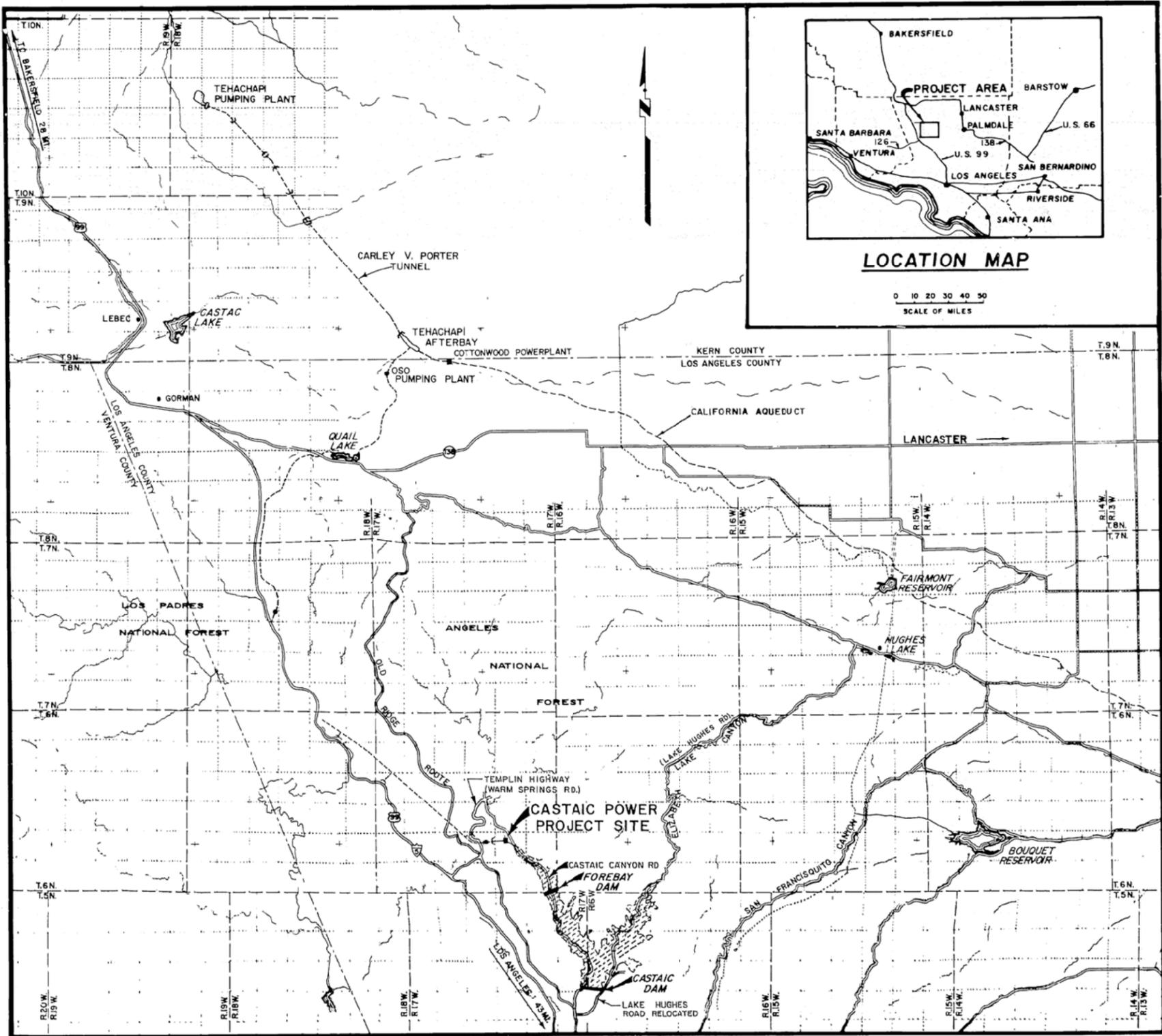
RIGHT ABUTMENT

- PA-CA170 GRADING PLAN - RIGHT ABUTMENT
- PA-CA171 SECTIONS - RIGHT ABUTMENT
- PA-CA172 CORE TRENCH PLAN
- PA-CA173 PLAN AND PROFILE - PATROL ROAD
- PA-CA174 MCCARTHY DRAIN - PATROL ROAD
- PA-CA175 SECTIONS - PATROL ROAD

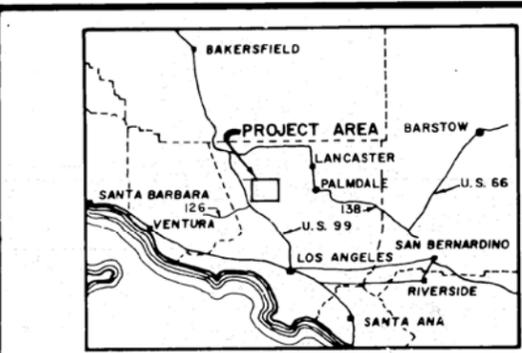
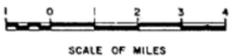
OUTLET WORKS AND SERVICE SPILLWAY

GENERAL

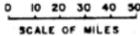
- PA-CA176 PLAN AND PROFILE
- PA-CA177 PLAN AND PROFILE - STREAM DIVERSION AND LOW LEVEL OUTLET
- PA-CA179 EXCAVATION PLAN
- PA-CA180 SECTIONS - EXCAVATION PLAN
- PA-CA181 GRADING PLAN - TOWER AREA - PHASE I
- PA-CA182 GRADING PLAN - STILLING BASIN AREA - PHASE I
- PA-CA183 SECTIONS - OUTLET WORKS AND SERVICE SPILLWAY
- PA-CA184 FENCING - ACCESS BRIDGE



VICINITY MAP



LOCATION MAP



REVISIONS LOCATED BY GRID COORDINATES

NO.	DATE	INITIALS	DESCRIPTION	APPD.
1	7-4-70	A.S. JB	(13-6) SPEC. NO. 7727 WAS 7464	[Signature]
2	2-1-75	JD JR	"AS BUILT"	[Signature]

SCALE AS SHOWN UNLESS NOTED	RECOMMENDED FOR APPROVAL
DRAWN AS 10-2-69	[Signature]
CHECKED NMM 12-8-69	[Signature]
DESIGN ENGINEERS	[Signature]
[Signature]	[Signature]

LOCATION MAP AND LIST OF DRAWINGS
FOREBAY DAM
CASTAIC POWER PROJECT

POWER SYSTEM
DEPARTMENT OF WATER & POWER CITY OF LOS ANGELES

SPECIFICATION 7727

PROJECT PA CA165

DRAWING

DESIGN ENGINEER
M. A. PERSON
CHECKED BY
T. R. IRWIN



BASIN 1

BASIN 2

BASIN 2

BASIN 3

BASIN 3

Check Dam 1

Check Dam 2

Check Dam 3

Pumping System

Pumping System

Pumping System

6-inch hose

6-inch hose

6-inch hose

Existing Berm

Diversion Channel

Diversion Channel

By-Pass Channel
Draining to Elderberry
Forebay

70.0'

270.0'

140.0'

290.0'

400.0'

250.0'

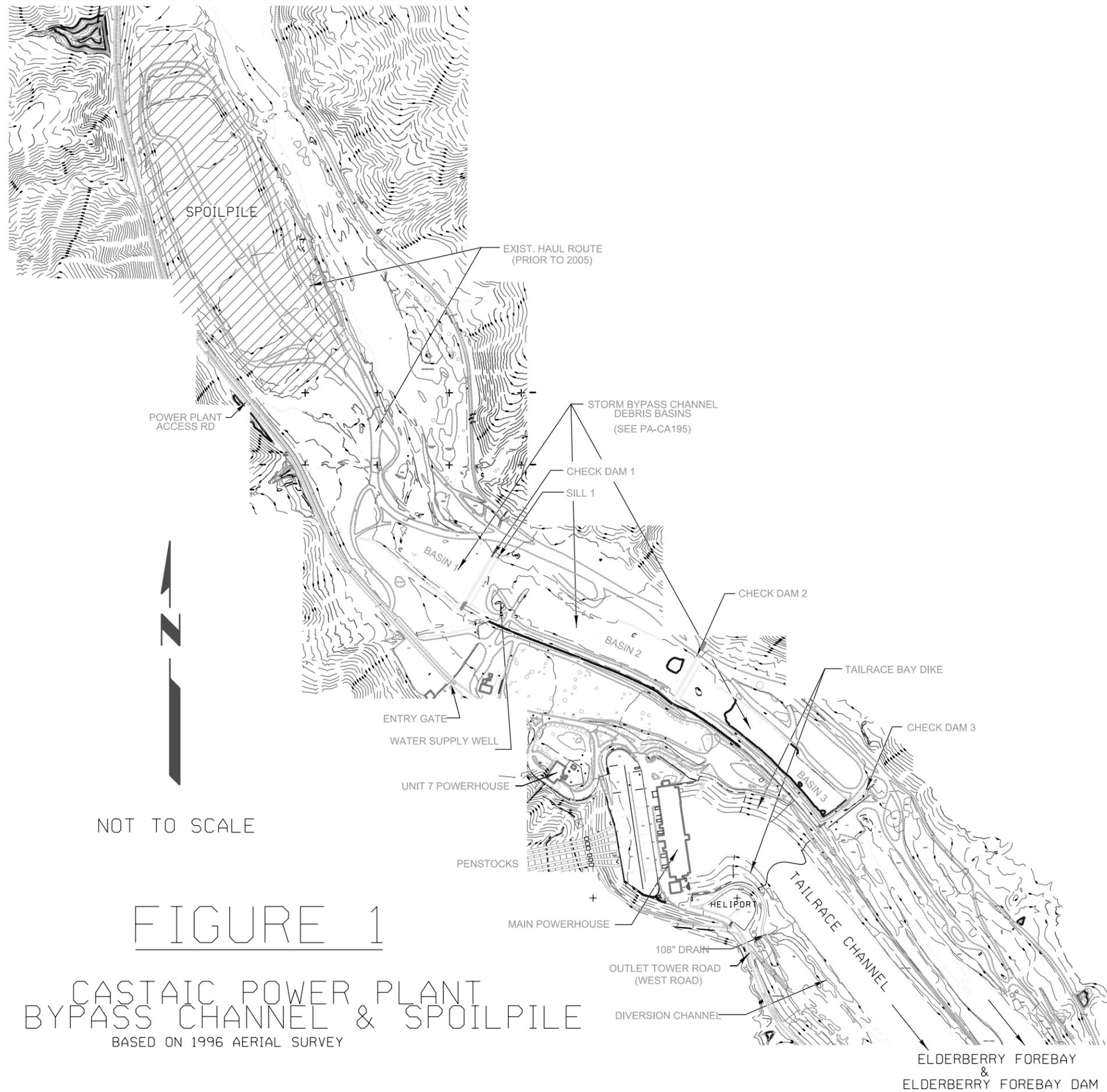
1200.0'

250.0'

1000.0'

250.0'





NOT TO SCALE

FIGURE 1

CASTAIC POWER PLANT BYPASS CHANNEL & SPOILPILE

BASED ON 1996 AERIAL SURVEY