



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT Sunset Channel Bank Stabilization and Maintenance Project

Public Notice/Application No.: SPL-2011-01074-SME

Project: Sunset Channel Bank Stabilization and Maintenance Project

Comment Period: July 16, 2013 through August 15, 2013

Project Manager: Stephen Estes; 213-452-3660; Stephen.M.Estes@usace.army.mil

Applicant

Nardy Khan
Orange County Public Works
300 North Flower Street
Santa Ana, California 92703

Contact

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Location

The proposed project would be located within Sunset Channel between Heil Avenue (approximately 33.722627, -118.052136) and Edinger Avenue (approximately 33.729772, -118.032894), in the city of Huntington Beach, Orange County, California (Figures 1 and 2).

Activity

The proposed project would consist of bank stabilization and maintenance activities along approximately 6,885 linear feet of Sunset Channel between Heil Avenue and Edinger Avenue (Figures 3-9). Approximately 3,558 linear feet of un-grouted, 18-inch rip-rap would be installed along the northern bank and a section of the southern bank of Sunset Channel between Heil Avenue and Bolsa Chica Street. In addition, the proposed project would repair and grade approximately 2,918 linear feet of earthen bank between Heil Avenue and Bolsa Chica Street and approximately 7,224 linear feet of earthen bank between Bolsa Chica Street and Edinger Avenue. Finally, approximately 340 linear feet of rip-rap-lined bank would be repaired. The proposed project would result in permanent impacts to approximately 0.221 acre of wetlands and 0.392 acre of non-wetland waters of the United States and temporary impacts to approximately 0.111 acre of wetlands and 1.54 acres of non-wetland waters of the United States. For more information regarding the proposed project, please see Page 3 of this Public 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 U.S. Army Corps of Engineers (Corps) Regulatory Division, you provide information that supports 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. Comments should be mailed to:

U.S. Army Corps of Engineers
Regulatory Division
915 Wilshire Boulevard
Los Angeles, California 90017

Alternatively, comments can be sent electronically to: Stephen.M.Estes@usace.army.mil .

The mission of the Corps 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 waters and their tributaries. 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 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 into waters of the United States, the evaluation of the activity will include application of the U.S. Environmental Protection Agency (EPA) Guidelines (40 C.F.R. Part 230) as required by section 404 (b)(1) of the Clean Water Act.

The Corps 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 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 (EIS) 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 EIS is not required for the proposed work.

Water Quality- Section 401 of the Clean Water Act requires that any applicant for an individual section 404 permit provide proof of water quality certification to the Corps prior to permit issuance. For any proposed activity on Tribal land that is subject to section 404 jurisdiction, applicants must obtain water quality certification from EPA.

Coastal Zone Management- The proposed project is located outside of the coastal zone and a preliminary review indicates that it would not affect coastal zone resources. After a review of the comments received on this Public Notice, the Corps will make a final determination regarding whether the proposed project would affect coastal zone resources.

Essential Fish Habitat- A preliminary review indicates the proposed project would not adversely affect Essential Fish Habitat. Therefore, formal consultation under section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act is not required at this time.

Cultural Resources- The applicant has provided a report entitled "Literature Review and Records Search Results for the Sunset Channel Improvement Project", prepared by Chambers Group, Inc. on June 20, 2011. Chambers conducted a cultural resources literature review and records search at the South Central Coastal Information Center and contacted the Native American Heritage Commission to determine if any recorded Sacred Lands or other features of cultural importance are located within or near the project area. No previous cultural resource studies have been conducted on the project site. A Sacred Lands Inventory search from the Native American Heritage Commission did not indicate the presence of known cultural resources on the project site. The latest version of the National Register of Historic Places has been consulted and the project site is not listed. Finally, excavation would only occur in previously disturbed areas to remove excess sediment and prepare the channel side slopes for placement of un-grouted rip-rap or clean earthen fill material. In consideration of the information above, the Corps Regulatory Division has made a preliminary "no potential to cause effects"

determination to historic properties and cultural resources under section 106 of the National Historic Preservation Act.

Endangered Species- The applicant has provided a report entitled “Biological Technical Report for the Sunset Channel Maintenance Project, Huntington Beach, Orange County, California”, prepared by Chambers Group, Inc. in July 2011. A search of the California Natural Diversity Database and the Electronic Inventory of Rare and Endangered Vascular Plants of California was conducted, along with a field reconnaissance survey on June 23, 2011. A total of five vegetation communities were observed on the project site, with the majority of the site considered disturbed. The area of the survey was approximately 12.4 acres, including 0.605 acre of open water, 0.190 acre of open water with ditch-grass, 0.389 acre of ornamental, 0.783 acre of disturbed southern coastal salt marsh, and 10.43 acres disturbed.

Marginally suitable habitat was found within the disturbed southern coastal salt marsh for two federally listed plant species: Ventura marsh milk-vetch (*Astragalus pycnostachyus* var. *lanosissimus*) (endangered) and salt marsh bird's-beak (*Chloropyron maritimum* ssp. *maritimum*). The report stated these species are probably extirpated or would have been conspicuous and identifiable at the time of the reconnaissance survey, but were not observed. In addition, marginal suitable habitat was found for three federally listed wildlife species: light-footed clapper rail (*Rallus longirostris levipes*) (endangered), California least tern (*Sternula antillarum browni*) (endangered), and western snowy plover (*Charadrius alexandrinus nivosus*) (threatened). The report states these wildlife species have a low potential to occur on site and are not expected to occur due to the channel being relatively narrow, sparsely vegetated, surrounded by residential developments, and having no undeveloped connectivity to areas more suitable for these species to occur.

In consideration of the information above, the Corps Regulatory Division has made a preliminary “no effect” determination for federally listed species. In addition, the project site is not located within designated critical habitat. Therefore, the Corps Regulatory Division has also made a “no effect” determination for critical habitat. 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 into 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. The proposed project is a non-water dependant activity in this specific instance.

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 restore flood

risk management protection to areas adjacent to Sunset Channel through stabilization of channel side slopes.

Additional Project Information

Baseline Information-

The proposed project would be conducted within Sunset Channel, a man-made stormwater conveyance system regularly maintained by Orange County Public Works. Sunset Channel is an open, soft-bottomed channel beginning at Edinger Avenue and flowing south and west towards the intersection of Heil Avenue and Shorebird Drive, where it then flows underground for approximately 0.21 mile before entering Huntington Harbor. The channel is generally trapezoidal through the project site and transitions to vertical in some locations near bridges. Alternating sections of earthen, rip-rap lined, and concrete banks exist throughout the project site. Tidal influence extends approximately 500 feet upstream of Bolsa Chica Street; therefore, this section of Sunset Channel is considered a traditional navigable water. The remainder of the project site is considered a relatively permanent water. Approximately 4.29 acres of waters of the United States was delineated within the review area (inclusive of 0.974 acre of wetlands). Unpaved access roads are located at the top of the northern and southern levees. The project site is surrounded by residential areas and arterial roads.

Sections of the earthen slopes of the channel between Heil Avenue and Edinger Avenue have experienced severe erosion over time. The applicant has stated that water velocity in these areas is too high for earthen banks and has proposed to address this issue through installation of un-grouted rip-rap in these locations.

Project Description-

The proposed project would consist of bank stabilization and maintenance along approximately 6,885 linear feet of Sunset Channel (Figures 3-9). Approximately 3,558 linear feet of earthen bank would be permanently impacted by installing un-grouted, 18-inch rip-rap along the northern bank and a section of the southern bank between Bolsa Chica Street and Heil Avenue (Figures 4-6). This activity would be conducted by first removing approximately 2,320 cubic yards (CY) of dirt and grading approximately 3,824 CYs of dirt to prepare the channel banks to the appropriate slope. An estimated 5,826 CYs (9,323 tons) of rip-rap would be installed to provide bank stabilization.

In addition, the proposed project would repair and grade approximately 2,918 linear feet earthen bank between Heil Avenue and Bolsa Chica Street (Figures 3-6) and approximately 7,224 linear feet of earthen bank between Bolsa Chica Street and Edinger Avenue (Figures 7-9). The removal of approximately 282 feet of pipe and wire is also proposed. This latter activity would be regulated in the tidally influenced portion of the channel. Finally, approximately 340 linear feet of rip-rap-lined bank would be repaired in-kind (Figure 4).

In total, the proposed project would result in permanent impacts to approximately 0.221 acre of wetlands and 0.392 acre of non-wetland waters of the United States and temporary impacts to approximately 0.111 acre of wetlands and 1.54 acres of non-wetland waters of the United States.

The proposed project is estimated to occur over a four month period and would be conducted using a loader(s), dump truck(s), and excavator(s).

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: The applicant proposes to install new rip-rap in only those locations with the most severely eroding banks. The remainder of the project site would consist of in-kind repairs and maintenance.

Minimization: All equipment would be staged and work performed from/on the maintenance roads entirely within the County of Orange right-of-way. Standard Best Management Practices would be required during construction.

Compensation: The applicant has proposed to purchase 0.7 acre of credits from an approved mitigation bank or in-lieu fee program to provide compensatory mitigation for unavoidable impacts to waters of the United States. The actual amount and source of compensatory mitigation required may be different depending on the results of the Corps Regulatory Division's review process.

Proposed Special Conditions

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

1. Prior to initiating construction in waters of the United States, and to mitigate for permanent impacts to 0.221 acre of wetland and 0.392 acre of non-wetland waters of the United States, the permittee shall provide documentation verifying purchase of [to be determined] credits from the [to be determined] Corps-approved mitigation bank or in-lieu fee program. The permittee shall not initiate work in waters of the United States prior to receiving written confirmation (by letter or e-mail) from the Corps Regulatory Division as to compliance with this Special Condition. The permittee retains responsibility for providing the compensatory mitigation until the number and resource type of credits described above have been secured from a sponsor and the district engineer has received documentation that confirms that the sponsor has accepted the responsibility for providing the required compensatory mitigation. This documentation may consist of a letter or form signed by the sponsor, with the permit number and a statement indicating the number and resource type of credits that have been secured from the sponsor.
2. Within 45 calendar days of completion of authorized work in waters of the United States, 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 United States 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 United States 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).

3. 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.

For additional information, please contact Stephen Estes at 213-452-3660 or via e-mail at Stephen.M.Estes@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

915 Wilshire Boulevard

Los Angeles, California 90017

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Jurisdictional Delineation Report for the
Sunset Channel Maintenance Project

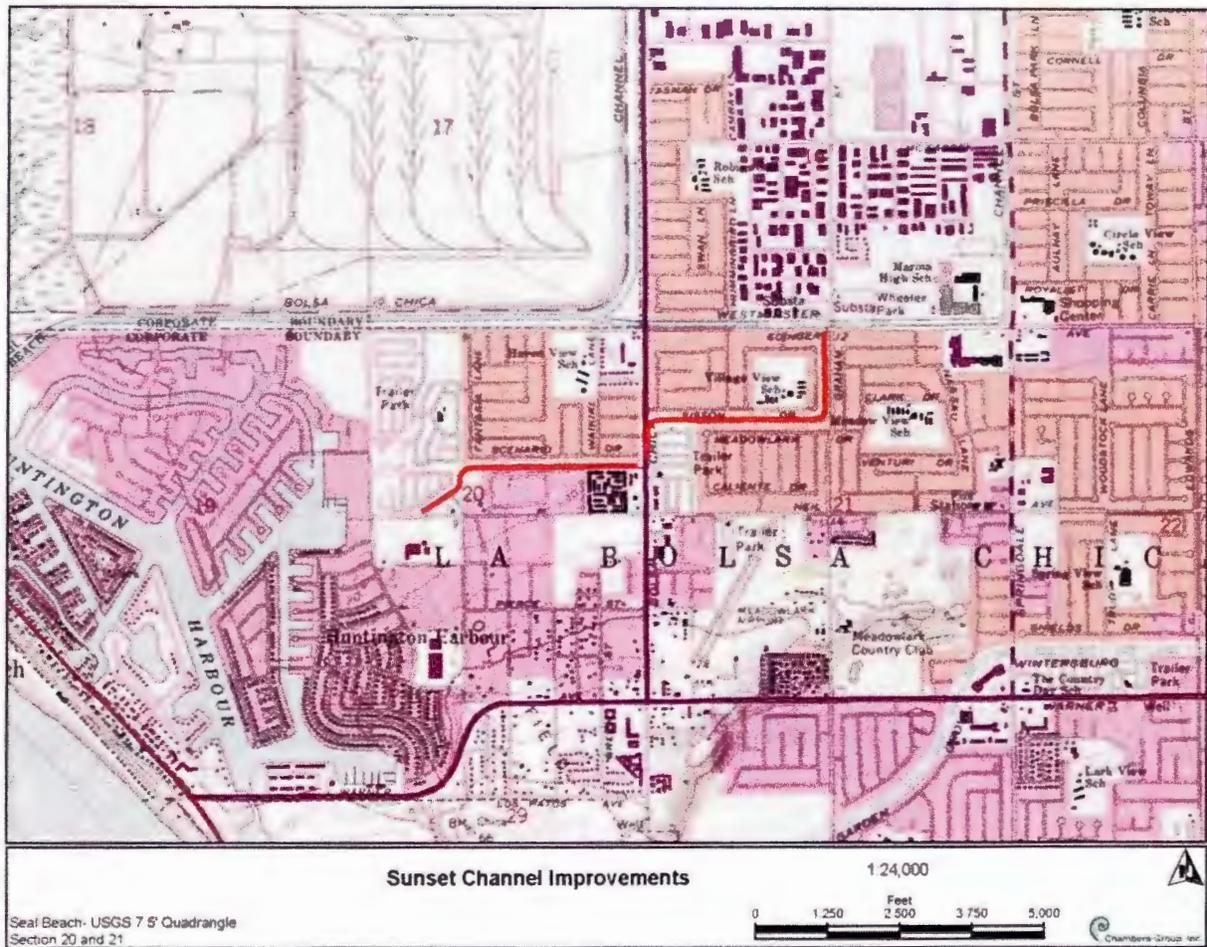


Figure 1. Sunset Channel Maintenance Project Location

Figure 1

Sunset Channel Project Overview

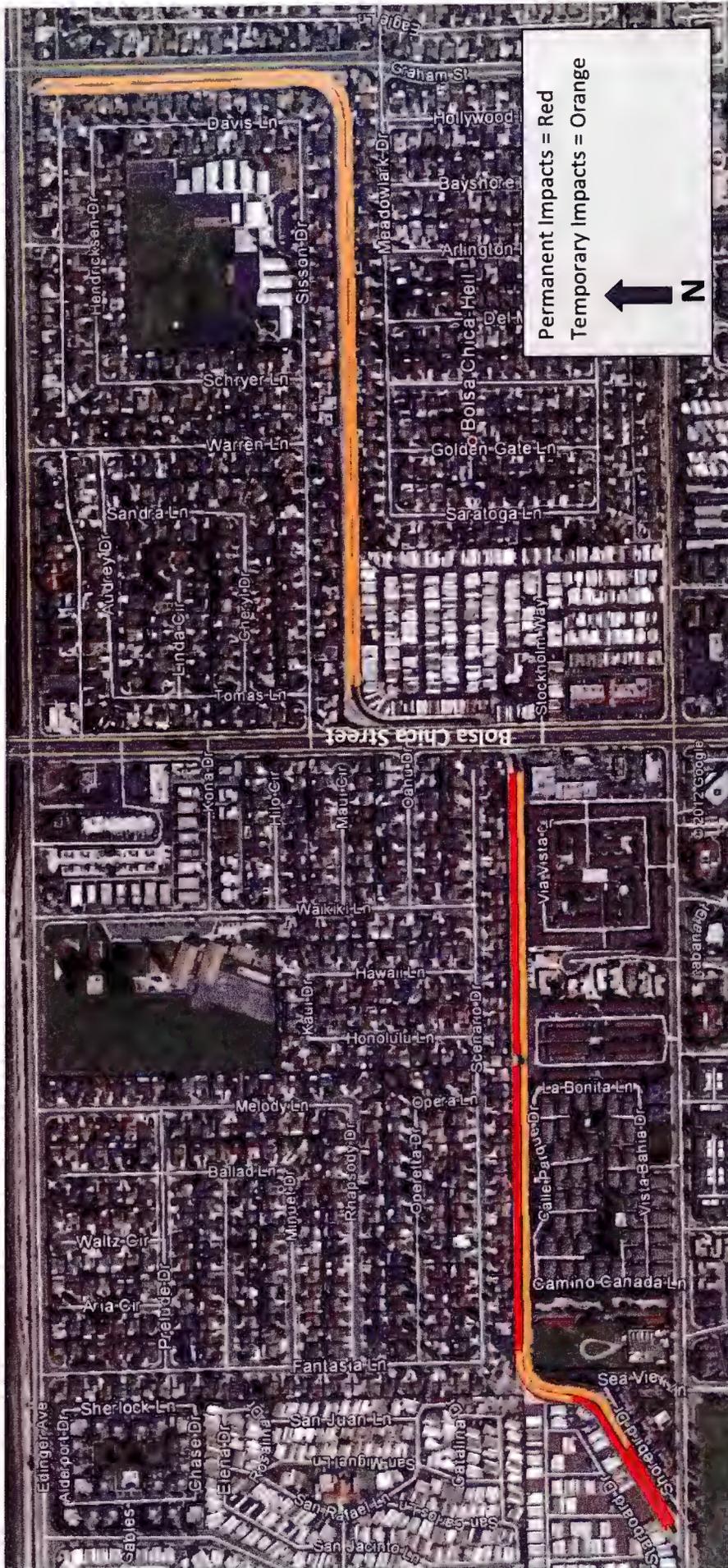
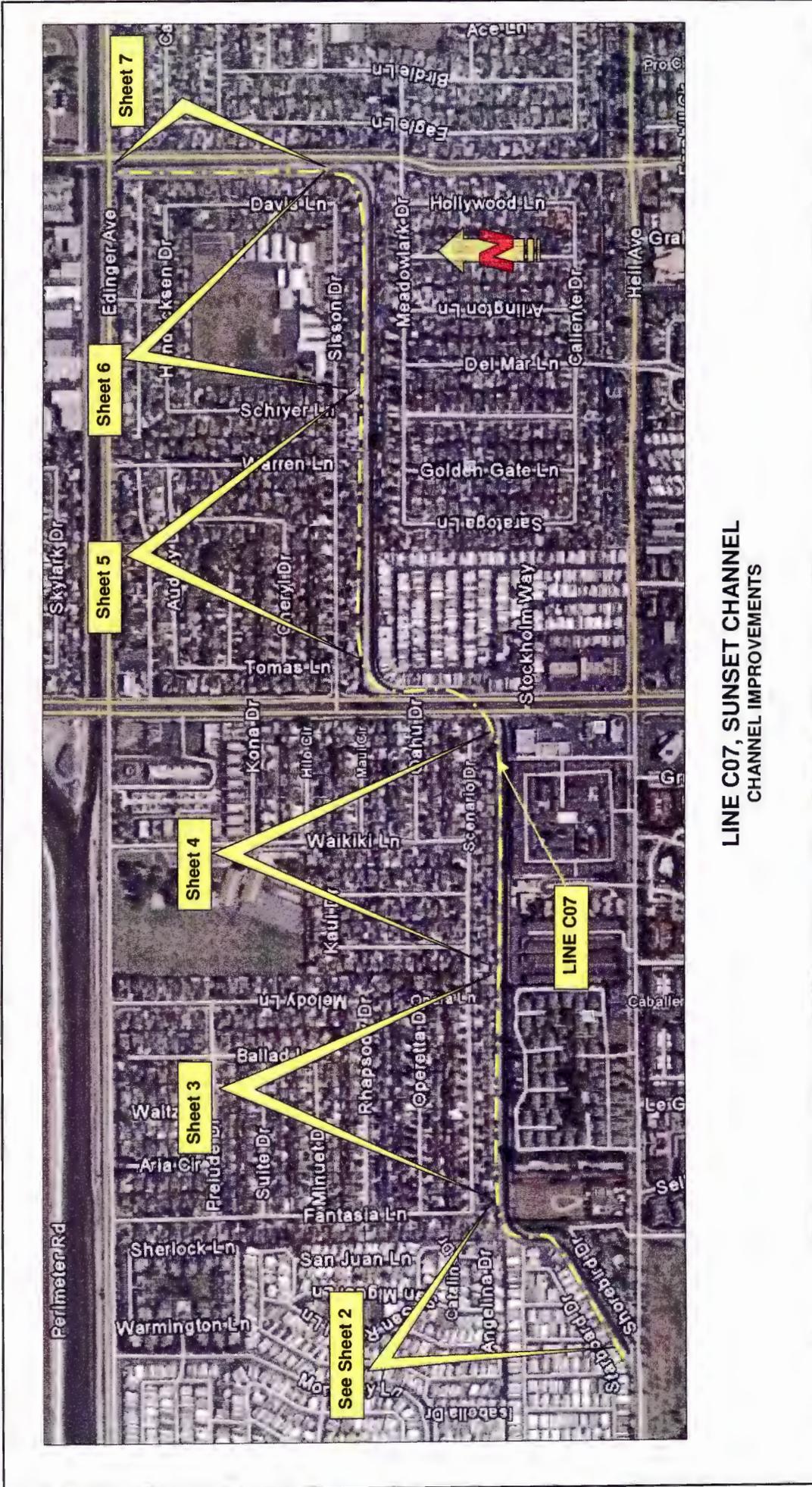
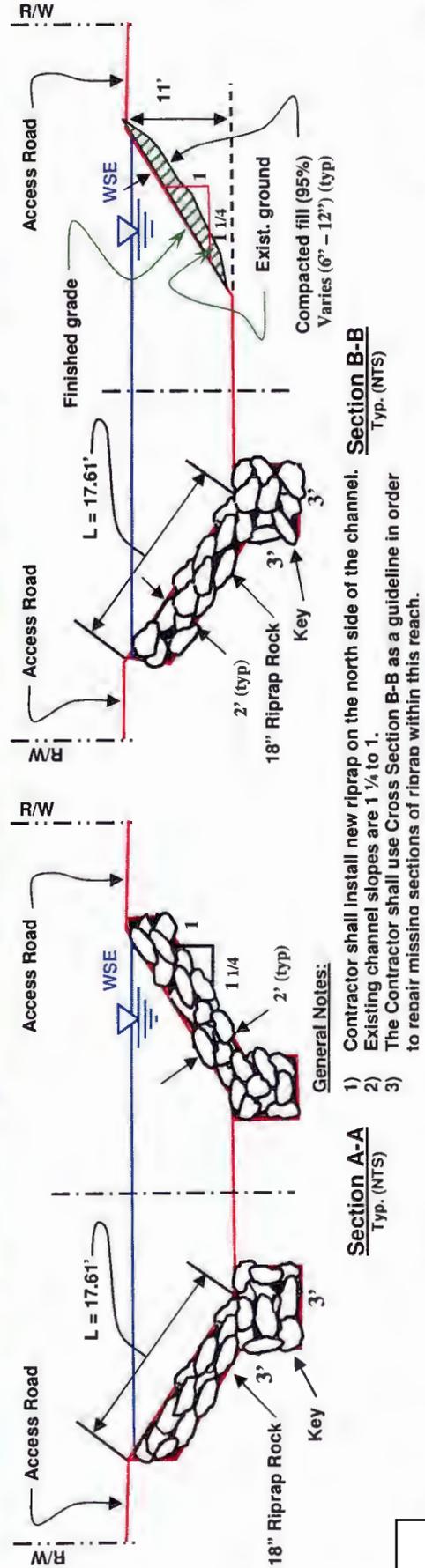


Figure 2



LINE C07, SUNSET CHANNEL CHANNEL IMPROVEMENTS	
INDEX DRAWING & VICINITY MAP	
	SHEET 1 OF 7
 	
LINE C07, CHANNEL IMPROVEMENTS Index Drawing & Vicinity map	
Job No. : EF38001	
DATE: 08-16-2010	

Figure 3



Orange County Public Works; O & M Section	
By: M. D.	Job No. EF 68010
Date: August 27, 2010	Sheet 2 of 7



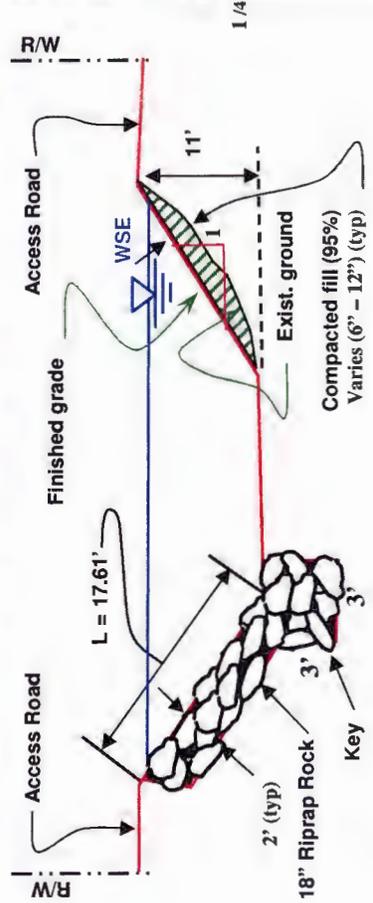
**LINE C07, SUNSET CHANNEL
CHANNEL IMPROVEMENTS**

Figure 4



Install new riprap rock per X-Section B-B

Install 773' of new compacted Fill per X-Section B-B



Section B-B
Typ. (NTS)

General Notes:

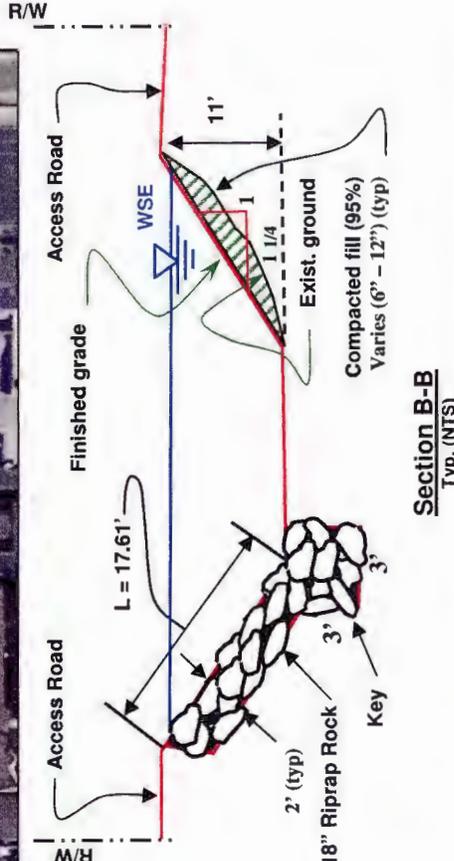
- 1) Contractor shall install new riprap on the north side of the channel.
- 2) Existing channel slopes are 1 1/4 to 1.
- 3) Contractor shall install compacted fill on the south side of the channel in order to restore the existing channel slope.
- 4) 95% Minimum compaction.

Orange County Public Works; O & M Section	
By: M. D.	
Date: August 12, 2010	
Sheet 3 of 7	



**LINE C07, SUNSET CHANNEL
CHANNEL IMPROVEMENTS**

Figure 5

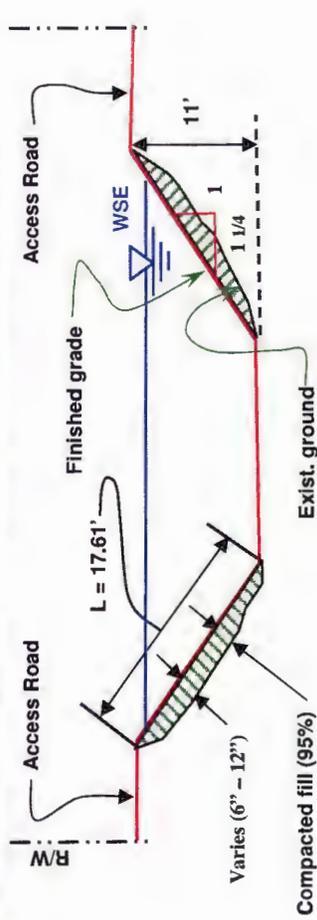


- General Notes:**
- 1) Contractor shall install new riprap on the north side of the channel.
 - 2) Existing channel slopes are 1 1/4 to 1.
 - 3) Contractor shall install compacted fill on the south side of the channel in order to restore the existing channel slope.
 - 4) 95% Minimum compaction.

		<p>Orange County Public Works; O & M Section</p>
<p>By: M. D.</p>		
<p>Date: August 27, 2010</p>		<p>Sheet 4 of 7</p>

**LINE C07, SUNSET CHANNEL
CHANNEL IMPROVEMENTS**

Figure 6



Section C-C
Typ. (NTS)

General Notes:

- 1) Contractor shall install compacted fill on both sides of the channel in order to restore the existing channel slopes.
- 2) 95% Minimum compaction.
- 3) Existing channel slopes are 1 1/4 to 1.

**LINE C07, SUNSET CHANNEL
CHANNEL IMPROVEMENTS**

Orange County Public Works; O & M Section

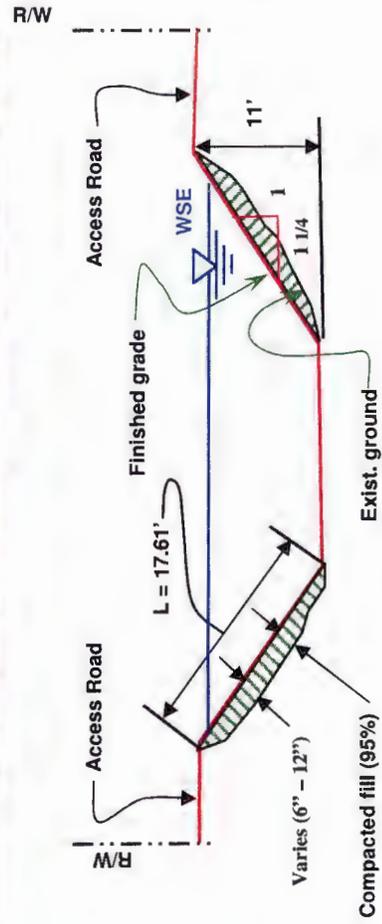
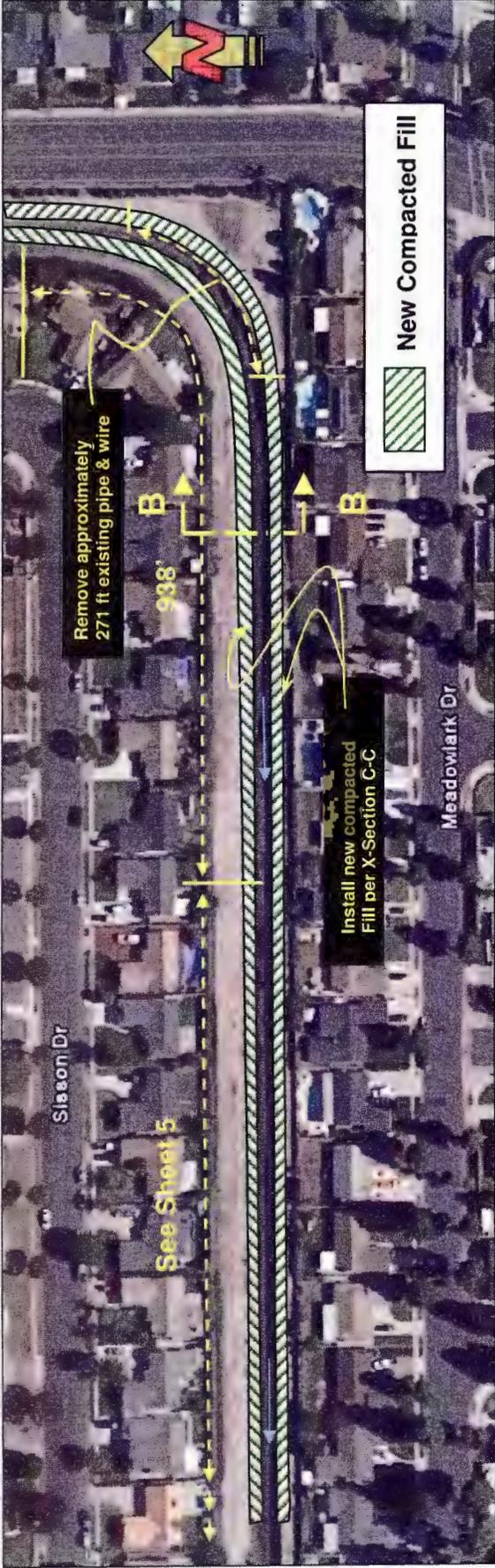
By: M. D.

Date: August 12, 2010

Sheet 5 of 7



Figure 7

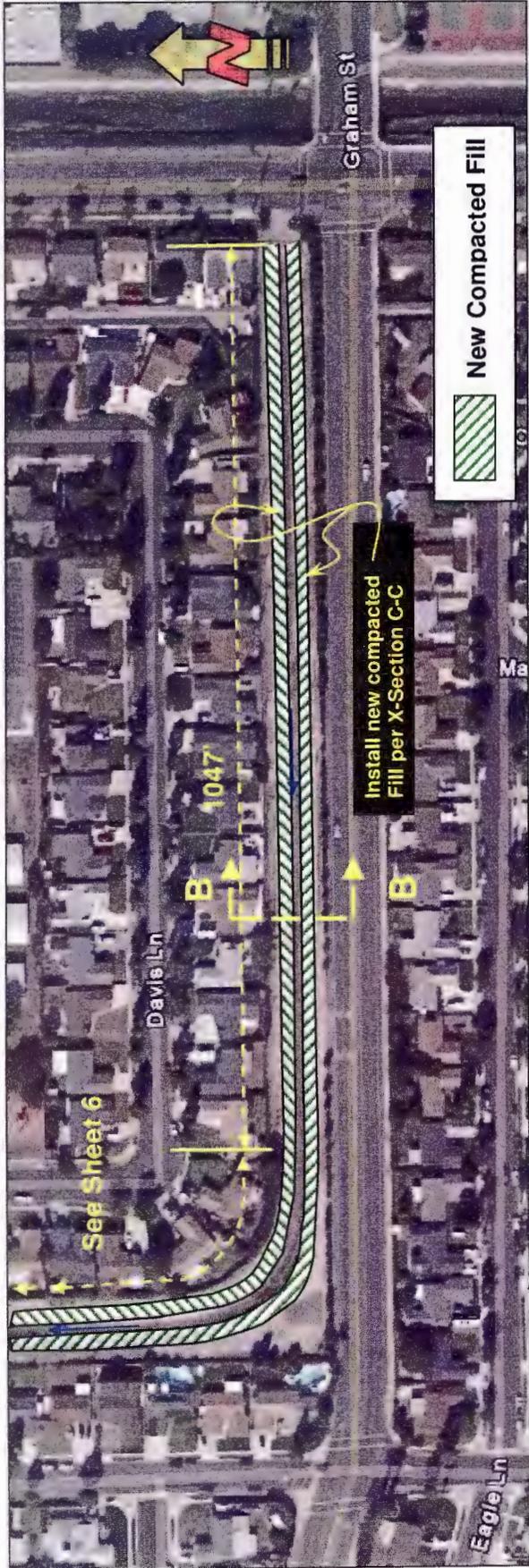


General Notes:

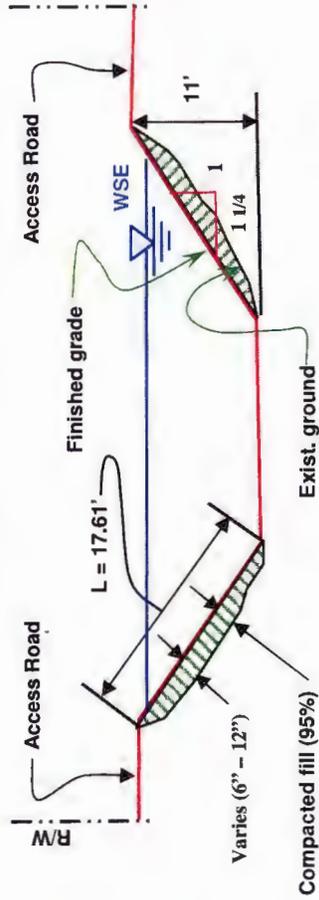
- 1) Contractor shall install compacted fill on both sides of the channel in order to restore the existing channel slopes.
- 2) 95% Minimum compaction.
- 3) Existing channel slopes are 1 1/4 to 1.

 	
LINE C07, SUNSET CHANNEL CHANNEL IMPROVEMENTS	
Orange County Public Works; O & M Section	
By: M. D.	
Date: August 12, 2010	
Sheet 6 of 7	

Figure 8



R/W



Section C-C
Typ. (NTS)

General Notes:

- 1) Contractor shall install compacted fill on both sides of the channel in order to restore the existing channel slopes.
- 2) 95% Minimum compaction.
- 3) Existing channel slopes are 1 1/4 to 1.

Orange County Public Works; O & M Section	
By: M. D.	
Date: August 12, 2010	
Sheet 7 of 7	



**LINE C07, SUNSET CHANNEL
CHANNEL IMPROVEMENTS**

Figure 9