PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT
Santa Ana River Emergency Maintenance Activities

Public Notice/Application No.: SPL-2015-00758-SLP
Project: Santa Ana River Emergency Maintenance Activities
Comment Period: July 26, 2016 through August 23, 2016
Project Manager: Shannon Pankratz; 213-452-3412; Shannon.L.Pankratz@usace.army.mil

Applicant
Annesley Ignatius
San Bernardino Department of Public Works
Environmental Management Division
825 East Third Street
San Bernardino, California 92415-0835

Contact
Mindy Davis
San Bernardino Department of Public Works
Environmental Management Division
825 East Third Street
San Bernardino, California 92415-0835

Location
The project is situated within the Santa Ana River and its confluences with Twin Creek and San Timoteo Creek, within the city of San Bernardino, San Bernardino County, CA (at: 34.070049° N, -117.289396° W).

Activity
In November 2015 Emergency Procedures were implemented per the provisions of 33 C.F.R. Part 325.2(e)(4) for temporary impacts to approximately 7 acres and 25 acres of non-wetland and wetland/riparian waters of the United States, respectively. The proposed work entailed the grubbing and complete removal of riparian vegetation and of accumulated sandy wash sediment from a specific reach of the Santa Ana River and along the areas where it confluences with Twin Creek and San Timoteo Creek (major tributaries). The proposed discharge immediately alleviated the threat and risks associated with the impairment of the predicted strong El Nino storm flows affecting local infrastructure (including freeway crossings) and affecting lives and properties of residents and businesses located adjacent to the River. The San Bernardino County Flood Control District created a clear center flow line to re-establish flow capacity for the River, as well as removed flow impediments surrounding stream crossings. The District cleared a 200-foot wide center area of the Santa Ana River, from Interstate 215 eastward to the Waterman Avenue crossing, first removing all vegetation and then accumulated sediment to a depth of 4-5 feet. The same work occurred at the confluences with two major tributaries in this reach of the Santa Ana River, Twin Creek and San Timoteo Creek. The District also cleared trees and large vegetation 100 feet upstream and downstream of three major bridge crossings with the Santa Ana River, located at South E Street, Waterman Avenue, and East Orange Show Road. For more information see Additional Information section below.

Interested parties are hereby notified an application had 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 project work. By providing substantive, site-specific comments to the 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 was issued with special conditions under Section 404 of the Clean Water Act. Comments should be mailed to:

Department Of The Army
Los Angeles District, U.S. Army Corps Of Engineers
Regulatory Division
ATTN: Shannon Pankratz
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017

Alternatively, comments can be sent electronically to: Shannon.L.Pankratz@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 activity. Any comments received will be considered by the Corps of Engineers to determine whether to modify or condition the permit for this activity. 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 an environmental impact statement is not required for the project.

Water Quality- The applicant is required to obtain water quality certification (WQC), under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. A Section 401 WQC was issued on October 26, 2015 (SARWQCB Project No. 362015-30).

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates 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 affected coastal zone resources after review of the comments received on this Public Notice.

Essential Fish Habitat- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH was affected by the project.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this project 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.

Endangered Species- Preliminary determinations indicate the proposed activity may adversely affect federally-listed endangered or threatened species and their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act is required.

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. Nonetheless, the basic project purpose for the project is to provide 100-year flood risk management emergency protection. 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 provide approximately 100-year flood emergency protection for the Santa Ana River channel reach.

Additional Project Information

Baseline information- All work areas were within designated critical habitat for the federally listed threatened and endangered species of the Santa Ana sucker (*Catostomus santaanae*), the San Bernardino kangaroo rat (*Dipodomys marriami parvus*), and the Southwestern willow flycatcher (*Empidonax traillii extimus*). The project area, from the confluence of the Santa Ana River and Twin Creek eastward to the Santa Ana River and the Interstate Highways 10 and 215, is also known to be occupied by the federally listed endangered species of Least Bell's vireo (*Vireo bellii pusillus*). CNDDB map information also indicates the possible presence of the San Bernardino kangaroo rat and the Santa Ana River woolly star (*Eriastrum densifolium sanctorum*) near the east end of the project area, by the East Orange Show Road bridge crossing.

Structurally, the riparian areas ranged from a dense canopy of large trees with a thick understory to open, lower-growing species within a sandy wash along the active water flow line. Riparian communities consisted of multi-layered vegetation that formed a dense canopy cover and included willow scrub, mule fat scrub, sycamore riparian cottonwood-willow riparian, and mixed riparian. These riparian communities along the watercourse, which are adaptable to seasonal flooding, support a wide array of species. Due to the habitat and potential sensitive species present within the project area, the applicant had a biological monitor present during the emergency maintenance activities in the project area.

Project description- The Project consisted of temporary impacts to approximately 7 acres and 25 acres of non-wetland and wetland/riparian waters of the United States, respectively, for vegetation and sediment removal activities. For the center-lining areas, the District first mowed and hydraulically cut all vegetation and trees. The areas were then grubbed with dozers to loosen the soil and roots, followed by 4-5 feet depth of soil excavation with scrapers. Other equipment utilized included excavators, loaders, and service and dump trucks. All vegetation, debris and excavated sediment removed from the River was disposed of in off-site stockpile or local landfill locations. Approximately 175,000 cubic yards of excavated sediment was removed as a result of the emergency maintenance activities.

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: Based on information provided by the applicant, the minimum width of center-lining activities necessary to restore the hydraulic function of the Santa Ana River and its confluences was a 200-foot width. Though the project area is in a biologically sensitive reach of the Santa Ana River, the majority of the 600-foot wide river reach was avoided. The applicant also restricted impacts around three major bridge crossings to only 100-feet upstream and downstream of the crossings. Lastly, the emergency work entailed only the minimum work necessary to improve river capacity and allow for unimpeded storm flows during the El Nino storm season.

Minimization: Best Management Practices (BMPs) were incorporated into the Project in order to minimize environmental effects. The following BMPs were implemented to minimize environmental impacts during the Project:
• A biological monitor was onsite during all project activities;
• Any equipment used during emergency activities was in good working order and free of leaks and other mechanical problems;
• Construction stakes or other similar marking were installed within the channels to demarcate the extent of the work areas;
• Equipment used during project activities were parked outside of the channel on levee tops or adjacent roadway;
• Equipment refueling and/or maintenance that may have been needed during the project did not take place within the channel bottom and/or near flows that may be present;
• Staff working with heavy equipment have been trained in the use of the equipment, as well as in spill containment and response for any unforeseeable accidents.

Compensation: No compensatory mitigation is proposed by the applicant for this completed one-time emergency maintenance project consisting of temporary impacts to waters of the U.S.

Proposed Special Conditions

The following list is comprised of Permit Special Conditions, which were required of this project:

1. The Permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter preserved waters of the U.S. and riparian wetland/habitat areas shown on Figures 1-3. Adverse impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements.

2. A qualified biologist shall be present for and monitor all emergency maintenance work activities.

3. Prior to the commencement of work, all work areas shall be surveyed for the Santa Ana River woolly star and the slender-horned spineflower prior to vegetation removal or ground disturbance, and all individuals present shall be staked or flagged. Any individuals present shall be avoided to the extent feasible during work. If woolly star plants are detected and bearing seeds, the seeds shall be collected and returned to the work area after the completion

of emergency work. Any collected seeds should be stored in envelopes (one envelope per plant) and kept in a temperature controlled environment (like an office), until they are returned to their sites of origin post-project.

4. The Permittee shall provide a detailed report to the Corps and USFWS of the disturbance to any sensitive plant or animal species (including but not limited to the least Bell's vireo, San Bernardino kangaroo rat, Santa Ana River woolly star, southwester willow flycatcher, and the Santa Ana sucker), and the disturbance to any suitable or designated critical habitat of sensitive species (including but not limited to the above listed species), in association with all work activities conducted within the project area. The report shall also include 2013 sensitive species data, the most recent surveys and mapping available on least Bell's vireo pairs and territories, as well as any site baseline data recently gathered prior to the commencement of work. This report shall be provided as soon as possible, and no later than 15 days after initiation of project work. A final version of the report shall be submitted no later than 45 days after completion of project work, to include impact details and biological monitoring through the completion of project work.

5. The Permittee shall, to the extent feasible, complete all project work prior to least Bell's vireo nesting season, or by March 15, 2016.

6. All vegetation, debris and sediment excavated shall be removed completely off-site and disposed of in an appropriate upland stockpile area or local landfill location. Upland stockpile locations shall occur in unvegetated areas with consolidated soils (i.e. existing access roads, work yards, etc.), as well as outside of designated critical habitat for sensitive species and outside of areas known to be occupied by sensitive species.

7. Excavation activities shall be conducted in such a manner so as not to result in berms or other similar flow impediments created within the active floodplains of the streams or their confluences.

8. 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) Signed Certification of Compliance (attached as part of this permit package).

9. 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 (Danielle Storey at 213-452-3855). 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 call Shannon Pankratz of my staff at 213-452-3412 or via e-mail at Shannon.L.Pankratz@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

Regulatory Program Goals:

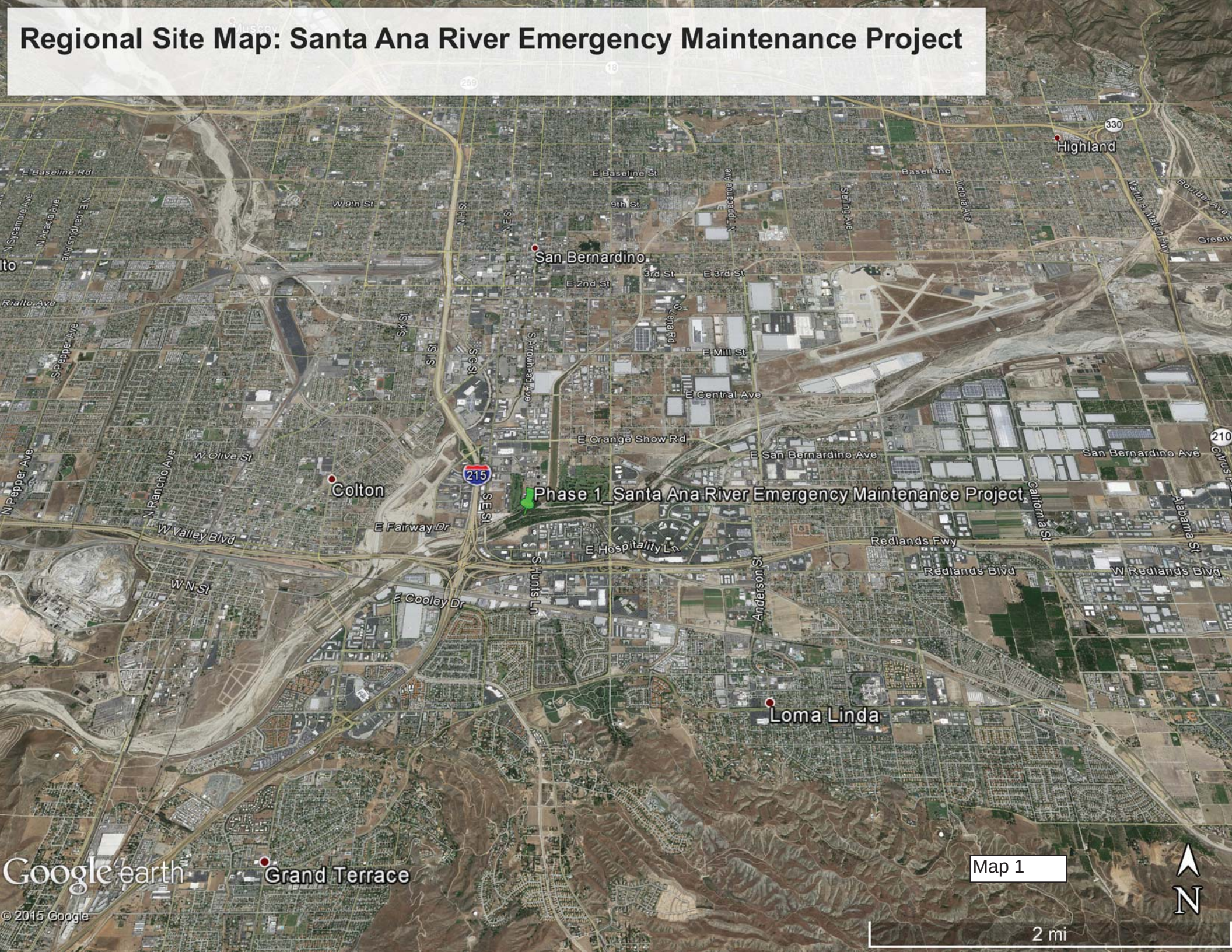
- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS

915 WILSHIRE BOULEVARD, SUITE 930
LOS ANGELES, CALIFORNIA 90017

WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY

Regional Site Map: Santa Ana River Emergency Maintenance Project



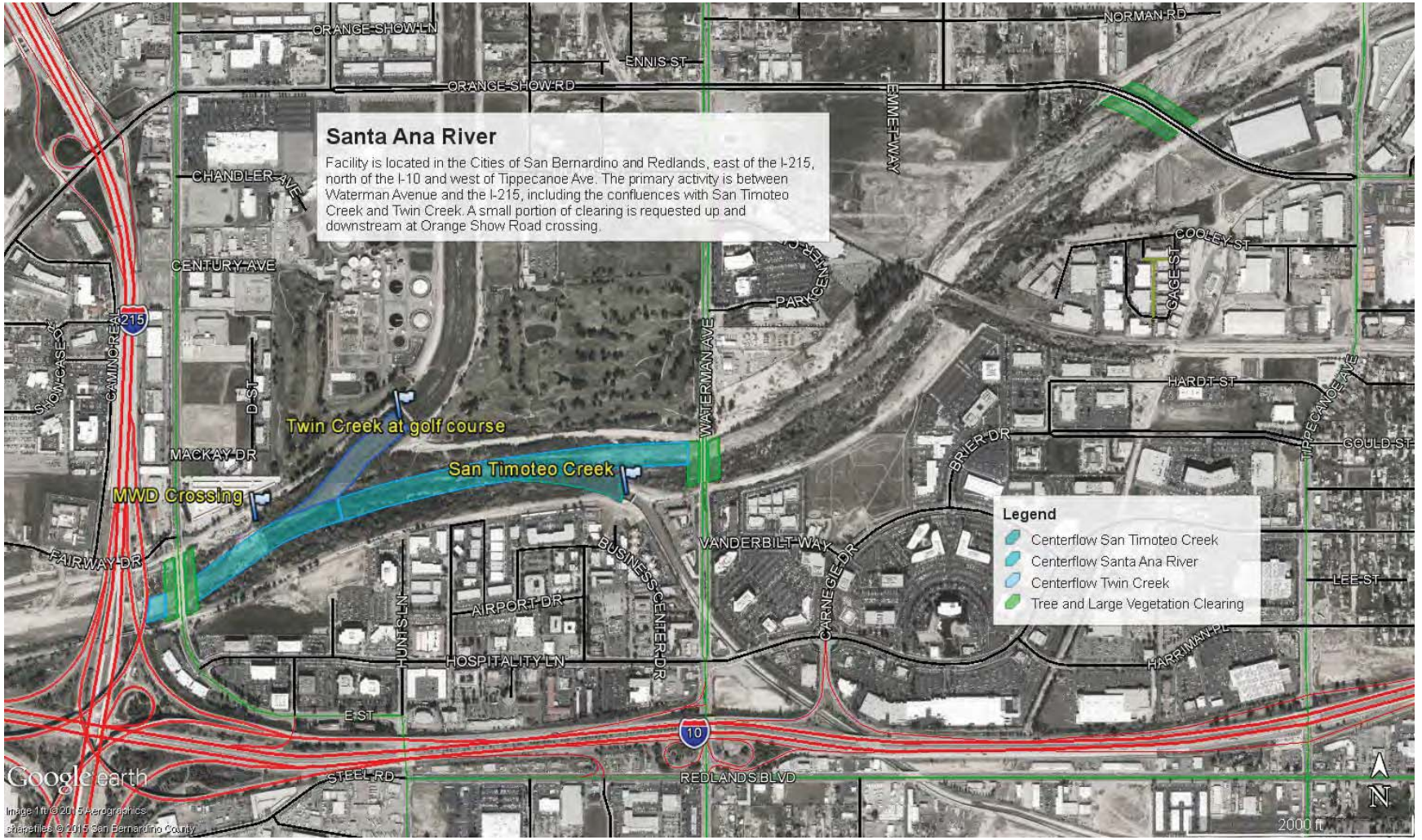

Santa Ana River
Facility is located in the Cities of San Bernardino and Redlands, east of the I-215, north of the I-10 and west of Tippecanoe Ave. The primary activity is between Waterman Avenue and the I-215, including the confluences with San Timoteo Creek and Twin Creek. A small portion of clearing is requested up and downstream at Orange Show Road crossing.
Twin Creek at golf course
San Timoteo Creek
MWD Crossing
Legend
Centerflow San Timoteo Creek
Centerflow Santa Ana River
Centerflow Twin Creek
Tree and Large Vegetation Clearing
ORANGE SHOW LN
ORANGE SHOW RD
ENNIS ST
NORMAN RD
CHANDLER AVE
CENTURY AVE
MACKAY DR
FAIRWAY DR
SHOWCASE PL
CAMINO REAL
215
D ST
WATERMAN AVE
EMMETT WAY
PARK CENTER
COOLEY ST
CAGE ST
HARDT ST
TIPPECANOE AVE
GOULD ST
BRIER DR
VANDERBILT WAY
CARNEGIE DR
LEE ST
HARRIMAN PL
BUSINESS CENTER DR
AIRPORT DR
HUNTS LN
HOSPITALITY LN
E ST
10
REDLANDS BLVD
STEEL RD
Google earth
Image 1 ft © 2015 Aerographics
Shapefiles © 2015 San Bernardino County
2000 ft
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Figure 1

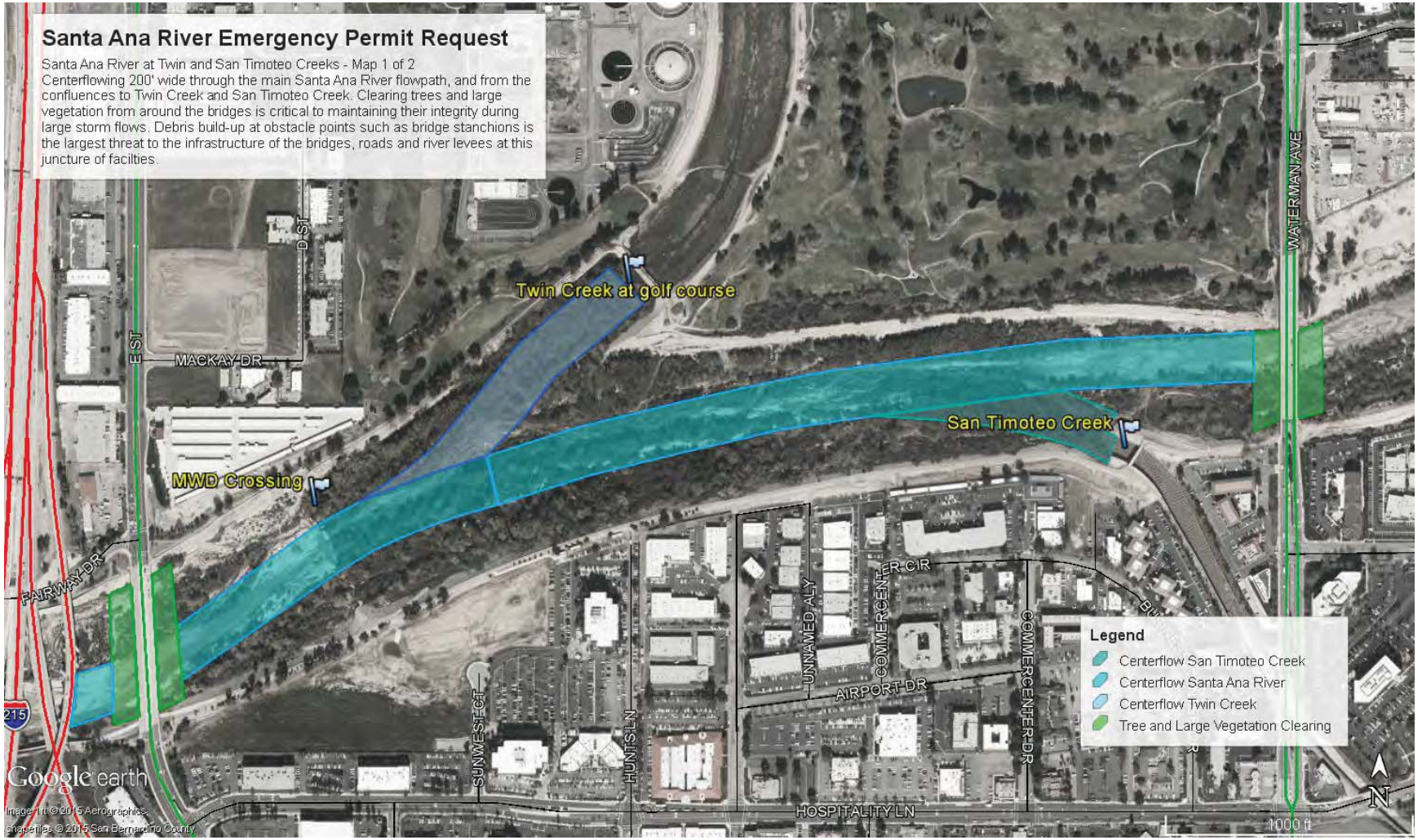
Santa Ana River Emergency Permit Request
Santa Ana River at Twin and San Timoteo Creeks - Map 1 of 2
Centerflowing 200' wide through the main Santa Ana River flowpath, and from the confluences to Twin Creek and San Timoteo Creek. Clearing trees and large vegetation from around the bridges is critical to maintaining their integrity during large storm flows. Debris build-up at obstacle points such as bridge stanchions is the largest threat to the infrastructure of the bridges, roads and river levees at this juncture of facilties.
Twin Creek at golf course
San Timoteo Creek
MWD Crossing
D ST
E ST
MACKAY DR
FAIRWAY DR
WATERMAN AVE
UNNAMED ALY
COMMERCE CENTER CIR
COMMERCE CENTER DR
AIRPORT DR
SUNWEST CT
HUNTS LN
HOSPITALITY LN
215
Legend
Centerflow San Timoteo Creek
Centerflow Santa Ana River
Centerflow Twin Creek
Tree and Large Vegetation Clearing
N
1000 ft
Google earth
Image © 2015 Aerographics
shapefiles © 2015 San Bernardino County

Figure 2


Santa Ana River Emergency Permit Request
Orange Show Road Crossing - Map 2 of 2
Clearing trees and large vegetation from around the bridges is critical to maintaining their integrity during large storm flows. Debris build-up at obstacle points such as bridge stanchions is the largest threat to the infrastructure of the bridge, road and river levees.
Legend
Tree and Large Vegetation Clearing
LENA AVE
CLEVENGER DR
ORANGE ST
SAN BERNARDINO AVE
TIPPECANOE AVE
COOLEY ST
HEDDA ST
Google earth
Image IT © 2015 Aerographics
Sheperflies © 2015 San Bernardino County
1000 ft
N

Figure 3