



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT Upper Cactus Basins (No.3-5) Flood Control System Enhancement Project

Public Notice/Application No.: SPL-2012-00858-SLP

Project: Upper Cactus Basins (No. 3-5) Flood Control System Enhancement Project

Comment Period: May 28, 2013 through June 27, 2013

Project Manager: Shannon Pankratz; 213-452-3412; Shannon.L.Pankratz@usace.army.mil

Applicant

John Schatz
San Bernardino County Department of Public
Works
Environmental Management Division
825 East Third Street
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Contact

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1905 Business Center Drive
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Location

The project is located at the existing San Bernardino County Upper Cactus flood control basins, within the city of Rialto, San Bernardino County, California (at: 34.125341° N, -117.388193° W). (See Figures 1-2).

Activity

The proposed project entails improvements to the existing Upper Cactus flood control basins system, including Cactus Channel and Basins No. 3a, 3, 4 and 5. Increased runoff from the upstream construction of Interstate 210 and continued new residential, commercial, and industrial development upstream, have and will continue to increase demands on the local flood control system and the subject basins. The existing flood control system is unable to handle the peak flow from a 100-year storm event. The proposed enhancements of the upper basins system would provide 100-year flood protection to residences, businesses and public infrastructure adjacent to Cactus Channel and Rialto Channel, by effectively staggering peak flows and decreasing potential downstream flood hazard impacts associated with projected future development in northern Rialto. The proposed enhancement activities would consist of expanding eastward Basins No. 4 and 5 to align directly upstream of Basin No. 3, thereby eliminating a portion of Cactus Channel. All basins would be widened, as well as deepened to an average depth of 43 feet. New berms would be constructed around each basin, with a center flow line established between all basin inlets and outlets. Total project permanent and temporary impacts to non-wetland waters of the U.S. would be 7.5 acres and 17.2 acres, respectively. Once the project is constructed, the 20-foot wide basin perimeter roads would be the jointly utilized as bicycle/walking trails. The basins system also would be maintained post-construction per the implementation of a long-term maintenance plan. 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 drawings. 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. Comments should be mailed to:

SHANNON PANKRATZ
LOS ANGELES DISTRICT CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

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 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. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

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. A Phase I and Class III Cultural Resources Investigation was prepared by McKenna et al. and no cultural resources were identified within the project area. The existing flood control facilities are all modern (post 1996) and of no historic significance. 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 would affect federally-listed endangered or threatened species, and their critical habitat. The least Bell's vireo (*Vireo bellii pusillus*) and San Bernardino Kangaroo Rat (*Dipodomys merriami parvus*) (SBKR) are present within the project area. Also, the least Bell's vireo, Santa Ana sucker (*Catostomus*

santaanae), and designated critical habitat for the southwestern willow flycatcher (*Empidonax traillii extimus*), coastal California gnatcatcher (*Poliioptila californica californica*), and Santa Ana sucker, are present within the proposed project mitigation area. Therefore, formal consultation under Section 7 of the Endangered Species Act does 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). 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 flood control. 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 storm event flood protection for residences, businesses and public infrastructure adjacent to Cactus Channel and Rialto Channel within the cities of Rialto and Colton.

Additional Project Information

Baseline information- The subject project site is comprised of approximately 116 acres owned by the applicant. The existing Cactus Basins were excavated as part of a sand and gravel extraction operation permitted by an EIR certified by the City of Rialto in 1988. Flood Control and/or ground water recharge improvements to the basins as described in the 1988 EIR were never completed. The entire Cactus Basins flood control system ultimately includes six separate basins:

Basin No.1	South of Base Line Road, constructed
Basin No. 2	South of Base Line Road, constructed
Basins No. 3,3A	North of Base Line Road, part of the proposed project (previously named Basin C)
Basin No. 4	North of Base Line Road and Basin 3, part of proposed project (previously named Basin B)
Basin No. 5	North of Base Line Road and Basin 4, part of proposed project (previously named Basin A)

Basins No. 1 and 2 are located south of the Upper Cactus Basins south of Baseline Road. Basins No. 1 and 2 have been completed and are operational. Currently, Basins No. 4 and 5 are not connected to the upper Cactus Basins flood control system. Flows from the upper watershed enter Cactus Channel, located immediately east of Basins No. 4 and 5. Flows from Cactus Channel then enter directly into Basin No. 3 then Basin No. 3A, pass under Baseline road within Rialto Channel, continue

through Basins No. 2 and 1, and exits the flood control basins system by entering back into Rialto Channel. The existing Cactus Basins flood control system is unable to handle the peak flow from a 100-year storm event. Therefore, the applicant proposes to construct flood control improvements at this time.

Project description- Basin enhancements proposed at this time include improvements to Cactus Channel and to Basins No. 3, 3A, 4, and 5, collectively termed the Upper Cactus Basins. The proposed design involves: the widening and deepening of the four Upper Cactus Basins to an average depth of 43 feet (average elevation 1,346 feet above sea level (asl)); the realignment of Basins No. 4 and 5 directly over the existing Cactus Channel; the construction of Division of Safety of Dams (DSOD) earthen dams within Basins No. 3 and 3A, between Basins No. 3, 3A and 4, and between Basins No. 4 and 5; and the construction of various appurtenant structures. Additionally, the proposed project would implement a Flood Control System Maintenance Plan for on-going management of the basins upon completion of construction. A bicycle/walking trail would also be constructed for recreational use on the perimeter of the basins.

All earthmoving activities would be confined within the project area. Approximately 1,829,000 cubic yards (CY) of material would be exported. No import of material is expected to occur. Stockpiles, as necessary, would be temporarily placed within the project area. The planned excavation and stockpile volumes are outlined in Table 1. The proposed project components are discussed in detail below.

**Table 1
Basin Excavation and Stockpile Numbers**

Basin	Excavation (CY)	Embankment (CY)	Export (CY)
3	440,000 cy	111,000	329,000
3A	45,000	70,000	---
4	1,200,000	100,000	1,100,000
5	540,000	140,000	400,000

Basin Expansion and Deepening

The proposed project would widen and deepen Cactus Basins No. 3, 3A, 4, and 5. The four basins would be excavated to a uniform depth of approximately 1,346 feet above sea level (asl). In order to align the basins within the subject property, Basins No. 4 and 5 would be widened eastward over the location of the existing Cactus Channel. Post-construction, all flows from the concrete box structure under Easton Street would flow directly into Basin No. 5 (see Figure 3).

Each basin would include access ramps to the basin floor. A typical access ramp would be 15 feet wide, providing the access required for construction and maintenance of the basins.

California of Department of Water Resources- Division of Safety of Dams (DSOD)

Earthen dams would be constructed within Basin 3 and 3A, between Basins 3, 3A and 4, and between Basins 4 and 5. As designed by the applicant, the dams would be subject to the State of California Department of Water Resources DSOD regulations. Moreover, construction of the dams would be supervised by the DSOD.

Basin Appurtenant Structures

A series of appurtenant structures would be constructed in the basins system for the realignment of flow from the upstream Cactus Channel segment through the basins, and downstream to Rialto Channel. The proposed appurtenant structures are described as follows:

- Flows from upper Cactus Channel would enter Basin No. 5 from the northeast corner over an ungrouted rock rip-rap splash pad embedded into the facility's levee. The splash pad would measure 3 feet in depth with a slope of 3H:1V, and would span 240 feet along the levee slope and 135 feet of the channel (total splash pad length of 375 feet).
- A storm drain inlet, from Ayala Drive and Jerry Eves Park to the west, would be constructed beneath the western levee.

Flood Control System Maintenance Plan

Upon completion of construction, the Applicant would implement a long-term Maintenance Plan for the continued functionality of the Upper Cactus Basins flood control system. The proposed basin inlet and outlet system has been designed to minimize maintenance requirements and to minimize disturbance of revegetated habitat located on the dam slopes. Flows would enter Basin No. 5 from the northeast, with sediment loads predominately settling within Basin No. 5. Residual sediment is expected to flow through the spillways from Basin No. 5 before settling in Basin No.4. The applicant expects to no sediment accumulation to occur in Basins No. 3 and 3A. The proposed maintenance activities proposed under the Maintenance Plan would include:

- Removal of accumulated sediment as needed;
- Removal of vegetation as needed;
- Weed abatement along the property fence lines and roadsides as needed;
- Debris removal, erosion repairs, and center flow repairs as needed;
- Basin bottom diking, if and where possible; and,
- Levee grading as needed.

Maintenance activities would also include the continued management of the revegetated basin slopes. Per DSOD requirements for the maintenance of regulated dams, vegetation that may potentially inhibit the structural integrity of the earthen dams may be removed as part of the normal maintenance activities.

Bicycle/Walking Trail

Upon completion of the proposed project, the 20-foot wide access roads along the perimeter of the flood control system would be jointly used as bicycle/walking trails. The joint use of the access trails is intended to enhance the recreational opportunities existing at the adjacent Jerry Eves Park, located just west of Basins No. 3, 3A and 4.

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 was not able to avoid impacts to waters of the U.S., as the proposed project is located within an existing flood control system.

Minimization: The applicant has also proposed general and specific construction-related best management practices (BMPs), as follows:

Water quality BMP:

- The project contractor would complete and comply with the Storm Water Pollution Prevention Plan.

Endangered Species Act (ESA) BMPs:

- SBKR biological monitors would be present on the project site during all construction activities.
- SBKR trapping and relocation would be conducted, if required, prior to construction activities.
- All construction activities would be avoided annually during the bird nesting season of March 15 – September 15.

Compensation: As ESA mitigation, the applicant has proposed to revegetate 41 acres of the newly created basin slopes onsite with native duff and hydroseed with alluvial fan sage scrub seed mix, along with a total of 45 acres of Riversidean alluvial fan sage scrub habitat offsite to be preserved within Cajon Creek.

The applicant has also proposed offsite, permittee-based compensatory mitigation for impacts to both riparian habitat and waters of the U.S. This offsite mitigation would consist of 14.6 acres of enhancement of riparian stream, located at the confluence of Rialto Channel and the Santa Ana River (see Figure 4). The proposed project would also result in the onsite establishment of 31 acres of floodplain area, to be maintained as part of the Upper Cactus Basins system.

Proposed Special Conditions

None at this time.

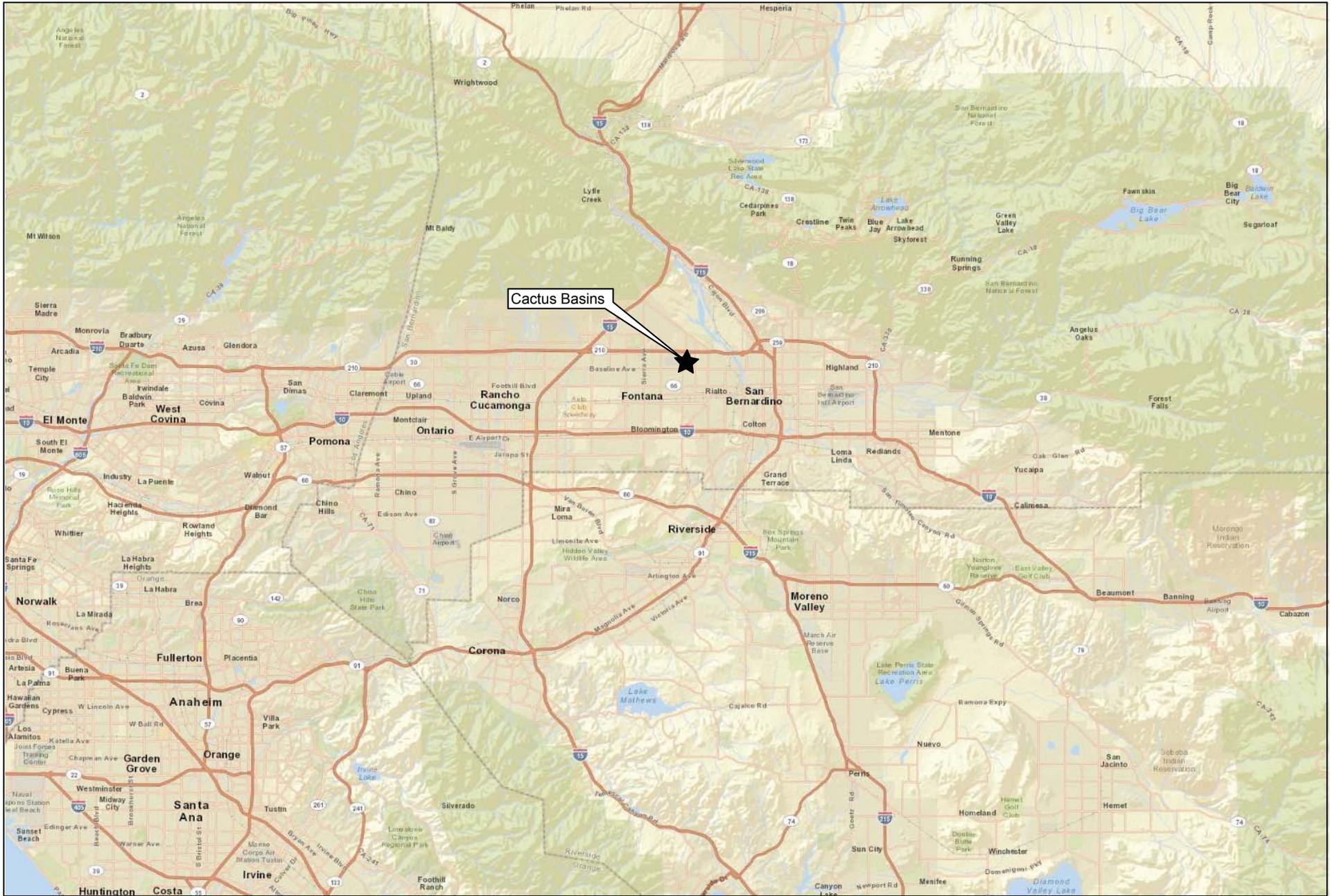
For additional information please call Shannon Pankratz of my staff at 213-452-3412 or via e-mail at Shannon.L.Pankratz@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



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.

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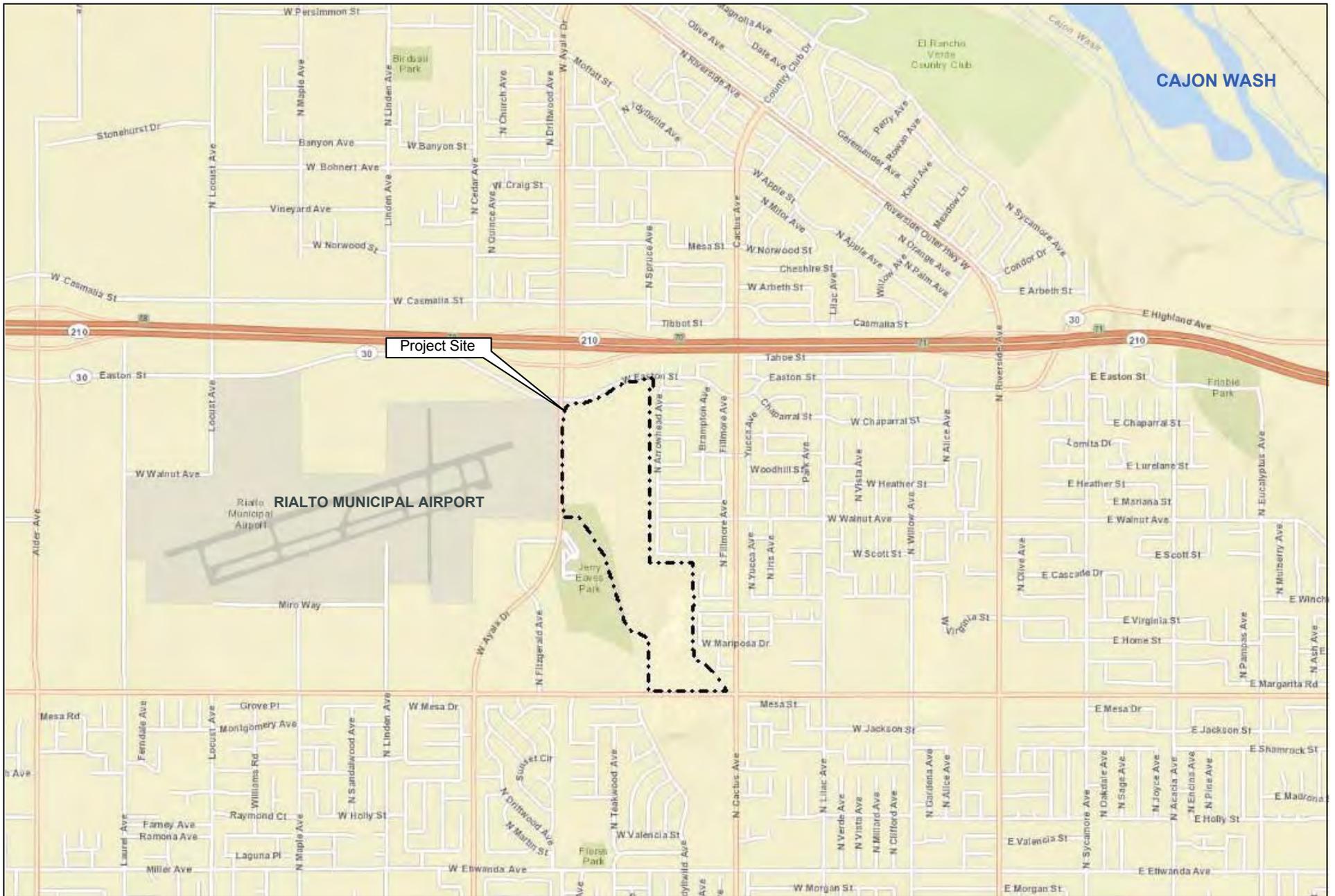


Regional Vicinity

Upper Cactus Basins Enhancement Project
 City of Rialto, San Bernardino County, California

Figure 1



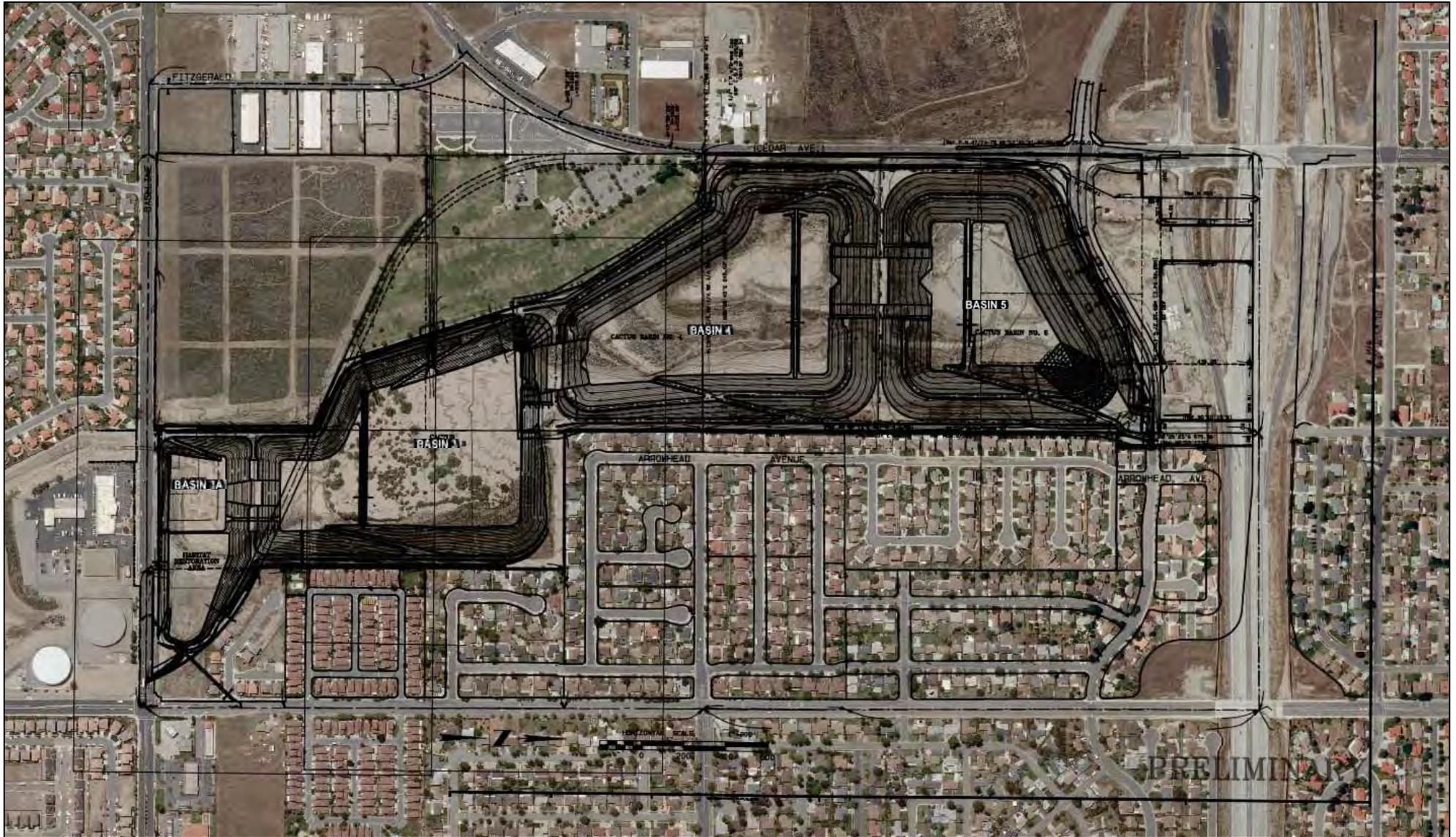


Project Location

Upper Cactus Basins Enhancement Project
 City of Rialto, San Bernardino County, California

Figure 2





Project Plans

Upper Cactus Basins Enhancement Project
 City of Rialto, San Bernardino County, California

Figure 3



MITIGATION SITE LOCATION

Rialto Channel HMMP
City of Colton, California

Figure 4

