



PUBLIC NOTICE

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-2011-00586-JPL

Project: Haster Basin and Recreational Field Project

Comment Period: January 24, 2012 through February 23, 2012

Project Manager: Jason Lambert; 213-452-3361; Jason.P.Lambert@usace.army.mil

Applicant

Nardy Khan, P.E.
Orange County Public Works
300 N. Flower Street
Santa Ana, California 92703

Contact

Erik Larsen, D. Env.
AECOM
999 Town & Country Road
Orange, California 92868

Location

The proposed project is located in Twin Lakes Park at 12952 Lampson within the city of Garden Grove, Orange County, California (at: 33.7791882704739, -117.908602804783). Proposed project impacts to jurisdictional waters of the U.S. would occur within Haster Basin.

Activity

The applicant proposes to discharge dredged or fill material into waters of the U.S. in association with the proposed modification of Twin Lakes Park. Project activities would include the removal of an existing island from Haster Basin, deepening of the basin, installation of a new pump station at the southwest corner of the Basin, and filling portions of the basin in order to install recreational fields (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). Interested parties are invited to provide their views on the proposed work, which would become a part of the record and considered in the decision. This permit would be issued or denied under Section 404 of the Clean Water Act (CWA) of 1972 (33 U.S.C. §1344). Comments should be mailed to the following address:

Los Angeles District, Corps of Engineers
P.O. Box 532711
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: Jason.P.Lambert@usace.army.mil.

Evaluation Factors

The decision whether to issue a permit would be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision would 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 would be considered including the cumulative effects thereof. Factors that would 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 would include application of the EPA Guidelines (40 CFR 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 would 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 would 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. A final determination of whether this project affects coastal zone resources would be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice.

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.

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

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

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. The basic project purpose for the proposed project is to provide increased flood protection and supplement recreational opportunities. The project is not 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 increase flood protection and to provide increased recreational opportunity for the residents of Garden Grove and the immediate vicinity.

Additional Project Information

Baseline information- Haster Basin (Basin) is located within a 21.2-acre flood control facility owned and operated by the Orange County Flood Control District (OCFCD). In the 1960s the Basin was constructed for the purpose of flood control. In 1976, Twin Lakes Freedom Park (Park) was established around the Basin to provide recreation for the City of Garden Grove (City). The Park currently includes benches, picnic tables, barbeque stands, exercise stations, and a 3,900-foot-long asphalt-paved maintenance road that serves as a pedestrian perimeter path for walking and jogging.

The Basin and Park are located in the Westminster Watershed. Although the Basin is not located in the Santa Ana River Watershed, it is within the Santa Ana River floodplain and the boundaries of the Federal Emergency Management Agency's (FEMA) historical 100-Year Floodplain for the Santa Ana River (FEMA 2005). The watershed tributary to the Basin is approximately 1,845 acres and includes portions of the cities of Anaheim, Garden Grove, and Orange. In addition, two regional storm

drains discharge directly into the Basin. The Basin outlets toward the southwest, through the East Garden Grove Wintersburg Channel, which at this point is a 10-foot by 5.5-foot vertical walled concrete-lined channel located near Aspenwood Lane.

The vegetation along the banks of the Basin is composed of various ornamental and native trees with an understory of non-native, ornamental grasses typical of parks within Orange County. The proposed project site contains approximately 11.04 acres of jurisdictional waters of the U.S., including 0.27 acre of jurisdictional wetlands.

Project description- The proposed project has been divided into several aspects to be implemented which include both regulated and non-regulated activities. They are described as follows:

- The Basin would be deepened from the current elevation of 87 feet above mean sea level (AMSL) to elevation 83 feet AMSL, increasing the depth of the Basin by 4 feet. The Basin slopes would be graded to a slope of 2 feet horizontal to 1 foot vertical from elevation 83 feet to elevation 110 feet. The Basin's slope stabilization would be accomplished by landscaping with native grasses, shrubs, and trees.
- Grading of the Basin slopes would increase the total storage volume to approximately 146.05 acre feet at elevation 100 feet. The Basin volume between elevation 92.0 feet, the estimated groundwater level, and elevation 83.0 feet, the Basin bottom, would be "dead storage", e.g., wet detention basin to be used for water quality management purposes. The volume of the dead storage would be 69 acre feet. Earthwork quantities for the grading plan are estimated at 183,778 cubic yards of excavation.
- Installation of a new pump station at the southwest corner of the Basin. During this activity, 23,807 cubic yards would be used as unclassified fill for the pump station installation.
- The applicant proposes to remove two inches of concrete from an approximately 135 linear foot portion of the East Garden Grove Wintersburg Channel (immediately downstream of Haster Basin), leaving about 6 inches of concrete in place. After removal of the 2 inches, a new layer of concrete (about 2 - 4 inches) would be layered in the place of the old in order to improve the slope of the drainage. This change in gradient would allow water to move more efficiently downstream and prevent water from collecting in the channel just downstream from Haster Basin. The jurisdictional impacts to the channel bottom associated with this activity would be 0.03 acre (135 linear feet x 10 feet width).
- Approximately 48,360 cubic yards of excavated fill would be used to fill 2.03 acres of jurisdictional waters in the northeast portion of the Basin in order to provide an approximately 2.5-acre recreation area. An additional 9,680 cubic yards of clean fill/top soil would be imported and used as cover over the excavated fill for the recreation area.
- The remaining 111,611 cubic yards of excavated material would be exported from the site and disposed of at an approved location. It is anticipated that this excess material would be disposed of at the Olinda Alpha Landfill in Brea.

- Construction of a triple-barrel concrete flood control box under the existing parking lot and fill area.
- The existing 44 car parking lot would be reconfigured and expanded. The expanded parking lot would have approximately 80 parking spaces.
- Construction of a driveway/construction access road off Haster Street, which would be converted to a permanent entrance/exit to the new parking lot at the end of project construction.
- Installation of a new landscaping and irrigation system.

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 and Minimization: As a part of the proposed project, the applicant would convert 2.89 acres of upland habitat to open water and wetland. The applicant has stated that they have minimized their project footprint to the maximum extent practicable, however, an array of project alternatives will be evaluated as a part of the Corps 404(b)(1) evaluation process.

Compensation: The applicant has stated that a key project element is the creation of wetland and riparian habitat around Haster Basin to mitigate for impacts to a seasonal wetland located along the shoreline of the island, as well as for impacts to open water as a result of the construction of the recreational area. Currently, no wetlands or riparian areas exist around the perimeter of the Basin, which consists of a combination of unvegetated, disturbed shoreline and ornamental grasses. After project construction, wetland and riparian areas would completely encircle the newly configured Basin and would provide habitat where none existed. In addition, the quality of the open water portion of the Basin could be enhanced by the uptake of nutrients by wetland plants. The proposed project would result in an overall net increase of non-wetland (0.86 acre of open water) and wetland (0.31 acre of wetland/riparian) waters of the U.S. An additional 0.76 acre of riparian habitat would provide a vegetated buffer to the Corps jurisdictional area, and would include the planting of native tree and shrub species.

Proposed Special Conditions

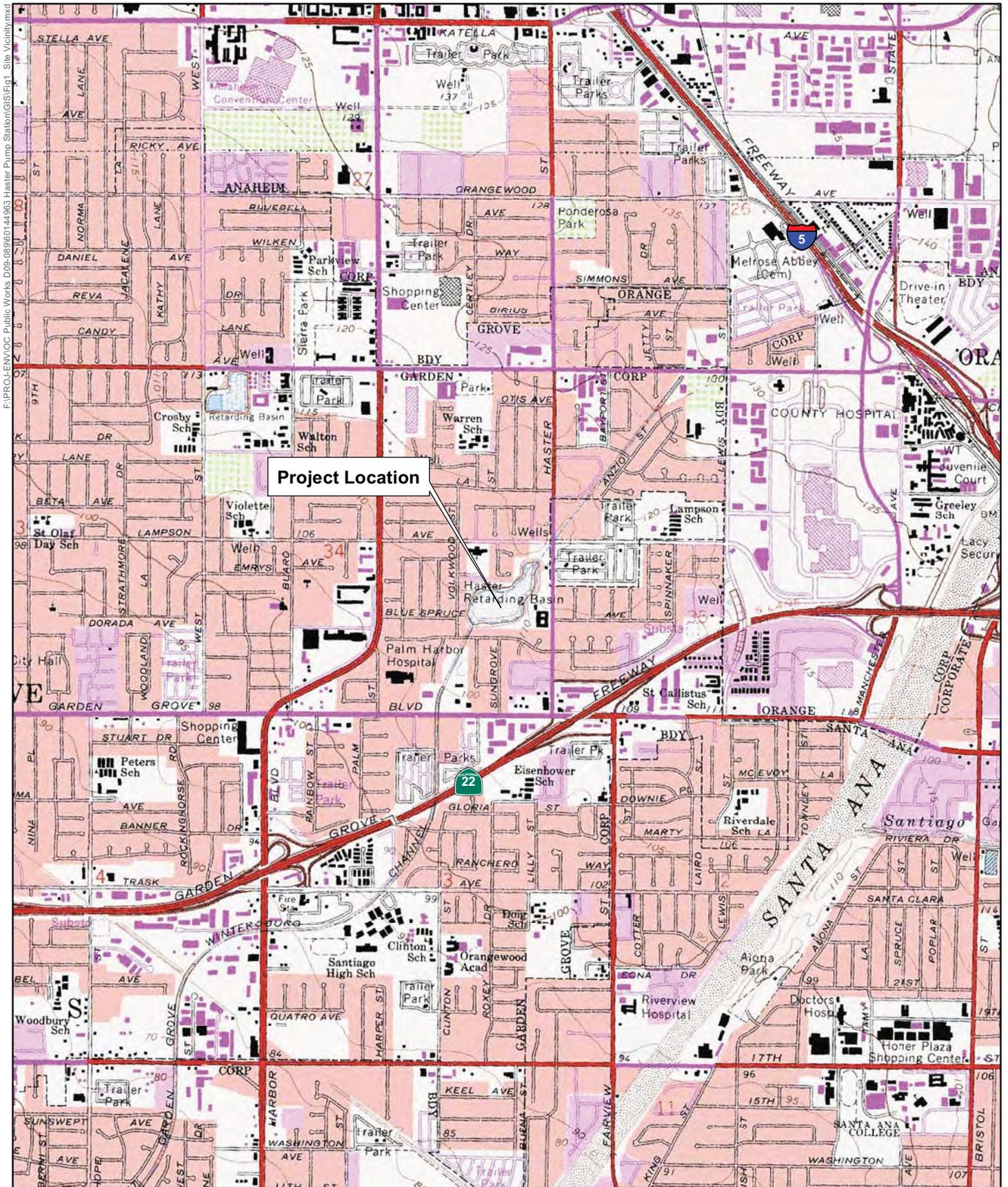
The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects:

1. Prior to initiating construction in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a complete set of final detailed grading/construction plans showing all work and structures in waters of the U.S. All plans shall be in compliance with the Final Map and Drawing Standards for the Los Angeles District Regulatory Division dated September 21, 2009 (http://www.spl.usace.army.mil/regulatory/pn/SPL-RG_map-drawing-standard_final_w-fig.pdf).

All plan sheets shall be signed, dated, and submitted on paper no larger than 11x 17 inches. No work in waters of the U.S. is authorized until the Permittee receives, in writing (by letter or e-mail), Corps Regulatory Division approval of the final detailed grading/construction plans. The Permittee shall ensure that the project is built in accordance with the Corps-approved plans.

2. 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 memo indicating the date authorized impacts to waters of the U.S. ceased.
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 call Jason Lambert of my staff at 213-452-3361 or via e-mail at Jason.P.Lambert@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



Source: Anaheim, CA USGS 7.5' Topographic Quadrangle (1977), Digital Globe, Inc. (July 2009), and AECOM (2010).

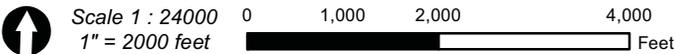
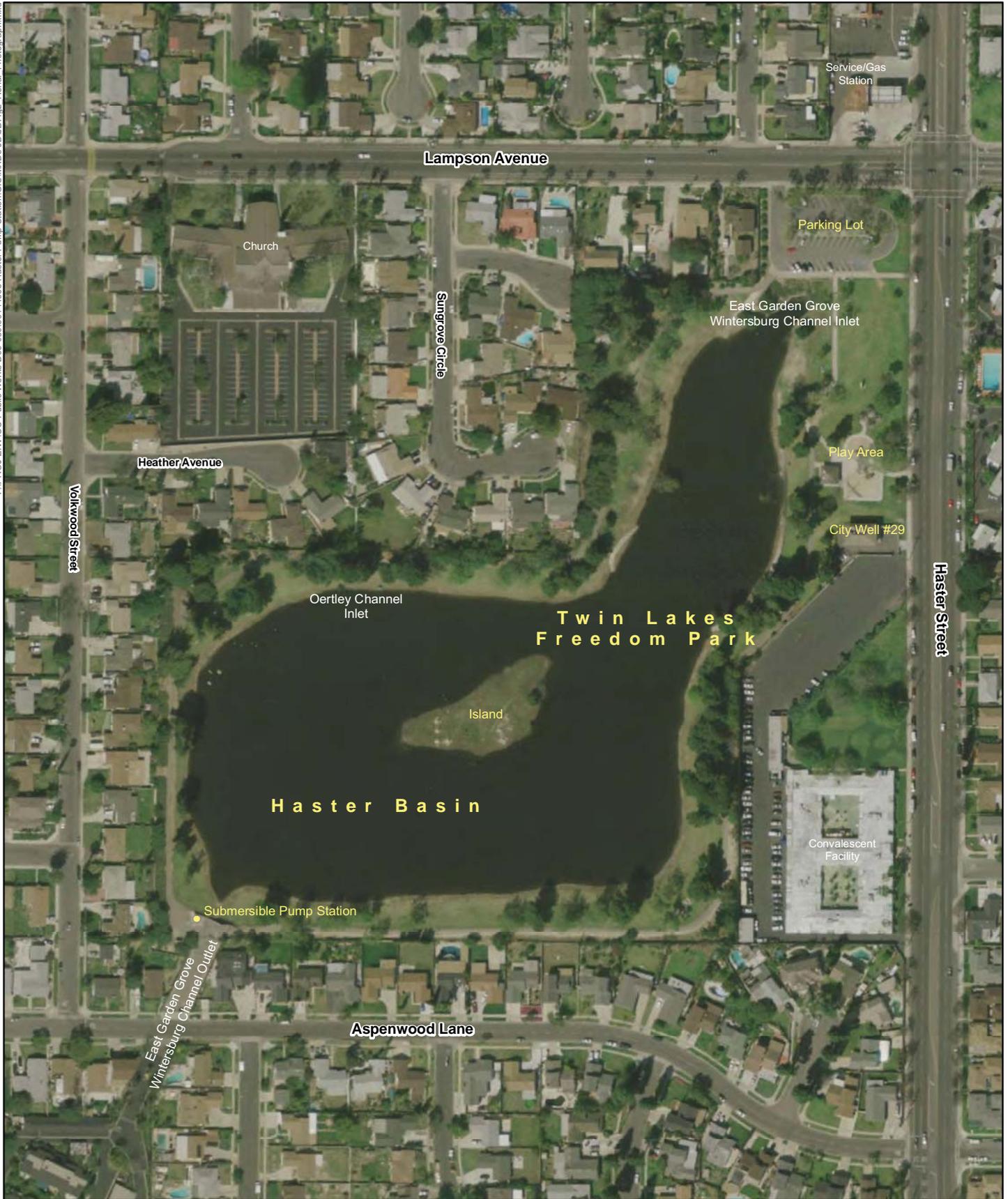


Figure 1
Site Vicinity



Source: Digital Globe, Inc. (March 2008), and AECOM (2010).

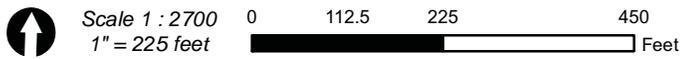
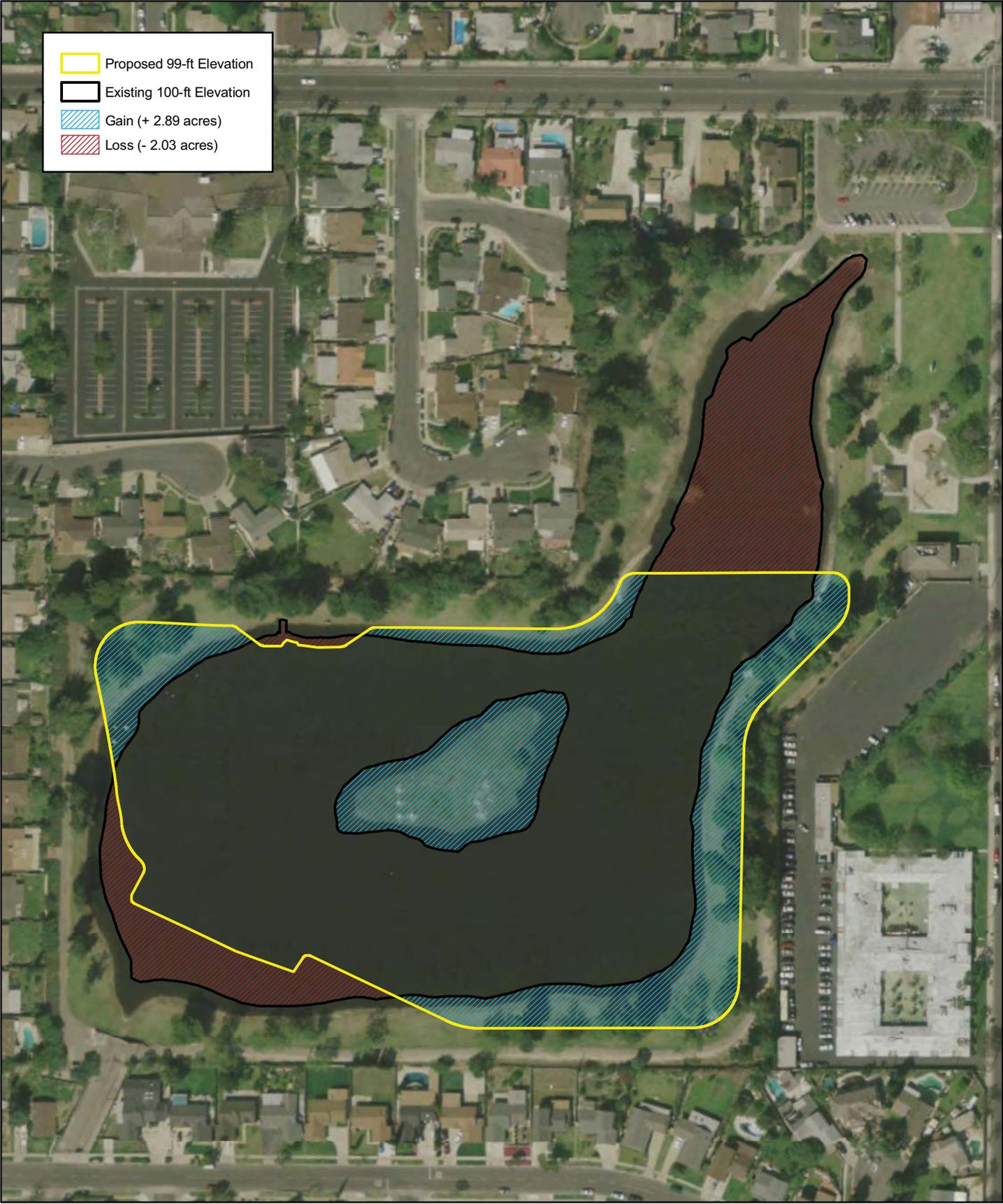


Figure 2
Aerial Photograph

-  Proposed 99-ft Elevation
-  Existing 100-ft Elevation
-  Gain (+ 2.89 acres)
-  Loss (- 2.03 acres)



Source: Digital Globe, Inc. (March 2008), OC Public Works (2010), and AECOM (2010).

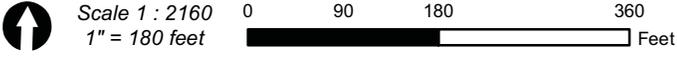


Figure 5
Corps Open Water Impacts



Figure 6
Proposed Wetland and Riparian Mitigation

Scale 1 : 1500
 1" = 125 feet



Source: Digital Globe, Inc. (March 2008), OC Public Works (2010), and AECOM (2010).