



# PUBLIC NOTICE

## APPLICATION FOR STANDARD INDIVIDUAL PERMIT (SIP)

### *LOS ANGELES DISTRICT*

**Public Notice/Application No.:** SPL-2011-01026-JEM

**Project:** Eagle Canyon Dam and Debris Basin Project

**Comment Period:** August 7, 2012 through August 22, 2012

**Project Manager:** Jim Mace; 951-276-6624 x263; James.E.Mace@usace.army.mil

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### Applicant

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### Contact

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### Location

The Eagle Canyon Dam and Debris Basin Project is situated on a northerly toe of the San Jacinto Mountains (herein referenced as the "project site") (Exhibit 1). The project site is located at the mouth of Eagle Canyon, in the hills to the southwest of East Palm Canyon Drive (Highway 111) near its intersection with Canyon Plaza Drive in Cathedral City, Riverside County, California (Exhibit 2 and 3). Portions of the project site are also located within the city of Palm Springs and tribal lands of the Agua Caliente Band of Cahuilla Indians.

The majority of the project site falls within the Agua Caliente Indian Reservation (Agua Caliente Band of Cahuilla Indians). The remainder of the site is privately held by various entities. The project site can be accessed through the Desert Rock Supply, Inc. materials yard located at 67-625 Via Allegro in Cathedral City, or from a gate along East Palm Canyon Drive (Highway 111).

### Activity

The proposed project would include the installation, operation, and maintenance of an earthen dam, which would be constructed across the mouth of the canyon (Exhibit 4). The dam would be an earthen embankment with a central, relatively impervious core zone of silty sand and sandy silts, and shells of sand and gravels. These materials can be locally obtained from alluvial deposits within the reservoir area. The dam would have a crest at approximately 405 feet above mean sea level (msl), which is about 60 feet above the low point of the existing channel; the crest width would be approximately 20 feet. The project would provide flood detention and flood hazard mitigation for the developed portion of Cathedral City located downstream of the Canyon. The outlet works would be ungated and the dam would therefore only hold water for brief periods of time following significant flood events.

Stormwater flows from the wash would be conveyed via an underground storm drain system, Line 43, which would follow the base of the hills eastward toward Perez Road. This project component would be installed mostly within currently developed street rights-of-way and would total approximately 3,500 linear feet (LF). Line 43 would be connected at the headwall location and consist of a 42-inch-diameter reinforced concrete pipe (RCP) and transition to a reinforced concrete box (RCB). The RCB would range in width from 5 feet to 14 feet ultimately consisting of a 14-foot by 4.5-foot RCB at the North Cathedral Canyon Channel connection. In addition, the Lateral Line 43a would begin at the southerly tip of the Jessup Auto Plaza property (APN 687-460-025), following its southwesterly boundary to Perez Road for approximately 950 LF, where it would tie in to the proposed Line 43. Line 43a would consist of a 42-inch-diameter RCP.

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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 figures. Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under section 404 of the Clean Water Act. Comments should be mailed to:

U.S. Army Corps of Engineers  
Riverside Regulatory Office  
Attn: CESPL-RG-SS-SPL-2011-01026-JEM  
1451 Research Park Drive, Suite 100  
Riverside, California 92507-2154

Alternatively, comments can be sent electronically to: James.E.Mace@usace.army.mil

### **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 U.S. Environmental Protection Agency (EPA) Guidelines [40 Code of Federal Regulations (CFR) 230] as required by section 404 (b)(1) of the Clean Water Act.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public, Federal, state, and local agencies and officials, Indian tribes, and other interested parties 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 federally listed endangered or threatened 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:** The applicant is required to obtain water quality certification from the California Regional Water Quality Control Board (RWQCB) pursuant to section 401 of the Clean Water Act. Section 401 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, the applicant will be required to obtain water quality certification from the EPA.

**Coastal Zone Management:** The proposed project is located outside of the coastal zone and would not affect coastal zone resources.

**Cultural Resources:** Archaeological Associates has submitted a Cultural Resources Assessment, dated July 19, 2006. This assessment included a records search and field survey of the project site conducted in July 2005. No cultural resources were identified on the project site through the records search or during the field survey. 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:** The following information is based on the Biological Resources Section of the *Final Environmental Assessment / Environmental Impact Report (EA/EIR) for the proposed project*, prepared by RBF Consulting, dated March 2011.

#### Regulatory Setting

##### Habitat Conservation Plans

##### *Coachella Valley Multiple Species Habitat Conservation Plan*

The Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP) was released in February 2006 by the Coachella Valley Association of Governments (CVAG). The Riverside County Flood Control and Water Conservation District (the District) is a participant in the program. The California Department of Fish and Game (CDFG) and the United States Fish and Wildlife Service (USFWS) issued the final permits for the plan on September 9 and October 1, 2008, respectively. The Coachella Valley MSHCP was developed to “balance environmental protection and economic development objectives in the MSHCP area and simplify compliance with endangered species related

laws.” The Coachella Valley MSHCP covers approximately 485,622 hectares (1.2 million acres) in the Coachella Valley and surrounding mountains in central Riverside County. The Coachella Valley MSHCP proposes to conserve approximately 293,713 hectares (725,780 acres) and protect 27 Covered Species. A Reserve System will be established within 21 Conservation Areas based on occurrences of 27 natural communities that provide habitat for the Covered Species. When assembled, the Reserve System will provide for the conservation of the Covered Species in the Coachella Valley MSHCP area. The Covered Species are indigenous and/or endemic to the Coachella Valley and surrounding San Jacinto, Santa Rosa, and Little San Bernardino Mountains. Covered Species have special status under either the Federal Endangered Species Act (ESA) and/or the California Endangered Species Act (CESA), or are species that are likely to become listed during the term of the Coachella Valley MSHCP permit.

A portion of the project site (non-tribal land) is located within the western portion of the Coachella Valley MSHCP area, but is not located within a proposed Conservation Area. The Coachella Valley MSHCP provides authorization under the ESA and the CESA that allows the “take” of Covered Species, including loss of their habitat, if the project is consistent with Coachella Valley MSHCP requirements. The proposed project is required to comply with all applicable avoidance, minimization, and mitigation measures described in Sections 4.3, 4.4, and 9.0 of the Coachella Valley MSHCP. The proposed project does not share a common boundary with a Conservation Area, and therefore, the Land Use Adjacency Guidelines in Section 4.5 of the Coachella Valley MSHCP would not be applicable.

#### *Agua Caliente Tribal Habitat Conservation Plan*

Tribal governments have broad regulatory and management authority within their jurisdictional territories. This authority includes the ability to regulate and manage activities of members and non-members on both Tribal and allotted trust land. Based on this authority, the Agua Caliente Band of Cahuilla Indians (Tribe) released a Tribal Habitat Conservation Plan (Tribal HCP) in 2010, at the same time the Tribal Habitat Conservation Plan was adopted by the Tribal Council as Tribal law. The Agua Caliente Indian Reservation (Reservation) consists of approximately 31,500 acres of land within the boundaries of the cities of Palm Springs, Cathedral City, Rancho Mirage, and unincorporated portions of Riverside County. The Reservation is composed of a checkerboard pattern of landholdings, including Tribal Trust Land, Allotted Trust Land, and Fee Land. As a sovereign Indian Nation, the Tribe manages the areas and resources within the jurisdictional territory of the Tribe. The Agua Caliente Tribal HCP is being implemented by the Tribe as Tribal law and the HCP is still being negotiated with USFWS as part of a section 10(a) Federal permit application under the ESA. The formal section 10(a) requirements will not be in effect until the Implementation Agreement is signed by the USFWS and the CDFG. When approved, the Agua Caliente Tribal HCP will provide authorization under the CESA and the ESA that will allow the “take” of Covered Species, including loss of their habitat, if the proposed project is consistent with Agua Caliente Tribal HCP requirements, as approved by USFWS. Until that time, projects occurring on the Reservation should be consistent with Tribal law, including the Tribal HCP, adopted by Tribal Council.

The majority of the project site is located on Agua Caliente Tribal Lands and once finalized, the entire project site would be subject to the requirements of the Agua Caliente Tribal HCP. Because the site is below this 800-foot delineation, the site is considered outside of the Mountains and Canyons

Conservation Area, but inside the Valley Floor Conservation Area according to the Tribal HCP. The information below presents the impact analysis and associated mitigation per current regulatory standards. If the Agua Caliente Tribal HCP is implemented prior to the proposed project implementation, mitigation will follow the requirements of the Final Agua Caliente Tribal HCP.

#### Special Status Plant Species

##### *Coachella Valley Milk-Vetch (Astragalus lentiginosus var. coachellae)*

Coachella Valley milk-vetch is a federally listed Endangered and CNPS List 1B.2 species. It typically blooms between February and May. It is an annual or short-lived perennial with a deep taproot that dies back to ground level in summer. It is endemic to windblown sand in the Coachella Valley from Cabazon to Indio, between sea level and approximately 1,200 feet above msl. It has also been reported on hillsides surrounding the dunelands. Marginally suitable habitat for this species is present within the project site. Focused surveys were conducted in March 2006 with negative results for Coachella Valley milk-vetch. Coachella Valley milk-vetch has limited potential to occur within the project area.

Coachella Valley milk-vetch is a Covered Species under the Coachella Valley MSHCP and it is proposed for coverage under the Tribal HCP.

On December 14, 2005, the USFWS published a final rule regarding critical habitat for Coachella Valley milk-vetch. This final rule did not designate critical habitat for this species. The USFWS federal register document states, “[USFWS] identified 17,746 ac (7,182 ha) of local, County, State, Federal, and private lands containing features essential to the conservation of *A.l. var. coachellae* in Riverside County. However, all habitat with essential features is located within areas to be conserved and managed by the draft Coachella Valley MSHCP/NNCP or within areas conserved within the Coachella Valley Preserve System under the Coachella Valley fringe-toed HCP, and therefore is excluded or exempted from critical habitat designation under section 4(b)(2) or 3(5)(A) of the Act” (USFWS 2005).

#### Special Status Wildlife Species

##### *Peninsular bighorn sheep (Ovis canadensis nelsoni dps)*

Peninsular bighorn sheep is a federally listed Endangered and State-listed Threatened/Fully Protected species, and therefore, no impacts to this species are allowed. This species is considered a Distinct Population Segment (DPS) of the desert bighorn sheep, more common in the mountain ranges of central and southern Nevada, northwestern Arizona, and eastern Idaho. The peninsular population segment occurs on the steep slopes, canyons, and washes of the San Jacinto and Santa Rosa mountains generally below 4,000 ft above msl. Steep (50 to over 70 percent slopes) and rough (i.e., with many small-scale changes in slope) terrain is utilized extensively for escape cover, but flatter areas at the base of mountains are often used for foraging. The project site generally occurs below their normal range of 800-foot to 3,400-foot elevation but does provide suitable foraging habitat for this species. Peninsular bighorn sheep scat and tracks were observed during the 2009 general survey. Therefore, peninsular bighorn sheep have potential to occur within the project site.

Peninsular bighorn sheep is a Covered Species under the Coachella Valley MSHCP and it is proposed for coverage under the Tribal HCP. Peninsular bighorn sheep found near the project site were restricted to a narrow band of habitat generally between 800 and 3,400 feet AMSL. At the easternmost project limit, the elevation of the site rises to 450 feet above msl. Therefore, the project site is located below an elevation where bighorn sheep are expected to occur. However, areas of flat or low rolling terrain can be used as foraging habitat during the spring. This area is also recognized as an important linkage or corridor to allow peninsular bighorn sheep connectivity between subpopulations for gene flow. However, peninsular bighorn sheep would generally be expected to remain above 800 feet.

On April 14, 2009, the USFWS published a final rule designating critical habitat for peninsular bighorn sheep. This final rule designated 376,938 acres in Riverside, San Diego, and Imperial counties as critical habitat. The project site is not located in designated critical habitat for this species. The project area is located 0.19 mile from the peninsular bighorn sheep critical habitat.

### **Summary of Impacts**

Impacts to the Coachella Valley milk-vetch would not likely occur because previous focused surveys determined the absence of the species and only marginally suitable habitat exists on site. Impacts to peninsular bighorn sheep would be temporary and mitigated with implementation of the following mitigation measures.

Peninsular bighorn sheep is a covered species under the Coachella Valley MSHCP. The project area is outside any Coachella Valley MSHCP conservation areas. Therefore, following payment by the District of three percent of total capital costs for those areas developed within non-tribal land, no additional mitigation would be required.

The Agua Caliente land within the project site is proposed to be included in the land incorporated in the Agua Caliente Band of Cahuilla Indians' Tribal HCP. This plan was adopted by the Tribe as Tribal law in 2002 and subsequently was submitted to USFWS as part of a section 10(a) permit application in 2007. The section 10(a) permit is currently being considered by USFWS. If the Tribal HCP is approved by USFWS and the Implementation Agreement is executed by all participants prior to commencing construction of the proposed project, the District would follow all applicable measures of the Implementation Agreement and section 10(a) permit for Agua Caliente land in the Tribal HCP. However, in the event that the Implementation Agreement and section 10(a) permit are not in effect at the time of project construction, the District must obtain authorization through the ESA section 7 consultation with USFWS to impact this species.

- Through the section 7 consultation process, the resource agencies may conclude that impacts to the peninsular bighorn sheep on Agua Caliente land within the project area may be adequately mitigated through participation in the Coachella Valley MSHCP process. If necessary, additional mitigation/compensation for temporary impacts to peninsular bighorn sheep would be developed through the section 7 process.
- A qualified biologist would conduct a clearance survey of the project site within 10 days prior

to ground disturbing activities to determine whether peninsular bighorn sheep are present in the area as determined by the presence of fresh bighorn sheep sign. If peninsular bighorn sheep or fresh bighorn sheep signs are found, USFWS would be consulted to determine what additional mitigation measures may be required.

- Pursuant to the Tribal HCP, the site is located within the Valley Floor Conservation Area (VFCA). Therefore, the District would be subject to the VFCA mitigation fee program for that portion of the project located on tribal land. In lieu of paying the required fee, the District would have the alternative, at the Tribe's discretion, of dedicating or causing dedication of replacement habitat to the Tribe, through any of the mechanisms described in the Tribal HCP, within any of the Target Acquisition Area having equivalent or greater conservation value based on an assessment by a qualified biologist and approval of the Tribal Planning, Building, and Engineering Department.

In conclusion, there is no habitat (no primary constituent elements [PCEs]) on-site for the fringe-toad lizard. Additionally, there are no PCEs for Casey's June beetle. The project site is below critical habitat for the Peninsular bighorn sheep and there have been no viable signs of Peninsular bighorn sheep. There is no habitat/no PCE's for Coachella Valley milk-vetch since it is a wind-blown dune species.

**Public Hearing:** Any person may request, in writing, within the comment period specified in this Public Notice, that a public hearing be held to consider this application. Requests for a 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 purpose of the proposed project is to protect public safety and reduce potential damage to developed land located downstream from the project site. A large portion of the project site is underlain by former gravel pits that were subsequently used for the past 25 years as both an unpermitted landfill and a shooting sports area. Prior assessments indicate that the dumped fill material is mostly comprised of inert construction debris, such as timber, brick, concrete, asphalt and other miscellaneous debris mixed with soil.

The majority of the project site is highly disturbed from these prior land use activities. The majority of the canyon floor and lower slopes are severely impacted by past sand and gravel mining operations, road building, and dumping of construction debris. A large equipment and materials storage yard is situated at the mouth of the canyon. In the past, a limited portion of the present stream bed within the future basin area served as a shooting range. This can be observed from the many shot-shell wads and shattered clay pigeons littering the canyon bottom. The downstream wash has been partially channelized with earthen and rubble berms.

During periods of heavy rainfall, floodwaters, mud, and debris funnel down Eagle Canyon and have damaged structures and properties located immediately downstream of the canyon in Cathedral City. For example, on July 20, 2008, a relatively small but intense rainfall event resulted in significant flooding wherein the southern portions of Cathedral City, were inundated with water, mud and debris; flooding a trailer park and an auto dealership, along with other businesses along East Palm Canyon

Drive. Substantial flood risk management infrastructure is needed to mitigate the existing flood hazard, improve public safety and reduce the potential for damage to the existing residential and commercial development located downstream from the project site.

**Overall Project Purpose:** The overall objectives of the proposed project are:

- Improve public safety through mitigation of an existing flooding hazard;
- Prevent or reduce potential flood-related damage to developed land located downstream from the project site;
- Prevent or reduce sediment and debris from impacting public streets and existing residential and commercial development located downstream of the project site;
- Remediate potentially hazardous materials resulting from past waste disposal and other activities that previously occurred on the project site and prevent these materials from flowing downstream; and,
- Reduce, minimize, or avoid impacts that may occur as a result of the construction of the proposed project.

Implementation of the proposed project would produce a beneficial effect on property values in a low-income community (24 percent is minority and 47 percent is low income) by substantially reducing the risk of future flooding events and eliminating the existing Special Flood Hazard Area designation (100-year floodplain) from the area.

Cathedral City has designated areas downstream of the dam as General Commercial and Medium Density Residential, while Palm Springs has designated land downstream as Medium Density Residential. Construction of the proposed project would effectively remove land located downstream of the dam out of the 100-year floodplain and allow these two cities to pursue implementation of their adopted land use plans within this currently flood-prone area.

### **Additional Project Information**

**Baseline Information:** The 430-acre project site currently consists of vacant land. The canyon discharges into a wash between Via Amalfi and Canyon Plaza Drive, just southwest of Via Allegro. Portions of the project site are located within the Reservation. The site consists of the lower portion of a canyon draining the northeastern portion of the San Jacinto Mountains. The canyon floor is approximately 100 to 150 feet wide throughout the length of the project site. The axis of the canyon is aligned generally southwest to northeast.

The canyon has historically been used as a gravel pit, equipment storage and disposal area, and a shooting range. The southern half of the project site does not appear to have been disturbed by these activities, and serves as the drainage course through the site. During long periods of rainfall, rain, mud, and debris funnel down Eagle Canyon and have damaged development downstream of the project site.

Flood control improvements are needed to reduce potential damage to developed land located downstream from the project site.

RBF Consulting conducted a revised jurisdictional delineation on May 21, 2012 to determine the amount of waters of the United States (WoUS) on the project site. Approximately 2.55 acres of WoUS are located within the boundaries of the project site.

**Project Description:** The proposed project would provide flood detention and flood hazard mitigation for the developed portion of Cathedral City located downstream of the project site and would include the construction, operation, and maintenance of an earthen dam, a sediment and debris catchment and an underground storm drain. The outlet works would be un-gated and the dam would only hold water for brief periods of time following significant flood events. The debris basin would keep sediment and debris from flowing downstream, and would be cleaned out on a periodic basis to prevent buildup of sediment and debris. The outlet pipe would be connected at the headwall location and consist of a 42-inch-diameter, reinforced concrete pipe for the full length of the outlet conduit. In the interim condition, this pipe would convey flows to an earthen channel that would daylight at Via Allegro Street.

Ultimately, the interim earthen channel would be replaced by an underground storm drain system, Line 43, which would follow the base of the hills eastward toward Perez Road. Before reaching Perez Road, Line 43 would follow the northerly boundary of the Valley Smog and Auto Repair property (APN 687-460-016). The alignment would then convey flows underneath Perez Road until its proposed outfall at the North Cathedral Canyon Channel. This project component would be installed mostly within currently developed street rights-of-way and would total approximately 3,500 LF. Line 43 would be connected at the headwall location and consist of a 42-inch-diameter RCP and transition to a RCB. The RCB would range in width from 5 feet to 14 feet ultimately consisting of a 14-foot by 4.5-foot RCB at the North Cathedral Canyon Channel connection. In addition, the Lateral Line 43a would begin at the southerly tip of the Jessup Auto Plaza property (APN 687-460-025), following its southwesterly boundary to Perez Road for approximately 950 LF, where it would tie in to the proposed Line 43. Line 43a would consist of a 42-inch-diameter RCP. As the first phase of construction of the project, the District would complete a site remediation to remove potentially hazardous materials located at the project site.

The proposed project site is accessed through the Desert Rock Supply, Inc. materials yard located at 67-625 Via Allegro in Cathedral City, or through a gate along East Palm Canyon Drive (Highway 111). Construction staging would be located within the vacant land adjacent to the wash.

**Impacts to Waters of the United States (WoUS):** Approximately 2.55 acres of WoUS are located within the boundaries of the project site. The proposed project would impact approximately 1.49 acres of Corps WoUS (non-wetland), of which 0.97 acre would be permanent and 0.52 acre would be temporary. No impacts to WoUS would occur due to the connection of the Line 43 at the North Cathedral Canyon Channel since all permanent improvements are located outside WoUS.

### **Project Alternatives**

This analysis compares the proposed project to the three (3) alternatives identified in the project

description. Both CEQA and NEPA require analysis of a “reasonable range” of alternatives to the proposed project. Various alternatives were considered during preparation of the EA/EIR. Under NEPA, an EIS must devote “substantial treatment” to a reasonable range of alternatives considered in detail, including the preferred alternative, so that reviewers may evaluate the comparative merits (40 CFR 1502.14[b]). The Clean Water Act section 404(b)(1) guidelines (40 CFR 230) require that the Corps only select the least environmentally damaging practicable alternative. Accordingly, the EA/EIR co-equally analyzed the preferred alternative and three (3) other alternatives that meet most of the proposed project objectives and the purpose and need statement, along with the No Project Alternative. This level of analysis is included to provide sufficient information and meaningful detail about the environmental effects of each alternative so that informed decision-making can occur. The four (4) alternatives that were carried through the analysis of impacts are:

### **Alternative 1: Preferred Alternative**

The Preferred Project Alternative includes the construction, operation, and maintenance of a 51-foot-high earthen dam, debris basin, and underground storm drain to divert storm flows to the North Cathedral Canyon Channel.

### **Alternative 2: Impoundment Alternative**

The Impoundment Alternative proposes the construction and maintenance of an earthen dam and debris basin. Unlike the preferred alternative, the impoundment alternative would have no drainage pipeline to divert storm flows to the North Cathedral Canyon Channel. Instead, the impoundment alternative would rely on percolation to dissipate stormwater impounded behind the dam.

### **Alternative 3: Channel Alternative**

The Channel Alternative proposes the construction and maintenance of a flood control channel. The flood control channel would originate within Eagle Canyon and follow the general alignment of the wash. Similar to the Preferred Alternative, storm water flows from the wash would be conveyed in a drainage pipeline to the West Cathedral Channel.

### **Alternative 4: No-Project Alternative**

Under Alternative 4, the No Project Alternative, the existing imported fill material, lead-impacted soils, and unconsolidated sediments would remain in place. No remediation of the site would occur. No construction of flood control facilities would occur under Alternative 4. Under this Alternative, flood hazard mitigation would not be achieved.

The District’s Preferred Alternative and its action alternatives (Alternatives 2 and 3) include the construction of site access, storm water capture or diversion facilities, and flood hazard mitigation. The District’s Preferred Alternative and Alternatives 2 and 3 meet the objective of providing flood hazard mitigation and preventing sediment and debris from impacting public streets and existing residential and commercial development located downstream of the project site. Alternative 4 does not provide any flood hazard mitigation, would not prevent sediment and debris from flowing downstream, and is not subject to dam safety requirements.

**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. Permanent impacts would be to degraded, unvegetated, ephemeral wash and to rock/concrete debris. No wetlands, special aquatic sites, or vegetated streambeds are located within the boundaries of the project site. In consideration of the above, a proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project, is summarized below:

**Avoidance:** Because the proposed project seeks to alleviate a significant flooding condition in Eagle Canyon, the proposed project is site dependent. Therefore, at least some impacts to WoUS within the Canyon are unavoidable.

**Minimization:** The impacts to WoUS would generally be driven by the method and configuration of stopping and holding flood waters. Flood waters are proposed to be stopped and temporarily stored by a dam across the floodway conveyance. The minimum footprint of the structure to stop and hold flood waters is that which achieves the project’s minimum required flood holding capacity while using practicable design engineering, construction materials, and techniques. Potential impacts associated with construction and installation can be further minimized through the use of Best Management Practices (BMPs) for erosion control and avoidance of areas not within the construction zone.

**Compensation:** The proposed project would permanently impact 0.97 acre of non-wetland WoUS and temporarily impact 0.52 acre of non-wetland WoUS. Jurisdictional impacts are associated with the re-contouring of the project site and construction of an earthen dam

Existing Functions

Although it is understood that ephemeral streams in the Arid West can provide similar ecological and hydrological functions as perennial streams by moving water, nutrients, and sediment throughout the watershed, Eagle Canyon is a unique wash with minimal functions and values. As noted above, Eagle Canyon is degraded, unvegetated, and does not include wetlands. The canyon has had a long history of illegal dumping and recreational shooting. Additionally, Eagle Canyon does not directly connect to any downstream waters as flows from the canyon spill out over Highway 111 onto existing residential/commercial uses. As such, certain transport functions drop out immediately from the system and the wash does not transport sediment to downstream waters or provide wildlife connectivity to the east. Table 1, below, describes functions and values of Eagle Canyon within the project site as well as the proposed mitigation approach to off-set the proposed impacts.

**Table 1. Eagle Canyon Dam Project Site Functions and Values Summary**

Function and Values	Presence	Compensatory Mitigation To Offset Impacts
<i>Functions</i>		

Groundwater Recharge/Discharge	Yes	Ephemeral/Perennial Stream Enhancement
Floodflow Alteration	Yes	Ephemeral/Perennial Stream Enhancement
Fish and Shellfish Habitat	No	-
Sediment/Toxicant/Pathogen Retention	Yes	Ephemeral/Perennial Stream Enhancement
Nutrient Removal/Retention/Transformation	No	-
Production Export	No	-
Sediment/Shoreline Stabilization	No	-
Wildlife Habitat	Minimal	Ephemeral/Perennial Stream Enhancement
<b>Values</b>		
Recreation	No	-
Educational/Scientific Value	No	-
Uniqueness/Heritage	No	-
Threatened or Endangered Species Habitat	No	-

The above table demonstrates that the project site is characteristic of a degraded system with minimal functions and values. The approach to off-set impacts from the proposed project is included below.

Compensatory Mitigation

The District seeks to restore/enhance portions of Eagle Canyon that are upstream of the project site. The location would enhance the upper part of the project site/Eagle Canyon and be feasible since it is within the District’s right-of-way (ROW).

*Debris Removal (0.78-acre)*

The canyon has been degraded due to illegal dumping and illegal shooting range activities over the years. All areas of the project site would be remediated concurrent with project construction. This includes approximately 0.78-acre of streambed that would not be impacted by the proposed project. Such remedial activities include the removal of miscellaneous debris and 55-gallon drums. A large portion of the project site is underlain by former gravel pits that were subsequently used for the past 25 years as both an unpermitted landfill and a shooting sports area. Prior assessments indicate that the dumped fill material is mostly comprised of inert construction debris, such as timber, brick, concrete, asphalt and other miscellaneous debris mixed with soil. In the past, a limited portion of the present streambed within the future basin area served as a shooting range. This can be observed from the

many shell casings and shattered clay pigeons littering the canyon bottom.

*Exotics Removal (0.15-acre)*

Eagle Canyon (On-Site)

Like many canyons within the watershed, Eagle Canyon is infested with fountain grass (*Pennisetum setaceum*). Fountain grass is non-native and highly invasive. It thrives in warmer, drier areas and threatens many native species through direct competition. It also tends to increase the risk of intense wildfires, to which it is well adapted, thus posing a further threat to certain native species. Approximately 100 individual plants of fountain grass are located upstream of the project site and in the District’s ROW. The District proposes to remove the individual plants which cover this approximately 0.15 acre area within the project site (see Mitigation Map, Exhibit A).

Because the project site offers minimal enhancement opportunities, the District also seeks to enhance off-site WoUS within the same watershed in the District’s ROW. These areas can also be enhanced concurrent with project construction.

*Exotics Removal (1.89-acres)*

Tahquitz Canyon (Off-site - Within Same Watershed)

Tahquitz Canyon Channel is also infested with fountain grass (*Pennisetum setaceum*). Tahquitz Canyon Channel is located to the north of West Mesquite Avenue, south of West Ramon Road, and west of Highway 111, in the City of Palm Springs, approximately 5.0 miles to the northwest of the Eagle Canyon Dam project site. Tahquitz Canyon Channel is of higher value than the project site as it is an intermittent/perennial stream. A 4.71 acre area with approximately 40% cover of fountain grass is located downstream of the Tahquitz Dam and in the District’s ROW. The District proposes to remove the fountain grass which comprises approximately 1.89 acres (see Mitigation Map, Exhibit B). It should be noted that current routine maintenance activities conducted in the channel would continue upon exotics removal.

Table 2, below, is a breakdown of the Mitigation Summary for the Project. In short, the District proposes to mitigate permanent impacts to 0.97 acres of non-vegetated, non-wetland WoUS with 2.04 acres of enhancement to WoUS consisting of exotic species removal. The District proposes to mitigate temporary impacts of 0.52 acres with 0.78 acres of on-site debris removal.

**Table 2. Mitigation Summary**

<b>Project Impact Type</b>	<b>Impact Area (acres)</b>	<b>Mitigation Type</b>	<b>Mitigation Area</b>
Permanent (non-vegetated/ non wetland)	0.97	On-Site Enhancement	0.15

		Off-Site Enhancement	1.89
<b>Total</b>	<b>0.97</b>	-	<b>2.04</b>
Temporary (non-vegetated/ non wetland)	0.52	On-Site Debris Removal	0.78
<b>Total</b>	<b>0.52</b>	-	<b>0.78</b>

The proposed mitigation of remediation and exotics removal would increase the functions and services of the canyon and watershed. The removal of debris and exotics would allow for native habitat to encroach along the bankfull limits, immediate slopes, and invert of the ephemeral wash on-site.

### **Proposed Special Conditions**

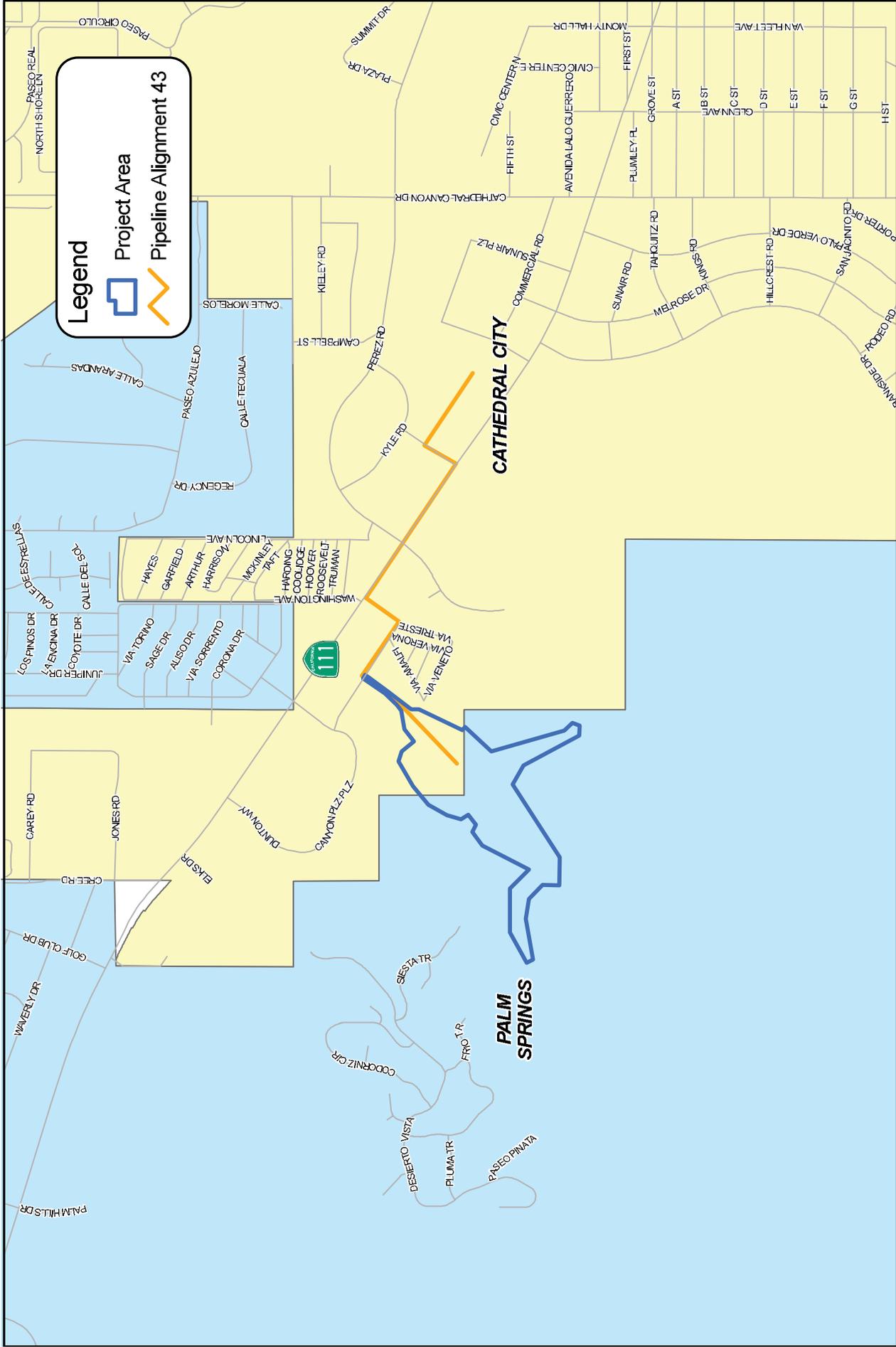
The following list is comprised of proposed permit Special Conditions, which are required of similar types of projects. As noted above, the proposed mitigation may change in response to numerous factors:

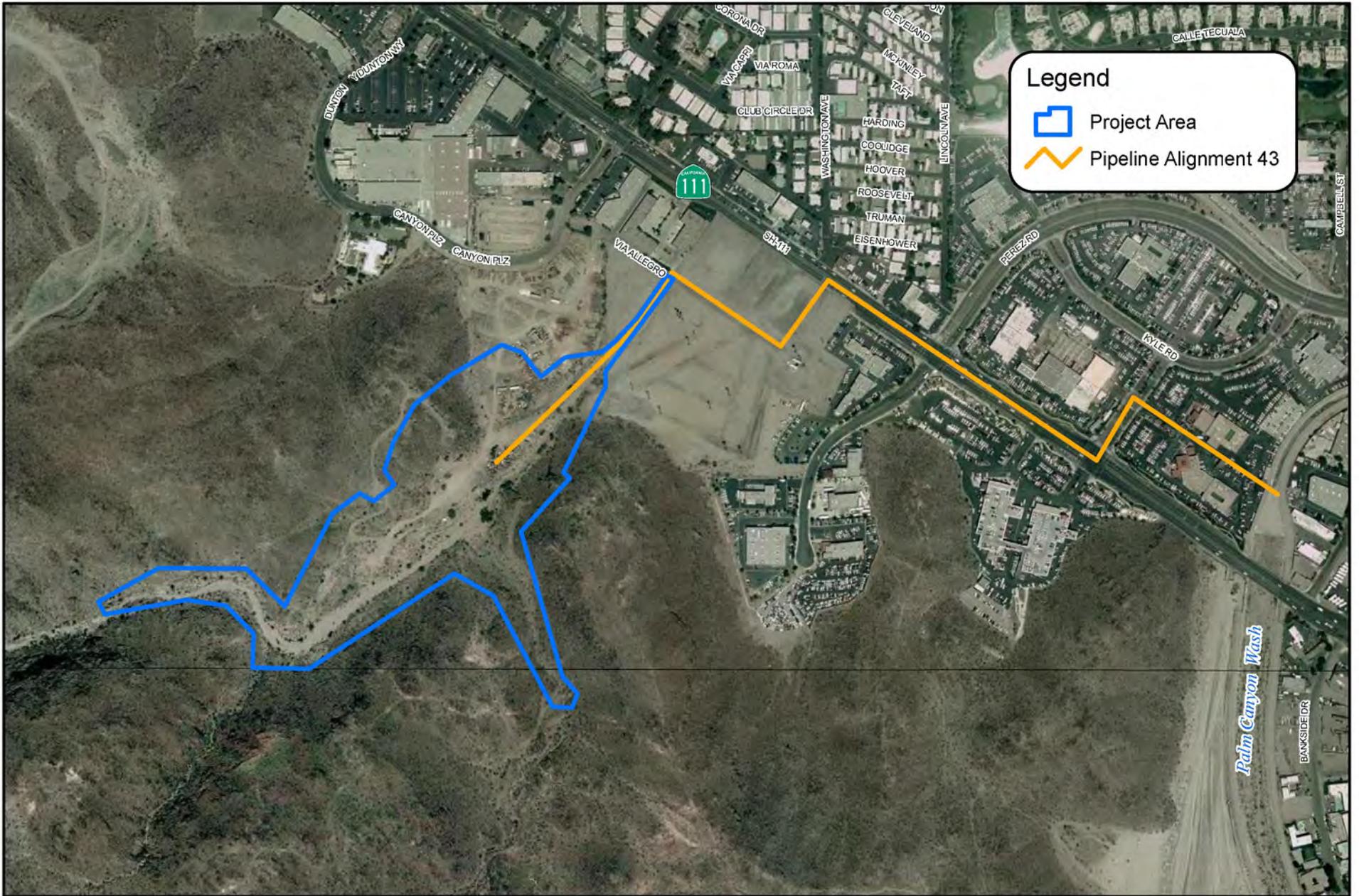
1. To mitigate for permanent impacts to 0.97 acre of non-wetland waters of the United States (WoUS) and temporary impacts to 0.52 acre of non-wetland WoUS, the Permittee shall provide a minimum of 2.04 acres of enhancement to WoUS consisting of exotic species removal and 0.78 acre of on-site debris removal. Prior to construction, the Permittee shall submit a final mitigation plan to the Corps Regulatory Division that stipulates how this minimum objective will be met. No work in waters of the United States is authorized until the Permittee receives, in writing (by letter or e-mail), Corps Regulatory Division approval of the final mitigation plan.
2. Prior to initiating construction in waters of the United States, 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 United States. 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](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 United States 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.
3. No debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into WoUS. Therefore, the Permittee shall employ all standard Best Management Practices (as stipulated in the EIR) to ensure that toxic materials, silt, debris, or excessive erosion do not enter WoUS during project construction.

4. Vehicles shall not be driven or equipment operated in waters of the United States on-site, except as necessary to complete the proposed project. The Permittee shall ensure that all vehicle maintenance, staging, storage, and dispensing of fuel occur in designated upland areas, located in such a manner as to prevent any runoff from entering WoUS.
5. 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 memo indicating the date authorized impacts to waters of the United States ceased.
6. Pursuant to 36 CFR 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 CFR section 800.13.

For additional information, please contact Jim Mace at 951-276-6624 x263 or via e-mail at [James.E.Mace@usace.army.mil](mailto:James.E.Mace@usace.army.mil). This Public Notice is issued by the Chief, Regulatory Division.







**Legend**

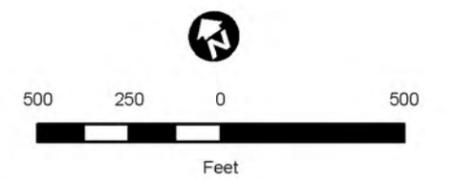
- ▭ Project Area
- Pipeline Alignment 43

# Eagle Canyon Dam and Debris Basin



## Legend

- Corps Jurisdictional Drainage
- Corps/CDFG Jurisdictional Drainage
- Proposed Pipeline Alignment (Line 43)
- Proposed Pipeline Alignment (Line 43a)
- Agua Caliente Indian Reservation (Tribal Lands)
- Proposed Improvements
- Project Site



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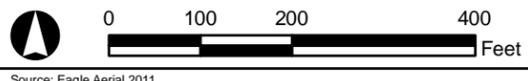




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**Legend**

- Project Site
- 0.15 Ac Fountain Grass



Source: Eagle Aerial 2011

EAGLE CANYON DAM  
**On-Site Mitigation Map**

USACE Regulatory SPL-2011-01026-JEM

Exhibit A



View looking east at Tahquitz Channel Mitigation Site



Birds Eye View looking North at Tahquitz Channel Mitigation Site



**Legend**

- 1.89 Ac Fountain Grass (40% Cover)
- 4.71 Ac MitigationSite

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Source: Eagle Aerial 2011

EAGLE CANYON DAM  
Tahquitz Channel Mitigation Site Map

USACE Regulatory SPL-2011-01026-JEM

Exhibit B