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CALIFORNIA DEPARTMENT OF FISH & GAME
4949 VIEWRIDGE AVENUE
SAN DIEGO, CALIFORNIA 92123-1662

Special Public Notice

Public Meeting on the Progress Report for the San Diego Creek Watershed SAMP Alternatives Analysis

Department of the Army Public Notice/Application No.: 199915966-FT
State of California Clearinghouse No.: 2001081007
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ACTIVITY: Development of the Draft Environmental Impact Statement for a Special Area Management Plan (SAMP) and associated Clean Water Act Section 404 Permit Actions for the San Diego Creek Watershed, Orange County, CA.

AGENCIES: Department of the Army, Corps of Engineers, Los Angeles District, Regulatory Branch. California Department of Fish and Game, South Coast Region, Habitat Conservation Planning

ACTION: Notification of a public meeting to provide an update on the progress of the development of alternatives as a component of the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR).

Interested parties are hereby notified that a public meeting will be held for the San Diego Creek Watershed SAMP EIS/EIR to provide an update on the progress of the development of alternatives. Interested parties are invited to receive an update on work accomplished and future tasks to be undertaken for the SAMP EIS/EIR.

SUMMARY: The Corps of Engineers will prepare a joint EIS/EIR on a Special Area Management Plan (SAMP) and a Master Streambed Alteration Agreement (MSAA) in connection with future development, infrastructure maintenance, and aquatic resource restoration in the San Diego Creek watershed in Orange County, California (SAMP/MSAA study area). The EIS/EIR will address impacts of various land development and aquatic resource protection alternatives as set forth below and further identified during the preparation of the SAMP/MSAA.

The SAMP/MSAA will provide a comprehensive plan for protecting and enhancing aquatic resources while providing for the permitting of reasonable economic development and public infrastructure in accordance with local land use plans and a regional Habitat Conservation Plan (Natural Community Conservation Plan) for Central/Coastal Orange County. The SAMP/MSAA will provide a framework for a long-term programmatic permitting process for projects in the watershed subject to the Corps of Engineers' permit authority under Section 404 of the Clean Water Act regulating the discharge of fill or dredged materials into "waters of the United States, including wetlands." In addition, the SAMP/MSAA will include a comprehensive reserve program for the protection, restoration, and management of aquatic resources within the study area. Information in the EIS/EIR will be used to complete the SAMP/MSAA, and to decide to issue or deny long-term programmatic 404 permits and 1601/1603 authorizations for specific, identified projects and will provide criteria for permitting/authorizing future projects that have not yet been identified.

On August 14, 2001, the Corps of Engineers and Department of Fish and Game held a public scoping meeting to address both the EIS for the SAMP and the EIR for the MSAA. The Corps of Engineers and Department of Fish and Game invited affected state, federal, and local agencies and other interested persons in order to identify issues of concern that should be addressed in the EIS/EIR pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The comment period addressing the scope of the EIS/EIR ended on August 31, 2001. The Corps of Engineers and the California Department of Fish and Game agreed to hold another meeting with the public to provide an update on the status of the development of the alternatives within the EIS/EIR.

ALTERNATIVES ANALYSIS PROGRESS REPORT: The Corps of Engineers invites affected state, federal, and local agencies and other interested persons to a meeting summarizing the progress to date on the development of alternatives to be analyzed within the EIS/EIR document. The meeting for the alternatives analysis progress report shall be held **Wednesday, July 17, 2002 at 7 pm at the Irvine Ranch Water District Operations Center, 3512 Michelson Drive, Irvine, California 92612.** The public meeting will be conducted in an open house format. Large-format maps will be presented to describe and summarize the alternatives that have been developed.

FOR FURTHER INFORMATION CONTACT: Dr. Fari Tabatabai at (213) 452-3291 or Jae Chung (213) 452-3292, Regulatory Branch, CESPL-CO-RS, U.S. Army Corps of Engineers, Los Angeles District, 911 Wilshire Boulevard, P.O. Box 532711, Los Angeles, California 90053-2325.

SUPPLEMENTARY INFORMATION:

1.0 Proposed Action

The Corps of Engineers developed the concept of a SAMP to assist in long-term planning for regulatory actions under Section 404 of the Clean Water Act that involve large areas, complex projects, and valuable aquatic resources.

The SAMP/MSAA study area of the San Diego Creek watershed encompasses 32,000 hectares (122 square miles or 78,000 acres) in central Orange County, California (see attached map). The watershed drains westerly into Upper Newport Bay. Urban areas within the SAMP/MSAA study area include portions of Santa Ana, Tustin, Laguna Hills, Costa Mesa, Irvine, and Lake Forest. Large parts of the SAMP/MSAA study area are currently developed for agriculture, residential, and commercial uses. Aquatic resources in the remaining undeveloped portions of the SAMP/MSAA study area consist of intermittent and ephemeral drainages, riparian wetlands, and small areas of alkali marshes. The major tributaries of San Diego Creek include Peters Canyon Wash, Hicks Canyon Wash, Rattlesnake Canyon Wash, Borrego Canyon Wash, Serrano Creek, Agua Chinon Wash, Bommer Canyon Creek, Shady Canyon Creek, Round Canyon Wash, Bee Canyon Wash, Trabuco Channel, Bonita Canyon Wash, and Sand Canyon Wash.

The SAMP/MSAA will describe an approach and set of actions to preserve, enhance, and restore aquatic resources, while allowing reasonable economic development and construction and maintenance of public infrastructure facilities within the study area. Key objectives of the SAMP/MSAA for the San Diego Creek watershed are to: (1) evaluate the extent and condition of existing aquatic resources; (2) develop a comprehensive reserve program for the protection, restoration, and management of aquatic resources; and (3) identify and evaluate alternative land development scenarios in the context of the aquatic resource reserve program. Based on the analysis contained in the joint EIS/EIR, the Corps of Engineers and the Department of Fish and Game will identify suitable areas and/or evaluate suitable activities for coverage using a programmatic permitting/authorization process under Section 404 of the Clean Water Act and Section 1600 et seq. of the California Fish and Game Code, respectively. These regulated activities would include residential, commercial, industrial, and recreational development; public infrastructure such as roads and utilities; and maintenance of public facilities.

2.0 Other Involved Agencies

The Corps of Engineers and the Department of Fish and Game will develop the SAMP/MSAA in close coordination with other agencies, including the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, National Marine Fisheries Service, California Regional Water Quality Control Board, and California Coastal Commission, as necessary. The Corps of Engineers encourages active participation by County and local governments, concerned landowners, and the general public.

3.0 EIS/EIR Alternatives

The Corps of Engineers has identified the following alternatives to be addressed in the EIS/EIR. Other alternatives or variations of alternatives may be studied based on the results of the EIS/EIR studies. The Corps of Engineers anticipates that these will also be the alternatives in the EIS/EIR.

1. *No Action Alternative (Case by Case Permitting)* – Land development or other activities would be allowed under the traditional case-by-case permitting process. Section 404 permits or a Section 1601/1603 Streambed Alteration Agreement would allow activities to impact wetlands, streams, and riparian areas if the activity were consistent with the existing or future applicable local general plan. Compensatory mitigation would also be determined on a case-by-case basis. The Corps of Engineers would not prepare a SAMP; the Department of Fish and Game would not prepare a MSAA; and there would not be a comprehensive and coordinated approach to address potential impacts to aquatic resources, restoration of aquatic resources, and preservation of high-functioning aquatic resources. The EIS/ESIR will address this alternative qualitatively.
2. *Complete Avoidance* – Land development or other activities would be limited to actions that do not require a Section 404 permit or a Section 1601/1603 Streambed Alteration Agreement and that are consistent with the existing or future applicable local general plan. These non-regulated activities including construction outside of waters of the United States, use of existing urban areas and infrastructure, ongoing agricultural operations and other activities within the SAMP/MSAA study area would continue indefinitely. The Corps of Engineers would not prepare a SAMP; the Department of Fish and Game would not prepare a MSAA; and there would not be a comprehensive and coordinated approach to address potential impacts to aquatic resources, restoration of aquatic resources, and preservation of high-functioning aquatic resources.
3. *Avoidance with Span or Conventional Bridges* – Land development or other activities would be limited to actions that do not require a Section 404 permit or a Section 1601/1603 Streambed Alteration Agreement if the action is consistent with the existing or future applicable local general plan. These non-regulated activities including construction outside of waters of the United States, use of existing urban areas and infrastructure, ongoing agricultural operations, and other activities within the SAMP/MSAA study area would continue indefinitely. However, this alternative would allow bridges to access upland areas separated by streams, wetlands, or riparian areas; temporary impacts; and maintenance of existing public facilities including roads, flood control channels, and utilities.
4. *General Plan Build Out with No Specific Avoidance* – Land development or other actions would be allowed for all activities without restrictions related to aquatic resource preservation. Impacts would occur to aquatic resources for all projects that are consistent with the existing or future applicable local general plan. Non-regulated activities including construction outside of waters of the United States, use of existing urban areas and infrastructure, ongoing agricultural operations and other activities within the SAMP/MSAA study area would also continue indefinitely. The Corps of Engineers would not prepare a SAMP; the Department of Fish and Game would not prepare a MSAA; and there would not be a comprehensive and coordinated approach to address potential impacts to aquatic resources, restoration of aquatic resources, and preservation of high-functioning aquatic resources.
5. *Resource-Based Alternative* – This alternative would prepare a SAMP/MSAA to allow for impacts to aquatic habitats associated with land development and other activities while maximizing the opportunities to protect, restore, and manage aquatic resources. One or more modifications to existing applicable local general land-use plans would be developed that seek to promote additional benefits to aquatic resources while achieving reasonable economic development growth. A watershed-wide aquatic resource reserve program to protect, restore and manage aquatic resources would be developed

that is consistent with these modifications. Programmatic Section 404 permit(s) would be issued for specifically identified activities and permitting criteria would be established for other future activities pursuant to the requirements of Section 404 of the Clean Water Act. The California Department of Fish and Game will formulate a programmatic MSAA under Section 1601 and 1603 of the California Fish and Game Code for regulated activities in the SAMP/MSAA study area, and authorization criteria would be established for other future activities pursuant to the requirement of the MSAA for the SAMP/MSAA study area. The EIS/EIR would also address alternative methods and institutional arrangements for aquatic resource reserve management. The SAMP/MSAA would be a comprehensive and coordinated approach to address potential impacts to aquatic resources, restoration of aquatic resources, and preservation of high-functioning aquatic resources.

4.0 Key Environmental Issues

The EIS/EIR will address impacts associated with the implementation of the SAMP/MSAA in the watershed and actions to protect aquatic resources. The key environmental impacts to be addressed in the EIS/EIR are listed below:

- *Aquatic resources* – potential effects of proposed land use alternatives on the functional integrity and extent of aquatic resources due to altered biological, hydrological, and water quality conditions in the study area. Indirect impacts of land development and human activities in close proximity to aquatic resources will also be addressed.
- *Water quality* - potential effects on the quality of surface and ground water due to construction activities in the watershed, and due to urban stormwater runoff associated with future development. To the extent feasible, the SAMP/MSAA will address water quality issues on a programmatic basis.
- *Threatened and endangered species* - potential adverse effects on listed aquatic-dependent species. The Corps of Engineers will consult with the Fish and Wildlife Service under Section 7 of the Endangered Species Act concerning potential effects on listed species, such as the least Bell's vireo (*Vireo belli pusilius*) and the southwestern willow flycatcher (*Empidonax traillii extimus*), and designated critical habitat within the SAMP/MSAA study area.
- *Cultural resources* – potential impacts on archeological, ethnographic, paleontologic, and historic resources. The Corps of Engineers will comply with the consultation requirements under Section 106 of the National Historic Preservation Act.

5.0 Schedule

A Draft EIS/EIR is expected to be issued for public review in Fall 2002.

For additional information please call any of the following members of my staff: Dr. Fari Tabatabai at (213) 452-3291 or Jae Chung at (213) 452-3292. This public notice is issued by the Chief, Regulatory Branch.

San Diego Creek Watershed SAMP Study Area

