



PUBLIC NOTICE

APPLICATION FOR PERMIT 15-DAY NOTICE

LOS ANGELES DISTRICT

Public Notice/Application Nos.: Amago Yapitcha Creek Channel Reclamation: SPL-2008-00808-TCD
Church Road Channel Reclamation: SPL-2008-00809-TCD

Comment Period: October 17, 2008 through November 1, 2008

Project Manager: Terrence Dean; 760.602.4833; Terrence.Dean@usace.army.mil

Applicant

Deann Mace, Tribal Administrator
La Jolla Band of Luiseno Indians
22000 Highway 76
Pauma Valley, California 92061

Contact

Mr. James Fletcher
Bureau of Indian Affairs
1451 Research Park Drive, Suite 100
Riverside, California 92507

Location

Amago Yapitcha Creek north of Highway 76 near Pauma Valley, San Diego County, California. (Lat: 33.288278, Long: -116.874704 to Lat: 33.293379, Long: -116.870021)

Church Road drainage east of Highway 76 near Pauma Valley, San Diego County, California. (Lat: 33.285064, Long: -116.862936)

Background

The Poomacha fire burned the Indian Reservation in October 2007, denuding much of the slopes above the Creeks. Winter storms followed, creating mud and rock slides from steep drainages above the reservation. Several homes were destroyed or damaged. Residents have recently started returning and rebuilding, but are potentially threatened with more rock and mud slides when the rains return.

The applicant proposes to perform short-term reclamation activities under FEMA grant funding to restore the two creeks to their pre-flooding conditions. Because FEMA will only fund restoration of the Creeks to the pre-flooding conditions, and soils are unstable, it is not possible to construct a more permanent solution to the flooding problem with the current proposal. Therefore, a permanent solution will be designed after the current proposal is in place and adjacent structures and properties are protected from imminent threat.

Proposed Activity

To restore Amago Yapitcha Creek and the Church Road drainage to their pre-flood conditions using heavy equipment, removing all sediment and rock from the channel bottom and packing it along the Creek banks. All material will be reused on-site (see attached drawings). For more information see pages 3 & 4 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 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:

Department of the Army
Los Angeles District, Corps of Engineers
Regulatory Division
South Coast Branch, San Diego Section
Attn: SD-2008-808-TCD
SD-2008-809-TCD
6010 Hidden Valley Road, Suite 105
Carlsbad, California 92011

Alternatively, comments can be sent electronically to: Terrence.Dean@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 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 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 U.S. Environmental Protection. 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.

Coastal Zone Management - This project is located outside of the coastal zone and will not affect coastal zone resources.

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 flood control. 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 restore flood control capacity to two tributary Creeks to the San Luis Rey River within the La Jolla Indian Reservation on Palomar Mountain.

Additional Project Information

Amago Yapitcha Creek Channel

To restore the existing Creek channel to its pre-flooding contours until a permanent solution can be designed and emplaced: to excavate flood-deposited rocks and sediment from the channel using D8 Dozers or other heavy equipment, packing the fines along the banks and placing the rocks on top

for stabilization. The restoration area will be 125 feet wide by 6 feet deep by 2640 feet long. Additionally, gabion baskets 4-foot wide by 4-foot deep by 80-foot long will be replaced on the east bank, and gabion baskets 4-foot wide by 4-foot deep by 120-foot long will be replaced on the west bank. All sediment and rock material will be reused on-site; no material will be transported off-site.

Church Road Channel

To restore the Creek to its pre-flooding contours: to remove sediment and rocks from the existing 16-foot wide by 6-foot deep by 1100-foot long channel; to remove sediment and rocks from an area 2 feet deep by 60-feet wide by 1100 feet long; and to remove silt and rocks from below a road in an area 4 feet deep by 150 feet wide by 190 feet long. The work will be performed using D8 Dozers and other heavy equipment. Sediment and fine materials will be packed along the banks, and rocks will be placed on top for stabilization. All material will be reused on-site. No material will be transported off-site.

Proposed Mitigation – None proposed at this time.

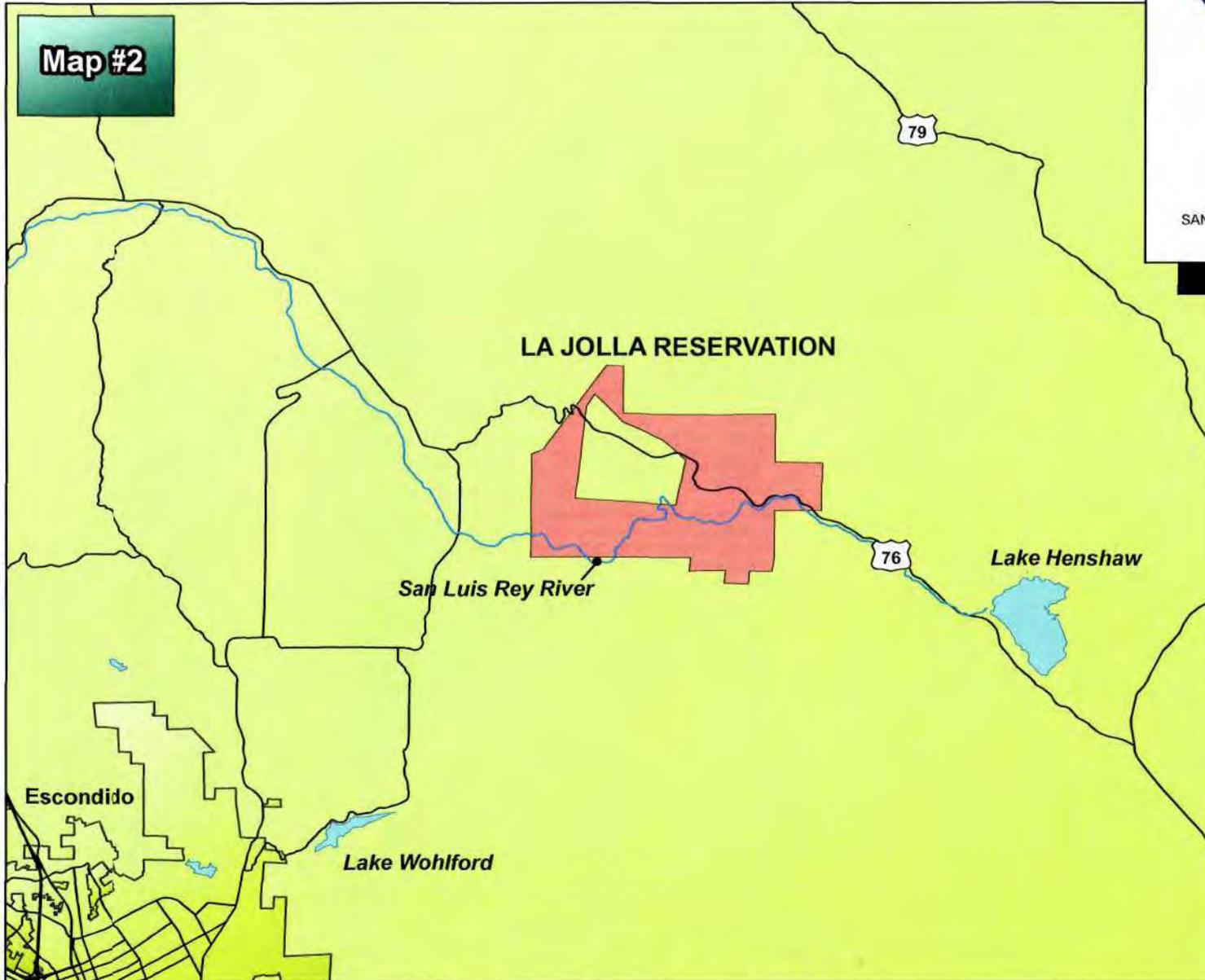
Proposed Special Conditions

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

For additional information please call Terrence Dean of my staff at 760.602.4833 or via e-mail at Terrence.Dean@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

LA JOLLA INDIAN RESERVATION

VICINITY MAP



Map #2

SAN DIEGO COUNTY, CALIFORNIA



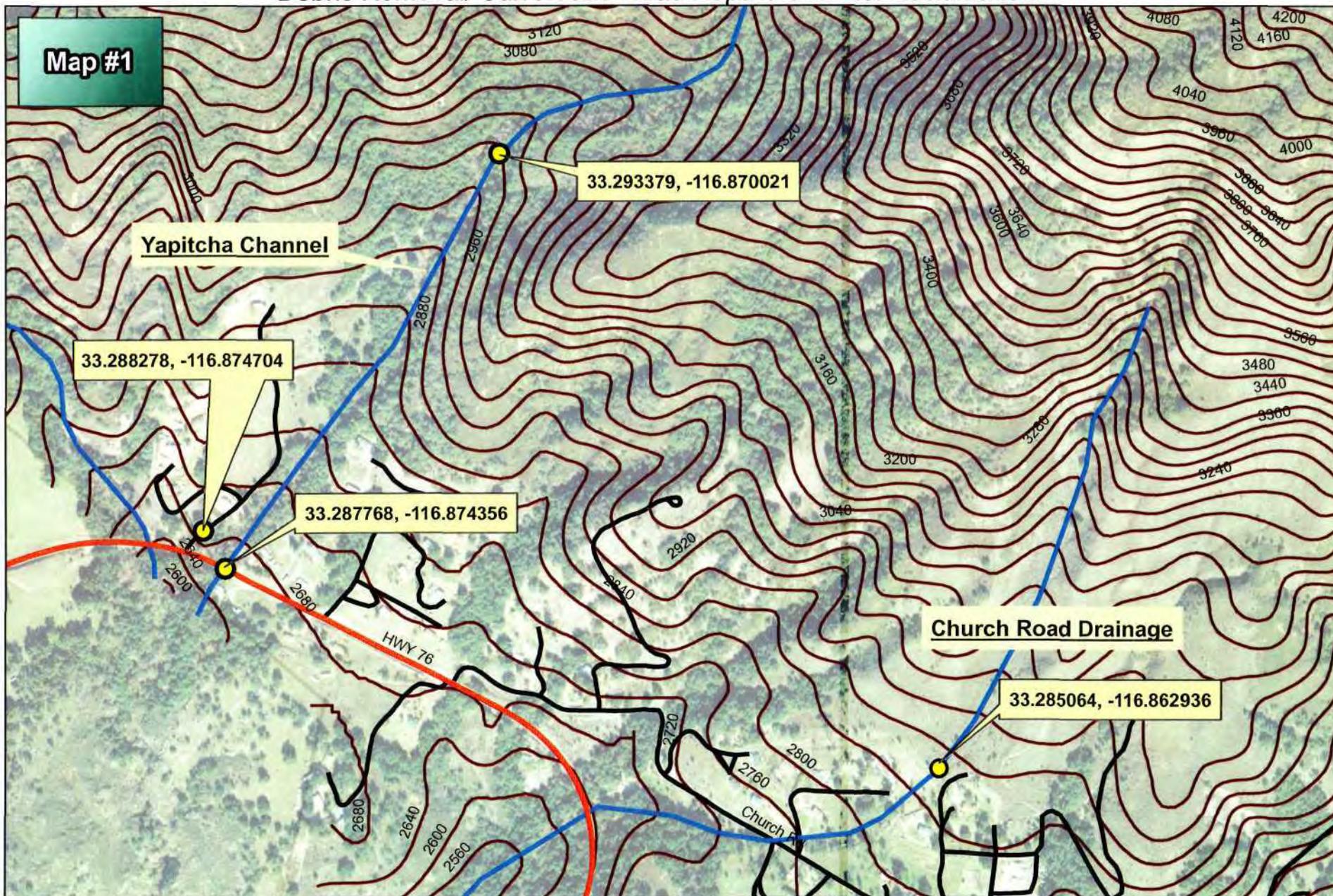
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Created by Tory Caputo 8/27/08

FEMA Project

Debris Removal/ Culvert and Road Repair/ Channel Reclamation

Map #1



- Legend**
- Highway 76
 - Streams
 - Roads
 - 40ft Contours



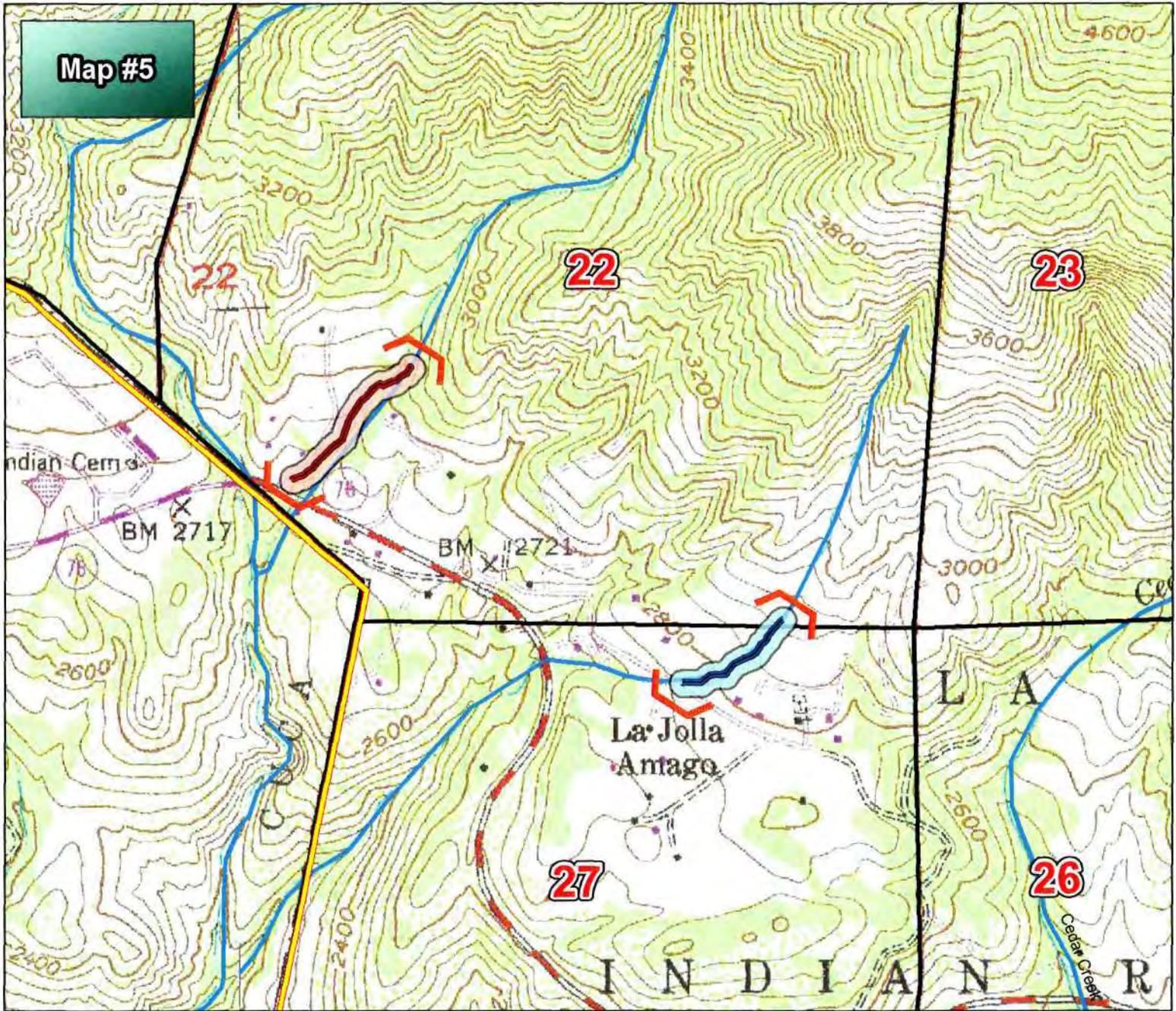
0 0.1 0.2 Miles

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Yapitcha and Church Drainage Project Sites



**San Bernadino Base Meridian
Range 1 East, Township 10 South
Section 22 and 27**

- Proposed Yapitcha Channel Project Site
- Proposed Church Drainage Project
- Streams
- PLSS Grid
- La Jolla Boundary
- Project Area Exent



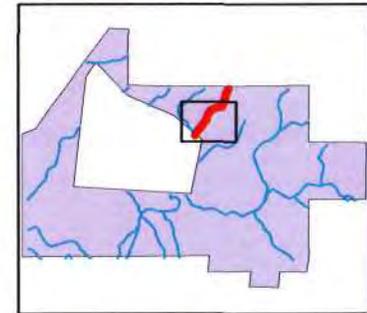
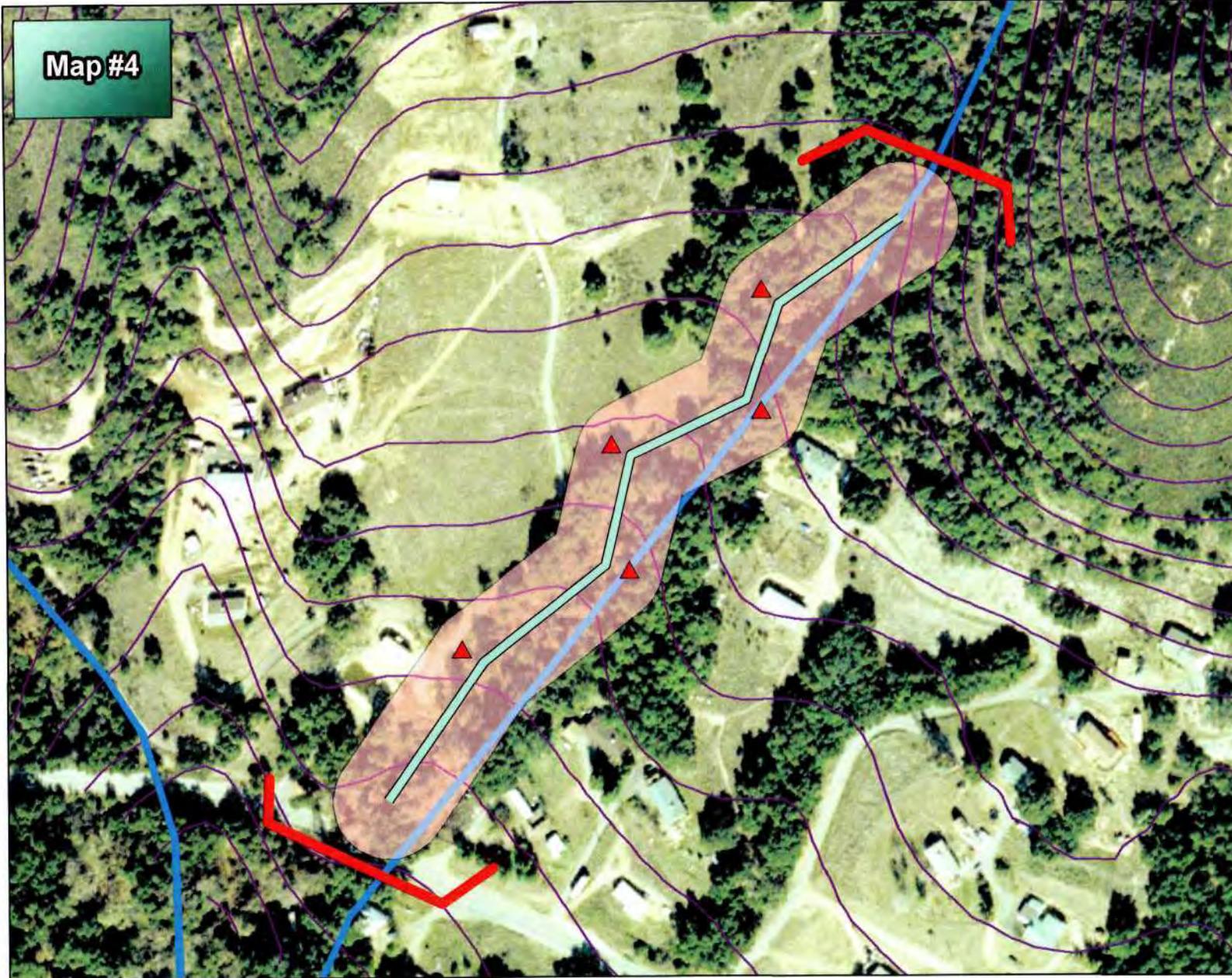
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Yapitcha Creek

Anticipated Conditions (post project) 90 Foot Buffer

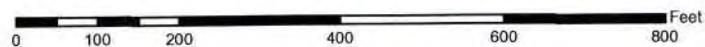
La Jolla Reservation



-  Proposed Channel
-  Current Main Channel
-  Proposed Channel 90ft Buffer #
-  20ft Contours
-  Gabions *
-  Project Area Extent

Stream bed is approximately 100ft Wide by 10ft Deep with a 3:1 slope on the banks.

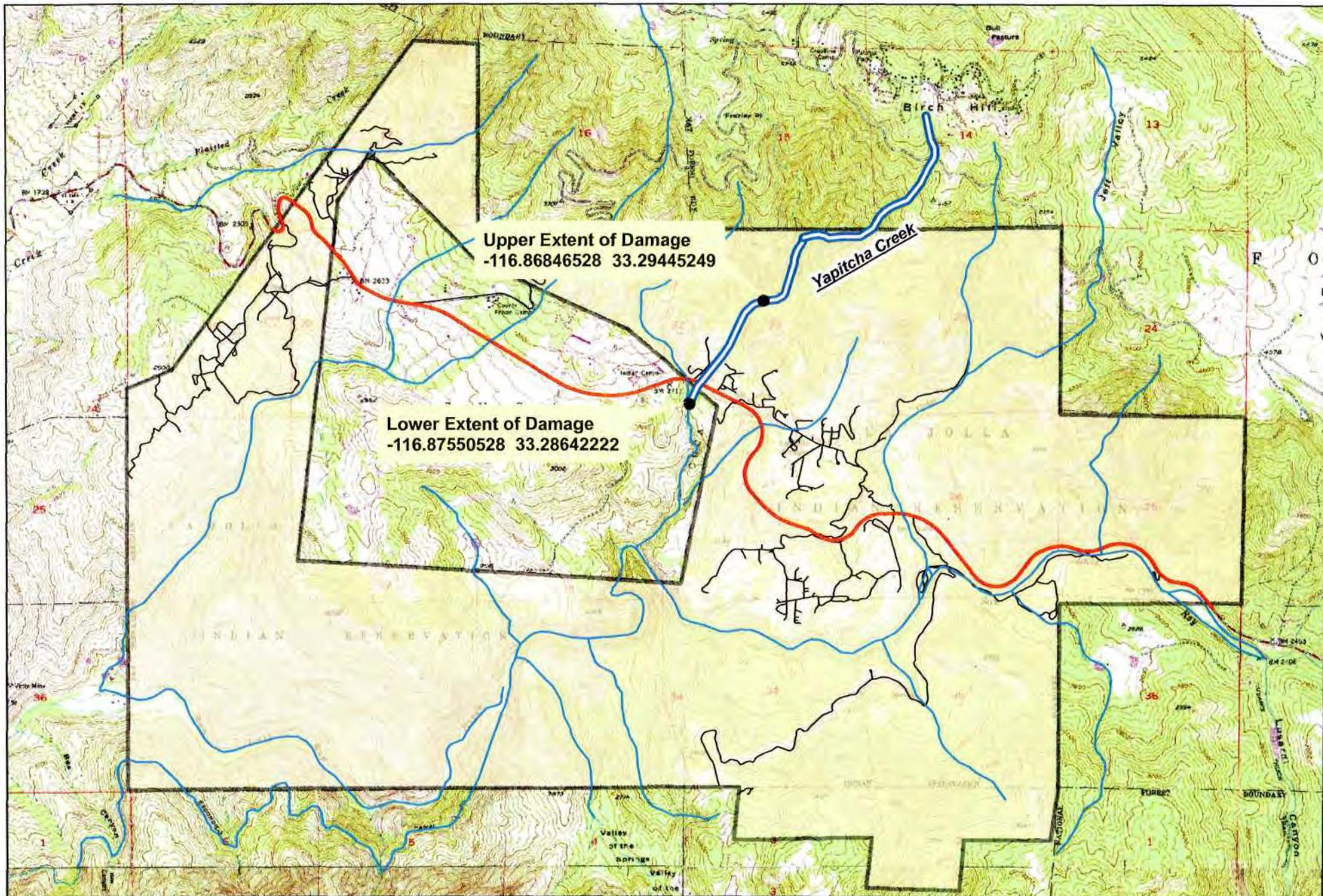
* Rock gabions placed here to dissipate water flow.



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Yapitcha Creek on the La Jolla Indian Reservation



Legend

- Yapitcha Creek
- Streams
- La Jolla Boundary



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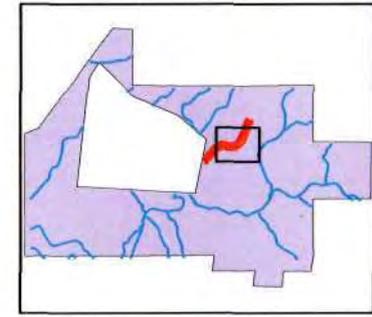
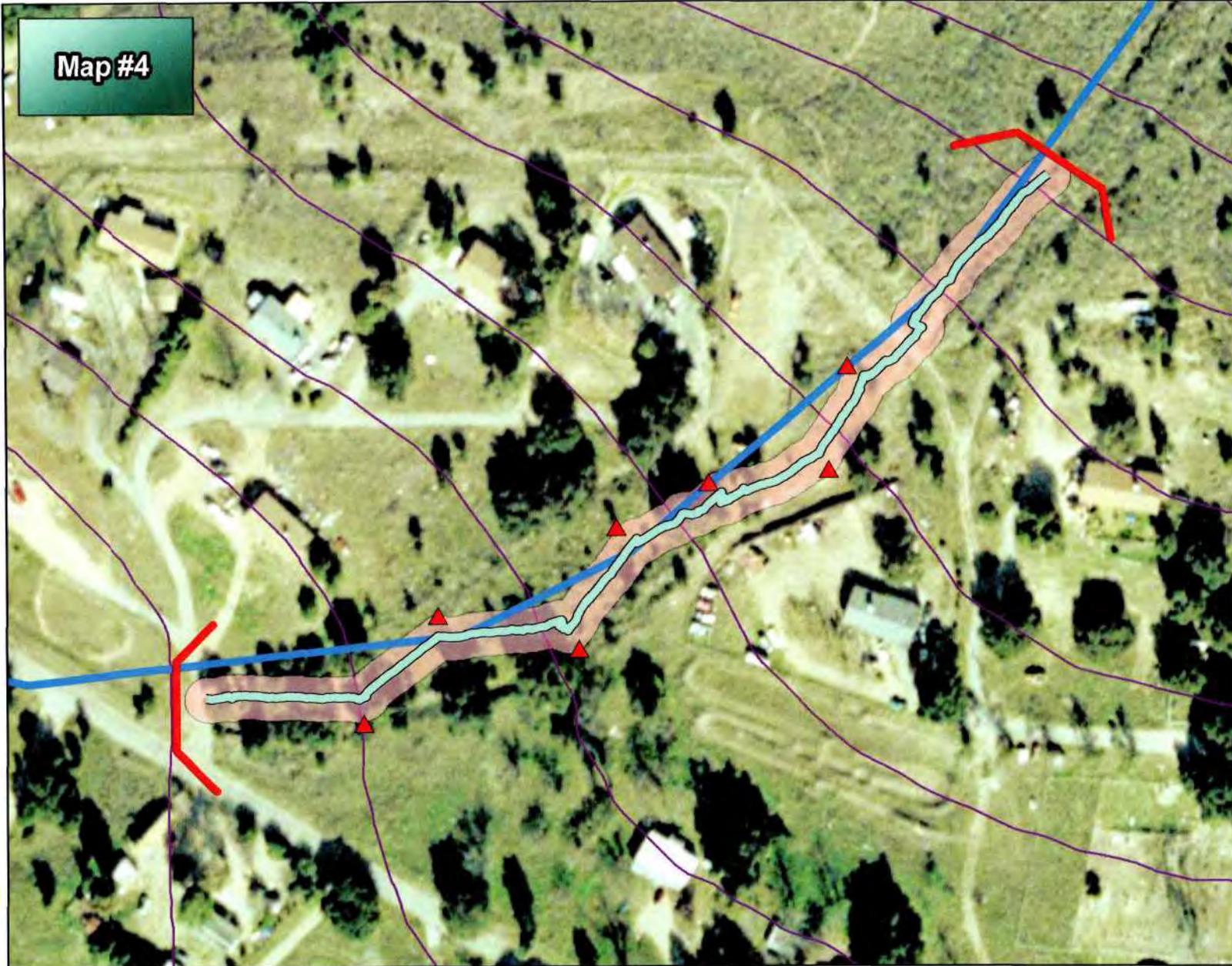


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Church Road Drainage

Anticipated Conditions (post project) 20 Foot Buffer

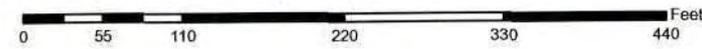
La Jolla Reservation



-  Proposed Channel
-  Current Main Channel
-  Proposed Channel 20ft Buffer #
-  20ft Contours
-  Gabions *
-  Project Area Extent

Stream bed is approximately 16ft wide with depths up to 4ft. It contains a 3:1 slope on the banks.

* Rock gabions placed here to dissipate water flow.

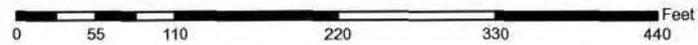


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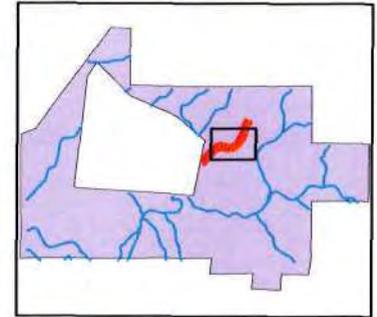
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Church Road Drainage

Preproject Conditions



La Jolla Reservation



-  Current Main Channel
-  20ft Contours
-  Project Area Extent



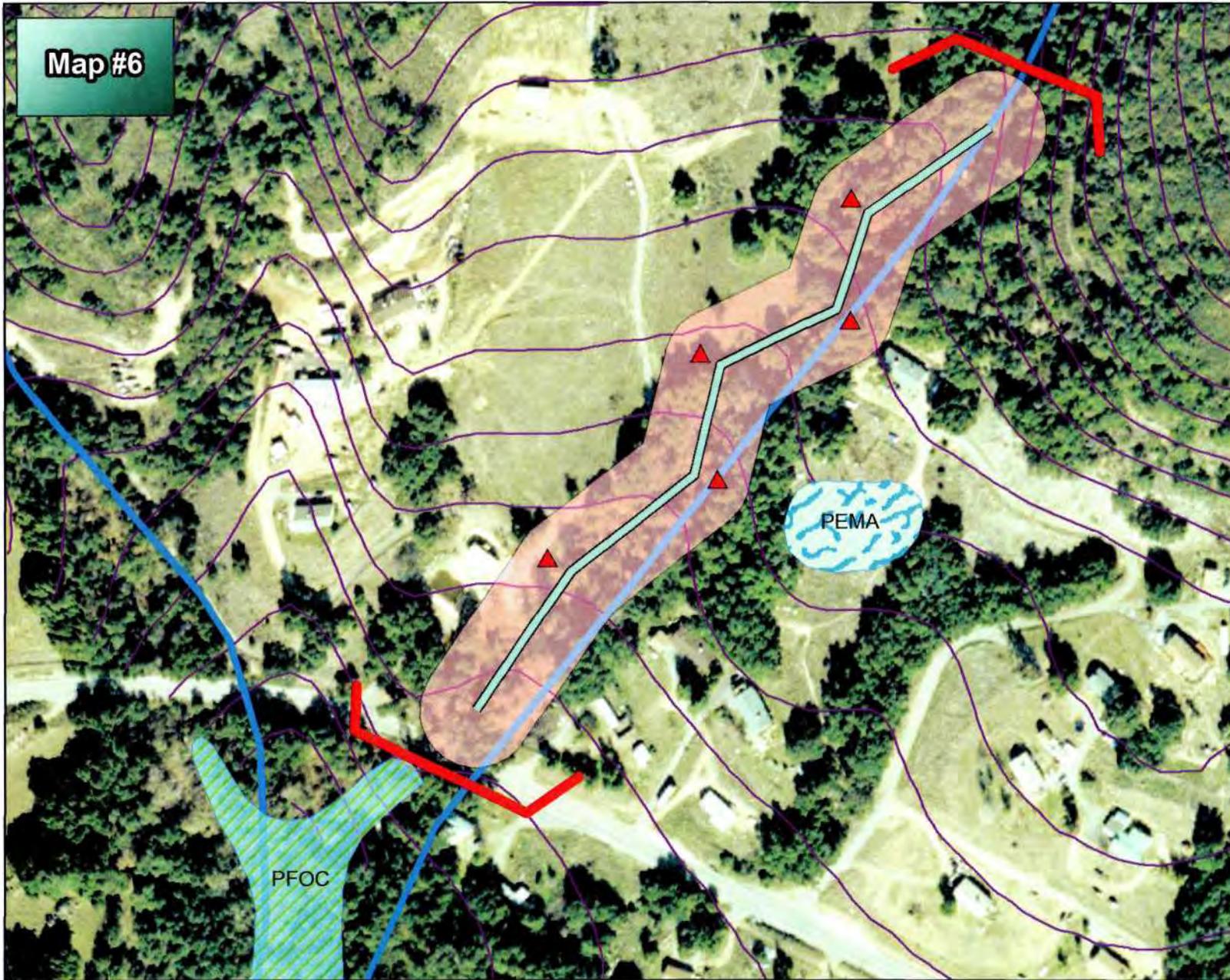
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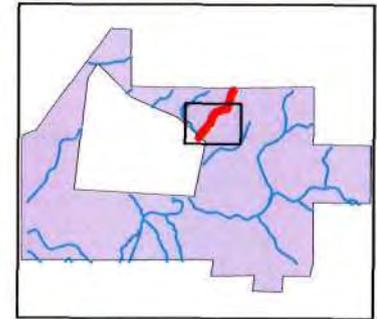
NWI Wetlands in the Yapitcha Creek Vicinity

Anticipated Conditions (post project) 90 Foot Buffer

La Jolla Reservation



Map #6



- Proposed Channel
- Current Main Channel
- 20ft Contours
- Proposed Channel 90ft Buffer #
- PEMA Wetland^
- PFOC Wetland >
- Gabions *
- Project Area Extent

Stream bed is approximately 100ft Wide by 10ft Deep with a 3:1 slope on the banks.

^ Wetland obliterated during recent storm

> Wetland drastically altered and damaged during recent storm.

* Rock gabions placed here to dissipate water flow.



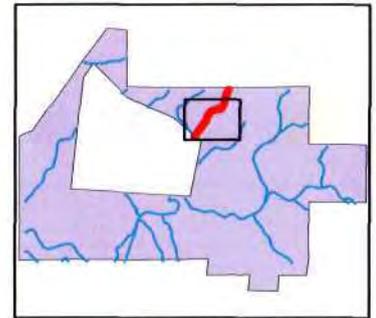
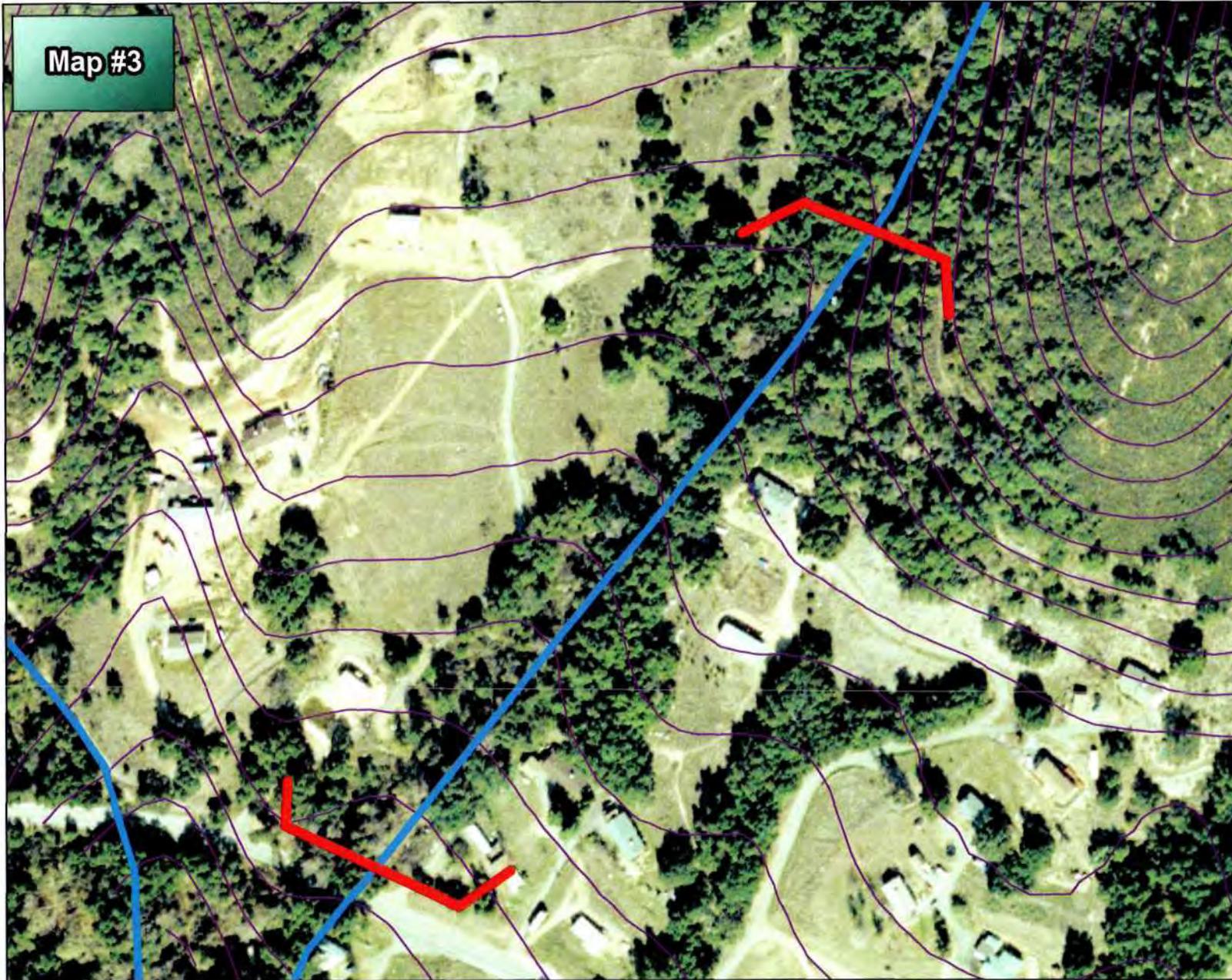
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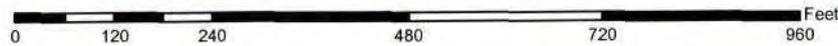
Yapitcha Creek

Preproject Conditions

La Jolla Reservation



-  Current Main Channel
-  20ft Contours
-  Project Area Extent



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