



PUBLIC NOTICE

San Gabriel River – Emergency Fuel Line Replacement.

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

BUILDING STRONG®

Public Notice No.: 408-SPL-PN-2023-0012

Permit No.: 408-SPL-2023-0012

Comment Period: 2023-03-08 to 2023-04-08

Requester: In compliance with Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 (“Section 408”), Kinder Morgan, through the Los Angeles County Flood Control District (LACFCD), has requested permission from the U.S. Army Corps of Engineers (USACE) to alter San Gabriel River, a feature for flood control in the Los Angeles County Drainage Area (USACE project), in Los Angeles County, California.

Location:

The proposed action (Section 408 Activity) would be located on both sides of San Gabriel River immediately north of Highway 91 Bridge over San Gabriel River in the cities of Bellflower and Cerritos, Los Angeles County, California.

Requester’s Proposed Action:

The proposed action involves the emergency repair of an existing fuel line under the San Gabriel River, under the emergency provisions of 36 CFR 800.12 pursuant to emergency declared by the State Fire Marshal.

Details of the proposed action are as follows: Excavating one approximately 14-ft long by 8-ft wide by 23-ft deep trench on east side of San Gabriel River Channel, excavating one approximately 200-ft long by 6-ft wide by 24-ft deep trench on west side of San Gabriel River Channel, and remove and replace approximately 380-ft of 16-inch pipeline within existing 24-inch steel casing. The purpose of the proposed action is to prevent a potential fuel shortage in Southern California by conducting emergency repairs of the pipeline during December 25-26, 2022.

Authority: The authority to grant permission for temporary or permanent use, occupation or alteration of any USACE Civil Works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 (“Section 408”). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army’s authority under Section 408 has been delegated to the USACE, the Chief of Engineers. The Chief of Engineers has further

delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

Limits of Section 408 Authority: A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). If any Section 10/404/103 permit is required, the compliance determination for such Section 10/404/103 permit decision associated with the proposed alteration will also address the Section 408 compliance determination. In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

Environmental Compliance: A decision on a Section 408 request is a federal action, and therefore, subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the Los Angeles District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g., Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The Los Angeles District will work with the requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner. Comments received on this public notice will be used in the evaluation.

Consideration of Comments: The Corps is soliciting comments from the public, Federal, State and local agencies and officials, and other interested parties. Comments will be made part of the record, and they will be considered before permission is granted to proceed with this action. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the alteration described in this public notice.

Submission of Comments: Interested parties may submit, in writing, any comments concerning this proposal. Comments should reference public notice no. 408-SPL-PN-2023-0012 and be forwarded by the comment due date of April 8, 2023. Comments must be sent to the U.S. Army Corps of Engineers, Los Angeles District, Engineering Division, ATTN: Section 408 Permits, 915 Wilshire Boulevard, Suite 1109, Los Angeles, California 90017-3409. Alternatively, comments can be sent electronically to spl.408permits@usace.army.mil.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
Los Angeles District, Corps of Engineers
915 Wilshire Boulevard, Suite 1109
Los Angeles, California 90017-3409

WWW.SPL.USACE.ARMY.MIL/MISSIONS/SECTION-408-PERMITS

