



# PUBLIC NOTICE

San Gabriel River – Groundwater Containment Outfall Structure.

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

**BUILDING STRONG®**

**Public Notice No.:** 408-SPL-PN-2023-0019

**Permit No.:** 408-SPL-2023-0019

**Comment Period:** 2023-04-14 to 2023-05-14

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**Requester:** In compliance with Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"), Omega OU2 LLC, 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 or proposed alteration (Section 408 Activity) would be located on the east bank of the San Gabriel River south of Slauson Avenue and Interstate 605 in Los Angeles County, California.

**Requester's Proposed Action:**

The proposed action involves installing a approximately 110 linear feet of 18 inch diameter reinforced concrete pipe (RCP) outfall, a flap gate, and a reinforced concrete outfall structure with headwall.

Details of the proposed action are as follows: Construct an outfall structure and grouted riprap support, install an automatic flap gate, temporary access road, and an RCP that connects the manhole to the outfall structure, and temporary river diversion. The purpose of the proposed action is to provide a discharge location for treated water that will allow discharge year-round into the San Gabriel River and will meet the applicable NPDES requirements.

**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). 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-2023-0019 and be forwarded by the comment due date of May 14, 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](mailto:spl.408permits@usace.army.mil).

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**DEPARTMENT OF THE ARMY**  
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[WWW.SPL.USACE.ARMY.MIL/MISSIONS/SECTION-408-PERMITS](http://WWW.SPL.USACE.ARMY.MIL/MISSIONS/SECTION-408-PERMITS)



