PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT
General Maintenance Activities at the Lake Piru Recreation Area and Santa Felicia Project

Public Notice/Application No.: SPL-2022-00440-LKB
Project: General Maintenance Activities at Lake Piru and Santa Felicia Project
Comment Period: September 12, 2022 through October 12, 2022
Project Manager: Leison Bernstein; 805-799-9724; Leison.K.Bernstein@usace.army.mil

Applicant

United Water Conservation District
106 North 8th Street
Santa Paula, CA, 93060

Contact

Ms. Linda Purpus
(805) 525-4431

Location

The Project area includes the Lake Piru Recreation Area and Santa Felicia Project in Ventura County, CA (in the vicinity of 34.47473, -118.76195). See project description and exhibits for specific maintenance locations.

Activity

To United Water Conservation District requests authorization to perform general maintenance activities associated with boat launch ramps, rip-rap stabilization structures, swim beaches, and culverts and drainages (Project) associated with the Lake Piru Recreation Area and Santa Felicia Project in Ventura County (see attached drawings). The proposed activities are necessary to maintain existing infrastructure that supports both recreation and water resource management purposes. For more information see Additional Project Information section below.

Submittal of Public Comments

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act.

Please do not mail hard copy documents, including comments to any Regulatory staff. Instead, your comments should be submitted electronically to: Leison.K.Bernstein@usace.army.mil. Should you have any questions or concerns about the

Corps' proposed action or our comment period, you may contact Leison Bernstein directly at 805-799-9724.

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

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 Part 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 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 California Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. The applicant has submitted an application to the Los Angeles Regional Water Quality Control Board.

Coastal Zone Management- The proposed project would not occur within the coastal zone and thus would not affect coastal zone resources.

Essential Fish Habitat- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH would be affected by the proposed project.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. Additionally, work areas associated with the proposed project are within areas previously disturbed by prior construction and ongoing maintenance activities. This review constitutes the extent of cultural resources investigations by the District Engineer, who is otherwise unaware of the presence of such resources.

Endangered Species- The project area is within designated critical habitat for Southwestern Willow Flycatcher, but work areas do not appear to provide the associated physical and biological features. Surveys for Least bell's vireo have been conducted periodically south of the Santa Felicia Project, in Piru Creek north of the project area, and at Lake Piru since 2016. Survey results from 2021 documented 12 territorial males and 11 pairs in middle Piru Creek (outside the project area). A single lest Bell's vireo was heard within 500 feet of the Juan Fernandez swim beach in 2020, but subsequent surveys did not detect any more activity, indicating that the least Bell's vireo was only foraging in the area. There is no suitable habitat for nesting or breeding within the project area, and U.S. Fish and Wildlife Service designated critical habitat is approximately 4 miles south of the project area. Preliminary determinations indicate 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 (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only

when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary.

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 maintenance of existing infrastructure and recreational amenities at Lake Piru.

Additional Project Information

Baseline information- The UWCD operates Santa Felicia Project (Project) and the associated Lake Piru Recreation Area (LPRA). The proposed activities are associated with existing infrastructure and recreational facilities within Lake Piru and numerous tributary channels. This includes roadway culverts and drainage channels, boat launch facilities, public swim beaches, and in-kind repair of rip-rap bank stabilization structures at launch ramps (Figure 1). The locations of the proposed maintenance activities have been subject to maintenance in the past. The UWCD has an ongoing need to maintain these facilities and obtain necessary Corps permits in an efficient manner to ensure they maintain function and meet recreational and operational needs. The Corps issued a Regional General Permit in 2016 to authorize similar maintenance activities. Under the previous permit, UWCD was authorized to impact up to 0.69 acre of jurisdictional waters on an annual basis for launch ramp maintenance, maintain culverts, drainage ditches, and the reasoner canyon bridge at 800 square feet of temporary impacts per feature, reestablish a designated swim beach and impact up to 3.8 acre of waters of the U.S. for related activities, and temporarily impact up to 0.5 acre and permanently impact up to 0.1 acre of waters of the U.S. to conduct in kind repair of rip-rap bank stabilization. Authorized impacts under the renewed permit would be identical to the previous permit.

Project description-

Launch ramp maintenance: Water surface elevation in Lake Piru typically varies between 980 and 1,055 feet above mean sea level (amsl) (during drought conditions in 2016, lake level receded to the approximate elevation of 970 feet asml). When the lake level recedes, sediment is left behind on the exposed surfaces of the launch ramps. Under certain conditions the amount of sediment can be substantial and pose a nuisance or hazard to pedestrians and recreational boaters using the launch ramps. Heavy equipment would be used to remove material (sediment and early colonizing vegetation) from launch ramps (existing infrastructure) and adjacent areas. When feasible, material will be graded away from the shoulders of the concrete launch ramps and spread along the adjacent area in the dry lake bottom, otherwise, material will be removed from site and deposited at a storage site located above the ordinary high water mark (OHWM) (1,055 feet amsl). In general, this activity would avoid conduct of work in flowing or ponded water. If submerged conditions exist (e.g., an accumulation of excessive sediment on the submerged lower portion of the launch ramp that would interfere with or preclude launching boats) work would be performed employing an excavator to remove accumulated material from the submerged area of launch ramps at the interface of water’s edge to maintain functionality of the launch ramp.

Launch ramp maintenance is most needed when water surface elevations recede, exposing the once submerged launch ramp, or after large storms. The maintenance procedure would be performed on an as needed basis.

Equipment may include, but is not limited to dozer, tractor, excavator, dump truck, and equipment attachments. Attachments may include tractor buckets, backhoe attachments, gannon blades, and various other components of heavy equipment.

Clearance of accumulated material from launch ramps will involve depositing material above and below the OHWM. If material is distributed as fill below the OHWM, the fill would result in temporary disturbance of dry lake bottom; fill is not expected to exceed 1,000 square feet (0.023 acre) per launch ramp. Three launch ramps are present in the project area (total potential area of 0.069 acre).

Relocated material (sediment and early colonizing vegetation) may be deposited and graded along the adjacent shoreline in a manner that would not result in increased runoff or erosion. Material removed using clean excavation procedures (from the submerged area of launch ramps) would be staged within the footprint of the launch ramp and allowed to dry prior to being distributed and graded along the adjacent shoreline or removed and deposited in an area above the OHWM. Excavation of material from the submerged area of launch ramps is expected to result in localized, temporary increases to turbidity. These increases are not expected to affect large areas and are expected to settle out quickly. Deposition of the removed materials may require some vegetation clearance or disturbance. However, areas with established vegetation would be avoided to the maximum extent practicable.

Maintenance of culverts and drainage channels: Culverts, drainage channels, and the Reasoner Canyon Bridge crossing located within the project area are regularly inspected and cleared to remove obstructions and maintain their functionality. When necessary, culverts may be repaired or replaced.

Methods to repair or clear obstructions (e.g., vegetation, sediment, debris) from culverts, drainage channels, and in the vicinity of the Reasoner Canyon Bridge crossing varies depending on physical conditions and may include use of heavy equipment or hand tools. Typically, the upstream end of each culvert is graded and maintained clear of vegetation. Drainage channels may require excavating and/or grading. Material cleared from culverts and drainage channels would be removed from site and disposed of appropriately. Following completion of work, when appropriate and where feasible, surfaces would be graded to retain the original drainage pattern. Periodic herbicide application may be utilized to control vegetation that may obstruct culverts or drainages.

In general, maintenance requiring heavy equipment is performed on an annual basis during the fall or winter (outside of the bird nesting period). Supplemental maintenance activities with hand tools and herbicide application are generally performed quarterly.

There are 11 culverts and drainage channels within the Project Area. Based on an anticipated area of disturbance ranging between 200 and 800 square feet per structure, the maximum potential affected area is not expected to exceed 0.2 acre.

This procedure is performed in areas that are above the OHWM of Lake Piru. Some culverts and drainage structures are adjacent to native and riparian vegetation within tributaries of Lake Piru. All culverts and drainage channels are existing infrastructure, no new development is proposed. Maintenance of culverts and drainage channels is a routine and ongoing activity and the affected areas have been subject to this maintenance for many years. Based on previous experience, vegetation targeted for removal will likely be immature early growth dominated by non-native species.

Development and maintenance of a designated swim beach: Swimming in Lake Piru is only allowed at designated areas. Boaters may swim in Santa Felicia cove, but recreation users without boats are limited to one designated area. Because water surface elevations in Lake Piru vary seasonally and annually, work is generally conducted in early spring, after the rainy season, to develop the swim beach that will be in place throughout the summer. The location of the swim beach depends on water surface elevation in the lake. The Juan Fernandez swim beach, which was previously permitted by the U.S. Army Corps of Engineers in 2016, is an established swim beach location and is approximately 3.4 acres. UWCD developed and has maintained the Juan Fernandez swim beach for the past six years, and it is part of the existing Lake Piru recreational facilities. An alternate swim beach location, to account for lake level fluctuation, of 0.58 acre is proposed for development and maintenance at Condor Point (figure 3). The proposed Condor Point swim beach is located between a day use picnic area and the Lake Piru Marina parking lot and launch ramp. Only one swim beach (Juan Fernandez or Condor Point) will be utilized and maintained each year, depending on water surface elevations and recreational needs. The Juan Fernandez swim beach was previously developed and only needs ongoing maintenance including clearing on annual vegetation and potential importation of sand. The total area of swim beach to be developed during the term of the requested authorization is 0.58 acre for the Condor Point swim beach.

The current slope at the proposed Condor Point swim beach is not conducive to recreation. The slope would need to be leveled with minor cutting and filling. Additional soil may need to be imported but would not exceed 300 cubic yards and would be local from the LPRA. Initial development of the Condor Point swim beach would also include discing, clearing vegetation with heavy equipment, grading, and importing sand to provide a top layer. Maintenance of both beaches would require importing sand annually from a local source. The annual volume of sand would be dependent upon the location of the beach and the condition of the beach at the start of each season. UWCD anticipates that the total volume of material imported would not exceed 30 cubic yards (40 tons) per year.

Equipment would include a tractor with Gannon blade, rippers and disc attachments, a dozer, dump truck, flail/brush mower attachments, hand tools including mowers and chain saws, and other heavy equipment as needed.

Only one swim beach would be utilized annually, and the location would depend on surface water elevations. The total area affected would not exceed 3.4 acre annually, including 3.4 acre of routine maintenance at Juan Fernandez swim beach or 0.58 acre of development or maintenance at Condor Point swim beach. Over the term of the permit, the total area affected would not exceed 3.98 acre.

Under conditions when the lake is full, the swim beach area would be located in a transitional zone of the reservoir, below the OHWM, that is subject to inundation when the water surface elevation rises, followed by temporary periods of drying when the water surface elevation recedes. Vegetation in these areas is typically dominated by early growth mulefat (*Baccharis salicifolia*) and ruderal non-native annuals and grasses. When the lake fills and the work site is once again submerged, the area is expected to transition back to an aquatic environment. Prior to initiating annual maintenance or development of the swim beach, a qualified biologist would survey the area as outlined in the best management practices. These activities are not expected to affect listed species or result in significant environmental effects.

In-Kind repair of rip-rap bank stabilization structures at launch ramps: Rip-rap bank stabilization structures are located at the Lake Piru Marina launch ramp and the Juan Fernandez launch ramp. Loss or damage of the stabilization structures can destabilize the banks of the launch ramps and threaten the integrity of the structures. The degree of repair required would vary depending on the damage sustained. In severe cases, repairs would involve clearing the area of material, stockpiling of material in an adjacent area within the dry lake bottom, importing and compacting material in the damaged area, and replacing the lost rip-rap material (Lake Piru Marina launch ramp and Juan Fernandez launch ramp). Less severe damage may not involve all steps.

Rip-rap repair and bank stabilization maintenance is most needed when water surface elevations recede, exposing the one submerged rip-rap stabilization structure, or after large storms. This maintenance procedure would be performed on an as-needed basis based on water surface elevations.

Machinery would vary depending on the degree of damage but could include backhoe or dozer with a sheep's foot, graders, excavators, scrapers, dump truck, and a water truck.

This repair and maintenance activity would be performed within the original footprint of the existing rip-rap structure. Work would only be conducted when water surface elevation is below the work area. No work would occur in flowing or ponded water. Stockpiling of material may require some vegetation clearance or disturbance. However, areas of established vegetation would be avoided to the maximum extent practicable. With the exception of full lake conditions, rip-rap structures are located in the transitional zone of the reservoir that is subject to inundation when the water surface level rises, followed by temporary periods of drying when the water surface level recedes. Vegetation in these areas is typically dominated by early growth mulefat and ruderal non-native annuals and grasses. Once the lake fills and the work site is once again submerged, the area is expected to transition back to an aquatic environment. Prior to initiating work to repair or maintain rip-rap structures, a qualified biologist would survey the area as outline in the Best Management Practices. These activities are not expected to affect listed species or result in significant environmental effects.

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. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: None proposed at this time as impacts associated with necessary maintenance activities are largely unavoidable.

Minimization: General site maintenance best management practices would be implemented during project activities and will include the following

- Clean up trash and other project debris daily; use fully covered trash receptacles with secure lids to contain all trash.
- Staging/storage and refueling/maintenance of equipment and materials would be outside of habitat areas.
- No substances that could be hazardous to aquatic life would be allowed to contaminate the soil and/or enter or be placed where it may be washed by rainfall or runoff into jurisdictional waters.
- All vehicles and equipment will be maintained in good working condition, free from leaks, and operating within normal parameters.

- Project activities would be conducted in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes. All visible soil/mud, plant materials, and animal remnants from all vehicles, tools, boots, and equipment would be removed.
- All equipment would be inspected and washed off-site, at a location designated by UWCD before entering the project area to ensure equipment is free of mud, algae, ansils, or other debris.
- All equipment would be inspected on-site before leaving the site to ensure equipment is free of mud or other debris that could contain invasive species.
- Project activities would be prioritized to occur outside of nesting bird season. However, should work occur during nesting season, a qualified biologist familiar with least Bells's vireo and other special status birds would conduct a pre-project survey for birds and nests throughout the project area and within 500 feet of the project area
- Any vehicle or equipment fluid spills would be cleaned up immediately to ensure the project area is maintained clean and free of spills and contamination.
- The area where heavy equipment will operate will be limited to the minimum footprint necessary.
- If vehicle maintenance must occur on-site, designated areas would be used that are located away from drainage courses and at least 50 feet away from watercourses.
- All fueling trucks and fueling areas would be equipped with spill kits and/or use other spill protection devices.
- Personnel associated with project activities would attend an annual worker environmental awareness training to ensure all project personnel are properly trained.
- A qualified biologist would be present to monitor during project activities whenever a special status species is observed during pre-project surveys or for project activities occurring during nesting bird season.

Compensation: None proposed at this time.

Proposed Special Conditions

Project-specific special conditions may be added on a case-by-case basis if determined necessary to ensure minimal impacts or to comply with other laws and regulations prior to authorizing individual maintenance activities.

The following general conditions included in the existing RGP are proposed to be carried forward to the renewed RGP.

1. The permittee shall provide pre-project notification to the Corps prior to any proposed maintenance activity covered by the RGP in the circumstances listed below. Work may not proceed until a Notice to Proceed is issued by the Corps, which may include special conditions requiring additional avoidance, minimization and/or compensatory mitigation requirements as determined on a case-by-case basis:

a. Maintenance activities that would result in permanent impact to waters of the U.S. (e.g. new rock protection or other structural repairs that place new permanent fill in waters)

b. Maintenance activities that would result in the removal of native tree species greater than 3 inches diameter at breast height.

c. Maintenance activities that require dewatering or installation of a temporary surface water diversion.

d. Maintenance activities proposed to be conducted between March 15 and September 15 that would remove or are within 100 feet of suitable bird nesting habitat.

2. Pre-project notification, where required, shall include the following information:

a. Location of the proposed maintenance activity, including latitude and longitude.

b. Complete description of the proposed maintenance activity in relation to the affected watered of the U.S.

c. Any proposed avoidance and minimization measures.

d. Results of biological surveys.

3. Maintenance activities within 100 feet of suitable bird nesting habitat shall be conducted outside the nesting season (March 15 through September 15). Work may be conducted during the nesting season upon notification to the Corps and where the absence of nesting birds has been documented by pre-project biological surveys conducted within one week of the initiation of work.

4. The permittee shall complete pre-project biological surveys prior to completing any authorized maintenance activities.

5. This permit does not authorize any regulated maintenance activity that may affect a federally listed threatened or endangered species, or designated critical habitat.

6. The permittee shall prepare an annual report documenting all work completed under the RGP during the prior year. The report shall be submitted no later than January 31 of each year the RGP is in effect and include the following information:

a. Location of each maintenance operation (latitude and longitude).

b. Approximate area of temporary and permanent impact to waters of the United States for each maintenance operation.

c. Results of pre-project biological surveys.

d. Pre- and post-project photo documentation.

e. Status of any mitigation required (following success criteria specified in the associated Notice to Proceed).

7. All imported material used for authorized maintenance, including but not limited to swim beach reestablishment, shall consist of clean material, free of toxic pollutants.

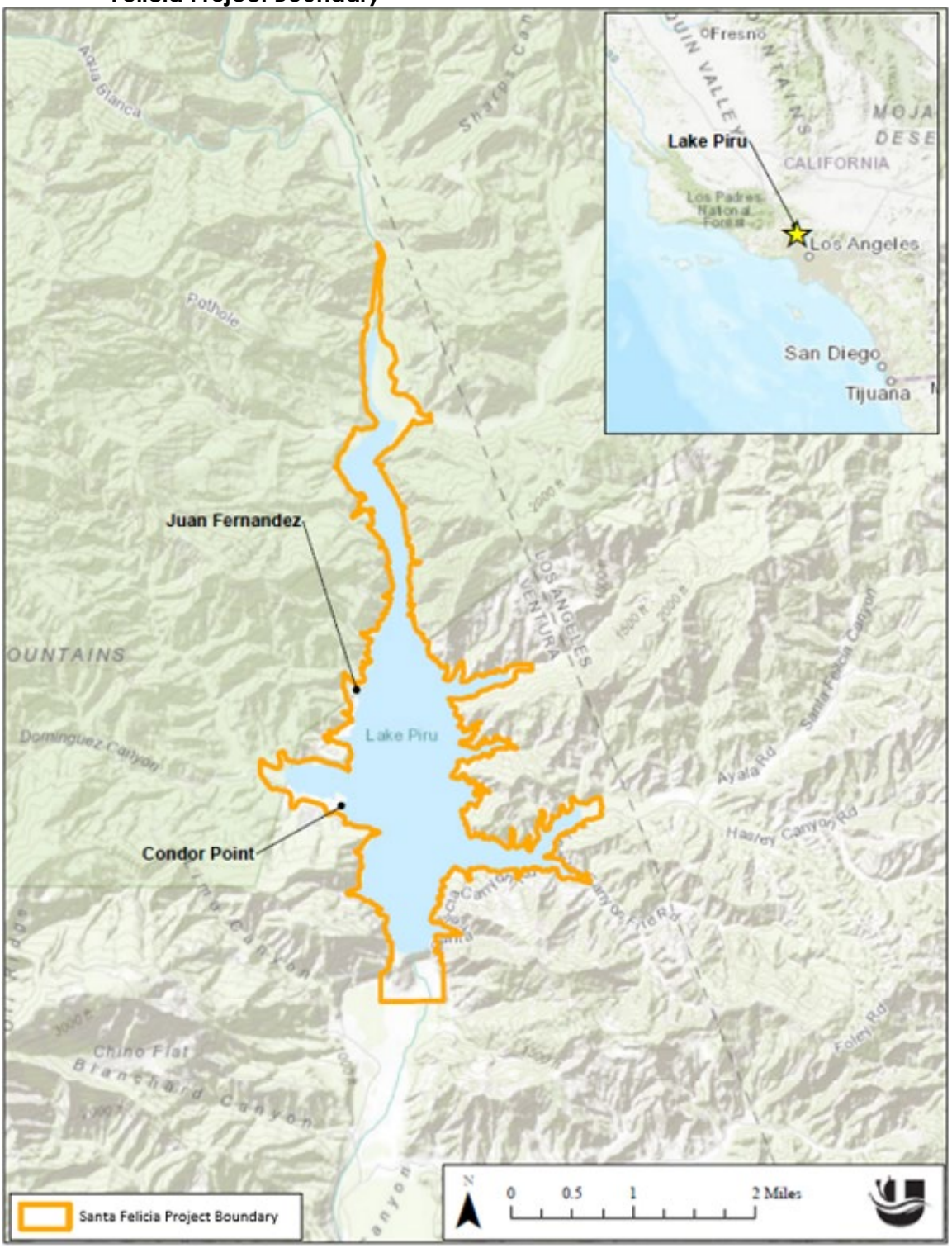
For additional information please call Leison Bernstein of my staff at 805-799-9724 or via e-mail at Leison.K.Bernstein@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

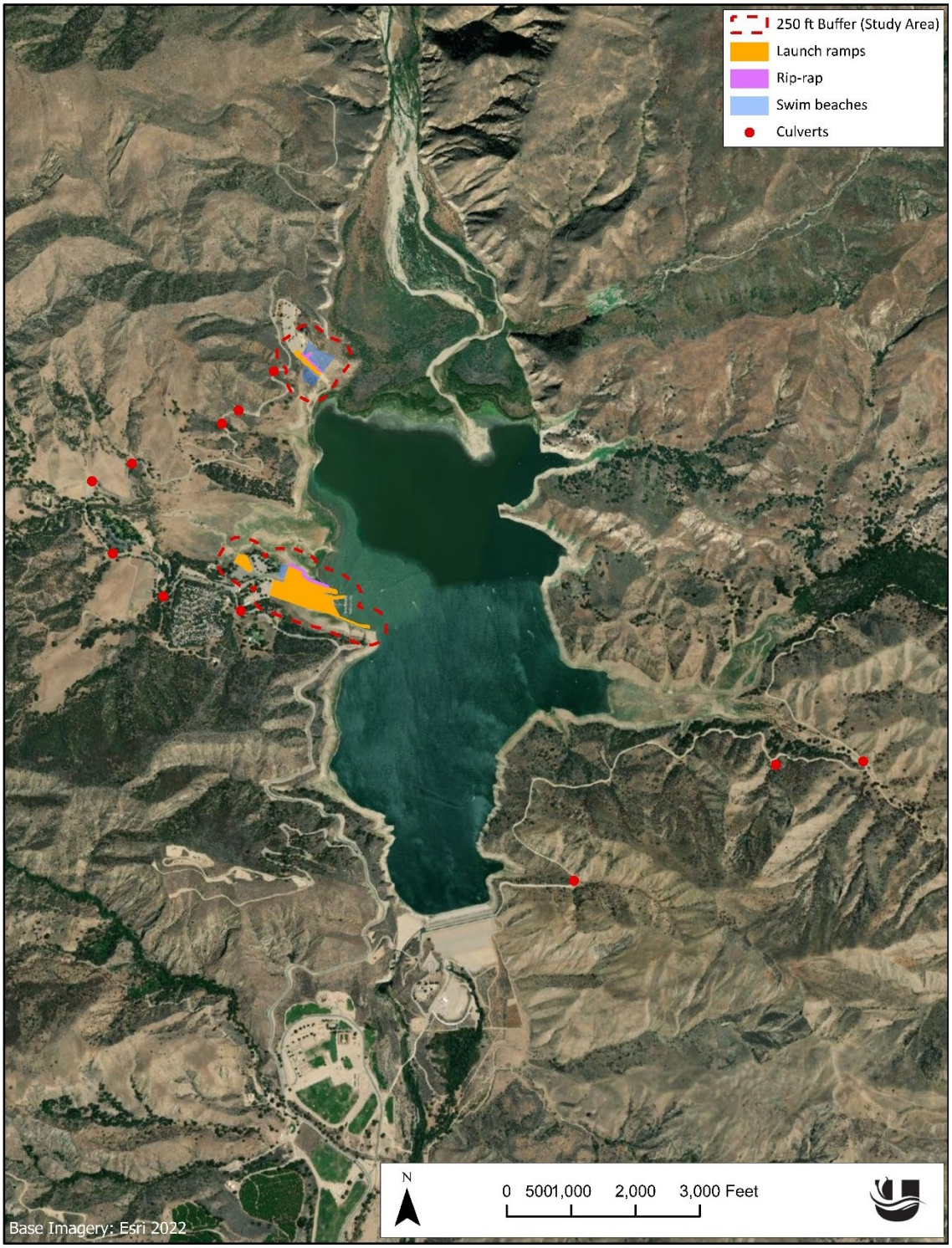
DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY

Figure 1 Regional Location of Lake Piru and the Santa Felicia Project. The Lake Piru Recreation Area is located on the west side of Lake Piru within the Santa Felicia Project Boundary*



*Most Project Sites are within the Santa Felicia Project boundary. A few Project Sites are outside but within the vicinity of the Santa Felicia Project boundary.

Figure 2 Location of Project Sites and Study Area within and associated with the Lake Piru Recreation Area and Santa Felicia Project*



*All Project Sites plus the immediately adjacent area (within 250 feet, Study Area) were assessed in this BRA.

Figure 3 Launch Ramps within Lake Piru Recreation Area

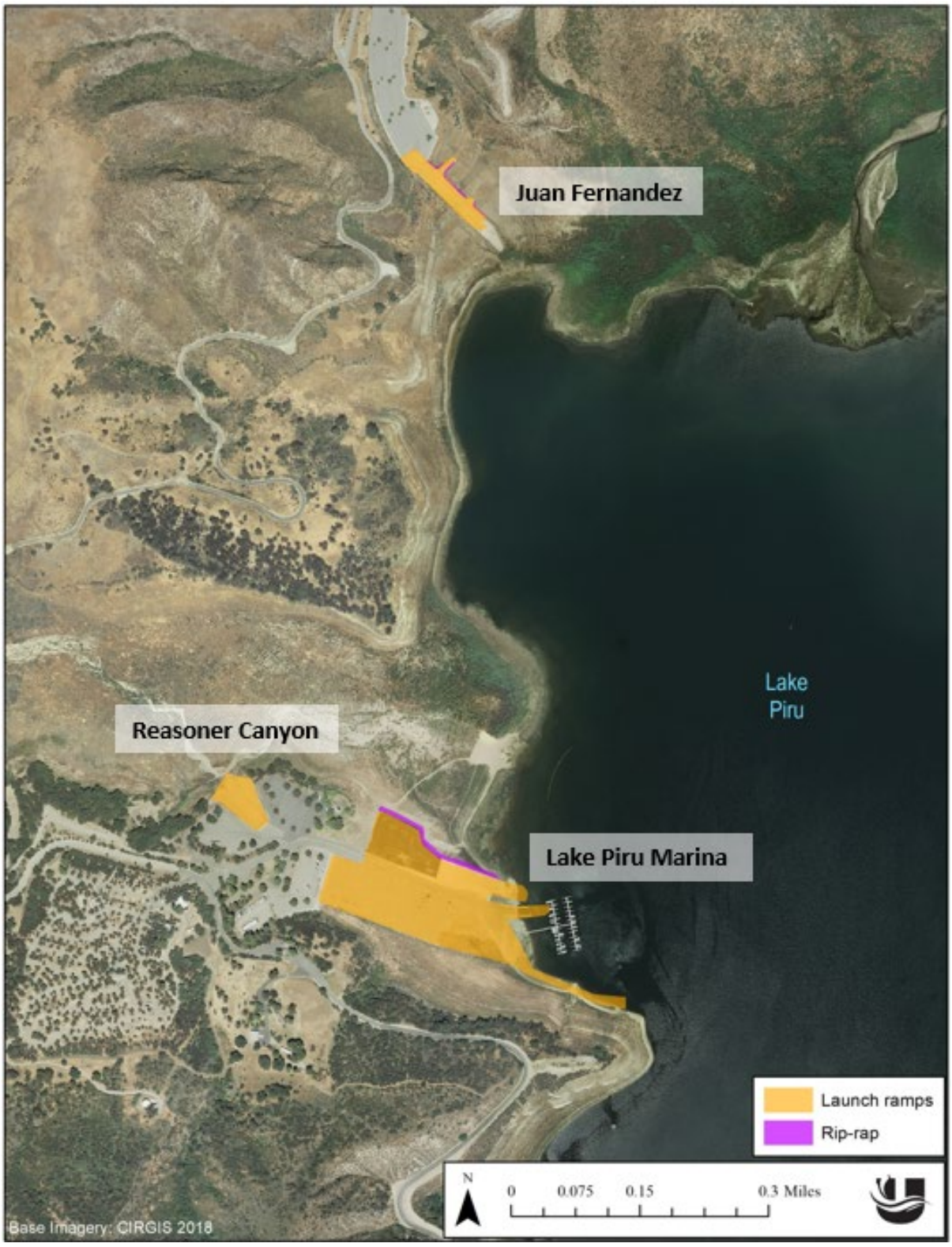


Figure 4 Culverts associated with the Santa Felicia Project and are within Waters of the U.S.