SPECIAL PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS **BUILDING STRONG®**
LOS ANGELES DISTRICT

APPLICATION FOR PERMIT
RENEWAL OF REGIONAL GENERAL PERMIT (RGP) 88

Public Notice/Application No.: SPL-2010-00849-SME
Project: RGP 88 – OC Parks Ocean Outlet Maintenance Program, Dana Point and Laguna Beach, Orange County, California
Comment Period: 11/20/2017 to 12/20/2017
Project Manager: Tiffany Kwakwa; (213) 452-3375; Tiffany.D.Kwakwa@usace.army.mil

Applicant
County of Orange, OC Parks
Attention: Mark Estoque
13042 Old Myford Road
Irvine, California 92602

Contact
Lisa Louie
Chambers Group, Inc.
5 Hutton Centre Drive, Suite 750
Santa Ana, California 92707

Location

The project consists of three ocean outlets: Poche Beach Outlet and Capistrano Beach Outlet No. 1 (CB Outlet), in the city of Dana Point, Orange County, California; and Aliso Creek Outlet, in the city of Laguna Beach, Orange County, California. Poche Beach Outlet is located southeast of the intersection of Pacific Coast Highway and Camino Capistrano (Figures 1 and 2). Poche Beach Outlet is bordered to the north by railroad tracks and the Pacific Coast Highway, to the south by open beach and the Pacific Ocean, to the east by open beach and a recreational facility, and to the west by single-family residences and open beach. CB Outlet is located approximately 750 feet southeast of the intersection of Pacific Coast Highway and Palisades Drive (Figures 1 and 3). CB Outlet is bordered to the north by a parking lot, Pacific Coast Highway and a residential area on coastal bluffs, to the south by open beach and the Pacific Ocean, to the east by open beach, a parking lot and a residential area, and to the west by open beach and the Pacific Ocean. Aliso Creek Ocean Outlet is located at the mouth of Aliso Creek along the County-operated beach at the Pacific Ocean, southwest of the Pacific Coast Highway bridge crossing (Figures 1 and 4).

Table 1. Ocean outlet locations.

Outlet	Latitude	Longitude
Poche Beach Outlet	33.441091	-117.645131
Capistrano Beach Outlet No. 1	33.453886	-117.666480
Aliso Creek Outlet	33.51056	-117.751940

Activity

The proposed project would consist of recurring maintenance activities at Poche Beach Outlet, Capistrano Beach Outlet No. 1 (CB Outlet), and Aliso Creek Outlet. The project would include semi-annual outlet maintenance and as-needed minor maintenance activities. The three outlets would be subject to inspections by OC Parks to determine when maintenance activities are necessary.

For more information see Additional Project Information section below.

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 and Section 10 of the Rivers and Harbors Act. Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
ATTN: CESPL-RG-OR-SPL-2010-00849-SME
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017

Alternatively, comments can be sent electronically to: Tiffany.D.Kwakwa@usace.army.mil

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 received a 401 water quality certification from the San Diego Regional Water Quality Control Board on October 18, 2017 (Project Number R9-2017-0087).

Coastal Zone Management- The applicant has certified the proposed activity would comply with and would be conducted in a manner consistent with the approved State Coastal Zone Management Program. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission the project is consistent with the State's Coastal Zone Management Plan. The District Engineer hereby requests the California Coastal Commission's concurrence or non-concurrence.

Essential Fish Habitat- The Corps of Engineers preliminary determination indicates the proposed activity may adversely affect Essential Fish Habitat (EFH) due to temporary increases in turbidity during project activities and potential impacts to California grunion (*Leuresthes tenuis*). Grunion are known to spawn at all three outlet sites, however the County proposes to implement measures, including avoidance of activities below the high tide line during grunion runs to ensure that impacts to

grunion would not occur. In the event work is proposed during a grunion run, the County would conduct pre-project surveys to evaluate the beach for grunion activity prior to conducting maintenance below the high tide line and provide a map of occurrence and/or biological monitor during the day to identify the areas to avoid in order to avoid adversely affecting grunion, if needed. A biological monitor would be provided during the grunion season, typically from March to early September, of each year. If grunion are observed spawning in the disposal area, the spawning location would be marked and avoided by all disposal operations until after the next high tide series. Pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Los Angeles District will request under a separate consultation process, NOAA Fisheries' concurrence or non-concurrence with the Corps' EFH determination for the proposed activities.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and the three outlets are not listed as eligible. Moreover, conditions of the outlets indicate little likelihood of the any potentially eligible resources present and are presumed to have been lost due to erosion, deposition, and tidal action at the three beach outlets. Consequently, there is no potential to effect eligible or potentially eligible historic properties. 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 the proposed activity would affect federally listed endangered or threatened species, or their critical habitat, namely designated critical habitat for the tidewater goby (*Eucyclogobius newberryi*), the threatened western snowy plover (*Charadrius alexandrinus nivosus*), and endangered California least tern (*Sternula antillarum browni*). Therefore, informal consultation under Section 7 of the Endangered Species Act would be required.

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). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary. The basic project purpose for the proposed project is recreation and flood risk management. The flood risk management component of the project is water dependent and recreation 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 conduct recurring maintenance activities at three ocean outlet sites to preserve pedestrian access to Poche Beach, to provide conditions amenable to recreational use at Poche Outlet and Capistrano Beach Outlet, to protect existing private property structures, preserve water quality and limit vector growth and proliferation, and to maintain flood risk management capabilities at all three facilities.

Additional Project Information

Baseline Information- The proposed project would occur at three ocean outlets located in the cities of Dana Point and Laguna Beach, Orange County, California (Figures 2 – 4). Poche Beach Outlet and Capistrano Beach Outlet are part of the San Clemente Coastal Streams Watershed, which encompasses approximately 18 square miles and includes parts of the cities of San Clemente, San Juan Capistrano, and Dana Point. Both sites are located on heavily used sandy beaches with little to no vegetation. No vegetation is present at Poche Beach Outlet and ornamental ice plant and palm trees are located adjacent to CB Outlet.

Poche Beach Outlet is the terminus of the Prima Deshecha Cañada Channel, which receives freshwater from natural and urban sources. Flows enter Poche Beach Outlet through a rectangular concrete channel with rip-rap revetment. High tide events and ocean swells inundate Poche Beach Outlet with salt water. When Poche Beach Outlet is closed by a sand berm, it forms a brackish water pond that averages approximately 30 feet wide, 115 feet long, and five feet deep. Poche Beach Outlet's configuration constantly changes due to dynamic environmental conditions.

In the 2010-2011 Beach Report Card, Heal the Bay ranked Poche Beach as the fifth worst beach in California based on dry weather water quality. However, from 2013 – 2017, Poche Beach consistently showed water quality improvements to Honor Roll status in the 2016-2017 Beach Report Card. In addition, the 2014 Clean Water Act Sections 305(b) and 303(d) Integrated Report on Evaluation of Surface Water Quality and Listing of Impaired Water Body Segments for the San Diego Region, published by the California State Water Quality Control Board, identified the Prima Deshecha Cañada Channel as an impaired water body for cadmium, bacteria, malathion, nitrogen, and phosphorus and Poche Beach as an impaired site for bacteria (including total coliforms, fecal coliforms, and enterococcus).

The naturally occurring sand berm causes water levels to rise within Poche Beach Outlet. Public access to Poche Beach is provided via a catwalk located underneath the railroad traversing Poche Beach Outlet. This catwalk periodically floods when water levels are high, creating a potential public health and safety hazard to those passing through the water or eliminating beach access at this location.

CB Outlet is the terminus of an unnamed, rectangular, concrete channel. CB Outlet is trapezoidal and averages approximately 10 feet wide, 105 feet long, and five feet deep; however, its configuration also changes due to dynamic environmental conditions. CB Outlet is periodically blocked by drifting sand, impairing flood risk management functions and recreational uses along the adjacent beach.

The third ocean outlet is for Aliso Creek. Its watershed originates in the foothills of the Santa Ana Mountains and encompasses approximately 30.4 square miles of urban, suburban, and forested areas. Located within the Aliso Beach County Park, the mouth of Aliso Creek naturally forms a freshwater lagoon before it outlets to the Pacific Ocean. The outlet is bounded by rock revetment, a parking lot and restroom facilities, and sandy beach on the southeast side (down coast) of the creek outlet, and a sandy beach and private residences atop bluffs on the northwest side (up coast) of the creek outlet. The lagoon extends approximately 100 yards up the creek. Upstream of the lagoon, the creek supports riparian vegetation. Water depth in the creek outlet averages three feet.

Project Description-

Semi-Annual Maintenance:

Semi-annual maintenance activities would typically occur before the wet season (autumn) and before the summer recreation season (spring). These maintenance activities would include excavation of sediment deposits at the end of the outlets, discharge of excavated sediment onto the beach above the high tide line, and grading to prepare the adjacent beach area for recreational use.

Semi-annual maintenance at Poche Beach Outlet would include grading of an approximately 0.179-acre area and excavation of approximately 960 (+/- 192) cubic yards of sediment. The discharge of excavated sediment and related earthwork would occur on the beach adjacent to Poche Beach Outlet in an approximately 0.576 acre area above the high tide line.

Autumn semi-annual maintenance at CB Outlet would include grading of an approximately 0.103 acre area and excavation of approximately 486 (+/- 97) cubic yards of sediment. The discharge of excavated sediment and related earthwork would occur on the beach adjacent to CB Outlet in an approximately 0.230 acre area above the high tide line. Spring semi-annual maintenance would back-fill CB Outlet to improve beach-related recreational opportunities.

Semi-annual maintenance at Aliso Creek Outlet entails the excavation of approximately 37,000 cubic yards of sediment deposited within the channel outlet (approximately 200 linear feet) to increase hydraulic capacity in the area parallel to the rock revetment located on the south side of the outlet. The semiannual maintenance would affect an approximately 0.42-acre area at the mouth of the creek and disposal of excavated sand and related earthwork would occur on the adjacent beach in an approximately 0.3-acre area above the high tide line, but could be within the cut-off meandering stream course(s) after the straightened outlet is established. Boulders and rock riprap dislodged from the revetment would be retrieved and replaced during these events. Excavation and grading activities would be conducted using a bulldozer or front loader.

A Pre-Construction Notification (PCN) to the Corps Regulatory Division would be required prior to each semi-annual maintenance event at the outlets. A Notice to Proceed from the Corps Regulatory Division would be required prior to commencement of project-related activities.

Minor, As-Needed Maintenance:

Minor, as-needed maintenance would include year-round berm-breaching activities for both Poche Beach Outlet and CB Outlet. These activities would re-establish channel flow when ponding occurs and beach access impairment is imminent. Maintenance activities would include excavation of a notch in the naturally forming sand berms at the downstream end of each outlet and mechanized grading to re-contour outlet slopes. OC Parks would periodically inspect the outlets and determine when maintenance is needed. At Poche Beach Outlet, maintenance would involve the removal of the sand berm to restore surface connectivity to the ocean. Work would be limited to the minimal amount necessary to achieve the overall project purpose.

In addition to the semi-annual major maintenance events, the applicant would conduct year-round weekly inspections of Aliso Creek Outlet to identify the outlet conditions and potential maintenance needs, which could include excavation of a notch in a naturally forming sand berm and mechanized grading to re-contour the slopes of the cut-off meandering stream, depending on site conditions, as described below:

1) In cases where the creek was beginning to meander, the work would entail breaching the sand berm by excavating a notch to allow the creek outlet to straighten; the work would be the minimal amount necessary to allow the notch to enlarge by creek flows. Grading activities would be minimal, if at all.
2) Where a marked meander had begun to develop up or down coast, the work would be to cut a notch with the approximate dimensions of 38 feet across at the top by 8 feet wide at the bottom by 5 feet down from the top in the berm (approximately 213 cubic yards over 0.04 acre of Waters of the United States). The approximately 213 cubic yards of excavated material would be deposited on the beach above the mean high tide line, but may be within the meander and graded using a bulldozer, tractor, or skip loader. No further earthwork would be required once the creek re-established a straightened outlet.
3) Should a long meander become established before maintenance activities occur, a notch would be cut in the berm to establish straightened outlet flows, as described above (item 2). Additionally, earthwork would be undertaken using a bulldozer, tractor, or skip loader, to grade the banks of the meandering stream to lay back the banks along the length of the cutoff meandering stream course (approximately 650 linear feet), which would involve the placement of approximately 2,500 cubic yards of sand into the meander over approximately 0.31 acre of Waters of the United States

Work would be limited to the minimal amount necessary to achieve the overall project purpose. In the past five years, 31 minor plus two major maintenance events occurred at Poche Beach Outlet and only one major maintenance event occurred at CB Outlet.

A PCN to the Corps Regulatory Division would be required prior to commencement of minor, as-needed maintenance activities if nesting birds are found within 500 feet of the project sites during nesting bird surveys. As described above, these surveys would be required prior to commencement of any maintenance activities conducted during nesting bird season (March through September). If nesting birds are found, the Corps Regulatory Division would coordinate with the USFWS prior to making a final determination regarding the proposed activity. In this instance, a Notice to Proceed from the Corps Regulatory Division would be required prior to commencement of project-related activities.

Impacts to Potential Waters of the United States (WoUS)-

Within the jurisdictional delineation review area, approximately 0.72 acre of potential navigable WoUS were identified at Poche Beach Outlet, 0.28 acre of potential navigable WoUS were identified at CB Outlet, and 0.42 acre of WoUS were identified at Aliso Creek Outlet.

Each semi-annual excavation event would temporarily impact up to 0.18 acre of WoUS at Poche Beach Outlet, 0.11 acre of WoUS at CB Outlet, and 0.42 acre of WoUS at Aliso Creek Outlet. In addition, each round of excavation would involve grading and the removal of a maximum of 1,152 cubic yards of sediment from Poche Beach Outlet, a maximum of 583 cubic yards of sediment from CB Outlet, and a maximum of 37,000 cubic yards of sediment from Aliso Creek Outlet.

Discharge of excavated sediment would occur over a maximum area of 0.58 acre above the high tide line at Poche Beach Outlet, with approximately one fourth of the cubic yardage and disposal area in jurisdictional waters. Discharge of excavated sediment would occur over a maximum area of 0.13 acre of WoUS at CB Outlet within jurisdictional waters. Discharge at Aliso Creek would occur in an approximately 0.3 acre area within jurisdictional waters, below the high tide line (Figures 2 – 4; Table 2).

Table 2. Maximum temporary impacts to potential navigable WoUS per semi-annual maintenance event.

Outlet	Excavation (acres)	Excavation (cubic yards)	Discharge (acres)
Poche Beach	0.18	1,152	0.58
CB	0.11	583	0.13
Aliso Creek	0.42	37,000	0.30

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: The proposed project achieves the proposed project's needs while avoiding impacts to waters of the U.S. to the maximum extent practicable. The proposed work is necessary because under a "No Project" scenario, the beach conditions remain a public health and safety issue as a result of standing and stagnant conditions, or steep grades which would impair lifeguard views.

Minimization: The work is the minimum necessary to meet the project purpose that is also economically feasible. Outlet maintenance is conducted on an as-needed basis to respond to seasonal conditions. As stated above, equipment will operate from the beach above the high tide line, as practicable, and would have a minimal footprint of disturbance to waters of the U.S. Following the maintenance manual, the project avoids new and significant permanent impacts to waters of the U.S. and the potential for increased environmental impacts. Additionally, substances hazardous to aquatic life would be prevents from contaminating the soil and entering waters of the U.S. and waters of the State; maintenance activities would not be conducted during times when sewage is present in the ponded water; and vehicles would not be driven or equipment operated in waters of the U.S. except as necessary to complete the proposed project and all vehicle maintenance and staging would occur in designated upland areas. Furthermore, best management practices would be implemented to minimize turbidity and to discharge clean construction materials.

Compensation: As the work is temporary in nature, the Corps has made a preliminary determination to not require compensatory mitigation.

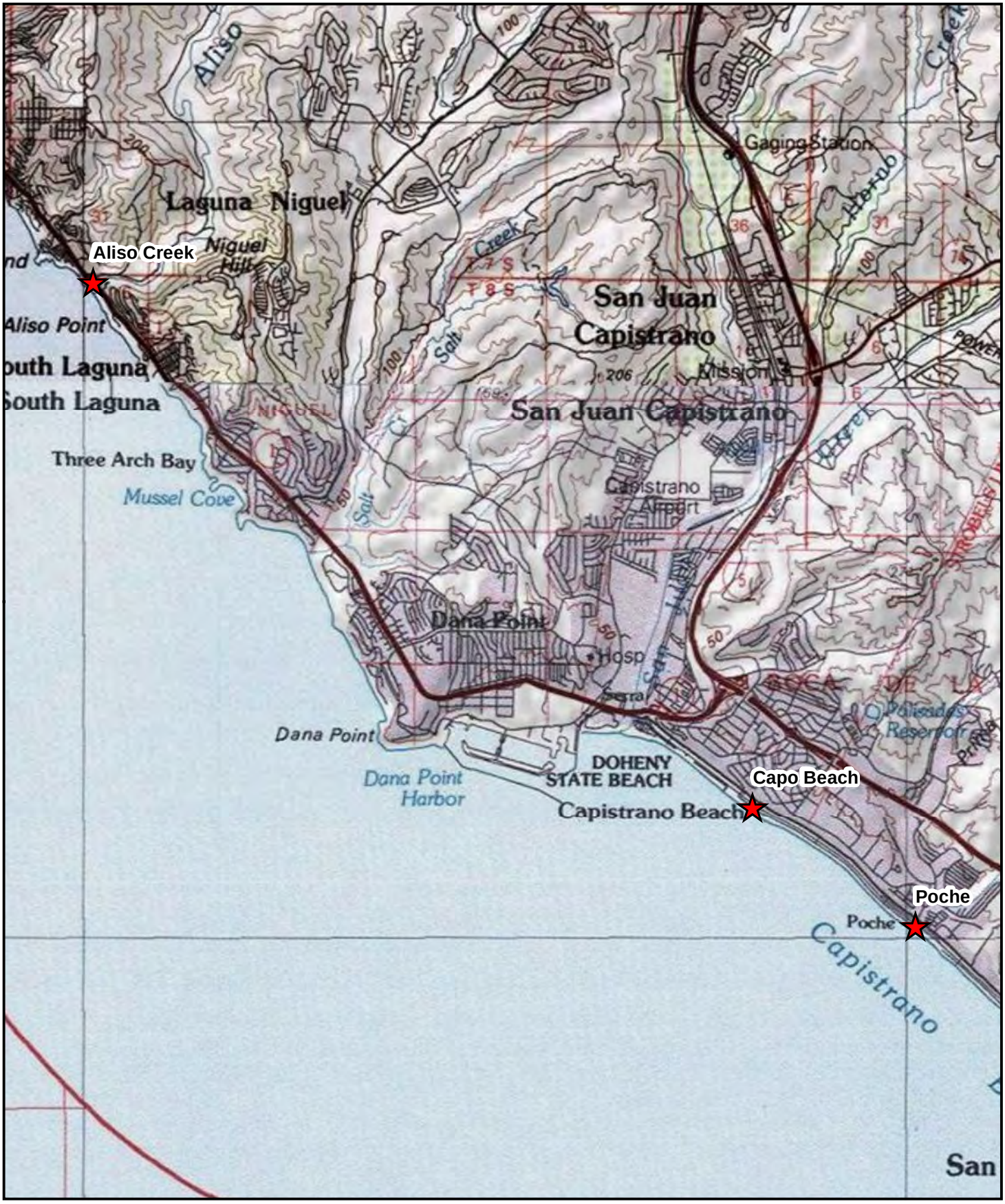
Proposed Special Conditions

Special conditions would be added based on public notice comments and environmental considerations.

For additional information please call Tiffany Kwakwa of my staff at (213) 452-3375 or via e-mail at Tiffany.D.Kwakwa@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.



Legend

★ Project Location

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Figure 1

Project Vicinity Map

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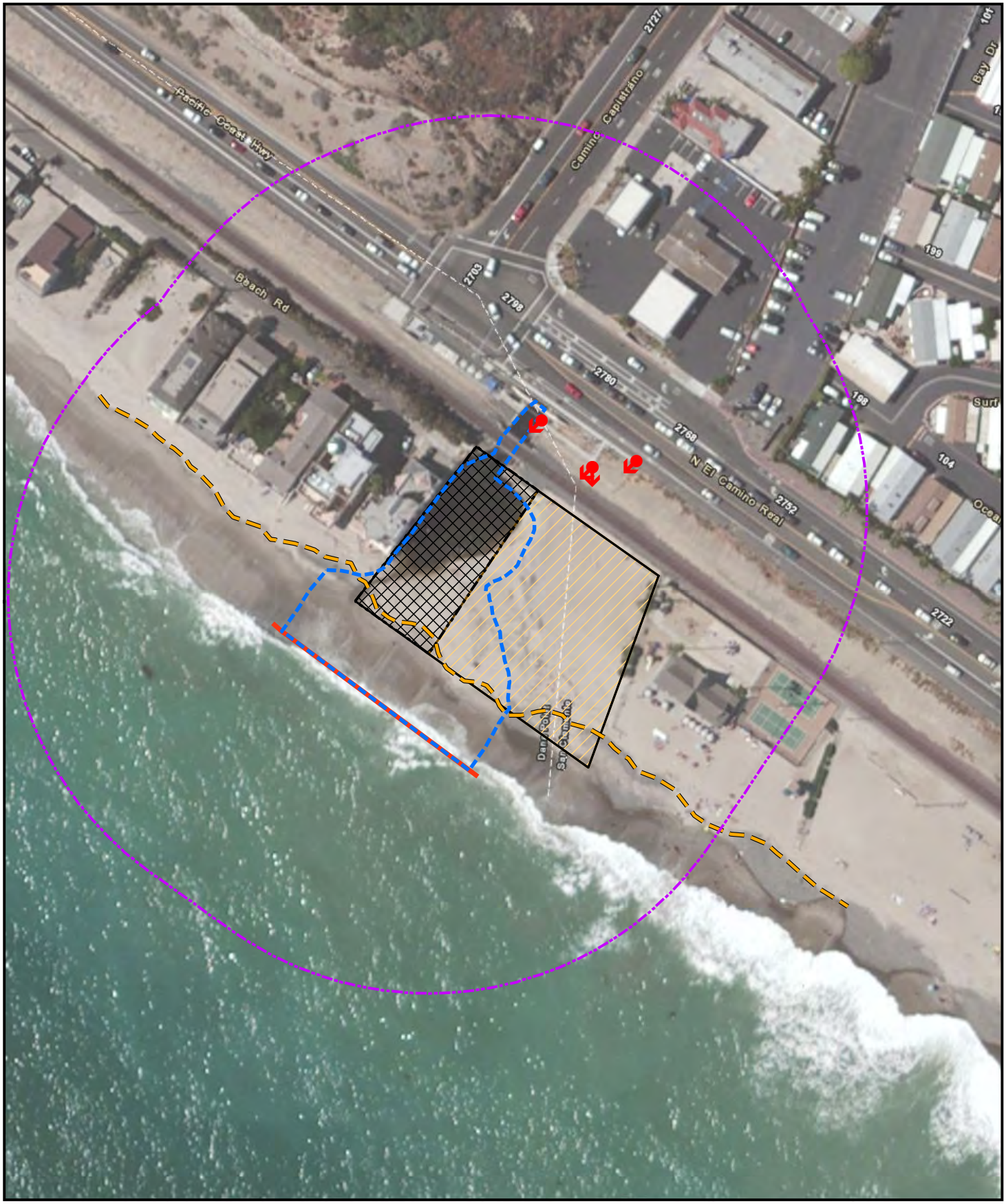

Legend

- Disposal Area
- Excavation/Dredging Area
- Work Area
- High Tide Line
- Mean High Water Line
- USACE/RWQCB Jurisdiction
- Jurisdiction 300-foot Buffer
- Photo Location (w/ direction)

N

0 25 50 100

Feet

Figure 2
Poche Beach Outlet

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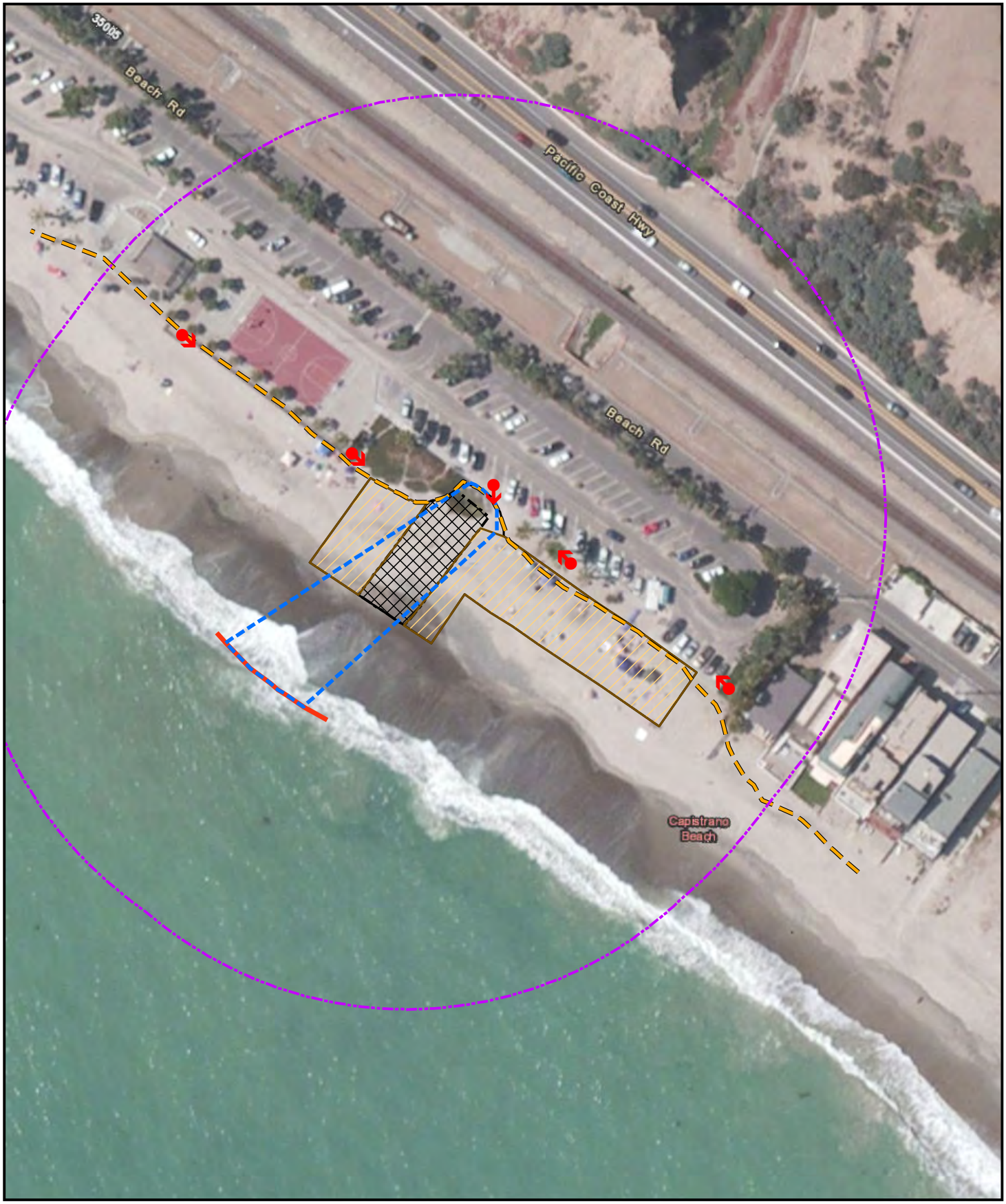

Legend

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- Work Area
- High Tide Line
- Mean High Water Line
- USACE/RWQCB Jurisdiction
- Jurisdiction 300-foot Buffer
- Photo Location (w/ direction)

N

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Feet

Figure 3
Capistrano Beach Outlet

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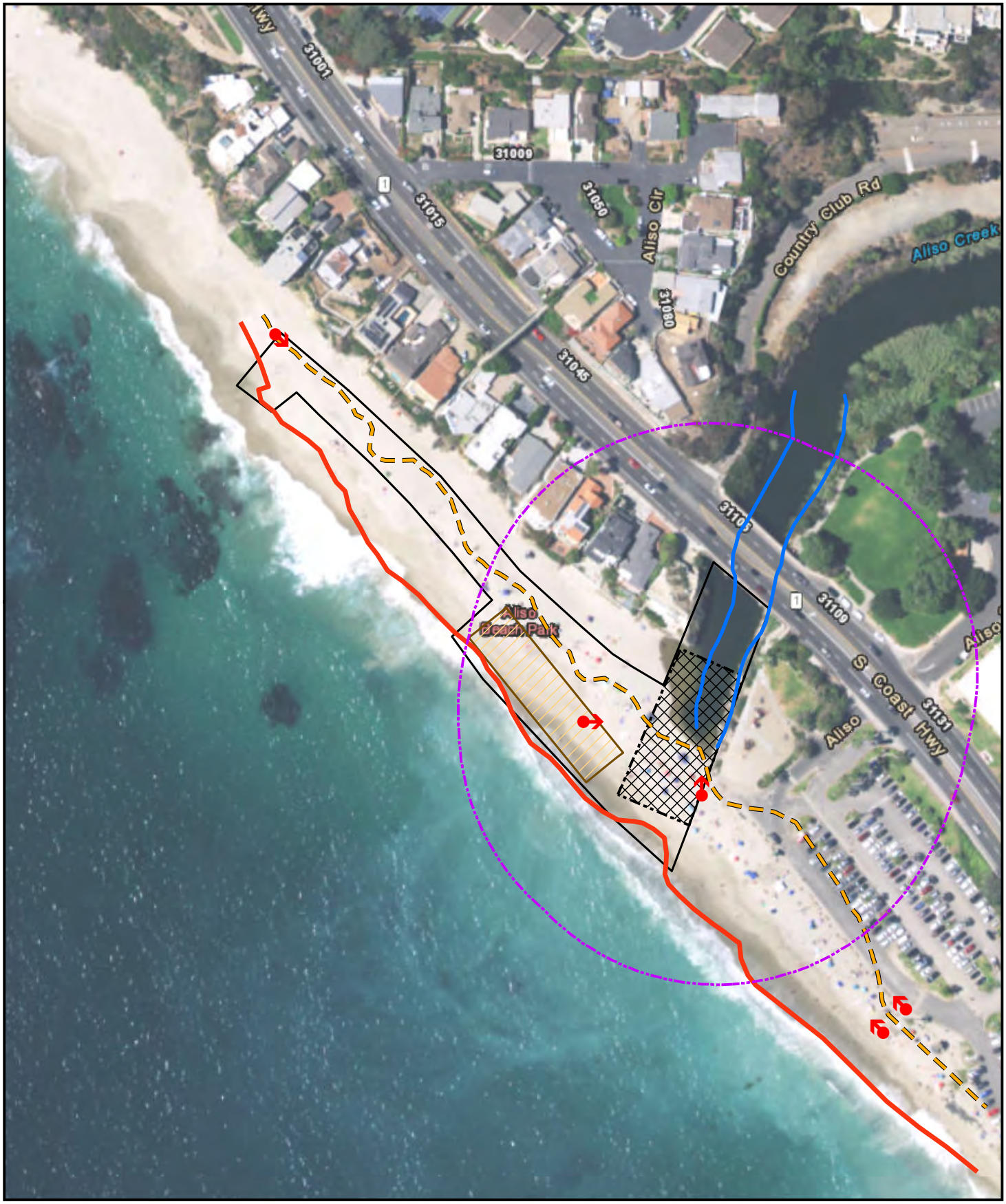

Legend

- Disposal Area
- Excavation/Dredging Area
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- Mean High Water Line
- USACE Jurisdiction
- Jurisdiction 300-foot Buffer
- Photo Location (w/ direction)

N

0 25 50 100

Feet

Figure 4

Aliso Creek Beach Outlet