PUBLIC NOTICE

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

APPLICATION FOR PERMIT

NOTICE OF AVAILABILITY

FOR A DRAFT ENVIRONMENTAL IMPACT STATEMENT and

Comment Period Extended through February 5, 2018 **PUBLIC HEARING**

Public Notice/Application No.: SPL-2010-1155
Project: Ballona Wetlands Restoration Project
Comment Period: October 6, 2017 through February 5, 2018
Project Manager: Dan Swenson; 213-452-3414; daniel.p.swenson@usace.army.mil

Applicant
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Land Manager
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Location
The Ballona Reserve is located in southern California, south of Marina del Rey and east of Playa del Rey. It extends roughly from the Marina Freeway (State Route [SR] 90) to the east, the Westchester bluffs to the south, Playa del Rey to the west, and Fiji Way to the north (site center: latitude: 33.969892°, longitude: -118.438556°).

Activity
The applicant proposes to restore the existing Ballona Wetlands by realigning the existing Ballona Creek Channel levees and redistributing fill across and possibly exporting fill from the site to restore tidal influence and improve aquatic resource functions. Any exported material may be disposed at approved disposal sites. For more information see pages 2-9 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) 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. The proposed project is being evaluated under Section 404 of the Clean Water Act (33 U.S.C. 1344), Section 10 of the Rivers and Harbors Act (33 U.S.C. 403), Section 103 of the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1413), Section 14 of the Rivers and Harbors Act (33 USC Section 408), and the Corps implementing regulations (33 CFR parts 320-332).

Written comments to the Corps will be received until **February 5, 2018**, and should be mailed to the addresses below:

U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
ATTN: SPL-2010-1155
915 Wilshire Blvd., Suite 930
Los Angeles, CA 90017-3401

Alternatively, comments can be sent electronically to: **daniel.p.swenson@usace.army.mil**

Parties interested in being added to the Corps' electronic mail notification list can register at: www.spl.usace.army.mil/regulatory/register.html. This list will be used in the future to notify the public about availability of future public notices for this action.

The mission of the Corps' 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 benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that 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 U.S. Environmental Protection Agency (EPA) Guidelines (40 CFR part 230) as required by section 404(b)(1) of the Clean Water Act. The transportation of dredged material for the purpose of disposal in ocean waters will be evaluated to determine whether the proposed disposal will unreasonably degrade or endanger human health, welfare, amenities, or the marine environment, ecological systems or economic potentialities. The Corps will apply the criteria established by EPA pursuant to section 102 of the Marine Protection, Research and Sanctuaries Act of 1972 in making this evaluation. (See 40 CFR parts 220- 229).

The Corps 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 to determine whether to issue, 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 received will be considered when finalizing the Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- NEPA requires Federal agencies to prepare EISs for major Federal actions that significantly affect the quality of the human environment. When a Federal agency determines that a Federal action associated with a project could result in significant environmental effects, an EIS is prepared, which must provide full and fair discussion of anticipated significant environmental impacts. The EIS informs decision makers and the public of the reasonable alternatives to avoid or minimize significant impacts or enhance the quality of the human environment. An EIS is not only a disclosure document but also a decision making aid that is used by Federal officials in conjunction with other relevant material to make decisions regarding a proposed project.

In accordance with NEPA, the Corps, as the Federal Lead Agency, has worked together with the California Department of Fish and Wildlife (CDFW) in its capacity as Lead Agency under the California Environmental Quality Act, to complete a joint Draft EIS/EIR for the proposed project. Digital copies of the Draft EIS/EIR are available upon request, and are available electronically at this CDFW web site (https://www.wildlife.ca.gov/Regions/5/Ballona-EIR/) and at the following locations:

- California State Coastal Conservancy, 1515 Clay St. 10th Floor Oakland, CA 94612
- LA Public Library, Playa Vista Branch, 6400 Playa Vista Drive, LA, CA 90094
- LA County Library, Lloyd Taber-Marina del Rey, 4533 Admiralty Way, Marina del Rey, CA 90292
- LA Public Library, Westchester-Loyola Village Branch, 7114 W Manchester Ave, LA, CA 90045

The public review period for the Draft EIS/EIR begins on October 6, 2017 and **now ends on February 5, 2018**. Written comments on the Draft EIS/EIR will be accepted via regular mail or e-mail at any time before the end of the comment period on **February 5, 2018**, including in person at the public hearing described below. Written comments may be directed to the Corps at the address provided on page 2 of this public notice.

Public Hearing- The Corps and CDFW will jointly hold a public hearing to receive verbal or written comments on the Draft EIS/EIR on November 8, 2017, from 6:00 PM (doors open at 5:30 PM) to 8:30 PM, in the Burton W. Chace Park Meeting Room (13650 Mindanao Way, Marina del Rey, California 90292). During this public hearing, the Corps will also accept comments concerning any material matters at issue in the permit application.

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. The Corps requires any applicant for a Corps permit provide proof of water quality certification to the U.S. Army Corps of Engineers prior to permit issuance.

Coastal Zone Management- The applicant is required to certify the proposed activity would comply with and would be conducted in a manner that is 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 that the proposed project is consistent with the State's Coastal Zone Management Plan.

Essential Fish Habitat (EFH)- Several elements of the proposed project would take place in the marine environment which is defined as EFH pursuant to the Magnuson-Stevens Fisheries Conservation and Management Act. Specifically, the proposed project would take place in an area designated as EFH for species managed pursuant to the Coastal Pelagics Fishery Management Plan (FMP) and Pacific Groundfish Fishery Plan. The proposed Project activities are not included in the list of activities for which the National Marine Fisheries Service (NMFS) and U.S. Army Corps of Engineers Los Angeles District have determined would have minimal individual and cumulative impacts on EFH, and therefore, consultation with NMFS is required.

The proposed project would temporarily impact areas designated as EFH through grading, excavation, demolition of existing structures, construction of new structures, and transport and disposal of dredged material at offshore disposal sites LA-2 and/or LA-3. Temporary impacts would take place during construction, and may involve substantial noise associated with demolition and construction activities, disturbance associated with greater activity at the site, potential discharges of debris or construction materials, as well as turbidity and benthic disturbances associated with the proposed grading and dredging to modify on-site elevations. Additional discussion of EFH effects and proposed avoidance and minimization measures are included in the Draft EIS/EIR Chapter 3.4 (Biological Resources) and Appendix D.

Cultural Resources- For the purpose of the Corps' evaluation, the permit area (defined at 33 CFR 325 Appendix C) is the same as the Area of Potential Effect (APE) [defined at 36 CFR 800.16(d)]. The APE is the in-water, over-water, and under-water areas and uplands that would be affected by activities that require a DA permit or are determined to be within the Corps' federal control and responsibility. The APE preliminarily has been defined as the maximum extent of potential Project-related ground disturbance both in areas subject to Corps jurisdiction, as well as areas outside Corps jurisdiction. It consists of areas that will receive fill, areas of levee construction, areas of

planned excavation for channels and infrastructure improvements, and the area encompassed by the maximum extent of inundation at high tide following Project completion. As currently defined, the areal extent of the APE measures 589 acres, and generally coincides with the Project site. The vertical aspect of the APE, defined as the maximum extent of disturbance below ground surface, will vary across the APE depending on the particular alternative and project component, but may reach a maximum depth of 30 feet below ground surface, primarily where the Ballona Creek channel would be modified in the vicinity of the existing channel. In addition, off-site properties owned by Southern California Gas Company that may be affected by project activities are also included in the APE.

To date, one prehistoric archaeological district, one prehistoric archaeological site, three prehistoric isolates, seven historic-period archaeological sites, and six historic-period built resources have been identified in the APE. Of these resources, three have been preliminarily determined eligible for listing in the National Register of Historic Places (NRHP): the Ballona Lagoon Archaeological District (BLAD); CA-LAN-54 – a contributor to the BLAD; and P-19-192326 – Pacific Electric bridge abutments. In addition, a total of 20 shell scatters were identified during a pedestrian survey. These were investigated and found to be neither cultural nor archaeological in nature. Finally, the Native American Heritage Commission's record search of the Sacred Lands File did indicate the presence of Native American cultural resources within the APE. Additional discussion of cultural resources and proposed avoidance and minimization measures are included in in the Draft EIS/EIR Chapter 3.5 (Cultural Resources).

The undertaking is issuance of a DA permit and a 408 approval to conduct the activities described below. Based on the inventory, evaluation, geoarchaeological investigation, and background research findings, as well as the proposed Project, the restoration could have effects to three historic properties: the Ballona Lagoon Archaeological District, CA-LAN-54, and the Pacific Electric Railway Bridge Abutments (P-19-192326). CA-LAN-3784H, which has not been evaluated for NRHP eligibility, would be treated as eligible and avoided.

Based on the information above, the Corps has initiated consultation with the State Historic Preservation Officer (SHPO) in accordance with 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act, for this undertaking.

Endangered Species- Following completion of a biological assessment (DEIS/EIR Appendix D17), the Corps has made a determination implementation of Alternative 1 may affect, but is not likely to adversely affect, the following Federally-listed species: El Segundo blue butterfly, light-footed Ridgway's rail, coastal California gnatcatcher, California least tern, and least Bell's vireo. As such, Section 7 consultation under the Endangered Species Act (ESA) is required, and the Corps will request written concurrence with our 'not likely to adversely affect' determination from the U.S. Fish and Wildlife Service. In addition, the Corps has made a no effect determination regarding the following species: coastal dunes milk-vetch, salt marsh bird's beak, Ventura marsh milk-vetch, Pacific pocket mouse, steelhead, green sea turtle, blue whale, fin whale, humpback whale, sei whale, sperm whale, gray whale, Guadalupe fur seal, leatherback turtle, loggerhead turtle, olive ridley sea turtle, and the scalloped hammerhead shark. As such, Section 7 consultation is not required for these species. Additional discussion of ESA effects and proposed avoidance and minimization measures are included in the Draft EIS/EIR Chapter 3.4 (Biological Resources) and Appendix D.

Proposed Activities for Which a DA Permit or Approval 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). The basic project purpose for the proposed project is **ecological restoration**. The project **is** 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 of the proposed project described in the Draft EIS/EIR is to restore ecological functions and services within the Ballona Reserve, in part by increasing tidal influence to achieve predominantly estuarine wetland conditions; ensure any alteration/modification to the Los Angeles County Drainage Area (LACDA) project components within the Ballona Reserve maintain the authorized LACDA project levels of flood risk management, which in this section of Ballona Creek, includes ensuring there is no reduction to the conveyance capacity of up to 68,000 cubic feet per second (cfs) and that LACDA project features reduce flood risk to the surrounding communities and infrastructure for up to the 100-year flood event.

CDFW has applied to the Corps for a permit pursuant to Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act, and Section 103 of the Marine Protection, Research and Sanctuaries Act (MPRSA) to discharge dredged or fill material, conduct work and erect structures as part of the wetland restoration project, including the option to transport dredged material for the purpose of ocean disposal. In addition, the Los Angeles County Department of Public Works-Los Angeles County Flood Control District has submitted a request for approval pursuant to Section 14 of the Rivers and Harbors Act (33 USC Section 408) to alter/modify a Federally-authorized civil works project, in this case, the Ballona Creek channel and levee system, part of the LACDA system, and associated operation and maintenance manual for the LACDA project.

Project Description-

Restoration-related components:

1. Removing approximately 9,800 feet of existing Ballona Creek levees;

2. Realigning Ballona Creek to a “meander-shaped” channel configuration;

3. Restoring, enhancing, and establishing estuarine aquatic and associated upland habitats connected to the realigned Ballona Creek;

4. Improving tidal circulation into the site and implementing other modifications to create dynamic interactions between the Ballona Creek channel, aquatic resources within the Ballona Reserve, and the Santa Monica Bay and thereby support estuarine and associated habitats within the Ballona Reserve;

5. Modifying existing infrastructure and utilities as necessary to implement restoration activities, potentially including the abandonment or relocation of SoCalGas wells and pipelines; and

6. Implementing long-term post-restoration activities, as needed, including inspections, repairs, clean-ups, vegetation maintenance, and related activities.

Flood risk management-related components:

1. Constructing new engineered levees set back from the existing Ballona Creek channel in Area A (6,300 feet) and along Culver Boulevard (8,000 feet).

2. Realigning the existing Ballona Creek channel with more natural meander-shape through the Project reach.

3. Installing, operating, and maintaining new hydraulic structures (potentially including culverts with self-regulating tide gates or similar structures) to allow for controlled tidal exchange from the Ballona Creek channel to Area B South and East.

4. Implementing:

    a. Earthwork, including fills, cuts, and slopes as well as levee and embankment replacements, relocations, and removals;

    b. Concrete work, including removal of concrete Ballona Creek channel side slopes and replacement and attendant removal of integral parts of diversion works, side drain structures, and public utilities; as well as construction of two new bridges for soil transport during the restoration phase and for bicycle and pedestrian use during the post-restoration phase (one bridge would be constructed over Lincoln Boulevard, the other over Ballona Creek);

    c. Stonework, including all grouted or ungrouted stone for facings and revetments as well as sand and gravel beddings and filters;

    d. Subdrain system work, including open systems with outlets into the channel, and pipeless gravel drains behind channel walls with weep holes;

    e. Side drain and related gate work;

    f. Fencing work, including wall safety fencing, safety fencing at ends of channels, covered channel barricades, spillway safety barricades, public utility safety barricades, access gates, and chain barricades;

    g. Bridge and (potentially) related bridge abutment work, including freeway, highway, street, railroad, pedestrian, public utility, gaging station, and diversion works bridges; and

    h. Bituminous surfacing, including surfaced berm roadways, surfaced berm-access ramps, and surfaced side drain entrances.

Public access-related improvements:

1. Realigning existing trails atop constructed levees and creating new trails with interpretive and learning opportunities focused on the natural resources and cultural context of the restored and enhanced native uplands habitat;

2. Constructing two bike and pedestrian bridges to provide access to North Area C (over Lincoln Boulevard) and Area B (over the Ballona Creek).

The following activities do not require a DA permit or approval but are being evaluated in the Draft EIS/EIR as required by NEPA.

1. Constructing, operating, and maintaining a new three-story parking structure within the existing parking footprint in Area A and improving existing West Culver Parking Lot in the southwest corner of West Area B and the surface lot that would be next to the proposed three-story parking structure.

Project Alternatives:

1. Full Tidal Restoration (Proposed Action)

2. Restored Partial Sinuous Creek

3. Levee Culverts and Oxbow

4. No Federal Action/No Project (evaluation of this alternative is required under NEPA and CEQA, respectively)

The Draft EIR/EIS also describes alternatives not carried forward for further evaluation.

Proposed Mitigation:

Avoidance: Based on information from the applicant, the proposed restoration project has been designed to balance avoidance of permanent impacts to existing waters of the United States, including wetlands, while increasing the functions and services in the entire wetland system. The applicant has indicated that the proposed project design avoids impacts to existing wetland habitat to the maximum extent practicable while increasing aquatic resource functions and service in the existing wetland area substantially. In addition, the applicant has examined a range of alternatives, some of which avoid and reduce permanent impacts associated with construction of new structures (levees) and also reduce the amount of temporary construction impacts to waters of the U.S. (Alternatives 2 and 3). However, while avoiding impacts to waters of the U.S., these alternatives would also restore fewer aquatic resources (in terms of areal extent) and at a greater cost per restored acre.

Minimization: Short-term impacts would be minimized by implementing Best Management Practices (BMPs) during construction. In addition, the Los Angeles Regional Water Quality Control Board Waste Discharge Requirements and/or Section 401 water quality certification may include measures to reduce project impacts on water quality during construction. As an ecological restoration project, long-term effects on aquatic resources are expected to be beneficial.

Compensation: Given the proposed project is restoration of the Ballona Wetlands in order to increase aquatic resource functions, no compensatory mitigation for impacts to waters of the U.S. has been proposed by the applicant.

Proposed Special Conditions

The Corps will require standard special conditions related to discharges of dredged or fill material in waters of the U.S., navigational impacts, work, disposal of dredged material, and structural development in, over and under navigable waters of the U.S., as well as standard measures for

monitoring potential impacts to natural resources. Additional permit conditions and mitigation requirements may be developed in response to this public notice, public comments on the EIS/EIR, the Corps' public interest review, and resource agency consultations.

For additional information please contact Dan Swenson of my staff at 213-452-3414 or via e-mail at daniel.p.swenson@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.

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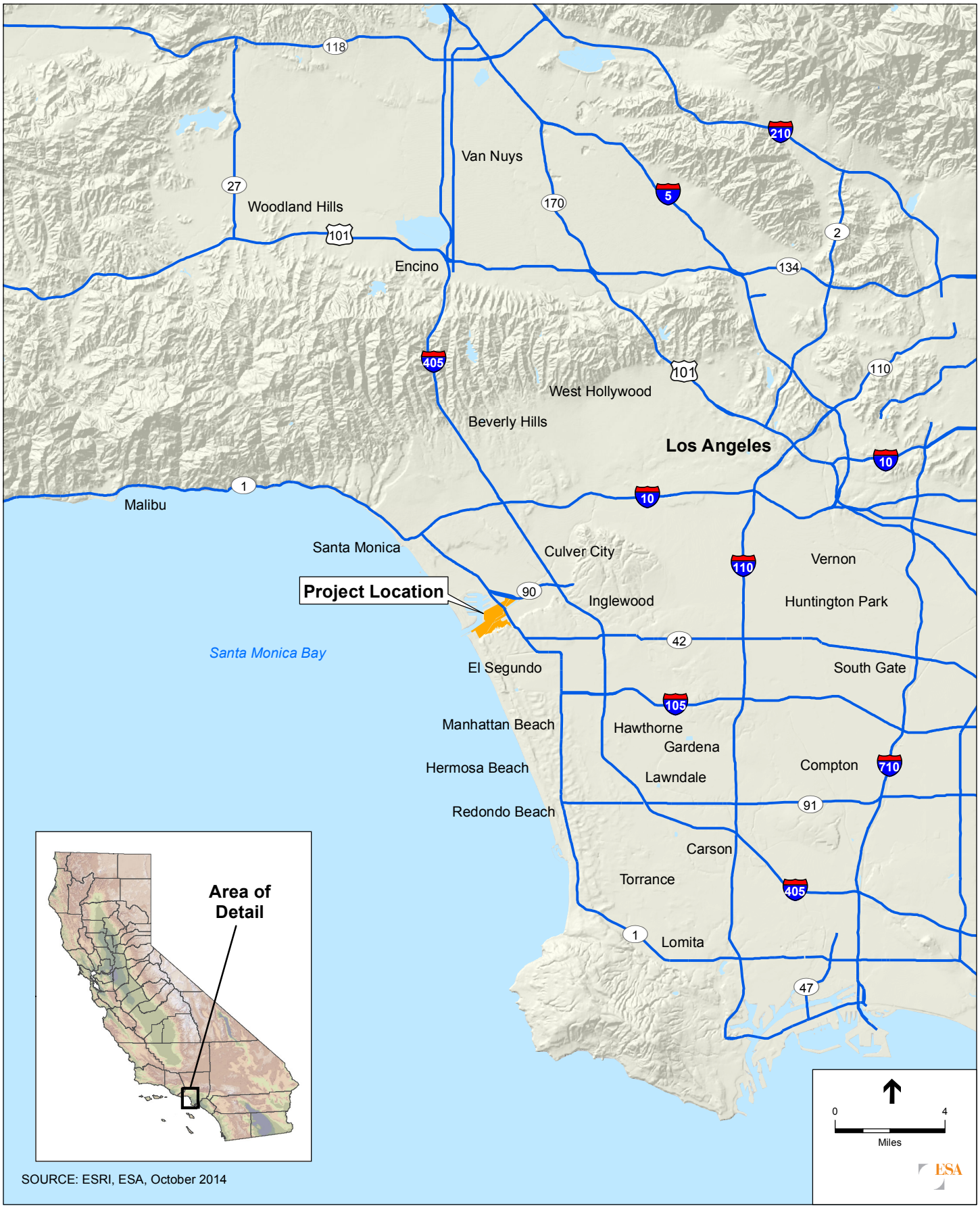
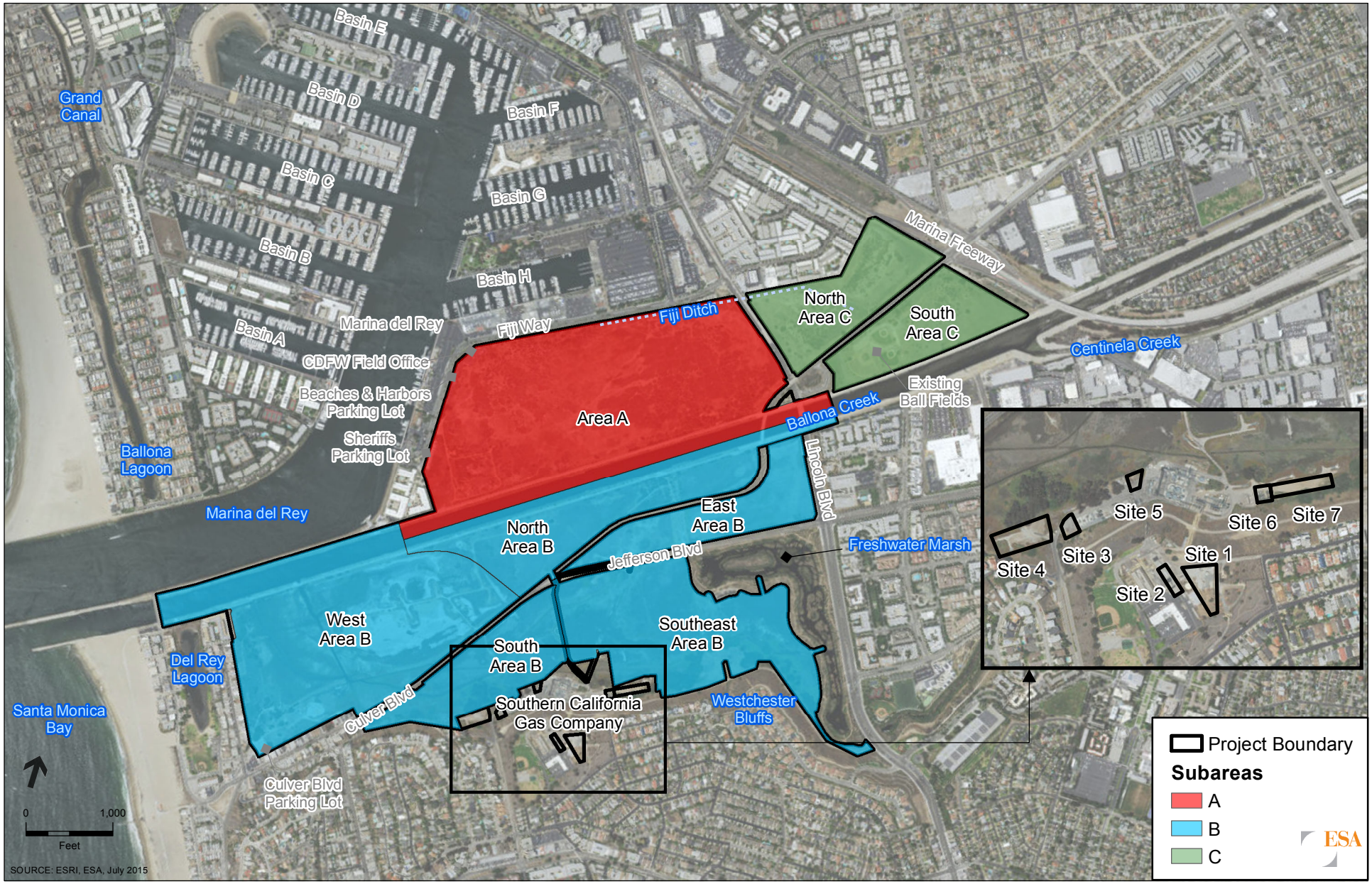


SOURCE: ESRI, ESA, October 2014

Ballona Wetlands Restoration Project

Figure ES-1
Regional Location

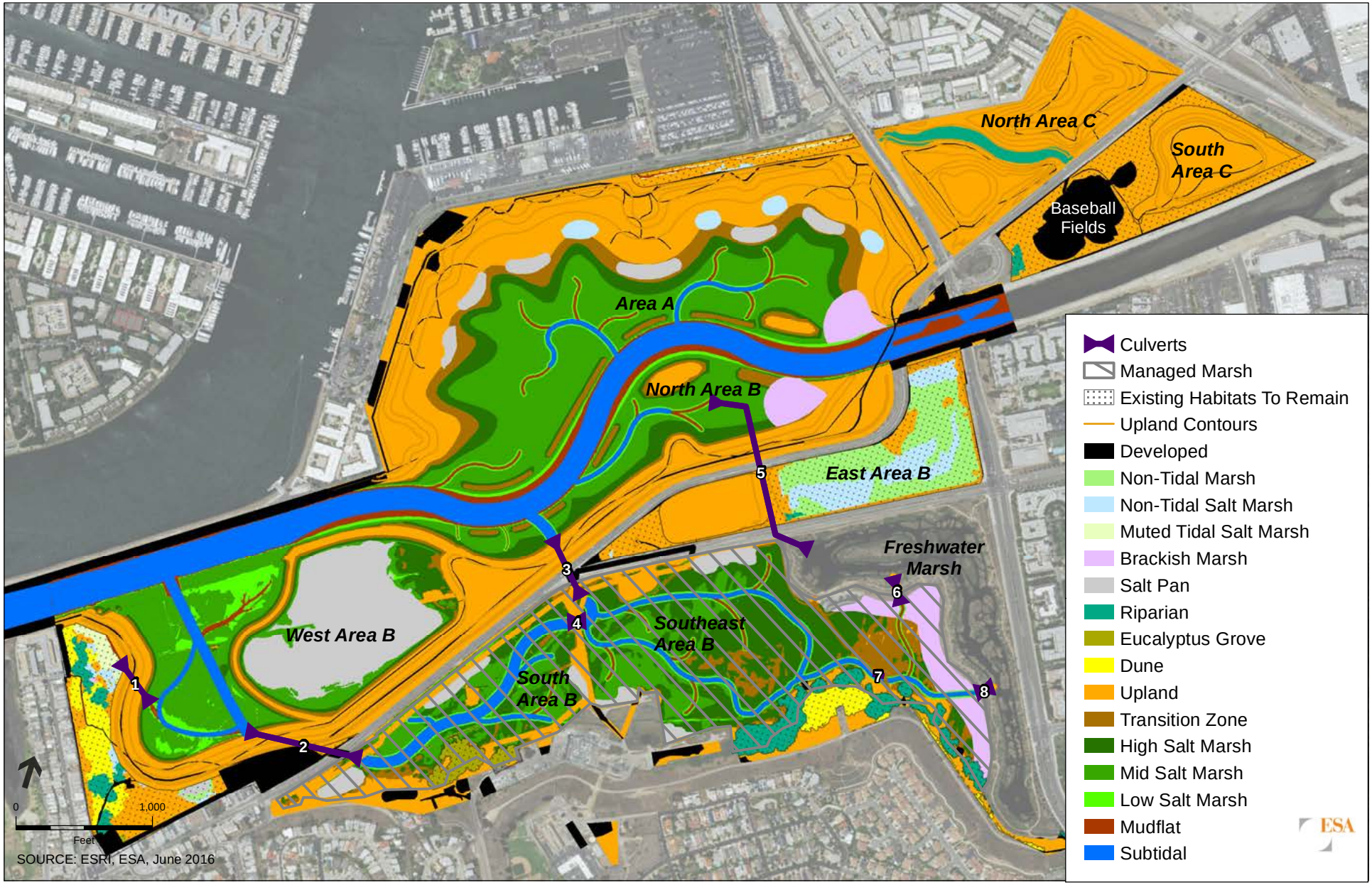


Ballona Wetlands Restoration Project

Figure ES-2
Project Site

Ballona Wetlands Restoration Project

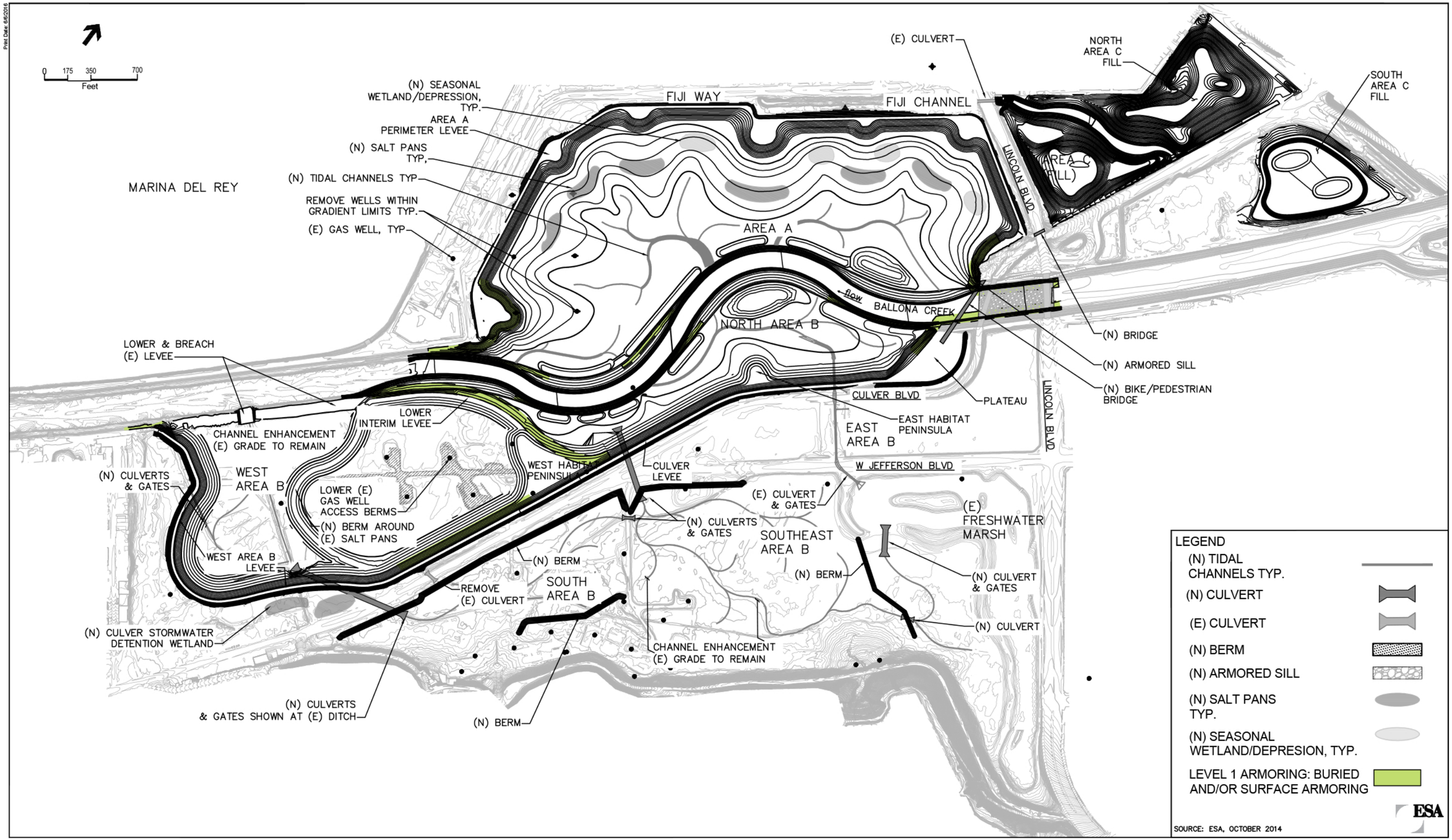
Figure 2-2a
Corps Jurisdiction under Section 404 of the Clean Water Act
On-Site versus Off-Site Waters of the U.S.



Ballona Wetlands Restoration Project

Figure 2-1
Alternative 1, Phase 2: Proposed Habitats

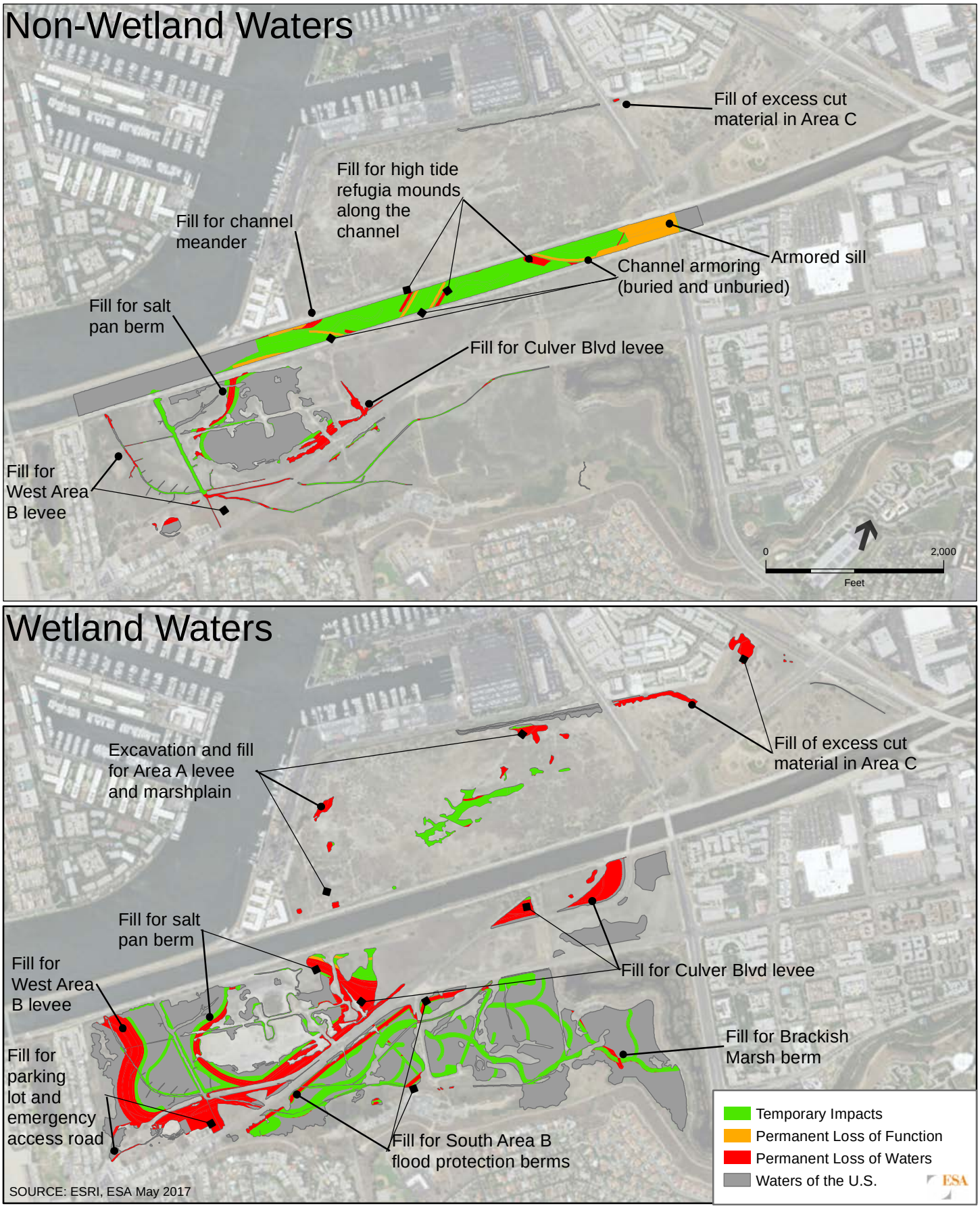
Print Date: 6/6/2016



Ballona Wetlands Restoration Project

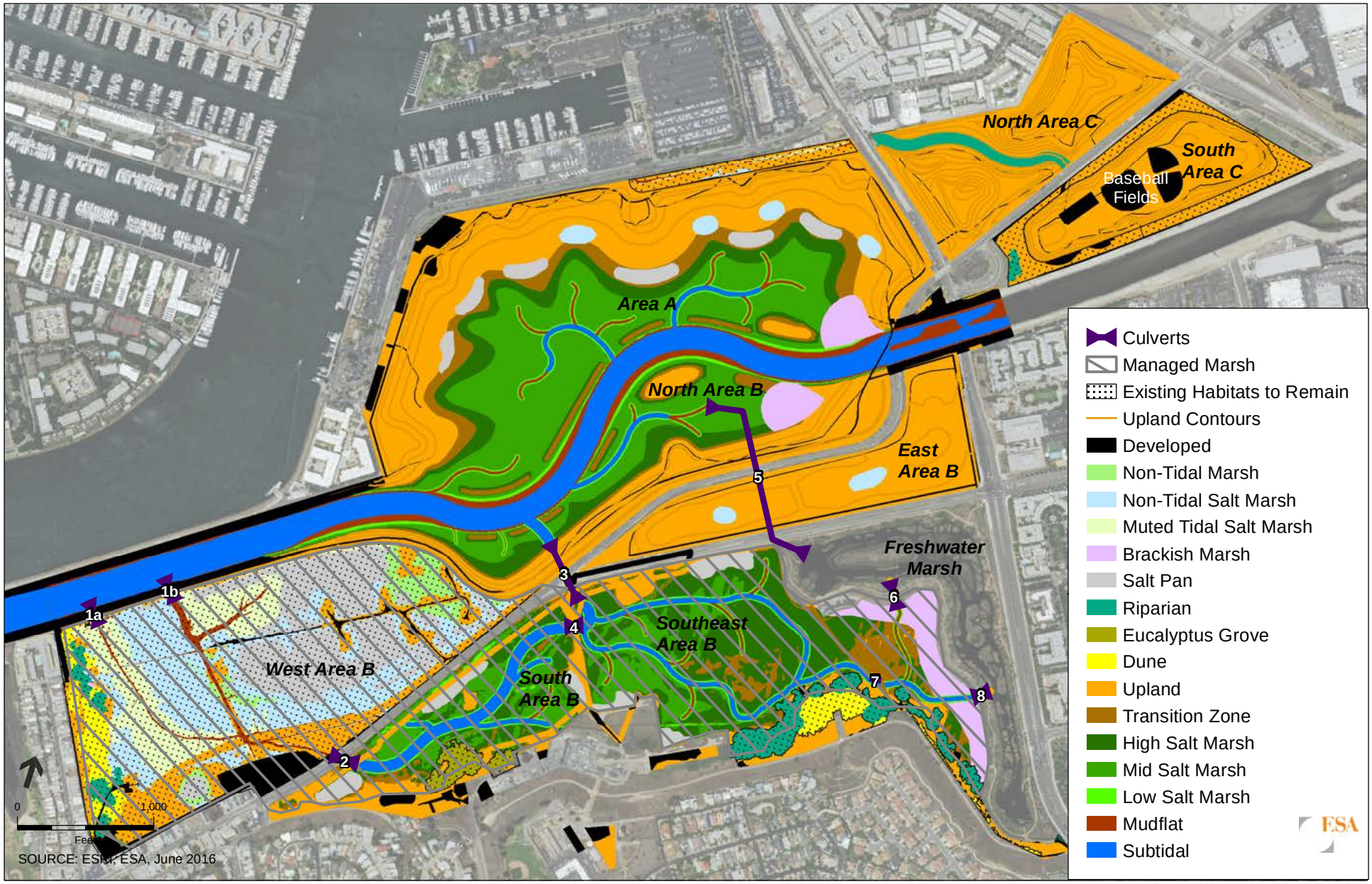
FIGURE 2-2

ALTERNATIVE 1, PHASE 2: PRELIMINARY GRADING PLAN



Ballona Wetlands Restoration Project

Figure 2-2b
Alternative 1 Impacts to Section 404 Waters of the U.S.



Ballona Wetlands Restoration Project

Figure 2-43
Alternative 2: Proposed Habitats

Print Date: 7/9/2015

0 175 350 700
Feet

MARINA DEL REY

(N) SEASONAL WETLAND/DEPRESSION, TYP.
AREA A PERIMETER LEVEE
(N) SALT PANS TYP,
(N) TIDAL CHANNELS TYP
REMOVE WELLS WITHIN GRADIENT LIMITS TYP.
(E) GAS WELL, TYP
INTERIM LEVEE
(N) CULVER STORMWATER DETENTION WETLAND
MODIFY (E) CULVERTS

FIJI WAY
FIJI CHANNEL
(E) CULVERT
NORTH AREA C FILL
SOUTH AREA C FILL
LINCOLN BLVD
AREA A
(N) TEMPORARY BRIDGE
flow
BALLONA CREEK
NORTH AREA B
(N) ARMORED SILL
(N) BIKE/PEDESTRIAN BRIDGE
PLATEAU
EAST HABITAT PENINSULA
CULVER BLVD
LINCOLN BLVD
EAST AREA B
EAST AREA B FILL
W JEFFERSON BLVD
(E) CULVERT & GATES
(E) FRESHWATER MARSH
WEST AREA B
(N) CULVERTS & GATES
SOUTHEAST AREA B
(N) BERM
CHANNEL ENHANCEMENT (E) GRADE TO REMAIN
(N) CULVERT & GATES
SOUTH AREA B
(N) CULVERT
(N) BERM

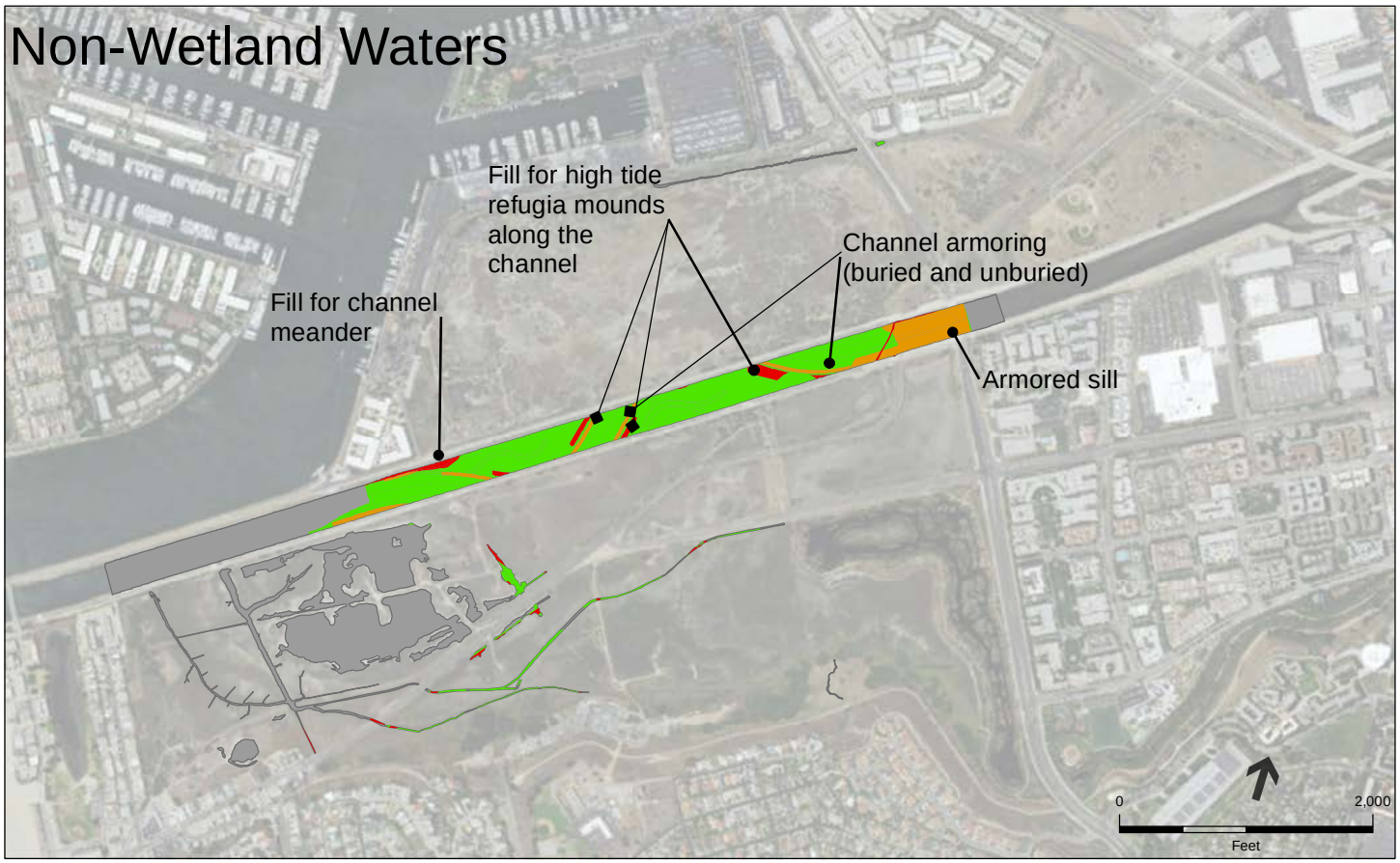
LEGEND
- (N) TIDAL CHANNELS TYP.
- (N) CULVERT
- (E) CULVERT
- (N) BERM
- (N) ARMORED SILL
- (N) SALT PANS TYP.
- (N) SEASONAL WETLAND/DEPRESION, TYP.

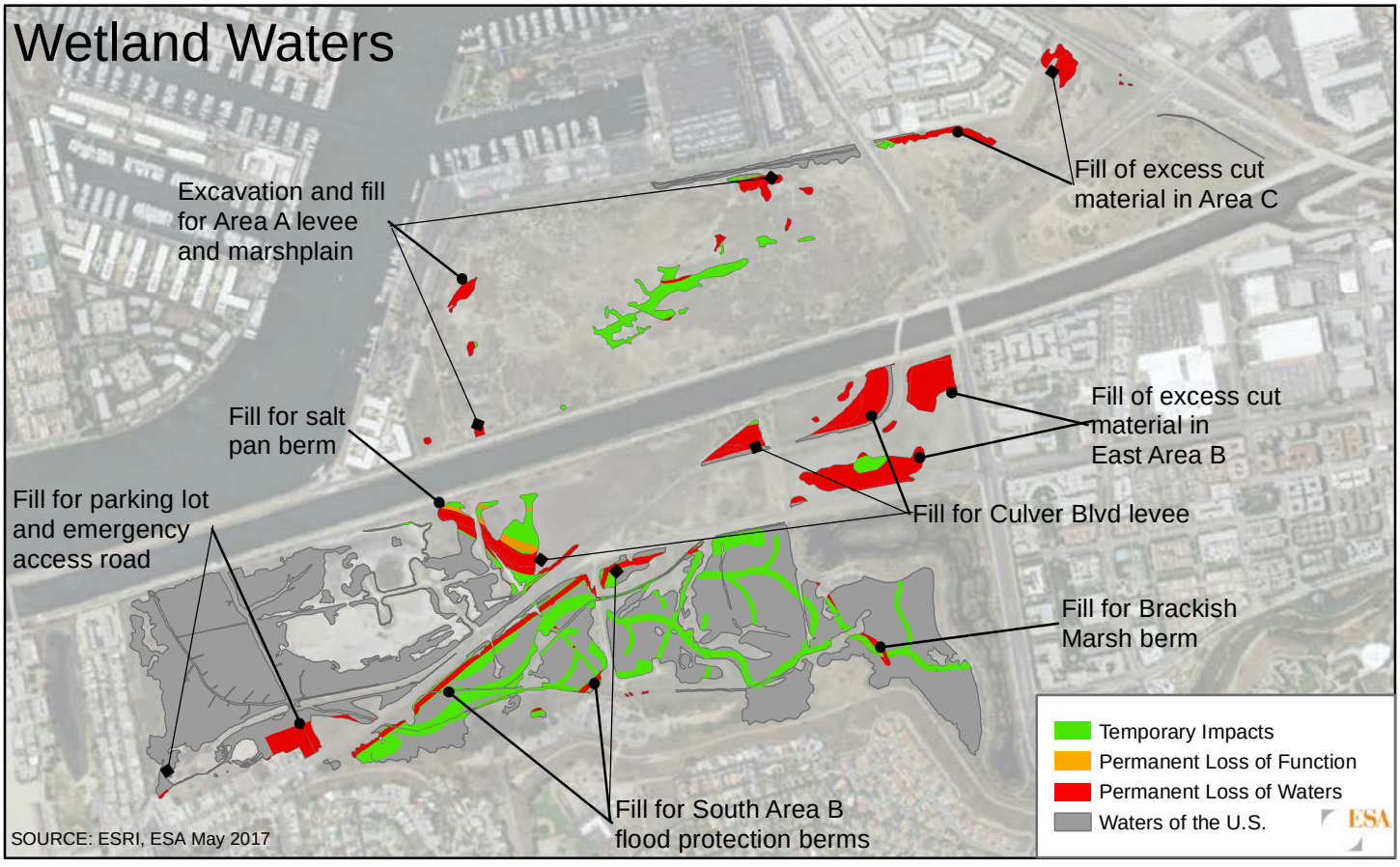
SOURCE: ESA, OCTOBER 2014

ESA

Ballona Wetlands Restoration Project

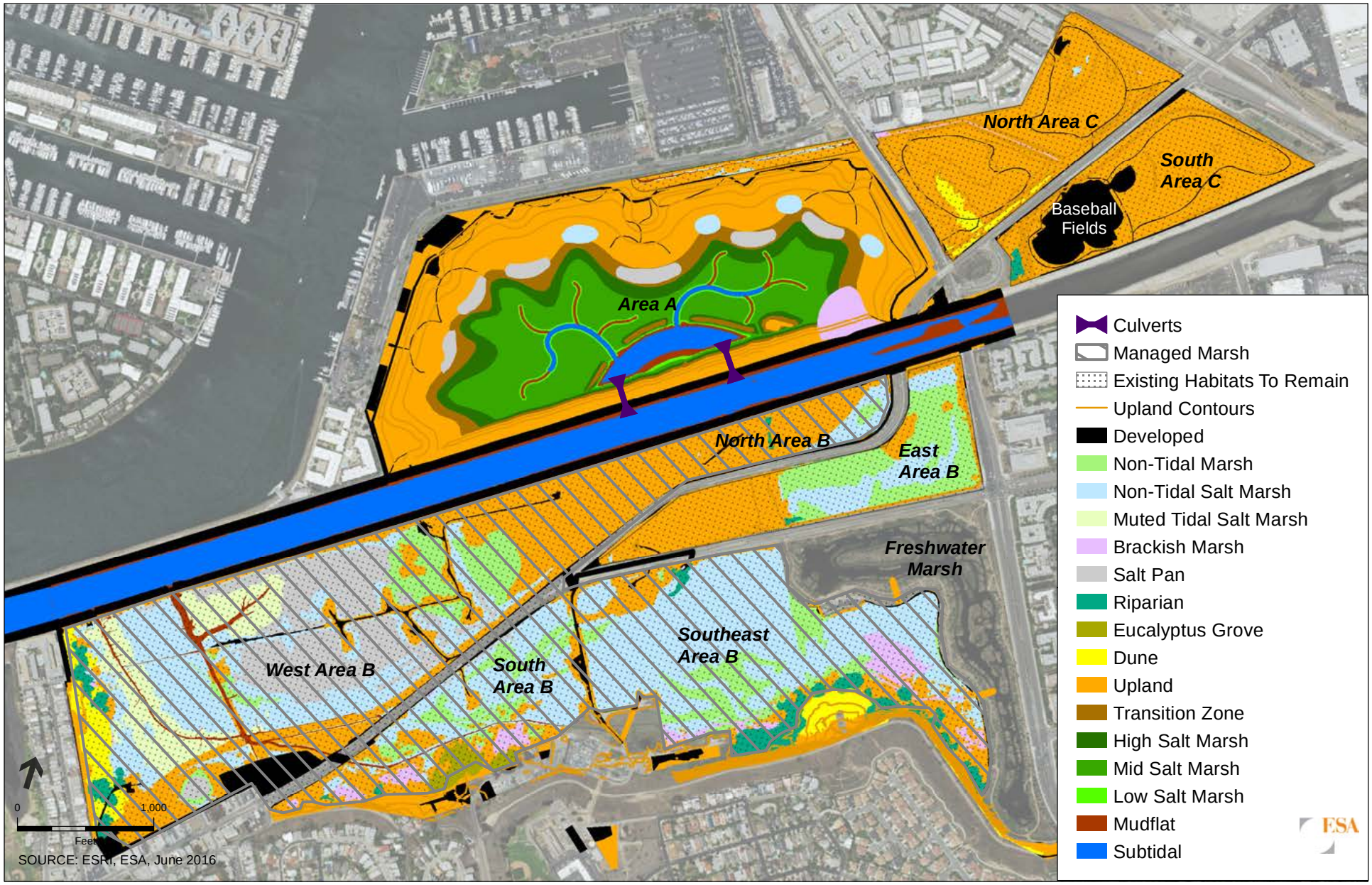
FIGURE 2-44
ALTERNATIVE 2: PRELIMINARY GRADING PLAN





Ballona Wetlands Restoration Project

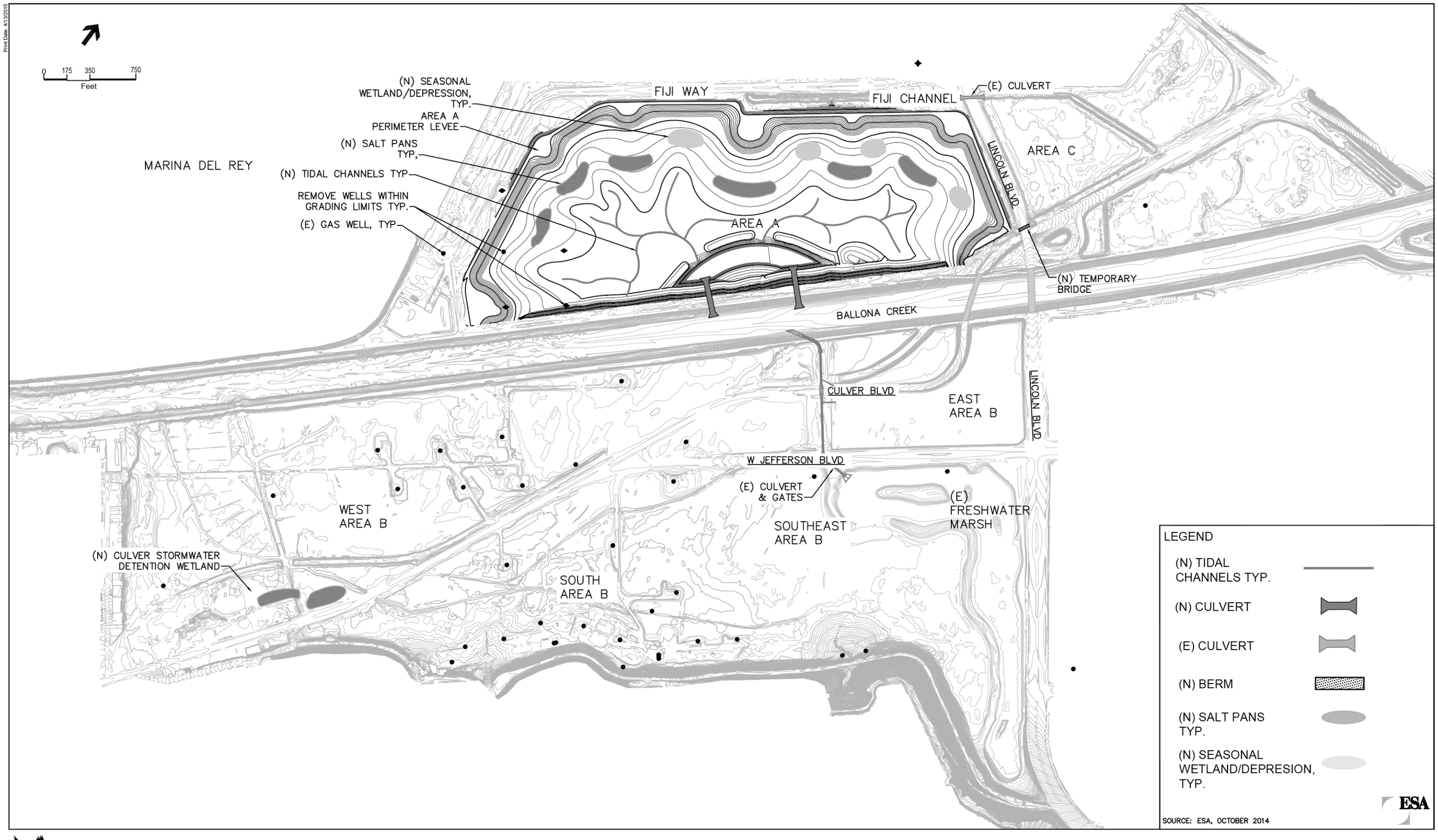
Figure 2-2c
Alternative 2 Impacts to Section 404 Waters of the U.S.



Ballona Wetlands Restoration Project

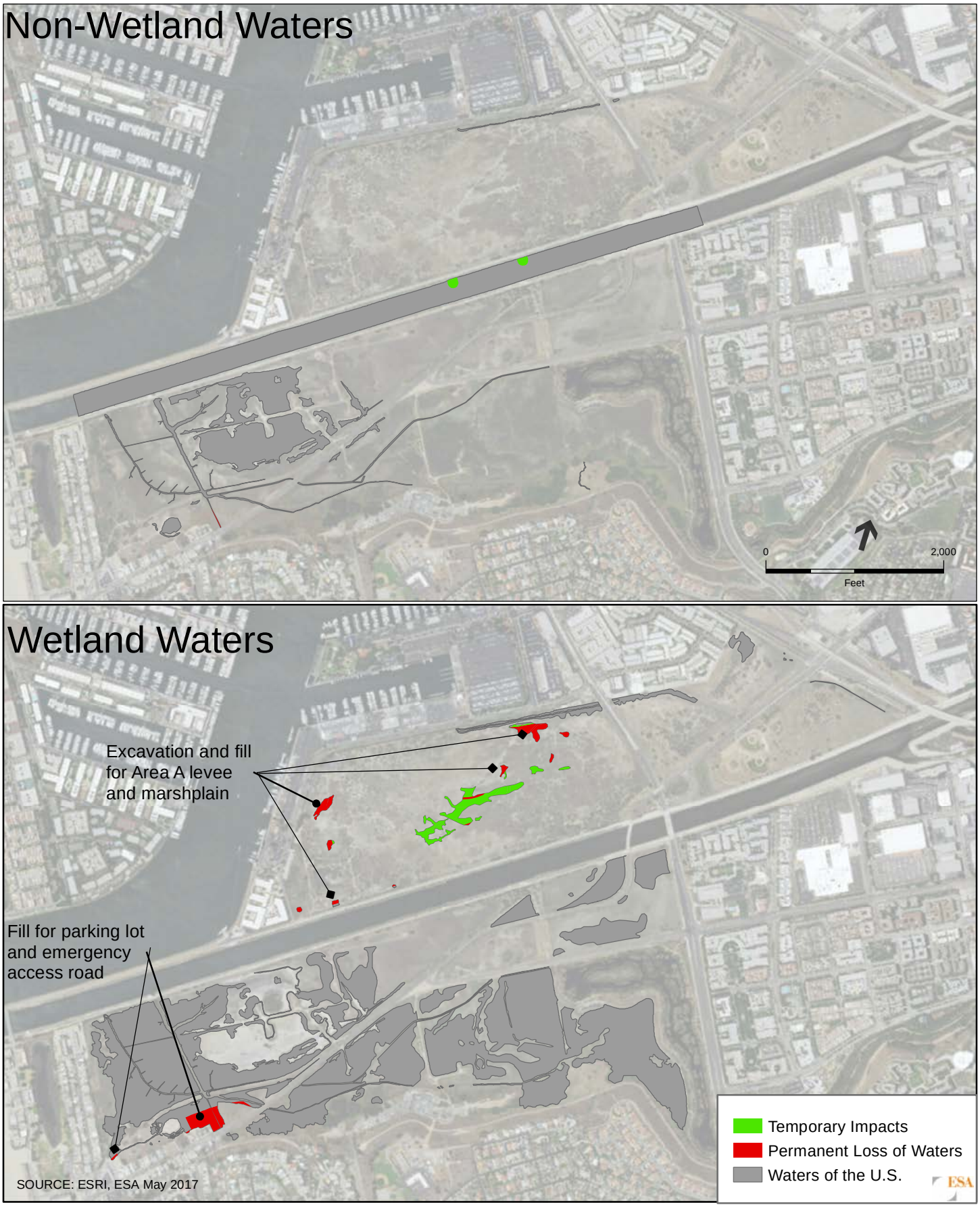
Figure 2-52
Alternative 3: Proposed Habitats

Print Date: 4/13/2015



Ballona Wetlands Restoration Project

FIGURE 2-53
ALTERNATIVE 3: PRELIMINARY GRADING PLAN



Ballona Wetlands Restoration Project

Figure 2-2d
Alternative 3 Impacts to Waters of the U.S.