



# PUBLIC NOTICE

Los Angeles River Channel Bending the River Back to the City

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

**BUILDING STRONG®**

**Public Notice No.:** SPL-408-PN-2019-0009

**Permit No.:** SPL-408-2019-0009

**Comment Period:** 2019-06-28 to 2019-07-27

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**Requester:** In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, Metabolic Studio has requested permission from the U.S. Army Corps of Engineers (USACE) to alter the Los Angeles River Channel.

**Location:**

The proposed action would construct a low flow diversion channel and a subgrade diversion pipeline parallel to the Los Angeles River upstream of Spring Street Bridge in the City of Los Angeles, Los Angeles County, California. The proposed features are in-river, which will require construction within the channel.

**Requester's Proposed Action:**

Metabolic Studio is proposing to install a low flow diversion channel (16 feet wide x 6 inch deep x 4:1 side slopes), and a 48 inch diameter 36 inch deep diversion pipeline, both to divert low flows and from the Los Angeles River Channel to drive a proposed water wheel. The purpose of the project is to provide a local source of water to irrigate nearby Los Angeles State Historic Park, thus facilitating water conservation, sustainability and beneficial use.

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

**Limits of Section 408 Authority:** A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). The compliance determination for any Section 10/404/103 permit decision associated with the proposed alteration will also address the Section 408 compliance determination. In addition, an approval under Section 408

does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

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

**Submission of Comments:** Interested parties may submit, in writing, any comments concerning this proposal. Comments should reference public notice no. SPL-408-PN-2019-0008 and be forwarded by the comment due date of July 27, 2019. Comments must be sent to the U.S. Army Corps of Engineers, Los Angeles District, Engineering Division, ATTN: Priyo Majumdar, 915 Wilshire Boulevard, Suite 930, Los Angeles, California 90017-3409. Alternatively, comments can be sent electronically to Priyodarshi.Majumdar@usace.army.mil.

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