



PUBLIC NOTICE

Cucamonga Creek Channel Grading, Landscaping and Maintenance Road Construction

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

BUILDING STRONG®

Public Notice No.: SPL-408-PN-2019-0010

Permit No.: SPL-408-2019-0010

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

Requester: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the City of Ontario, through the San Bernardino County Flood Control District (SBCFCD), has requested permission from the U.S. Army Corps of Engineers (USACE) to perform minor grading, installation of landscaping, and maintenance road on the east bank of the Cucamonga Creek Channel for the New Model Colony's Streetscape Master Plan.

Location:

The proposed action would perform minor grading and access road construction to the east of Cucamonga Channel, north of Merrill Avenue in the city of Ontario, San Bernardino County, California. Work would be confined to the east side of the existing levee, and no work would occur within the channel.

Requester's Proposed Action:

The City of Ontario is proposing to construct a trail/maintenance access road and provide drainage conveyance for a proposed 80-acre residential development project. Work would include excavation, a 10 ft wide maintenance road, and a 6 ft to 7 ft wide landscape area up to the existing fence on landside of the channel's east bank, all part of an 80-acre project of 432 single family detached homes. The purpose of the project is to comply with the City of Ontario's conditions of approval of the New Model Colony's Streetscape Master Plan, and is needed to satisfy the demands of increased housing due to growth of the city.

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). 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-2019-0011 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.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
Los Angeles District, Corps of Engineers
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017-3401
WWW.SPL.USACE.ARMY.MIL/MISSIONS/SECTION-408-PERMITS/