



# PUBLIC NOTICE

Rexford-Monte Mar Channel – Burton Way Median Green Street and Water Efficient Landscape Project

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

**BUILDING STRONG®**

**Public Notice No.:** SPL-408-PN-2020-0017

**Permit No.:** SPL-408-2020-0017

**Comment Period:** 2020-04-10 to 2020-05-11

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**Requester:** In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the City of Beverly Hills, through the Los Angeles County Flood Control District (LACFCD), has requested permission from the U.S. Army Corps of Engineers (USACE) to alter the Rexford-Monte Mar Channel.

**Location:**

The proposed action would construct a diversion structure within Rexford-Monte Mar Channel immediately south of the intersection of North Rexford Drive and South Santa Monica Boulevard/Burton Way in the City of Beverly Hills, Los Angeles County, California. The proposed features are in-river, which will require construction within the channel.

**Requester's Proposed Action:**

The City of Beverly Hills is proposing to install a cast-in-place modified manhole structure with a grated drop inlet within the Rexford-Monte Mar Channel. A 15-inch diameter RCP gravity storm drain will connect this drop inlet diversion structure to a pretreatment device and pump station located adjacent east on the N. Rexford Drive parkway. Major work elements would include excavation and reinforced concrete form work for installation of the diversion structure, and replacement of sections of existing channel RCP to nearest joints. Excavated materials (dirt, concrete, asphalt) will be hauled off site. Asphalt and concrete will be replaced in kind. The storm drain the Project is connecting to (Rexford-Monte Mar Channel) will be diverted around the work area and protected during construction.

The purpose of the project is to capture and retain urban runoff associated with dry- and wet-weather to assist the City in complying with the goals set forth in the approved Enhanced Watershed Management Program (EWMP) Plan for the Ballona Creek Watershed. The project is need to facilitate the City's compliance with the Ballona Creek Total Maximum Daily Load (TMDL).

**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-2020-0017 and be forwarded by the comment due date of May 11, 2020. 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](mailto:Priyodarshi.Majumdar@usace.army.mil).

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