



PUBLIC NOTICE

Cucamonga Creek Channel – New 12'x10' reinforced concrete box (RCB) storm drain connection

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

BUILDING STRONG®

Public Notice No.: 408-SPL-PN-2020-0019

Permit No.: 408-SPL-2020-0019

Comment Period: 2020-05-15 to 2020-06-15

Requester: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, 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 alter the Cucamonga Creek Channel.

Location:

The proposed action would construct a new double 12'x10' reinforced concrete box (RCB) connection south of Merrill Avenue to the Cucamonga Creek Channel in the City of Ontario, San Bernardino County, California. The proposed features are in-river, which will require construction within the channel.

Requester's Proposed Action:

City of Ontario is proposing to construct a double 12'x10' RCB storm drain connection to the Cucamonga Creek Channel at station 367+00.00 of the channel. The project would remove an existing dual 60-inch "U" shaped storm drain from the right/west bank slope, and construct a new double up to 12-foot by 10-foot box storm drain outlet on the right/west bank slope to the south of the existing dual 60-inch "U"-shaped storm drain to be removed. Construction would also include a paved access road, right-of-way chain-link fencing, and a double drive access gate to be maintained by the District, as well as abandoning in place an existing 42-inch RCP side drain connection to be filled with brick mortar. The channel dimensions once construction is complete, would be the same as the existing structure and would operate as under existing conditions. The connection will not affect the existing operation of the Cucamonga Channel. The construction of the storm drain is anticipated to require eight weeks, which includes approximately two weeks for site preparation, three weeks to place the stubbed pipe, set the forms and pour the concrete, two weeks for cure time, and one week for removal and cleanup of construction access.

The purpose of the project is to comply with the City of Ontario's master plan of drainage, and is needed to adequately convey projected storm water associated with future development within the tributary area to the west of the channel.

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. 408-SPL-PN-2020-0019 and be forwarded by the comment due date of June 15, 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.

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