



PUBLIC NOTICE

Ventura River – Rehabilitation of Ventura River Levee 1 (VR-1).

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

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Public Notice No.: 408-SPL-PN-2020-0034

Permit No.: 408-SPL-2020-0034

Comment Period: 2021-11-09 to 2021-12-09

Requester: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the Ventura County Public Works Agency – Watershed Protection, has requested permission from the U.S. Army Corps of Engineers (USACE) to alter the Ventura River Levee 1 (VR-1) of Ventura River and Cañada De San Joaquin (CDSJ) Channel, Ventura County, California.

Location:

The proposed action would be located on Ventura River Levee’s left bank from upstream of Pacific Ocean to downstream of Ventura Avenue in the City of Ventura, Ventura County, California.

Requester’s Proposed Action:

The proposed project involves the rehabilitation of the VR-1 with toe down protection and increasing levee height for approximately 13,990 feet from approximate Sta. 10+95 to Sta. 150+85.

Project activities would include geotechnical boring, riprap toe protection, raising portions of the levee, and correcting deficiencies such as landward side embankment encroachments, vegetation growth, maintenance road degradation, and channel scours. The purpose of the action is to rehabilitate the VR-1 to meet current Federal Emergency Management Agency (FEMA) and U.S. Army Corps of Engineers levee design criteria as well as to reduce flood risks.

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.

Environmental Compliance: A decision on a Section 408 request is a federal action, and therefore, subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the Los Angeles District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g., Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The Los Angeles District will work with the requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner. Comments received on this public notice will be used in the evaluation.

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-2020-0034 and be forwarded by the comment due date of December 9, 2021. 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

CITY OF VENTURA, VENTURA COUNTY, CALIFORNIA

