



PUBLIC NOTICE

Cucamonga Creek Channel – Construction of a multi-use trail from Edison Avenue to Eucalyptus Avenue.

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

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Public Notice No.: 408-SPL-PN-2021-0022

Permit No.: 408-SPL-2021-0022

Comment Period: 2021-05-04 to 2021-06-02

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 Channel, Santa Ana River Basin, California.

Location:

The proposed action would construct a multi-use trail segment from Edison Avenue (Ontario Ranch Road) to Eucalyptus Avenue along Cucamonga Creek Channel in the City of Ontario, San Bernardino County, California. The proposed features are not inside the channel, and will therefore not require construction within the channel.

Requester's Proposed Action:

The proposed project involves removing and replacing existing asphaltic concrete pavement, constructing an approximately 2-foot wide trail, and removing and replacing an existing chain link fence adjacent to the channel.

The purpose of the project is to provide a multi-use regional recreation trail to the general public, as part of creating a comprehensive non-motorized transportation system in the city of Ontario.

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. 408-SPL-PN-2021-0022 and be forwarded by the comment due date of June 2, 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
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