



PUBLIC NOTICE

Carbon Canyon Creek Channel – Remove and replace channel.

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

BUILDING STRONG®

Public Notice No.: 408-SPL-PN-2021-0028

Permit No.: 408-SPL-2021-0028

Comment Period: 2021-11-30 to 2021-12-30

Requester: In compliance with Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 (“Section 408”), Aera Energy, has requested permission from the U.S. Army Corps of Engineers (USACE) to alter the Carbon Canyon Creek Channel, Orange County, California.

Location:

The proposed action would remove and replace a portion of existing Carbon Canyon Creek Channel between Rose Drive and ‘W’ Street (channel Sta. 378+77.04 to Sta. 383+70.00) in the city of Brea, Orange County, California.

Requester’s Proposed Action:

The proposed action involves removal of approximately 500 feet of existing 10’ wide Carbon Canyon Creek Channel open channel, and replacing it with a 10’ wide by 7’ high reinforced concrete box culvert (RCB), widening Rose Drive, and constructing access roads and trails between approximate channel Sta. 378+77.04 and Sta. 383+70.00.

The new RCB will join the existing 10’ wide by 6’-9” high RCB at Sta. 378+77.04 to the south, and the existing 10’ wide rectangular channel at Sta. 383+70.00 to the north via new transition structures at both ends. At the north end, a head wall will be placed at the entrance from the existing channel to the new RCB. The head wall will be topped with fencing to match the existing fencing over the channel walls. At the south end, the new RCB will join the existing RCB. The purpose of the Proposed Action is to eliminate pedestrian and recreational use from the Corps’ existing access road, thus enhancing public safety. The need for the Proposed Action is to allow for widening of Rose Drive, consistent with the City of Brea and County of Orange Transportation Master Plan, construct a proposed parking lot for recreational trail use over a portion of the covered channel, and provide access to the southern portion of a proposed residential development.

Authority: The authority to grant permission for temporary or permanent use, occupation or alteration of any USACE Civil Works project is contained in 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.

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 action 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.

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-2021-0028 and be forwarded by the comment due date of December 30, 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
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Source: ESRI World Street Map



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CARBON CANYON CHANNEL

Regional Map

GLENN LUKOS ASSOCIATES



Exhibit 1

N
0
2
4
8
Miles



Carbon Canyon Channel

Exhibit 3: Aerial Photograph