PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS **BUILDING STRONG®**
LOS ANGELES DISTRICT

APPLICATION FOR PERMIT
Palm Springs Master Drainage Plan Line 41 Stage 3

Public Notice/Application No.: SPL-2013-00691-JEM
Project: Palm Springs Master Drainage Plan (MDP) Line 41 Stage 3
Comment Period: May 5, 2014 through June 5, 2014
Project Manager: James Mace Tel. (951) 276-6624 x263; Email: James.E.Mace@usace.army.mil

Applicant
Warren Williams
General Manager – Chief Engineer
Riverside County Flood Control &
Water Conservation District
1995 Market Street
Riverside, CA 92501

Contact
Mike Wong, Engineering Project Manager
Riverside County Flood Control &
Water Conservation District
1995 Market Street
Riverside, CA 92501
Tel. (951) 955-1233
Email: mwong@rcflood.org

Location

The proposed project site is located within the City of Palm Springs in Riverside County, California, and is generally bounded by East Palm Canyon Drive toward the north, the San Jacinto Mountains toward the south and west, and Golf Club Drive toward the east (North Latitude 33.792, West Latitude -116.495; NAD 83), see Figure 1.

Activity

To provide improved flood risk management by constructing and maintaining an approximately 7,300-linear foot underground storm drain system, including the construction and maintenance of an approximately 6.7-acre earthen detention basin. For more information, see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404(b)(1) of the Clean Water Act. Written comments should be mailed to the Regulatory project manager at the following address:

U.S. Army Corps of Engineers, Los Angeles District
Riverside Field Office
1451 Research Park Drive, Suite 100
Riverside, CA 92507-2154

Alternatively, comments can be sent electronically to James.E.Mace@usace.army.mil.

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable waters and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404(b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates that it would not affect coastal zone resources. After a review of the comments received on this public notice and in consultation with the California Coastal Commission, the Corps will make a final determination of whether this project affects coastal zone resources after review of the comments received on this Public Notice.

Essential Fish Habitat- Preliminary determinations indicate the proposed activity would not adversely affect essential Fish Habitat. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required at this time.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate that the proposed activity would affect the federally listed endangered species, Casey's June beetle (*Dinacoma caseyi*) and its designated critical habitat. Therefore, the Corps will initiate formal consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material in to a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). This project proposes to discharge fill material into approximately 0.02 acre of wetland waters and 0.75 acre of other waters (ephemeral streambed). The basic project purpose is flood risk management. In this case, the project is water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a

manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is the mitigation of flood risk and the reduction of overall flood risk and potential flood damages to provide 100-year flood protection for existing developments within the Palm Springs MDP Line 41 Federal Emergency Management Agency (FEMA) mapped 100-year floodplain (see Figure 2).

Additional Project Information

Baseline information- The project is located within an ephemeral streambed that is tributary to the existing Palm Springs MDP Line 41 underground storm drain and open channel system that conveys flows to North Cathedral Channel and ultimately to the Whitewater River. The vegetation within the onsite jurisdictional features consists of Sonoran Creosote Brush Scrub, Sonoran Creosote Brush Disturbed, Herbaceous Wetland, Disturbed Wetland, and Ruderal Wash (see Figure 3).

The land area covered by the floodwaters of a base flood event is called the “base floodplain”. On FEMA maps, the base floodplain is called the Special Flood Hazard Area (SFHA). A 100-year base flood is defined as having a one-percent chance of being reached or exceeded in any single year. Thus, the 100-year flood also is called the “one-percent annual chance flood” and it would have a 26% chance of being hit by a 100-year flood event during a 30-year period.

Under existing site conditions, areas mapped as Zone AO by FEMA (Figure 2) are currently subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are available for Zone AO. Mandatory flood insurance purchase requirements and floodplain management standards apply. Areas mapped as FEMA Zone A (Figure 2) are subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are available for Zone A areas. Mandatory flood insurance purchase requirements and floodplain management standards apply.

Project description- The proposed project (Applicant’s preferred alternative) involves the construction, operation, and maintenance of approximately 7,300 linear feet of underground storm drain ranging in pipe diameter sizes from 48-inches to 108-inches, collection structures, appurtenances, and the construction and maintenance of an approximately 6.7-acre earthen detention basin to temporarily detain peak flows. The proposed project alignment begins at the upstream terminus of the existing Palm Springs MDP Line 41 Stage 2 storm drain near Golf Club Drive and generally extends westward along East Palm Canyon Drive and Gene Autry Trail to Matthew Drive, where a detention basin is proposed on a currently vacant parcel (see Figure 4). The underground storm drain would thence continue upstream of the basin in Matthew Drive, Cherokee Way, and Santa Monica Drive. An underground storm drain would also be constructed within Golf Club Drive and connect to the existing Palm Springs MDP Line 41 Stage 2 storm drain northeast of the intersection of Golf Club Drive and Highway 111. The project would be designed to convey the estimated 100-year flow rate (i.e., the 100-year base flood). This project would divert flows up to the 100-year event from the current floodplain and reduce the flood risk for existing developments.

A total of 1.40 acres of jurisdictional area would be directly or indirectly impacted by the proposed project. Of these 1.40 acres, 0.02 acre of wetland waters and 0.75 acre of other waters (ephemeral streambed) are proposed to be permanently filled. The remaining 0.62 acre (ephemeral streambed) and 0.01 acre of wetland waters would not be directly impacted by the discharge of dredged or fill material, but would be affected by permanently altered hydrology, i.e., the reduction of storm flow upon its diversion into the proposed underground storm drain.

Applicant's Preliminary Alternatives Analysis- The Applicant has considered alternatives to the proposed action and has provided information in a preliminary alternatives analysis. However, the Corps has not yet made a determination of sufficiency regarding the Applicant's preliminary alternative analysis. The Corps will make a determination of sufficiency pursuant to the Section 404(b)(1) guidelines published at 40 CFR Part 230, and after comments are received from the public. The Corps will evaluate the Applicant's preliminary and other alternative analyses, as appropriate, in terms of the Section 404(b)(1) guidelines to identify the least environmentally damaging practicable alternative. A summary of the Applicant's preliminarily considered alternatives is provided below.

Alternative 1: No Federal Action

Under Alternative 1, the Palm Springs MDP Line 41, Stage 3 project would not receive a Corps permit. The applicant indicated that under this alternative, the project would not be implemented and the site would remain in its current state. Alternative 1 would mean the 100-year floodplains would remain in place and existing developments located within the current 100-year floodplain would continue to be subject to exceedence flooding at the existing risk level.

This No Federal Action alternative would avoid impacts to jurisdictional waters of the United States resulting from the proposed project. The Applicant rejected Alternative 1 because it would not meet the applicant's project purpose of decreased flood risk to provide a 100-year level of protection to existing developments mapped as FEMA Zones AO and A (Figure 2).

Alternative 2: Proposed Project without a Detention Basin

Alternative 2 consists of constructing the underground storm drain portion of the project without the proposed detention basin to reduce the peak flow rates. Alternative 2 would alleviate some flood hazards by using the existing capacity of the downstream Palm Springs Line 41 facility. However, without a basin to detain the balance of the 100-year peak tributary flow rate, some residual flood hazards and exposure to flooding within the current 100-year floodplain would remain. Alternative 2 would reduce impacts to jurisdictional areas located within the proposed basin site. The Applicant rejected Alternative 2 because it would not meet the applicant's project purpose of decreased flood risk to provide a 100-year level of protection to existing developments mapped as FEMA Zones AO and A (Figure 2).

Alternative 3: Proposed Project without a Detention Basin and with the Reconstruction of the Existing Downstream Palm Springs MDP Line 41 System

Alternative 3 consists of removing the proposed detention basin from the project and reconstructing the existing downstream system to attain the additional conveyance capacity for the 100-year peak flow rate. This alternative's alignment is identical to that of Alternative 2, except at the confluence with the existing Palm Springs MDP Line 41 facility, where it would continue within the existing alignment downstream of the project area. The applicant identified a key hydraulic constraint of the Line 41 system at the existing invert elevation of Cathedral Canyon North Channel, the downstream outlet for the Palm Springs MDP Line 41 system. This control would set the starting elevation to meet for the balance of the project, and would limit the design profile to a relatively mild slope, and a reduced capacity. Alternative 3 would require the construction of a large reinforced concrete box (10'H x 20'W) to replace the existing reinforced concrete pipe storm drain. The reinforced concrete box would require the relocation of conflicting existing utilities

including an eight-inch (8") diameter sanitary sewer line that would cross under the existing storm drain. To construct the reinforced concrete box, additional easements beyond the existing flood control easements would need to be obtained from underlying owners in numerous locations. Several commercial and residential structures would need to be purchased and demolished. The above actions would substantially increase the project cost. The Applicant rejected Alternative 3 due to the substantial increase in project cost related to technical and logistical considerations.

Alternative 4: Proposed Project without a Detention Basin and with the Construction of a New Parallel Storm Drain to Cathedral Canyon North Channel

Alternative 4 consists of eliminating the proposed detention basin from the project and conveying the balance of the 100-year peak tributary flow rate directly to Cathedral Canyon North Channel through construction of a new parallel storm drain system. The Alternative 4 alignment is identical to that of Alternative 2, except at the confluence with the existing Palm Springs MDP Line 41 Stage 2 storm drain near Golf Club Drive. At that confluence, a split-flow structure would be needed to divert the balance of the 100-year peak tributary flow into a new storm drain that would follow East Palm Canyon Drive southeasterly to Canyon Plaza, and follow Canyon Plaza northwesterly to Club Circle Drive. The new storm drain alignment would then follow Club Circle Drive and Harding Street easterly to outlet into the existing North Cathedral Channel near Lincoln Avenue. To convey the balance of the 100-year flow rate, the new storm drain would need to consist of a 108" diameter reinforced concrete pipe and a 6'H x 9'W reinforced concrete box. The storm drain construction in Palm Canyon Drive would require a two-lane closure. The applicant contends the adjoining city streets would provide inadequate traffic control for the expected level of traffic from a two-lane closure. Alternative 4 would also cost substantially more to construct than the proposed project. The Applicant rejected Alternative 4 due to logistical and cost considerations.

Alternative 5: Proposed Project with Alternate Basin Site to the South of Proposed Basin

Alternative 5 is similar to the proposed project except that the proposed detention basin would be moved to the south of the proposed basin location. A basin site to the south of the proposed basin location would reduce direct impacts to the Casey's June Beetle Critical Habitat, but would have to be constructed on steep and rocky hillsides. Longer storm drain lengths would also be needed to reach this basin location from Matthew Drive. The land to the south of the proposed basin site consists of a narrow canyon with adjacent rocky and steep topography. Thus, additional excavation would be needed to provide relatively stable adjacent slopes and reduce future maintenance issues due to landslides. Consequently, the basin footprint would impact a substantially larger area and greatly increase the quantity of material to remove and dispose. Therefore, Alternative 5 would cost substantially more to construct and maintain than the proposed project. The Applicant rejected Alternative 5 due to the substantial additional costs related to logistical considerations.

Proposed Mitigation- The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: The proposed project footprint avoids the discharge of fill material in to approximately 0.63 acre of the total 1.40 acres of onsite jurisdictional waters, including a realignment to within the paved areas of Gene Autry Trail/Matthew Drive to minimize disturbance of the undeveloped jurisdictional areas adjacent to the roadway. This avoided 0.63 acre of jurisdictional waters may be indirectly impacted by the post-construction reduction of storm flows.

Minimization: Construction and long-term maintenance activities for the proposed detention basin would be conducted outside of the April-June adult flight season of the Casey's June beetle. During initial clearing/grubbing and excavation, top soil potentially containing Casey's June beetle is proposed to be salvaged and transferred to a nearby area of suitable habitat.

Compensation: The applicant has proposed conceptual compensatory mitigation. The applicant owns approximately 43 acres within Palm Canyon Wash to the west of the project area that contain jurisdictional features with occupied Casey's June beetle habitat, and are within the mapped Casey's June beetle critical habitat area (see Figure 5). The applicant believes that areas within the Palm Canyon Wash parcels can be managed and protected in perpetuity to provide biological value to jurisdictional resources, including Casey's June beetle and its critical habitat. As such, the applicant proposes offsite compensatory mitigation within the nearby Palm Canyon Wash (acreage and type to be determined).

Proposed Special Conditions

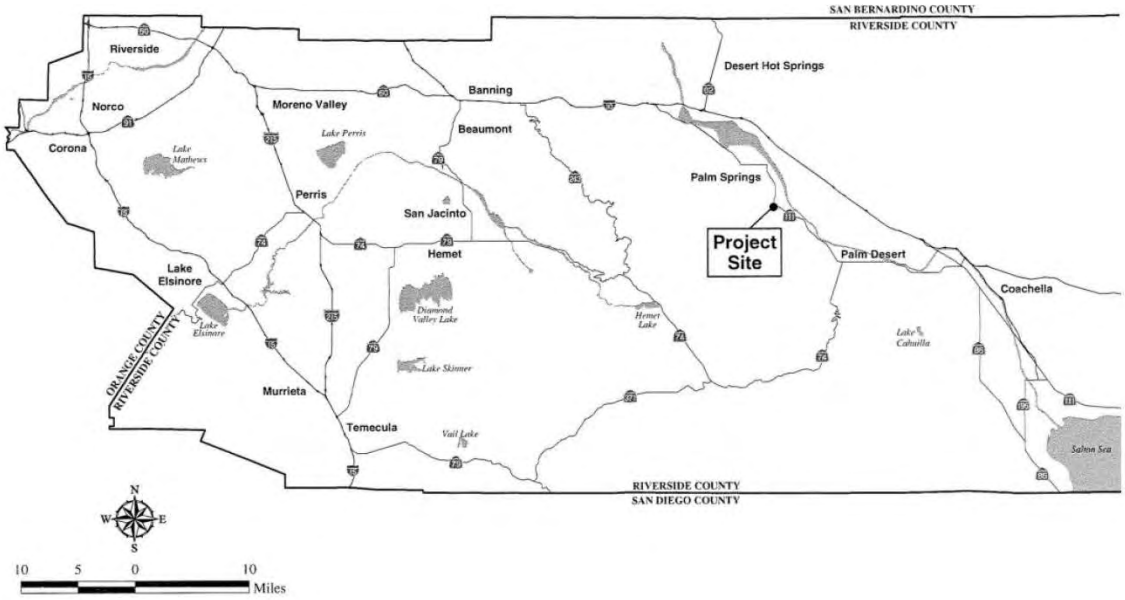
Special Conditions are not proposed at this time.

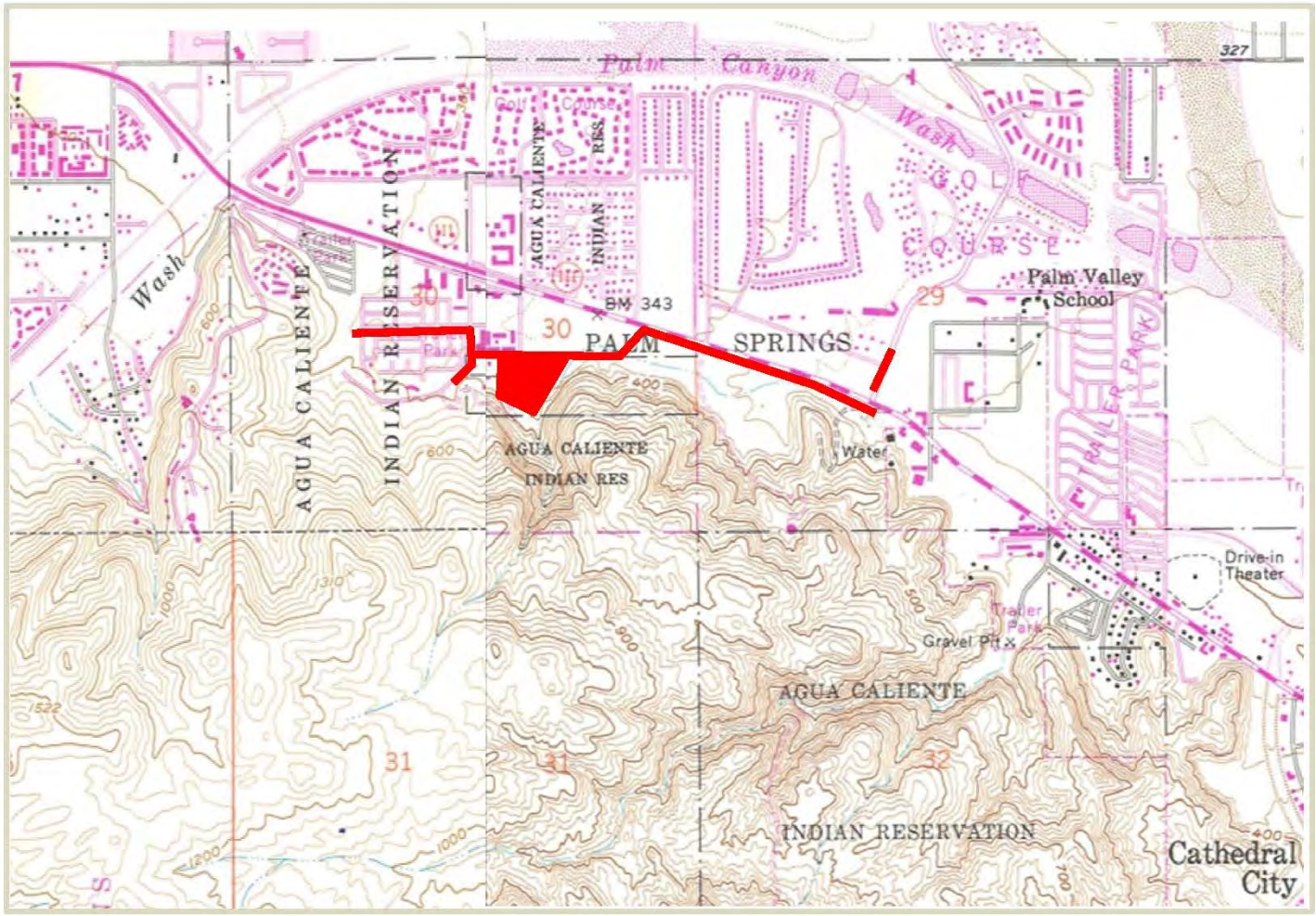
For additional information please call James Mace of my staff at (951) 276-6624 x263 or via e-mail at james.e.mace@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

Regulatory Program Goals:

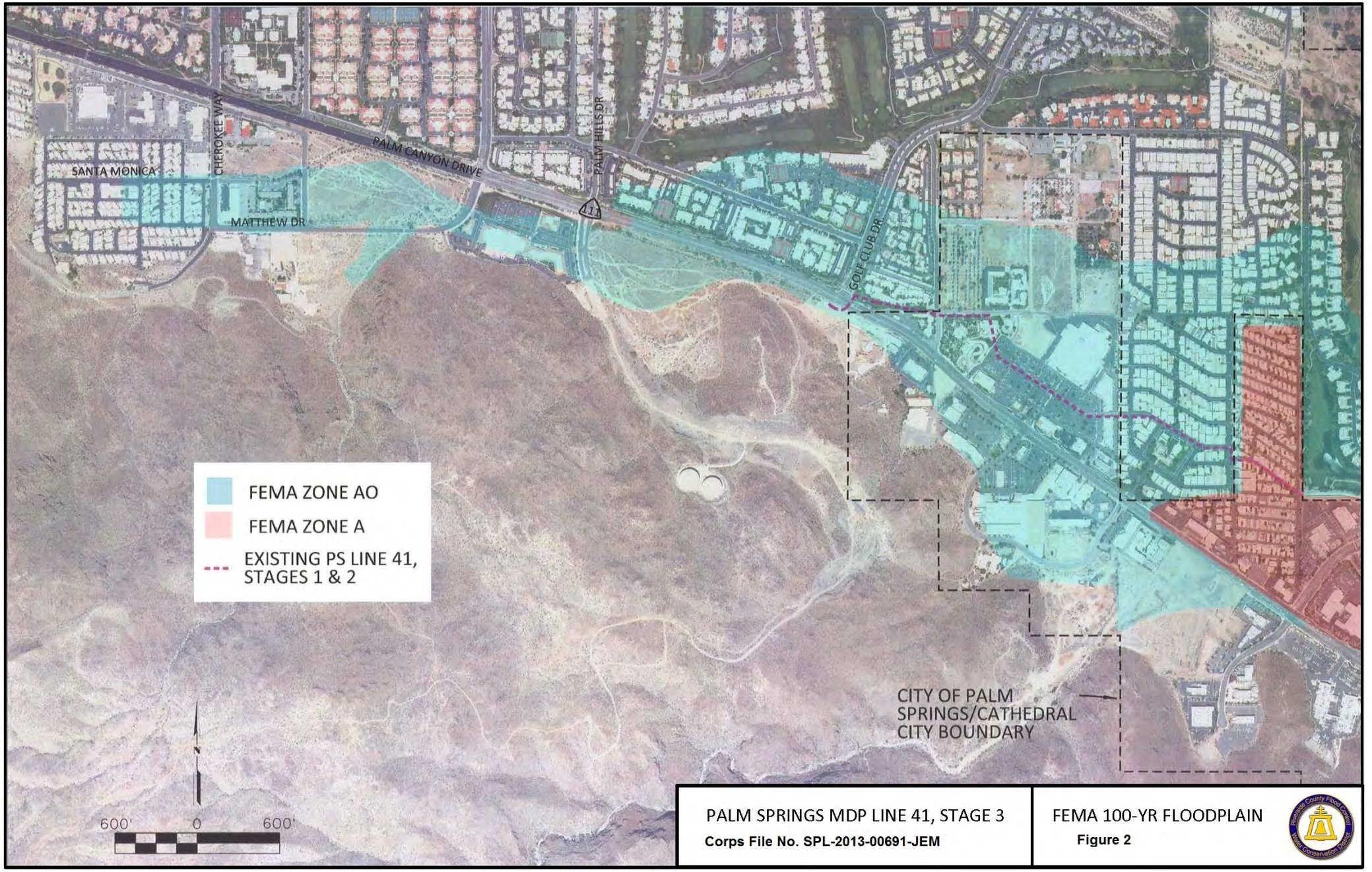
- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT
RIVERSIDE FIELD OFFICE
1451 RESEARCH PARK DRIVE, SUITE 100
RIVERSIDE, CALIFORNIA 92507-2154
WWW.SPL.USACE.ARMY.MIL





PALM SPRINGS MDP LINE 41, STAGE 3 **Corps File No. SPL-2013-00691-JEM**	REGIONAL LOCATION MAP **Figure 1**



PALM SPRINGS MDP LINE 41, STAGE 3

Corps File No. SPL-2013-00691-JEM

FEMA 100-YR FLOODPLAIN

Figure 2

Corps Jurisdictional Area
CDFG Jurisdictional Area
HW Herbaceous Wetland
DW Disturbed Wetland
RW Ruderal Wash
•# Sample Plot
Water Flow Path Over Street, Through Culvert, or Swale Lacking OHWM and Bed and Banks
X Feature Designator
Note: Subject to verification by Corps, CDFG, and RWQCB

S. Gene Autry Trail
111
A
B
C
D
HW
DW
RW

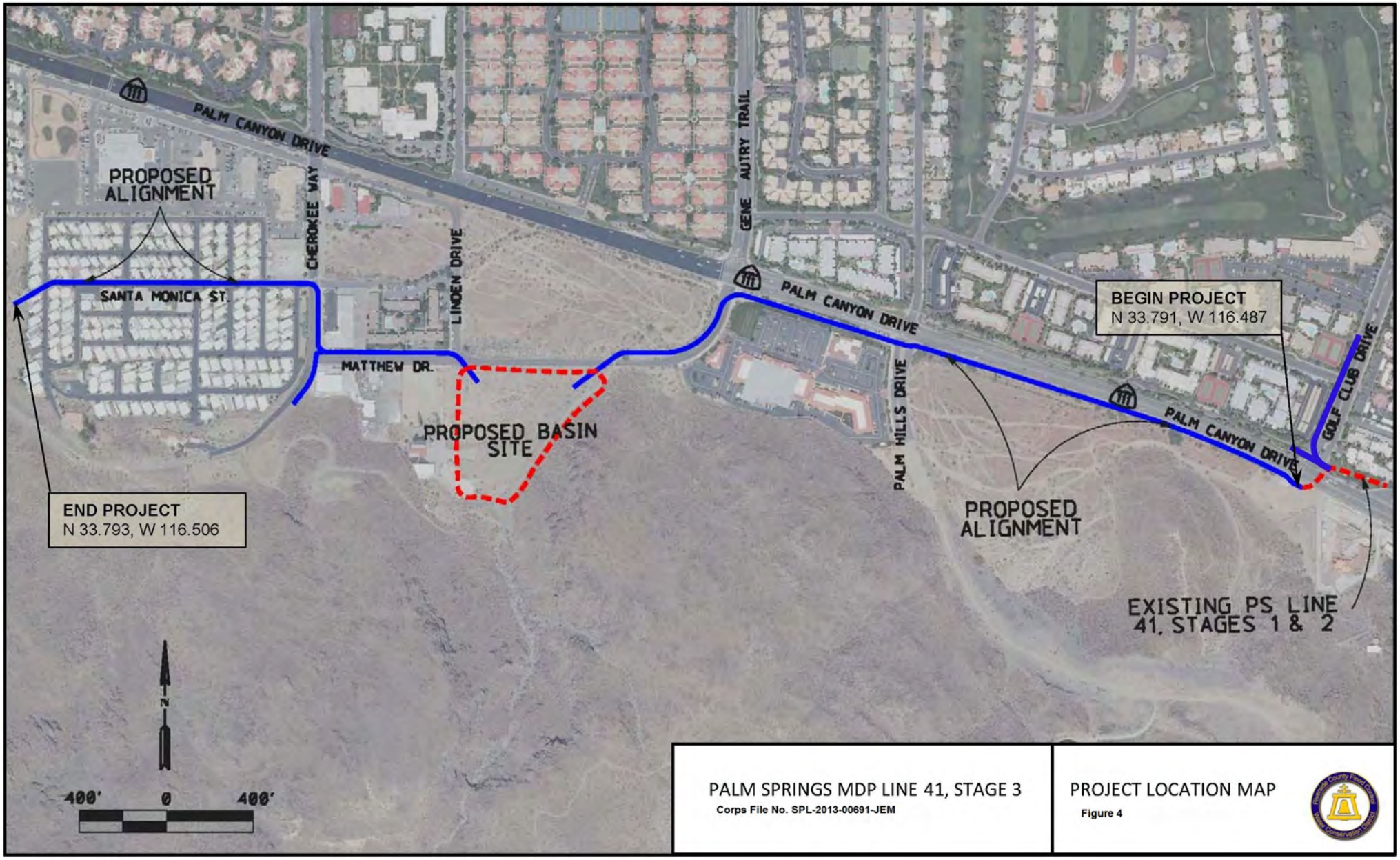
N
W E
S
400 200 0 400
Feet
Job No: RCF-01.01 Date: 11/10/05-JP

Note:
This map is based on site conditions as observed at the time of our field investigations. The information presented herein was developed by visual inspection and/or aerial photograph interpretation. Note that both site conditions and applicable regulatory requirements may change.

NOTES:
1. Feature B (0.42 acre) determined to be under Corps jurisdiction per site visit with Corps on 1/9/2014.

PALM SPRINGS MDP LINE 41, STAGE 3
Corps File No. SPL-2013-00691-JEM

Corps and CDFW Jurisdictional Areas
FIGURE 3

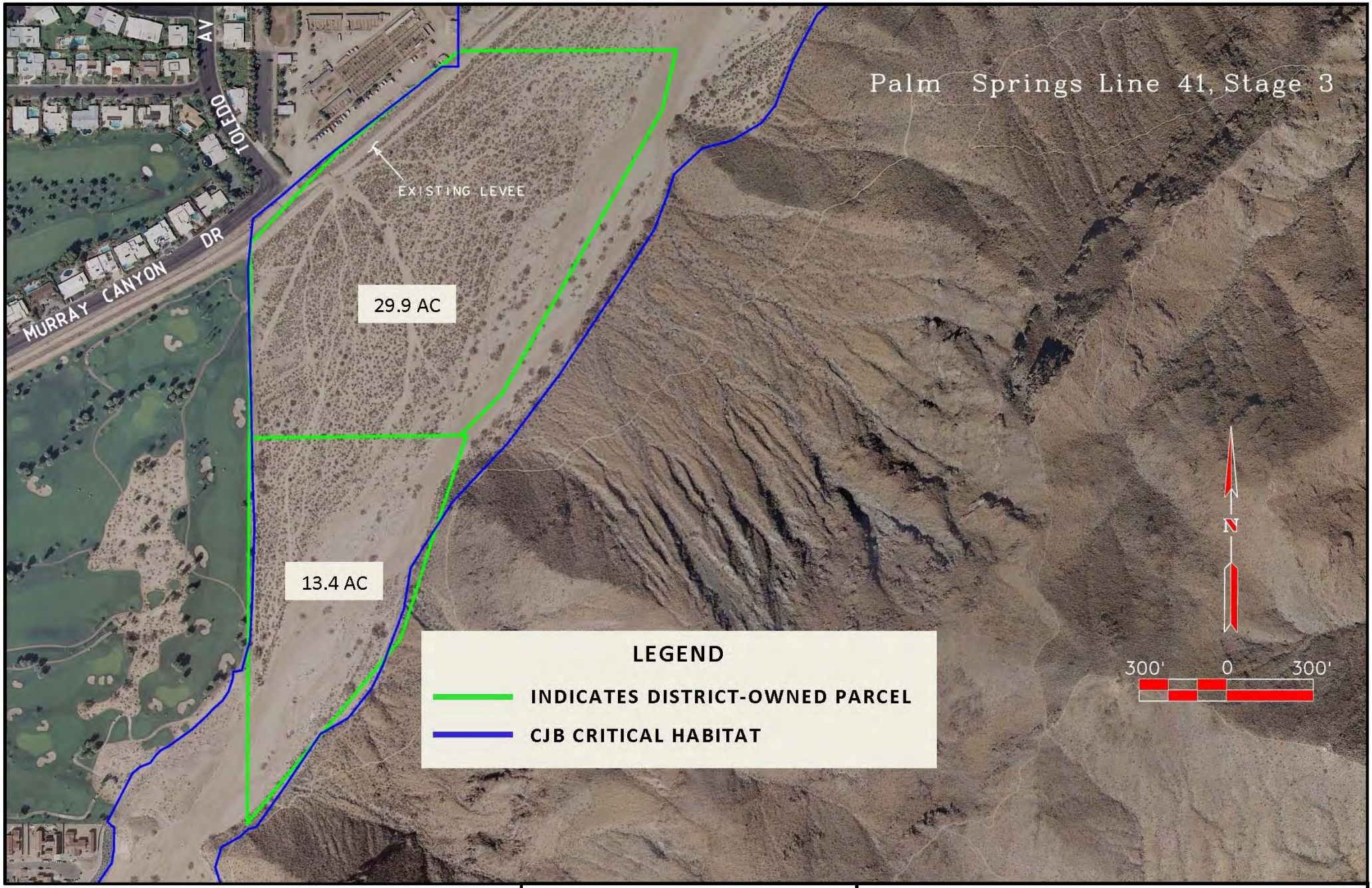


PALM SPRINGS MDP LINE 41, STAGE 3

Corps File No. SPL-2013-00691-JEM

PROJECT LOCATION MAP

Figure 4



PALM SPRINGS MDP LINE 41, STAGE 3
Corps File No. SPL-2013-00691-JEM

PALM CANYON WASH DISTRICT-OWNED PARCELS
Figure 5 Proposed Mitigation Area