



PUBLIC NOTICE

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

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**APPLICATION FOR PERMIT
Palm Desert Groundwater
Replenishment Facility Project**

Public Notice/Application No.: SPL-2018-00356-CJA
Project: Palm Desert Groundwater Replenishment Facility Project
Comment Period: February 18, 2020 through March 18, 2020
Project Manager: Christopher J. Allen, (760) 602-4836

Applicant

Steve Bigley
Coachella Valley Water District
75515 Hovley Lane East
Palm Desert, California 92211

Contact

William Patterson
Coachella Valley Water District
75515 Hovley Lane East
Palm Desert, California 92211

Location

The project site is situated in the city of Palm Desert, in central Riverside County (Enclosure 1). The approximate geographic centerpoint of the project site is located at 33.738059, -116.349976 N and is depicted within the La Quinta, California U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle (Sections 15 and 16, Township 5 South, Range 6 East) (Enclosure 1). The project site is within the Whitewater River Stormwater Channel, bounded by Fred Waring Drive to the east and Cook Street to the west.

Activity

The applicant's proposed activity includes the extension of the Mid Valley Pipeline within the northern channel bank, placement of concrete slope protection, installation of flow through weirs and earthen berms for the purpose of constructing and operating of a replenishment facility to recharge the groundwater basin with Colorado River water. The proposed activity includes the construction of replenishment ponds using on-site native sediments designed to erode in moderate flow events, as well as flow through weirs designed to maintain channel function in low flow events. The objective of the project is to replenish the groundwater basin managed by the applicant. See below for a detailed project description.

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings. We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the U.S. Army Corps of Engineers, Los Angeles District, Regulatory Division

(Corps), 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 of the Clean Water Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: CHRISTOPHER J. ALLEN
5900 LA PLACE COURT, SUITE 100
CARLSBAD, CALIFORNIA 92008

Alternatively, comments can be sent electronically to: christopher.allen@usace.army.mil.

The mission of the Corps 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 water 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, flood plain 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 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 (EIS) 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 an EIS 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 any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps prior to permit issuance.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates 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- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project.

Cultural Resources- Cultural resource inventories were completed to identify cultural resources that are eligible for listing on the National Register of Historic Places (NRHP). The inventory efforts identified cultural resource within a half-mile of the project boundary. Due to the nature of the project related activities, The Corps will complete the required consultation with the State Historic Preservation Officer (SHPO) and tribal organizations prior to finalizing a permit decision.

Endangered Species- Preliminary determinations indicate the proposed activity may have the potential to effect federally listed species if any such species is present within the project boundaries. Therefore, the Corps may require a biological assessment to be prepared, pursuant to the Endangered Species Act. If any federally listed species have the potential to occur within the project boundary and the regulated activity has the potential to result in adverse effects to those species, the Corps will initiate consultation under Section 7 of the Endangered Species Act. The Corps will complete any required consultations prior to finalizing a permit decision.

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-

The proposed activity would result in the permanent discharge of dredged into non-wetland Waters of the United States. The fill material consists of on-site native sediments from Whitewater River Stormwater Channel (WWRSC). The proposed project would result in permanent impacts to non-wetland Waters of the United States. The permanent impacts result from the placement of pond berms constructed in the channel.

During construction, including grading activities and placement of the Mid Valley Pipeline Extension in the northern channel bank, temporary placement of native fill into non-wetland Waters of the United States will take place. Temporary discharges will be removed and the areas subjected to temporary fills will be returned to their pre-project contours. The temporary impacts to non-wetland Waters of the United States result from grading, excavation, and temporarily side casting excavated sediments during construction

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 into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is to construct a groundwater recharge facility. The project is not 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 applicant's stated project purpose is to use Colorado River water allocations to improve local groundwater conditions and optimize the availability of recycled water produced at CVWD's water reclamation facilities.

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 project has been designed to avoid and minimize losses of waters by constructing berms utilizing native fill from the Whitewater River Stormwater Channel substrate. The project design also includes temporary berms which allow high flow events to naturally erode the berms and pass through the project site.

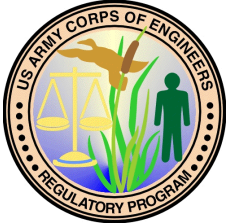
Minimization: The project incorporates use of standard Best Management Practices (BMPs) to avoid and minimize potential impacts to waters of the U.S. from erosion, sedimentation, and pollutants during construction and perpetually following construction.

Compensation: Consideration of mitigation will occur throughout the permit application review process and includes avoiding, minimizing, rectifying, reducing, or compensating for resource losses.

Compensatory mitigation may also be required to ensure the regulated activity is not contrary to the public interest. The Corps will coordinate with the applicant to ensure that the proposed project complies with our governing regulations regarding compensatory mitigation for losses of aquatic resources.

Final compensatory mitigation requirements for the proposed project impacts (both temporary and permanent) will be determined during the Corps' evaluation of the permit application.

For additional information please call Christopher J. Allen at 760-602-4836 or via e-mail at christopher.allen@usace.army.mil.



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.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
5900 LA PLACE COURT, SUITE 100
CARLSBAD, CALIFORNIA 92008

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Project Exhibits

Figure 1: Regional Location




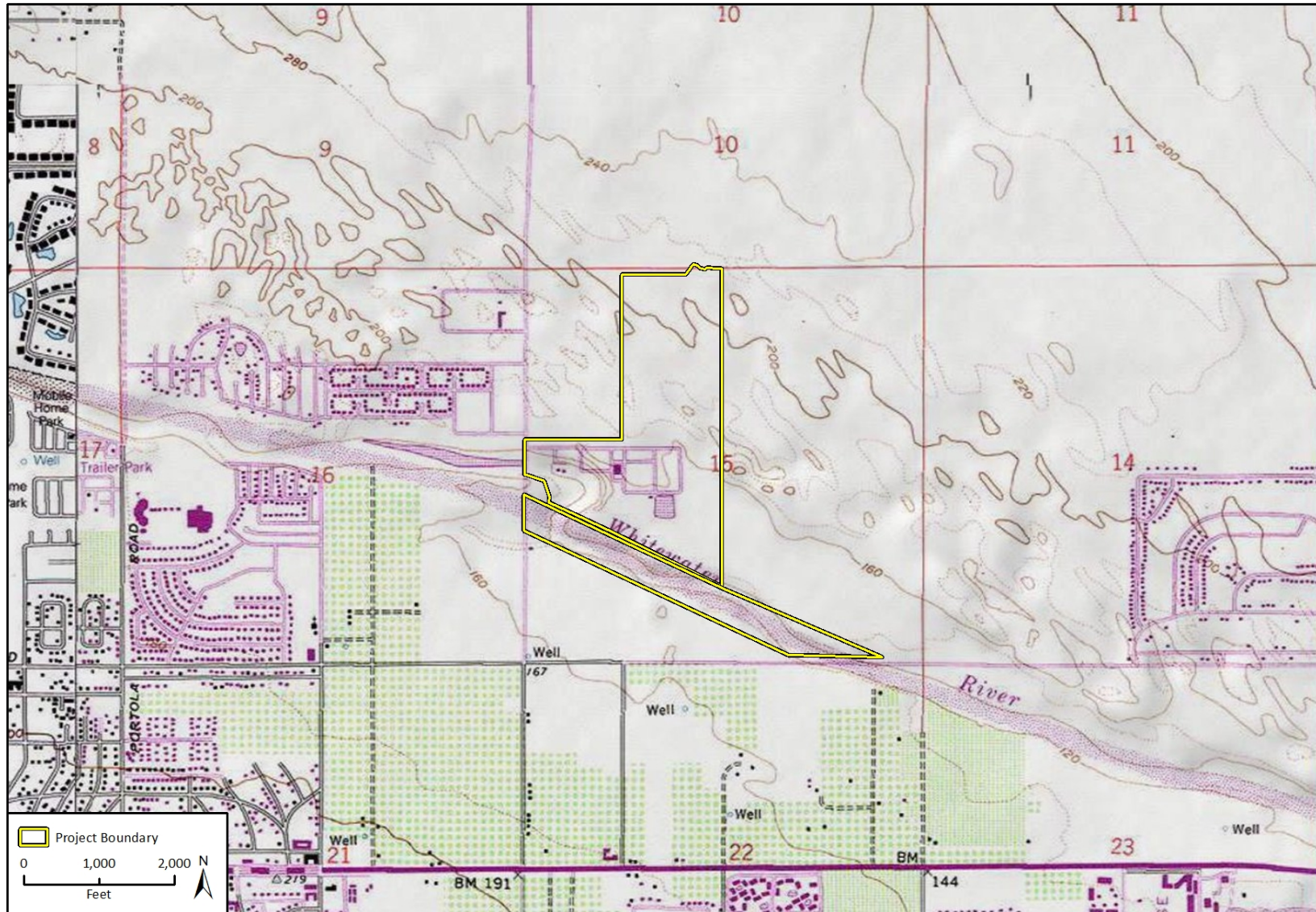
 Project Location








Figure 2: Project Vicinity



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Additional data provided by Coachella Valley Water District, 2017.

SPL-2018-00356
Palm Desert Ground Water Recharge Project
Review Area Aquatic Resource Delineation Map
2-6-2020

Legend

-  2020 WOTUS (26.3 acres)
-  OHWM Revised 2-6-2020
-  Study Area

OHWM Data Sheet Transect 12-17-19

215 ft



Aerial Imagery June 2019

