



PUBLIC NOTICE

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

BUILDING STRONG®

APPLICATION FOR PERMIT
Robles Facility Forebay Maintenance Project

Public Notice/Application No.: SPL-2019-00346-GLH

Project: Robles Facility Forebay Maintenance Project

Comment Period: June 17, 2019 through July 17, 2019

Project Manager: Jerry Hidalgo; (805) 585-2145; Gerardo.L.Hidalgo@usace.army.mil

Applicant

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Casitas Municipal Water District
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Contact

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Ventura, California 93003

Location

Ventura River near the community of Meiners Oaks, Ventura County, California (Lat: 34.465216°, Long: -119.289981°).

Activity

To conduct routine forebay and cutoff wall maintenance activities in the Robles Diversion Dam Facility (see attached drawings). For more information see Additional Project Information section below.

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 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 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: Jerry Hidalgo
60 South California Street, Suite 201
Ventura, California 93001-2598

Alternatively, comments can be sent electronically to: Gerardo.L.Hidalgo@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 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 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 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 any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers 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- The latest version of the National Register of Historic Places has been consulted and this site is not listed. The Robles Diversion Dam (Robles Diversion) was constructed in the late 1950s by the Bureau of Reclamation (Bureau). The proposed project would not alter the diversion facilities. Only recently deposited sediment would be impacted. Consequently, the Corps has preliminarily determined the Undertaking (i.e., issuance of a Department of the Army permit for sediment maintenance) would have no potential / little likelihood of causing effects to historic properties. 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 the proposed activity may affect federally-listed endangered or threatened species, or their critical habitat. The federally endangered Southern California steelhead (*Oncorhynchus mykiss*) is known to occur in the mainstem of the Ventura River and the Ventura River is designated critical habitat for Southern California steelhead. The federally threatened California red-legged frog (*Rana Draytonii*; CRLF) is known to occur within Matilija Creek, a tributary to the Ventura River and upstream of the Robles Diversion is designated critical habitat for CRLF. The project site occurs within federally endangered southwestern willow flycatcher (*Empidonax trail extimus*) designated critical habitat. The federally endangered least Bell's vireo (*Vireo belli pusillus*) is known to occur in the Ventura River watershed.

The Robles Diversion Facility and Cut-off Walls were constructed by the Bureau and in March 2003, the Bureau received a Biological Opinion (BO) from NOAA National Marine Fisheries Service (NMFS, File No. 151422SWR02PR6168) describing the potential effects of Casitas Municipal Water District's (CMWD) Robles Fish Passageway Facility project upon Southern California steelhead. The Corps has determined the Bureau has greater federal control and responsibility over the maintenance and operations of the Robles Diversion therefore the Bureau is the lead federal agency responsible for compliance with Section 7 of the ESA. The Corps hereby requests NMFS and USFWS concurrence on the Corps' intent to adopt either a Biological Opinion or Not Likely to Adversely Affect concurrence letter issued to the Bureau.

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). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary. The basic project purpose for the proposed project is to maintain water supply and fish passage. 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 to periodically maintain the Robles Diversion Forebay to original design grades and contours and to stabilize the Diversion cutoff wall/earthen dam.

Additional Project Information

Baseline information- CMWD operates the Robles Diversion, which includes the forebay constructed in the late 1950s. The Robles Fish Passage Facility (Facility) is located on the Ventura River, 2 miles downstream of Matilija Dam. The Robles Diversion allows Ventura River flows to be diverted into the Robles Canal, which transports the water to Lake Casitas for storage and ultimately municipal use.

The forebay is located upstream of the Facility's timber cut-off wall in the Ventura River. The forebay was designed in 1957 as shown on the United States Department of Interior Bureau of Reclamation Robles Diversion Dam General Plan (February 8, 1957), and comprises approximately 4.61 acres within and adjacent to the Ventura River. It is imperative for CMWD to maintain the depth of the forebay as designed, because it is a critical component of the Robles Diversion Facility and facilitates fish passage. In accordance with the NMFS BO, CMWD is required to maintain the capacity of the forebay for effective diversion and fish ladder operations.

Inflows into the forebay from the Ventura River are not constant from year to year; therefore CMWD operations associated with the maintenance of the forebay change as inflows change over the course of a storm event. In 2005, CMWD received a ten-year Standard Individual Permit from the Corps (SPL-2005-01568-JWM) to excavate sediment from the forebay and place the sediment downstream of the timber cut-off wall in the Ventura River channel. The placement of the forebay sediment downstream of the Diversion cutoff wall would serve to buttress the timber cutoff wall and to balance the system's sediment supply by re-introducing alluvial material into the river system for floodplain development and beach re-nourishment (distributed during larger rain events).

The forebay and proposed sediment placement areas within and adjacent to the river channel downstream of the timber cut-off wall are generally devoid of vegetation and flowing/pooling water due to the recent fires and heavy scouring from recent high flow events in 2018 and 2019.

Project description- The proposed project consists of the removal of 80,000 to 100,000 cubic yards of accumulated sediment from the forebay that was deposited during heavy storm events

following the Thomas Fire in 2017. The proposed project would temporarily affect up to 12.55 acres of non-wetland waters of the United States, including approximately 4.61 acres associated with forebay sediment removal and approximately 7.94 acres of sediment disposal to restore storm eroded areas over approximately 1,600 linear feet downstream of the timber cut-off wall.

The Project would involve the use of heavy equipment to remove the sediment and vegetation in the forebay, and shore up the channel banks downstream of the timber cut-off wall that have been eroded by heavy storms. The sediment would be removed from the forebay with heavy equipment including a clamshell excavator, bobcat tractor, or other loader and supporting vehicles (e.g., dump trucks, etc.) to transport and spread the sediment. The proposed impacts to the Forebay are considered temporary. No permanent impacts or loss of waters of the U.S. are proposed.

This Standard Individual Permit would authorize the initial removal of 80,000 to 100,000 cubic yards of accumulated sediment deposited by the Thomas Fire and routine and foreseeable maintenance events over a ten-year period. The proposed activity may occur every few years but is highly dependent on storm flows and sediment load conditions. This permit would be subject to renewal after the ten-year permit based on an assessment of its effectiveness and on verification that the maintenance activities have not resulted in significant effects to the aquatic environment, either individually or cumulatively.

Each maintenance event is estimated to last from 4-6 weeks and would generally occur when flows are absent. However, under certain circumstances (e.g., extremely high water tables), maintenance during the dry season may still require surface water diversion or dewatering. Under low flow conditions, surface water would be directed to the west bank while the easterly portion of the basin is excavated. Once the work in the eastern area is completed and prior to beginning work in the western area, surface water would be diverted to the eastern bank, but not allowed to overtop the cutoff wall. Surface water would then be redirected along the cutoff wall (westerly) towards the Diversion spillway and low-flow Fish Passageway exit, thereby dewatering approximately 1,000-linear-feet of the eastern channel, located immediately downstream of the cutoff wall. Diversion of flows would be accomplished by using sandbags or creating berms with accumulated basin sediments. The diversion berms would be designed to divert low flows, and would therefore be relatively small in size (i.e., requiring approximately 15 cubic yards of fill). The applicant would be required to periodically monitor turbidity levels downstream of the work area(s), and to implement turbidity controls if necessary.

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 is specific to the existing Robles Diversion and Timber wall. Full avoidance is not feasible. Alternative locations for disposal of excavated sediments (e.g., within uplands) are available and will be evaluated during the evaluation of the 404(b)(1) alternatives analysis. Furthermore, as part of the 404(b)(1) alternatives analysis, the applicant will present alternatives to their preferred design that reduce Corps jurisdictional impacts for each maintenance event.

Minimization: To minimize effects, the Corps has requested the CMWD to conduct a grain size analysis of the sediment in the forebay to determine the composition of the sediment to be placed

downstream of the timber wall cut off. CMWD will obtain a representative sample of the sediment within the forebay pursuant to Nationwide Permit 6 – Survey Activities.

In addition, per an onsite meeting with Los Angeles RWQCB, CDFW, and the Corps, on April 23, 2019, the Los Angeles RWQCB requested that CMWD implement a Sediment Monitoring Plan prior to sediment relocation activities. The Corps concurred with the request. Therefore, CMWD will prepare a Sediment Monitoring Plan to address the monitoring associated with the removal and placement of an estimated 80,000-100,000 cubic yards sediment downstream of the forebay in the Ventura River. The Sediment Monitoring Plan would include a description of the Annual Monitoring Program, including an annual reconnaissance survey and photo documentation. The survey area would capture the area where sediment was placed in the Ventura River (approximately 1,600 linear feet downstream of the timber cut-off wall), plus an additional 500 feet downstream of the area where sediment was placed for a total monitoring area of 2,100 linear feet.

Compensation: No compensatory mitigation is proposed at this time. Based upon the Sediment Monitoring Plan, the Corps will determine the need and/or amount of compensatory mitigation required to offset adverse impacts downstream.

Proposed Special Conditions

Permit Special Conditions have not been developed at this time. However, the final permit will include Special Conditions to ensure minimal effects, protect the public interest and ensure compliance with applicable environmental regulations.

For additional information please call Jerry Hidalgo of my staff at (805) 585-2145 or via e-mail at Gerardo.L.Hidalgo@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.

DEPARTMENT OF THE ARMY
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Figure 1 Regional Project Location



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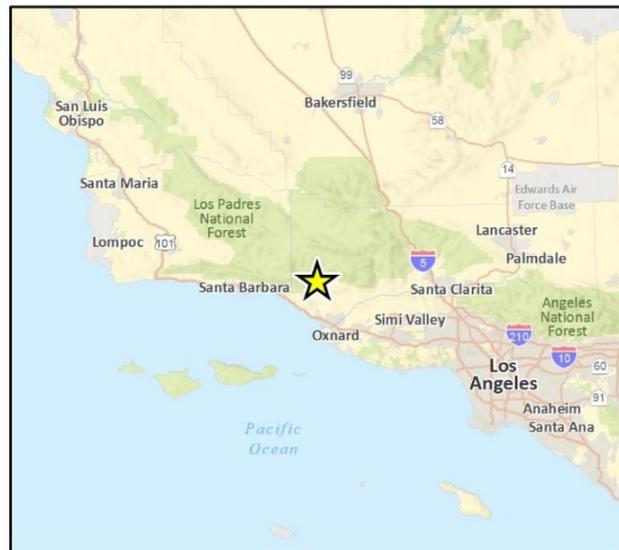
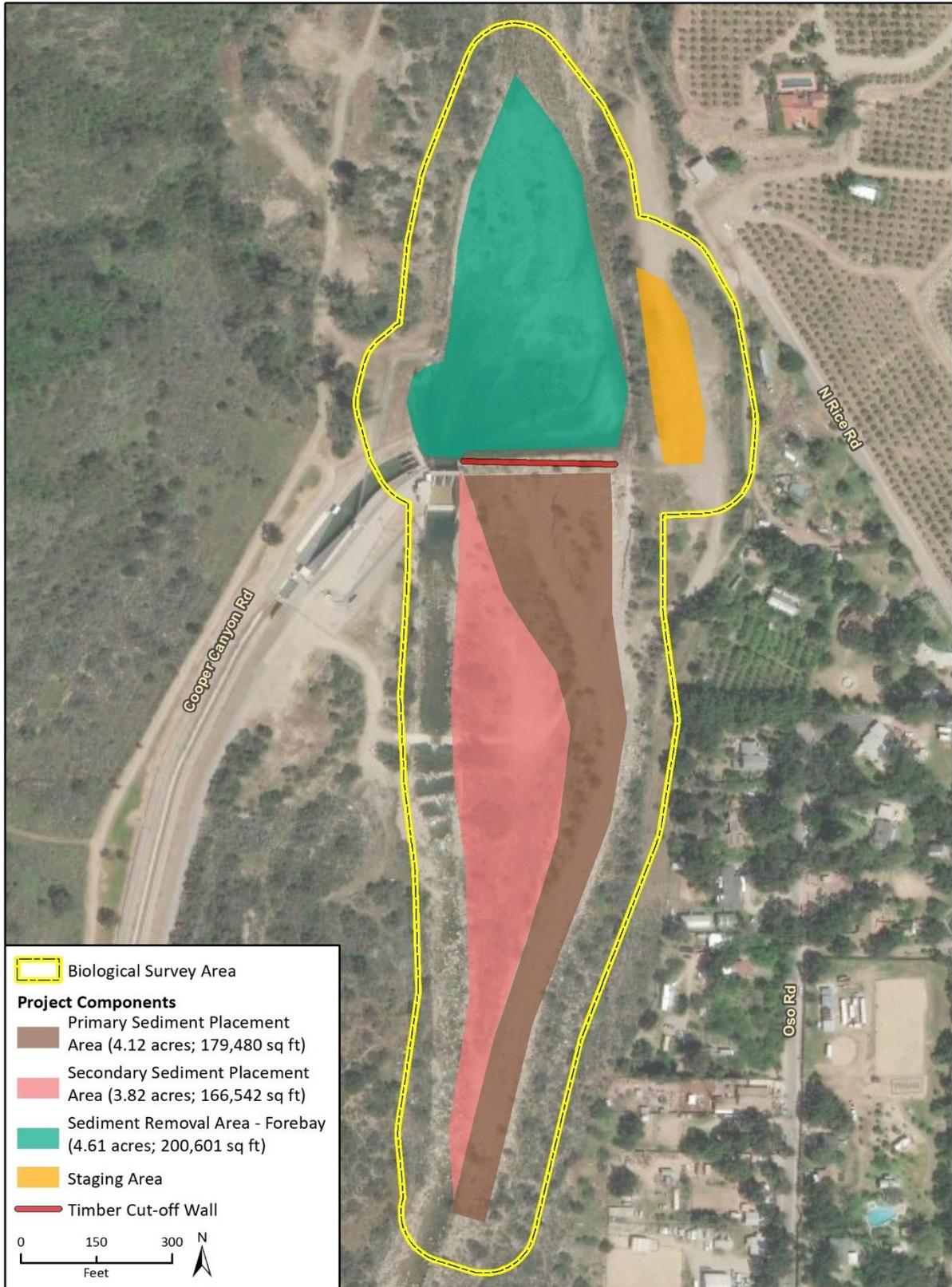


Fig. 1 Regional Location

Figure 2 Impact Area



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Fig 2 Project Location



Photograph 1 View of the Forebay and accumulated sediment. Photograph was taken from the proposed staging area located east of the Forebay, looking west toward the Forebay and Robles Diversion Facility (April 16, 2019)



Photograph 2 View looking downstream of the Forebay area and timber cut-off wall. The Ventura River channel banks have sustained heavy erosion from storm events. Sediment removed from the Forebay will be used to restore the channel banks (April 16, 2019).



Photograph 3 View standing on the east side of the timber cut-off wall, downstream of the Forebay area, looking west toward the Facility. The Robles Facility cannot operate if the timber cutoff wall is breached because no forebay can be maintained. At this time, the volume of sediment in the Forebay that was deposited during storm events will need to be removed to enable the Facility to operate as designed, both for water diversions and safe fish passage (April 16, 2019).



Photograph 4 View of the disturbed area located east of the Forebay. This area is proposed for staging of heavy equipment (April 16, 2019).