



# PUBLIC NOTICE

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

**BUILDING STRONG®**

**APPLICATION FOR PERMIT  
Arizona Crossing Removal and  
Streambank Stabilization in San Juan  
Creek at Rancho Mission Viejo Riding Park**

**Public Notice/Application No.:** SPL-2019-00653-GS

**Project:** City of San Juan Capistrano, Arizona Crossing Removal and Streambank Stabilization in San Juan Creek at Rancho Mission Viejo Riding Park

**Comment Period:** June 12, 2020 through July 12, 2020

**Project Manager:** Gerardo Salas; (213) 452-3417; [Gerardo.Salas@usace.army.mil](mailto:Gerardo.Salas@usace.army.mil)

---

**Applicant**

Joe Parco  
City of San Juan Capistrano  
32400 Paseo Adelanto  
San Juan Capistrano, California 92675  
949-443-6353

**Contact**

Joe Parco  
City of San Juan Capistrano  
32400 Paseo Adelanto  
San Juan Capistrano, California 92675

**Location**

The proposed project is located within San Juan Creek, just south of the Highway 74 bridge crossing and adjacent to the Rancho Mission Viejo Riding Park, within the City of San Juan Capistrano, Orange County, California, at approximately 33.5189 latitude, -117.6250 longitude. The project would be located within an Aquatic Resource Conservation Areas of the Rancho Mission Viejo Special Area Management Plan (SAMP) and would be processed under SAMP procedures.

**Activity**

The Applicant proposes to remove an existing deteriorated Arizona Crossing (including approximately 700 cubic yards of concrete, riprap, rubble, and nine metal culverts), which would temporarily impact 0.32 acre within San Juan Creek. Furthermore, the Applicant intends to discharge fill material into waters of the United States for bank stabilization along 1,300 feet of the southern bank of San Juan Creek, adjacent to the Rancho Mission Viejo Riding Park, with the intent of stabilizing the bank to limit erosion. Bank stabilization includes permanent impacts to 0.11 acre of non-wetland waters of the United States, and temporary impacts to 0.39 acre of non-wetland waters of the United States. (see attached drawings). For more information see Additional Project Information section below.

---

## **Submittal of Public Comments**

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.

**During the Coronavirus Health Emergency, Regulatory Program staff are teleworking. Please do not mail hard copy documents, including comments to any Regulatory staff. Instead, your comments should be submitted electronically to: Gerardo.Salas@usace.army.mil. Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Gerardo Salas directly at (213) 452-3417.**

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. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Application of section 106 Criteria for Identification and Evaluation of Historic Properties (36 CFR 800.4[d]) indicates a finding of "no potential to cause effects" for the undertaking on resources listed on or eligible to be listed on the National Register of Historic Places pursuant to Section 106 of the National Historic Preservation Act.

The Corps' "no potential to cause effects" determination is justified per 33 CFR 325 Appendix C (3b) because impacts would be to areas that have been extensively modified. Soils within the San Juan Creek bed in the APE have been disturbed during construction of the concrete crossing and continual alluvial creek action. Furthermore, the soils within the bank restoration are a result of

regrading of the southerly San Juan Creek floodplain to create the elevated Rancho Mission Viejo (RMV) Riding Park area around 1980. That is, the landform in the south bank restoration area was constructed by placement of alluvial fill soils. Therefore, the sensitivity for subsurface cultural resources within the existing southerly San Juan Creek bank is low as these soils were recontoured and placed during construction of the RMV Riding Park

Consequently, there is little likelihood that a historic property exists or may be affected by the proposed undertaking.

**Endangered Species-** Preliminary determinations indicate the proposed activity may affect, but is not likely to adversely affect federally-listed endangered or threatened species, and their critical habitat, including least Bell's vireo (*Vireo bellii pusillus*) (LBV) and arroyo toad (*Anaxyrus californicus*), including arroyo toad designated critical habitat.. Focused surveys for listed species were conducted in 2019, including:

- Protocol surveys for arroyo toad (April 12, 2019). Adult arroyo toads were observed onsite within San Juan Creek in the project area. The northern edge of San Juan Creek includes designated Critical Habitat for the arroyo toad; and
- Two LBV were observed just north (upstream) of the Ortega Highway Bridge approximately 225 feet from the proposed work area during surveys conducted in June 28, 2019. No LBV were observed singing or foraging within the project area during June 28, 2019 surveys or during habitat assessments conducted January 24, 2019.

An Informal Section 7 Consultation Request for the Proposed Project was initiated May 21, 2020.

**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 into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary.

**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 maintenance of existing bank stabilization and streambed restoration.

### **Additional Project Information**

**Baseline information-** The Rancho Mission Viejo (RMV) Riding Park is located southwest of the corner of Ortega Highway (State Route 74) and Avenida La Pata in San Juan Capistrano, Orange County, California (Figure 1). The project area includes approximately 1,300 linear feet along the east bank of San Juan Capistrano (Figure 2). Along this distance of San Juan Capistrano, fill had been

placed in 2011 into the channeled creek corridor for the purpose of bank stabilization resulting from a catastrophic loss of property as result of a 100-year flood event. In addition, there is a degraded Arizona crossing downstream from the fill site that would be removed. The trail that accesses the Arizona crossing would also be removed and revegetated. The limits of the streambank restoration project and Arizona crossing removal project are located within an existing conservation easement designated as the RMV Habitat Reserved Land managed by the Reserve at Rancho Mission Viejo.

Existing site conditions along the bank of San Juan Creek at the RMV Riding Park include a highly eroded slope with remnants of a riparian overstory (willows and elderberry) and almost entirely non-native understory including giant reed (*Arundo donax*), Russian thistle (*Salsola tragus*), and mustards (*Brassica spp.*). The slope of the streambank is unstable with portions sloughing into the channel below. There is no current confinement of runoff from the adjacent Riding Park, so sediment and nutrient introduction into San Juan Creek is present. Habitat value under existing conditions is confined to the remaining native trees that grow out of the toe of the slope of the eroded bank.

The Arizona Crossing was originally constructed with fill materials including rip-rap fortified with concrete and metal culverts to allow the creek to flow beneath the crossing. Nine existing culverts have been installed beneath the bridge – including one culvert with a diameter of 24-inches and a length of 50 feet and eight culverts with diameters of 48-inches and length of 20 feet. The northern-most culvert has been previously dislodged from the crossing structure and partially buried in streambed sediments within the creek bed. Six of the culverts are severely damaged and have been impacted with gravel and sand during severe winter storms since 2010. The remaining two (i.e., southern-most) culverts are intact and functional, conveying dry weather flows. The applicant proposes to remove all existing fill and construction debris (e.g., concrete and metal culverts) remaining in the creek to restore this section of the creek bed to its pre-existing conditions.

Project description- The project would be located within an Aquatic Resource Conservation Areas of the Rancho Mission Viejo Special Area Management Plan (SAMP) and would be processed under SAMP procedures.

In order to provide a long-term solution to ongoing erosion along the bank of San Juan Creek at the RMV Riding Park, the Applicant intends to remove the previously added fill material, re-contour the slope, and stabilize the toe of the slope using rip-rap integrated with biological processes (i.e., plant material). The proposed restoration project would stabilize the eastern bank of San Juan Creek. The proposed project would begin approximately 250 feet south (i.e., downstream) of the Ortega Highway bridge crossing, and extending approximately 1,300 linear feet downstream.

The existing unstable fill along the streambank would be excavated and re-contoured with a new gradual slope that ranges in width from approximately 20 to 50 feet at a grade of approximately 2:1 to 3:1. The extent of the fill would be pulled back to the original extent of the re-engineered ground surface constructed in 2010. The bottom of the slope would be stabilized with rip-rap that would be installed with gaps between the elements to accommodate planting of trees. Implementation of this proposed project would permanently discharge fill material onto 0.11 acre of non-wetland waters of the United States, and temporarily discharge fill material onto 0.39 acre of non-wetland waters of the United States.

Furthermore, the Applicant purposes to remove invasive species and restore the native vegetation by interplanting the hardscape with native riparian species. The remaining slope would be planted with native riparian container plants and seeded with native transitional species (see Figures 3-4).

Finally, the applicant proposes to temporarily discharge fill material onto 0.32 acre within non-wetland waters of the United States within San Juan Creek to remove the deteriorated existing Arizona Crossing. The removal would include approximately 700 cubic yards of concrete, riprap, rubble, and nine metal culverts, including one 24-inch diameter by 50-feet long metal culvert and eight 48-inch diameter by 20-feet long metal culverts. This proposed work would remove all existing fill and construction debris (remaining in the creek to restore this section of the creek bed to its pre-existing conditions (see Figure 4).

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 discharge of material into waters of the U.S. is the minimum to complete the project purposes. Furthermore, the structures to be removed are located within waters of the U.S., therefore complete avoidance is not feasible.

**Minimization:** As originally presented to the Corps of Engineers, the proposed project impacts were greater, being approximately 0.30 acre of permanent impacts to waters of the U.S. However, the Applicant revised minor elements of the rip-rap armoring along the toe of slope. These revisions were necessary to protect the streambank stabilization project area against future erosion during high-flow events in San Juan Creek and subsequent losses to the restored streambank. This design change resulted in a smaller amount of permanently impacted area (previous 0.30 acres, currently 0.11 acres).

Additionally, the Applicant would implement minimization measures, which include ensuring work would be completed during dry conditions (when no rain is in the forecast). Furthermore, standard best management practices (BMPs), including jute netting, fiber rolls, or similar erosion control devices, would be used to minimize sediment runoff and erosion during and after project implementation. These BMPs would prevent the transport of sediment downstream

**Compensation:** A total of 64 trees would be impacted by the streambank stabilization and the removal of the Arizona crossing, of which only three are non-native. The replacement ratio proposed would be a 2:1 replacement ratio, using all native species. All trees would be planted into the riprap, to enable them to access the water table in the stream channel.

The method of installation is for placement of container trees into 16-inch Sonotubes® that would be positioned into the engineered fill area prior to the placement of the riprap. The Sonotubes® would be placed into the designated position into a hole augered into the fill to a depth of 2 feet, reinforced with T posts, and backfilled with topsoil, leaving a depth sufficient to accommodate the container plant.

Furthermore, a mix of transitional riparian species would be seeded on top of the topsoil over the streambank stabilization area, the berm, and the reclaimed trail area. The total area to be seeded is 0.69 acre. The mixture would be a combination of a native erosion control mix (Native Erosion Control mix), and a native cover mix (Santa Monica Mountain Cover Mix). Approximately one third of the total mixture would be broadcast seeded directly onto the slope reinforcement mat, and then covered with the topsoil. The remainder of the seed mix (approximately 70 percent) would be hydroseeded on top of the added topsoil and broadcast seed.

## **Proposed Special Conditions**

No proposed Special Conditions are proposed at this time.

For additional information please call Gerardo Salas of my staff at (213) 452-3417 or via e-mail at [Gerardo.Salas@usace.army.mil](mailto:Gerardo.Salas@usace.army.mil). This public notice is issued by the Chief, Regulatory Division.

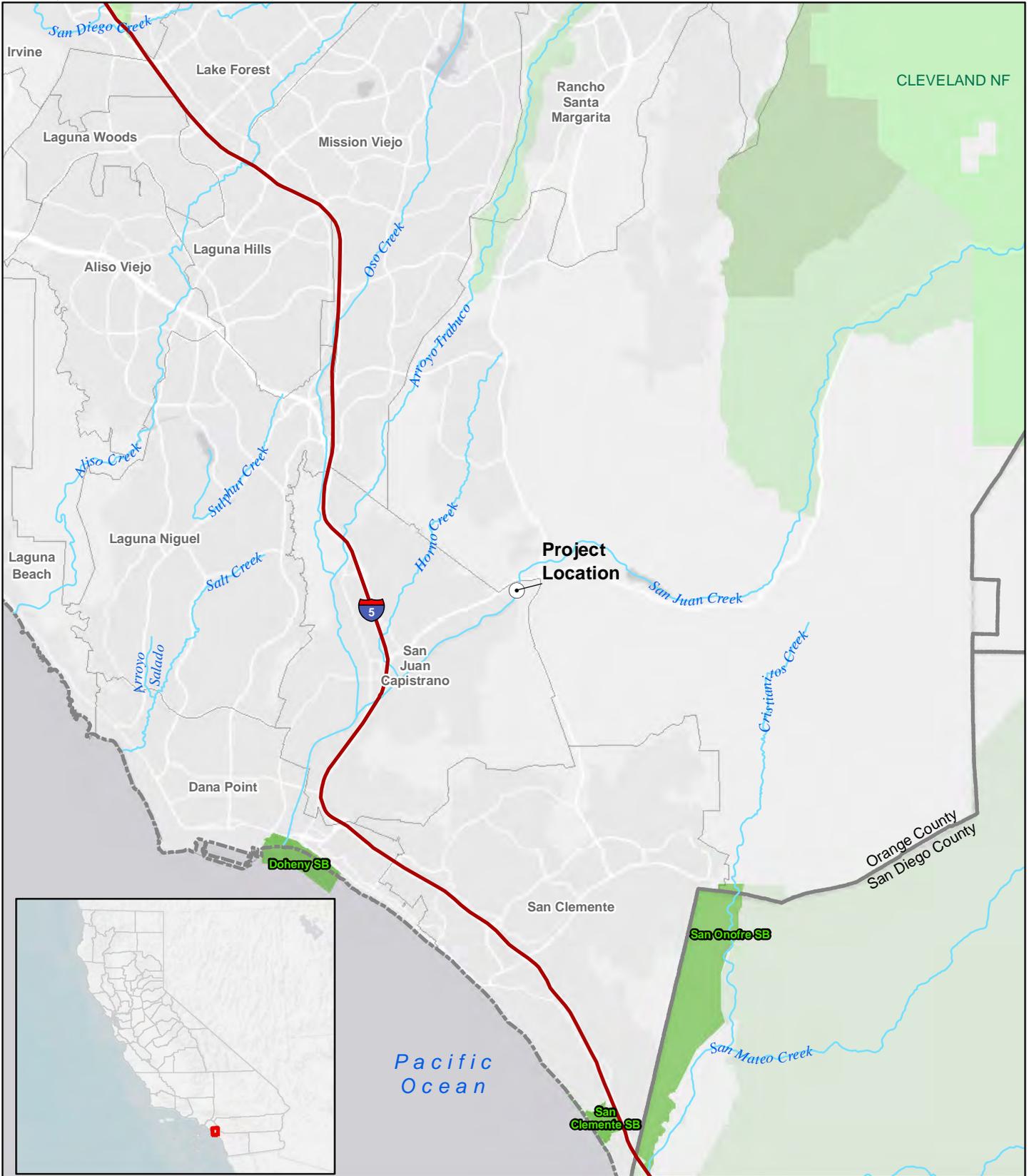


### *Regulatory Program Goals:*

- 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  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY**



Path: Q:\3551\_Planning\SanJuanCreek\MXD\ReportFigures\PublicComment\_2020\Fig1\_Regional.mxd, aaron.johnson 5/21/2020



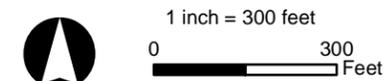
# FIGURE 1

Regional Map  
Rancho Mission Viejo Riding Park  
Orange County, CA





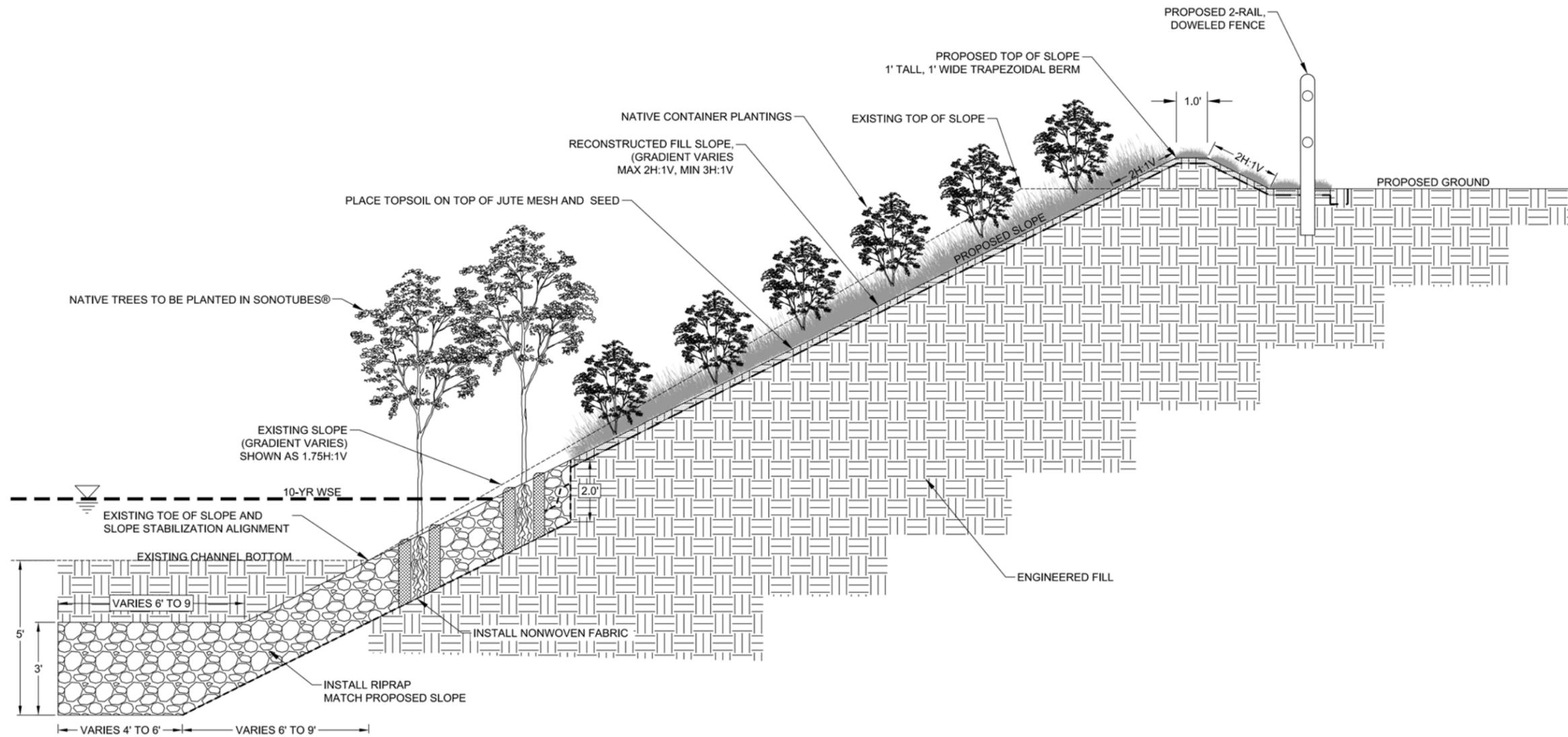
-  Project Area
-  Project Boundary
-  Waters of the U.S.
-  CDFW and RWQCB Jurisdiction



**FIGURE 2**

Project Overview  
 Rancho Mission Viejo Riding Park  
 Orange County, CA





**TYPICAL SLOPE RECONSTRUCTION, STABILIZATION AND PLANTING**

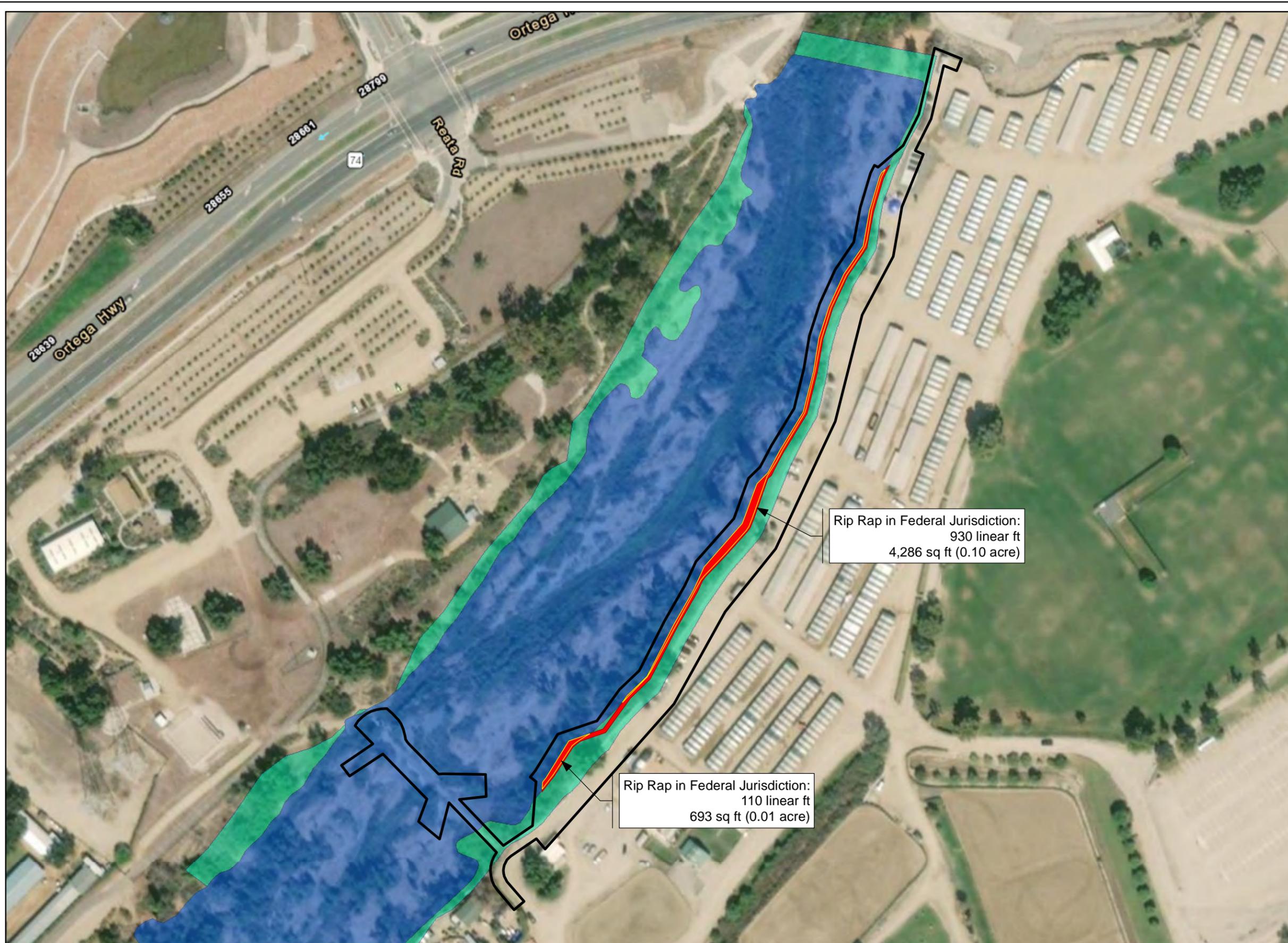
SCALE: NTS

**FIGURE 3**

Typical Cross Section  
 Rancho Mission Viejo Riding Park  
 Orange County, CA

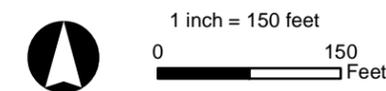


Service Layer Credits:



- Project Boundary
- Waters of the U.S.
- CDFW and RWQCB Jurisdiction
- Rip Rap
- Rip Rap Impacts to Federal Jurisdiction\*

\*Volume of Rip Rap  
Installed Below 10-yr WSE:  
1,375 CY



### FIGURE 4

Project Impact Area  
Rancho Mission Viejo Riding Park  
Orange County, CA

