



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT

Programmatic Individual Permit for Long Term Maintenance Activities at the Los Angeles Department of Water and Power (LADWP) Power Plant 1

Public Notice/Application No.: SPL-2020-00144-AJW

Project: Los Angeles Department of Water and Power-Power Plant 1 Long-Term Maintenance Project

Comment Period: June 26, 2020 through July 26, 2020

Project Manager: Amanda Wagner; (213) 452-3414; Amanda.J.Wagner@usace.army.mil

Applicant

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Location

At the San Francisquito, Clearwater Creeks, and tributaries to the Santa Clara River near Power Plant 1, in the community of Green Valley, Los Angeles County, CA (at: 34.591881, -118.44757).

Activity

To conduct routine maintenance activities at San Francisquito and Clearwater Creeks near Power Plant 1 in association with LADWP-Power Plant 1 Long-Term Maintenance Project (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. 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: Amanda.J.Wagner@usace.army.mil. Should you have any questions or concerns about

the Corps' proposed action or our comment period, you may contact Amanda Wagner directly at (213) 452-3414.

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. 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 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- The Corps of Engineers preliminary determination indicates the proposed activity would not adversely affect EFH. 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. The area covered by the proposed permit is confined to the channel and areas of previous disturbance associated with previous construction and maintenance of the channels. As such there is little likelihood of previously unknown cultural resources to be present within the project site.

Endangered Species- The project site supports suitable habitat for four federally listed endangered and threatened species: California red-legged frog (*Rana draytonii*), southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's vireo (*Vireo bellii pusillus*), and unarmored threespine stickleback (*Gasterosteus aculeatus*). California red-legged frog has been found on the site. Potential for least Bell's vireo and southwestern willow flycatcher to be found within the project area is high. Potential for unarmored threespine stickleback to occur within the project area is moderate. The project site is not designated critical habitat for any of the above species.

Maintenance activities authorized under the proposed permit, including activities such as vegetation and sediment removal, could result in direct and indirect disturbance to endangered and threatened species and their associated habitat. LADWP would implement construction activities during periods when federally listed species are absent from the work area to the maximum extent practicable, however unforeseen maintenance needs during periods when these species may be present could occur. Based on a review of the existing conditions within the project area and the scope of the proposed maintenance activities, including proposed measures to avoid and minimize adverse effects to federally listed species, consultation pursuant to Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service will be required to address effects to the vireo, flycatcher, red-legged frog, and unarmored threespine stickleback. The Corps is coordinating with the

U.S. Forest Service, which owns and manages the land within the Corps' permit area, to determine lead agency responsibilities for purposes of consultation and compliance with 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 into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). Because there are no special aquatic sites that would be affected by the proposed maintenance activities, it is not necessary to establish the basic project purpose.

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 conduct routine maintenance of drainages surrounding Power Plant 1.

Additional Project Information

Baseline information- PP1 was constructed in 1917 and is a hydroelectric power generation station. It serves as one of several hydroelectric facilities harnessing the water flow of the L.A. Aqueduct to generate electricity for the greater L.A. region. The entire PP1 facility consists of the Power Plant structure, residences occupied by plant operators and their families, three bridges, and other support structures and office spaces. PP1 is located within the San Francisquito Canyon watershed and is surrounded by numerous ephemeral washes. Several unpaved access roads cross the creek at culverted and at-grade crossings that LADWP uses on a daily basis to inspect their facilities. The PP1 system requires continual monitoring and maintenance to ensure a reliable power supply.

In the past, emergency events have required the removal of between 5,000 and 25,000 cubic yards of sediment to restore capacity and avoid flooding. The most recent sediment removal was authorized in January of 2017 under the Los Angeles District's Regional General Permit no. 63 (RGP63) for repair and protection activities in emergency situations.

Project description-The programmatic individual permit would authorize the routine maintenance activities described below on an as-needed basis for a period of 10 years. The maintenance consists of removing sediment and debris from San Francisquito and Clearwater Creeks surrounding the LADWP PP1 to maintain flow capacity and ensure the PP 1 facility is able to be serviced and maintained by LADWP personnel.

Specifically, the proposed work consists of dredging portions of the concrete lined and soft bottom portions of San Francisquito Creek and Clearwater Creek, and a debris basin near PP1 to remove accumulated sediments and debris and ensure flow capacity. Total length of the channels that would

be maintained is approximately 9,300 linear ft. In the proposed project area, San Francisquito Creek ranges from 6 – 30 ft wide and 6ft deep and Clearwater Creek ranges from 15 – 30 ft wide and 8ft deep. See Figure 1 for additional dimensions of proposed maintenance areas. Total temporary disturbance area would be between 5,000 – 25,000 cubic yards. Sediment may also be repurposed to backfill eroded locations to baseline conditions.

Proposed project maintenance would be accomplished using bulldozers, bobcats, wheel loaders, excavators, water trucks, and dump trucks. Removed material would be transported offsite to an upland disposal area or landfill.

Additionally, project would include clearing material from low-water road crossings as needed, approximately once per year. Work would be completed with similar equipment to the sediment removal, such as a backhoe. Each road crossing maintenance would take 1 week to complete and require equipment to enter the stream, with laydown areas located outside waters.

Additional maintenance would occur on reinforced concrete pipes, bridges, and culverts as necessary, on approximately an annual basis. Work on those infrastructure components would consist of minor repairs to parts that have failed, or remedying structural deficiencies. Staging would occur outside of work in waters, but equipment necessary for repairs would be brought into the creek during repair work.

Proposed Mitigation– All proposed action activities would be confined to the smallest area possible. All maintenance activities would be scheduled outside the bird nesting season but if it must take place during bird nesting season, a qualified biologist would perform a pre-construction nesting bird survey at the proposed activity locations. Best Management Practices would be used during sediment removal operations such as placing fiber rolls and silt fencing. All sediment, vegetation, and debris would be hauled off-site and disposed of in an upland stockpile or local landfill. 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: Complete avoidance of waters of the U.S. is not possible in light of the fact that the facility is located so close to the channels and there are 4 crossings over the channels required by LADWP to access and maintain the power plant.

Minimization: Minimization measures would include seasonal restrictions to avoid affecting nesting birds to the maximum extent practicable, and confining sediment, debris, and vegetation removal to the minimum necessary to protect PP1, conducting surveys for federally listed bird species prior to any authorized work conducted during the nesting season.

Compensation: Compensatory mitigation is not proposed at this time. The proposed permit would authorized the maintenance activities that have historically been conducted, and authorized by RGP63 on an emergency basis. Impacts to waters of the U.S. resulting from these activities are considered temporary. Compensatory Mitigation may be considered for non-routine repair activities that result in impacts to aquatic resources beyond the scope of typically routine actions, such as substantial riparian vegetation removal. In such cases the need for any compensatory mitigation would be considered on a case-by-case basis at the time the work is proposed.

Proposed Special Conditions

Special conditions would be developed in part based on the outcome of consultation with the U.S. Fish and Wildlife Service addressing avoidance and minimization of effects to federally listed endangered and threatened species.

For additional information please call Amanda Wagner of my staff at (213) 452-3414 or via e-mail at Amanda.J.Wagner@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.

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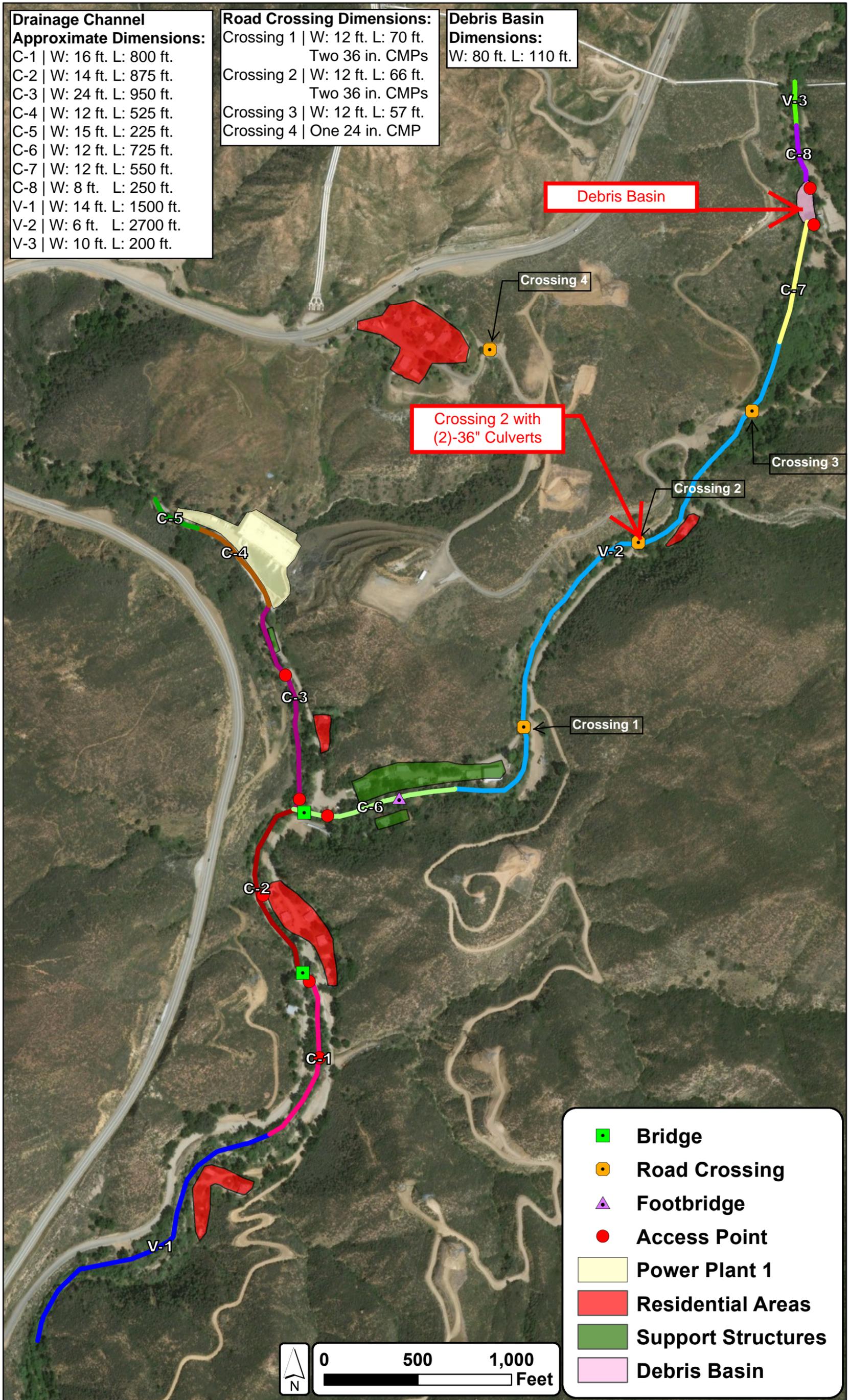


Figure 1. Power Plant 1 Facility Flood Control Infrastructure

Date: July 15, 2018

Figure 2