
APPENDIX J – COORDINATION
For
WESTMINSTER, EAST GARDEN GROVE
FLOOD RISK MANAGEMENT STUDY



October 2018



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Appendix J – Coordination

Contents

1.0	Notice of Intent (NOI).....	5
2.0	Scoping Letter.....	9
3.0	Scoping Distribution List.....	25
4.0	Tribal Scoping Distribution List.....	31
5.0	Scoping Responses	35
6.0	Previous SHPO Consultation for Other Projects on C05	79

Appendix J – Coordination

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1.0 Notice of Intent (NOI)

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Annual Burden Hours: 1,522.8.
Number of Respondents: 30,456.
Responses Per Response: 1.
Average Burden Per Response: 5 Minutes.

Frequency: Annually.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are runners who are signing up for the Marine Corps Marathon races held by the Marine Corps Marathon office, Marine Corps Base Quantico. The three races are the Marine Corps Marathon, the Marine Corps Marathon 10k and the Marine Corps Marathon Healthy Kids Fun Run. The Marine Corps Marathon office records the data of all runners to conduct the races in preparation and execution of the races and to record statistical information for sponsors, media and for economic impact studies. Collecting this data of the runners is essential for putting on the races.

Dated: January 9, 2006.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 06-296 Filed 1-12-06; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy (USMA)

AGENCY: Department of the Army, DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of Committee: Board of Visitors, United States Military Academy.

Date: Wednesday, February 8, 2006.

Place of Meeting: Veterans Affairs Conference room, Room 418, Senate Russell Building, Washington, DC 20510.

Start Time of Meeting: Approximately 9 a.m.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Colonel Shaun T. Wurzbach, United States Military Academy, West Point, NY 10996-5000, (845) 938-4200.

SUPPLEMENTARY INFORMATION: *Proposed Agenda:* Organizational Meeting of the Board of Visitors. Review of the Academic, Military and Physical Programs at the USMA. Sub Committee meetings on Academics, Military/Physical and Quality of Life to be held

prior to Organizational meeting. All proceedings are open.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 06-319 Filed 1-12-06; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Availability of the Draft Supplemental Environmental Impact Statement for the Boston Harbor Inner Harbor Maintenance Dredging Project

AGENCY: Department of the Army; U.S. Army Corps of Engineers, DOD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers, New England District, has prepared a Draft Supplemental Environmental Impact Statement and State Notice of Project Change (DSEIS/NPC) to maintenance dredge the following Federal navigation channels: the Main Ship Channel upstream of Spectacle Island to the Inner Confluence, the upper Reserved Channel, the approach to the Navy Dry Dock, and a portion of the Chelsea River (previously permitted) in Boston Harbor, MA. Maintenance dredging of the navigation channels landward of Spectacle Island is needed to remove shoals and restore the Federal navigation channels to their authorized depths. Materials dredged from the Federal channels will either be disposed of at the Massachusetts Bay Disposal Site (if the material is suitable for unconfined open water disposal) or, if the material is not suitable for unconfined open water disposal, in confined aquatic disposal (CAD) cell(s). Major navigation channel improvements (deepening) were made in 1999 through 2001 in the Reserved Channel, the Mystic River, Inner Confluence and the Chelsea River. A final EIS was prepared for this previous navigation improvement project in June of 1995 in which the use of CAD cells in the Mystic River, Inner Confluence, and Chelsea River were investigated. A CAD cell for the proposed maintenance project will be constructed in the Mystic River and in the Main Ship Channel just below the Inner Confluence.

DATES: Submit comments on or before February 27, 2006.

ADDRESSES: If you wish to receive a copy of the DSEIS, Executive Summary, or provide comments on the DSEIS/NPC, please contact Ms. Catherine Rogers, Ecologist, U.S. Army Corps of

Engineers, New England District, Evaluation Branch, 696 Virginia Road, Concord, MA 01742.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine Rogers, (978) 318-8231.

SUPPLEMENTARY INFORMATION: The U.S. Army Corps of Engineers is authorized by the various Rivers and Harbor Acts and Water Resources Development Acts to conduct maintenance dredging of the Federal navigation channels and anchorage areas in Boston Harbor.

A public meeting to solicit comments has been scheduled for 2 p.m. on Tuesday, February 14, 2006, on the second floor of the Black Falcon Cruise Terminal, One Black Falcon Avenue, Boston, MA.

Dated: December 30, 2005.

Curtis L. Thalken,

Colonel, Corps of Engineers, New England District.

[FR Doc. 06-318 Filed 1-12-06; 8:45 am]

BILLING CODE 3710-24-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement/ Environmental Impact Report (DEIS/EIR) for the Westminster Watershed Study, Orange County, CA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The purpose of this study is to evaluate the Westminster watershed ecosystem and look for multipurpose recommendations for how to more effectively manage its natural resources. There is a need for both flood control improvements as well as ecosystem habitat restoration. The study area is located in western Orange County, CA, approximately 25 miles southeast of the City of Los Angeles. The Westminster watershed lies on a flat coastal plain, is approximately 90 square miles in area, and is almost entirely urbanized with residential and commercial development. There are two main channel systems that collect runoff from portions of urbanized areas in the cities of Anaheim, Stanton, Cypress, Orange, Santa Ana, Garden Grove, Westminster, Fountain Valley, Los Alamitos, Seal Beach, and Huntington Beach.

The East Garden Grove-Wintersburg Channel (EGGW), with its principal tributary, the Ocean View Channel (OV), drains into Bolsa Bay. Two retarding basins (Haster and West Street) exist at the upstream reach of the EGGW

channel. Bolsa Bay includes the Bolsa Chica Lowlands and Ecological Reserve, and is a major environmental resource in southern California. The Bay has been designated as an area of national significance, and is host to a wide assemblage of resident and migratory waterfowl and marine species including over 30 Federal and/or State listed sensitive species that utilize the wetlands during all or part of their annual cycle.

The Bolsa Chica Flood Control Channel (BCFC), with its principal tributaries, the Anaheim-Barber City Channel and Westminster Channel, drains to Huntington Harbour. The BCFC Channel drains the western portion of the study area, with a significant portion of property adjacent to the Seal Beach Naval Weapons Station of the U.S. Navy and 1.5 miles runs through and adjacent to the Los Alamitos Armed Forces Training Base. Aside from the military facilities, this portion of the watershed is almost entirely urbanized. Agriculture is still practiced under leases granted by the Navy on portions of their property. The BCFC Channel outlets into Huntington Harbour, but unlike EGGW, does not outlet into Bolsa Bay. The sole ocean outlet for both Bolsa Bay and Huntington Harbour is to the north at Anaheim Bay and the Seal Beach National Wildlife Refuge. Tidal influence in the lowermost portion of the BCFC and East Garden Grove-Wintersburg Channels extended approximately 2 miles inland.

ADDRESSES: Submit comments to Ms. Lydia Lopez-Cruz at U.S. Army Corps of Engineers, Los Angeles District, CESPL-PD-RN, c/o Lydia-Cruz, P.O. Box 532711, Los Angeles, CA 90053-2325.

FOR FURTHER INFORMATION CONTACT: Ms. Lydia Lopez-Cruz, Environmental Coordinator, at 213-452-3855 or e-mail at lydia.lopez-cruz@usace.army.mil.

SUPPLEMENTARY INFORMATION: 1.

Authorization. The proposed study is authorized in response to a House Resolution dated May 8, 1964, which reads as follows:

“Resolved by the Committee on Public Works of the House of Representatives, United States, that the Board of Engineers for Rivers and Harbors is hereby requested to review the reports on (a) San Gabriel River and Tributaries, published as House Document No. 838, 76th Congress, 3d Session; (b) Santa Ana River and Tributaries, published as House Document No. 135, 81st Congress, 1st Session; and (c) the project authorized by the Flood Control Act of 1936 for the protection of the metropolitan area in Orange County, with a view to determining the advisability of modification of the

authorized projects in the interest of flood control and related purposes.”

2. **Background.** Before development, the watershed was largely comprised of grasses and trees, such as oaks, cottonwoods and sycamore. Early development was primarily agricultural with some residential. As of the early 1990s, 85 percent of the Westminster watershed was urbanized. Land use consists primarily of residential, commercial, military, light industrial, schools and parks, and transportation facilities. It is expected that in the next 50 years full development of the remaining agricultural and vacant land will occur. This future potential development is not expected to significantly affect the current flood conditions.

3. **Scoping Process.** A scoping meeting is scheduled for January 25, 2006, 6:30–8 p.m., at Garden Grove Civic Center, Community Meeting Center, Constitution Room, 11300 Stanford Ave., Garden Grove, CA 92840. Additional public meetings will be scheduled throughout the study. For specific dates, times and locations please contact Mary Anne Skorpanich, Orange County, at 714-834-5311 or e-mail at MaryAnne.Skorpanich@rdmd.ocgov.com. Potential impacts associated with the proposed action will be evaluated. Resource categories that will be analyzed are: physical environment, geology, biological resources, air quality, water quality, recreational usage, aesthetics, cultural resources, transportation, noise, hazardous waste, socioeconomic and safety.

b. Participation of affected Federal, State and local resource agencies, Native American groups and concerned interest groups/individuals is encouraged in the scoping process. Time and location of the Public Scoping meeting will also be announced by means of a letter, public announcements and news releases. Public participation will be especially important in defining the scope of analysis in the EIS/EIR, identifying significant environmental issues and impact analysis in the EIS/EIR and providing useful information such as published and unpublished data, personal knowledge of relevant issues and recommending mitigative measures associated with the proposed action.

c. Those interested in providing information or data relevant to the environmental or social impacts that should be included or considered in the environmental analysis can furnish this information by writing to the points of contact indicated above or by attending the public scoping meeting. A mailing

list will also be established so pertinent data may be distributed to interested parties.

Dated: January 5, 2006.

Alex C. Dornstauder,

Colonel, U.S. Army, District Engineer.

[FR Doc. 06-317 Filed 1-12-06; 8:45 am]

BILLING CODE 3710-KF-M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 13, 2006.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Rachel Potter, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

2.0 Scoping Letter

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
231 SOUTH LA SALLE STREET, SUITE 1500
CHICAGO IL 60604

Planning Branch
Environmental Formulation and Analysis Section

30 NOV 2017

Federal Emergency Management Agency
Region IX
1111 Broadway, Suite 1200
Oakland, CA 94607

To Whom It May Concern:

The U. S. Army Corps of Engineers Chicago District (District) is preparing a National Environmental Policy Act (NEPA) document on impacts of flood control improvements as well as ecosystem habitat restoration in the Westminster Watershed. The study is located in western Orange County, CA, approximately 25 miles southeast of the City of Los Angeles. The County of Orange is the non-Federal sponsor for the project. As part of the scoping process the District would appreciate your comments regarding the proposed project. Attached is a list of State and Federal Agencies and Tribal Nations receiving this request (enclosure 1). A map of the project area is also enclosed (enclosure 2).

The purpose of this study is to evaluate residual flood risk within a portion of the Westminster watershed. The study area includes select non-Federal drainage channels within the watershed and the receiving waters of one of the channel systems within the Bolsa Chica Ecological Reserve area. Alternatives for analysis will look at reducing flood hazards and reducing flood impacts in the vicinity of Outer Bolsa Bay, including flooding along the Pacific Coast Highway.

There are two main channel systems that collect runoff from portions of urbanized areas in the cities of Anaheim, Stanton, Cypress, Buena Park, Orange, Santa Ana, Garden Grove, Westminster, Fountain Valley, Los Alamitos, Seal Beach, and Huntington Beach. The East Garden Grove-Wintersburg Channel [(EGGW) (CO5)], with its principal tributary, the Ocean View Channel [(OV) (CO6)], drains into Outer Bolsa Bay which drains into Huntington Harbour. One retarding basin (Haster) exists at the upstream reach of the EGGW channel. Outer Bolsa Bay is a portion of the Bolsa Bay State Marine Conservation Area (Bolsa Bay SMCA). The East Garden Grove-Wintersburg Channel is adjacent to the Bolsa Chica Basin SMCA which includes the Bolsa Chica Lowlands and Ecological Reserve, and is a major environmental resource in southern California. The Bolsa Bay SMCA's have been designated as an area of national significance; these wetlands host a wide assemblage of resident and migratory waterfowl and marine species, including over 30 state and federally listed sensitive species.

The Bolsa Chica Channel [(BCC) (CO2)], with Westminster Channel (CO4) as a principal tributary, drains to Huntington Harbour. The BCC drains the western portion of the study area, with a significant portion of property adjacent to the Seal Beach Naval Weapons Station and the Los Alamitos Armed Forces Training Base. Aside from the military facilities, this portion of the watershed is almost entirely urbanized. Agriculture is still practiced under leases granted by the Navy on portions of their property. The BCC Channel outlets into Huntington Harbour, but unlike EGGW, does not outlet into Outer Bolsa Bay. The sole ocean outlet for both Outer Bolsa Bay and Huntington Harbour is to the north at Anaheim Bay and the Seal Beach National Wildlife Refuge. Tidal influence in the lowermost portion of the BCC and East Garden Grove-Wintersburg Channels extends approximately 2 miles inland.

The Westminster East Garden Grove Study was originally scoped in 2006. A notice of intent (NOI) to prepare a draft environmental impact statement/environmental impact report was published in the Federal Register January 13, 2006 (71 FR 2193). Additionally, a public scoping meeting was held January 25, 2006 in Garden Grove, California. This letter seeks to notify entities on the distribution list that the study is progressing and the District is seeking updated comments on the study and/or study area. Comments must be received within 30 days of receipt of this letter to be considered for incorporation into the draft NEPA document and may be sent to Shawna Herleth-King, U.S. Army Corps of Engineers, 231 South LaSalle Street Suite 1500, Chicago, Illinois 60604, or by email at shawna.s.herleth-king@usace.army.mil. Questions should be directed to Mrs. Herleth-King at 312/846-5407.

Sincerely,


Susanne Davis, P.E.
Chief, Planning Branch

Enclosures as stated

Distribution List

Honorable Kamala Harris
United States Senate
312 N. Spring Street, Suite 1748
Los Angeles, CA 90012

Honorable Kamala Harris
United States Senate
112 Hart Senate Office Bldg.
Washington, D.C. 20510

Honorable Dianne Feinstein
United States Senate
11111 Santa Monica Blvd., Suite 915
Los Angeles, CA 90025

Honorable Dianne Feinstein
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Huntington Beach, CA 92648

Honorable Dana Rohrabacher
U.S. Representative District 48
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Washington, D.C. 20515

Honorable Alan Lowenthal
U.S. Representative District 47
125 Cannon House Office Building
Washington, D.C. 20515

Honorable Alan Lowenthal
U.S. Representative District 47
12865 Main Street, Suite 200
Garden Grove, CA 92840

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Senior Democratic Staff
Subcommittee on Water Resources and Environment
B-375 Rayburn House Office Building
Washington, D.C. 20515

Assemblyman Travis Allen
State Capitol, Suite 4208
Sacramento, CA 94249

Assemblyman Travis Allen
17011 Beach Blvd., Suite 1120
Huntington Beach, CA 92647

Assemblywoman Sharon Quirk-Silva
State Capitol, Room #6012
Sacramento, CA 94249

Assemblywoman Sharon Quirk-Silva
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Buena Park, CA 90622

Assemblyman Tom Daly
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Sacramento, CA 94249

Assemblyman Tom Daly
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Anaheim, CA 92806

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State Capitol, Room 3048
Sacramento, CA 95814

Janet Nguyen
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10971 Garden Grove Blvd., Suite D
Garden Grove, CA 92843

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Sacramento, CA 95814

Tony Mendoza
32nd Senate District
17315 Studebaker Rd., Suite 332
Cerritos, CA 90703

County of Orange
Planning & Development Services
P.O. Box 4048
Santa Ana, CA 92702

Orange County Chapter of California Native Plant Society (CNPS)
P.O. Box 54891
Irvine, CA 92619

Sierra Club
30632 Marilyn Drive
Laguna Beach, CA 92651

U.S. Environmental Protection Agency
Office of Federal Activities
Ariel Rios Building, Mail Code 2252-80
1200 Pennsylvania Ave. NW.
Washington, D.C. 20460

Attn. Kathleen Johnson
U.S. Environmental Protection Agency
Region 9, Enforcement Division
75 Hawthorne Street
San Francisco, CA 94105

U.S. Council of Environmental Quality
730 Jackson Place, NW
Washington, D.C. 20503

Attn. Mr. Mendel Stewart, Field Supervisor
U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008

U.S. Department of Commerce
1401 Constitution Ave. NW
Washington, D.C. 20230

Region 9, NEPA Compliance Department
75 Conference St.
San Francisco, CA 94105

Attn. Janet Whitlock, Regional Environmental Officer
Department of Interior
Office of Environmental Policy and Compliance, Region IX
333 Bush Street, Suite 515
San Francisco, CA 94104

U.S. Department of the Interior
1849 C St., NW
Washington, D.C. 20240

Attn. Javin Moore, Superintendent
U.S. Bureau of Indian Affairs
Southern California Agency
1451 Research Park Drive, Suite 100
Riverside, CA 92507

Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, D.C. 20001

Federal Emergency Management Agency
Region IX
1111 Broadway, Suite 1200
Oakland, CA 94607

California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

Attn. Mr. Ed Pert, Regional Manager
California Department of Fish and Wildlife
South Coast Region (Region 5)
3883 Ruffin Road
San Diego, CA 92123

Governor's Office of Planning and Research
CEQA Clearinghouse
P.O. Box 3044
Sacramento, CA 95812

South Coast Air Quality Management District
CEQA Section
21865 Copley Drive
Diamond Bar, CA 91765

California Department of Toxic Substances
Cypress Office
5796 Corporate Avenue
Cypress, CA 90630

California Department of Water Resources
Southern Region Office
770 Fairmont Ave., Suite 102
Glendale, CA 91203

Attn. Jennifer Kent, Director
California Department of Health Care Services
P.O. Box 997413, MS 0000
Sacramento, CA 95899

California Department of Parks and Recreation
1416 9th Street
Sacramento, CA 95814

California Department of Parks and Recreation
Orange Coast District
3030 Avenida del Presidente
San Clemente, CA 92672

Attn. Ms. Julianne Polanco, State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Ms. Michelle Steel, Chairwoman and Supervisor 2nd District
Orange County Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92701

Mr. Andrew Do, Supervisor 1st District
Orange County Board of Supervisors
333 W. Santa Ana Blvd.
Santa Ana, CA 92701

Mr. Todd Spitzer, Supervisor 3rd District
Orange County Board of Supervisors
333 W. Santa Ana Blvd.
Santa Ana, CA 92701

Mr. Shawn Nelson, Supervisor 4th District
Hall of Administration
333 W. Santa Ana Blvd.
Santa Ana, CA 92701

Ms. Lisa Bartlett, Supervisor 5th District
County of Orange
333 W. Santa Ana Blvd.
Santa Ana, CA 92701

Tribal Distribution List

Augustine Band of Cahuilla Indians
P.O. Box 846
Coachella, CA 92236

Barona Band of Mission Indians
Barona Tribal Government Office
1095 Barona Road
Lakeside, CA 92040

Cahuilla Band of Indians
Environmental Office
52701 Hwy 371, Suite B-1
Anza, CA 92539

Campo Kumeyaay Nation
36190 Church Road
Campo, CA 91906

Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901

Inaja-Cosmit Band of Indians
2005 S. Escondido Blvd.
Escondido, CA 92025

Jamul Indian Village
P.O. Box 612
Jamul, CA 91935

La Jolla Band of Luiseño Indians
22000 Highway 76
Pauma Valley, CA 92061

La Posta Band of Mission Indians
8 ½ Crestwood Road
Boulevard, CA 91905

Los Coyotes Band of Cahuilla and Cupeño Indians
P.O. Box 189
Warner Springs, CA 92086

Mesa Grande Band of Mission Indians
P.O. Box 270
Santa Ysabel, CA 92070

The Morongo Band of Mission Indians
12700 Pumarra Road
Banning, CA 92220

Pala Band of Mission Indians
12196 Pala Mission Road
Pala, CA 92059

Pauma Band of Luiseño Indians
1010 Reservation Road
Pauma Valley, CA 92061

Pechanga Band of Luiseño Indians
P.O. Box 1477
Temecula, CA 92593

Ramona Band of Cahuilla
Tribal Office
56310 Highway 371, Suite B
Anza, CA 92539

Rincon Band of Luiseño Indians
33750 Valley Center Road
Valley Center, CA 92082

San Manuel Band of Mission Indians
26569 Community Center Drive
Highland, CA 92346

San Pasqual Band of Mission Indians
P.O. Box 365
27458 N. Lake Wohlford Rd.
Valley Center, CA 92082

Santa Rosa Band of Cahuilla Indians
65200 Highway 74
Mountain Center, CA 92561

Santa Ynez Band of Chumash Indians
P.O. Box 517
Santa Ynez, CA 93460

Iipay Nation of Santa Ysabel
P.O. Box 130
Schoolhouse Canyon Road
Santa Ysabel, CA 92070

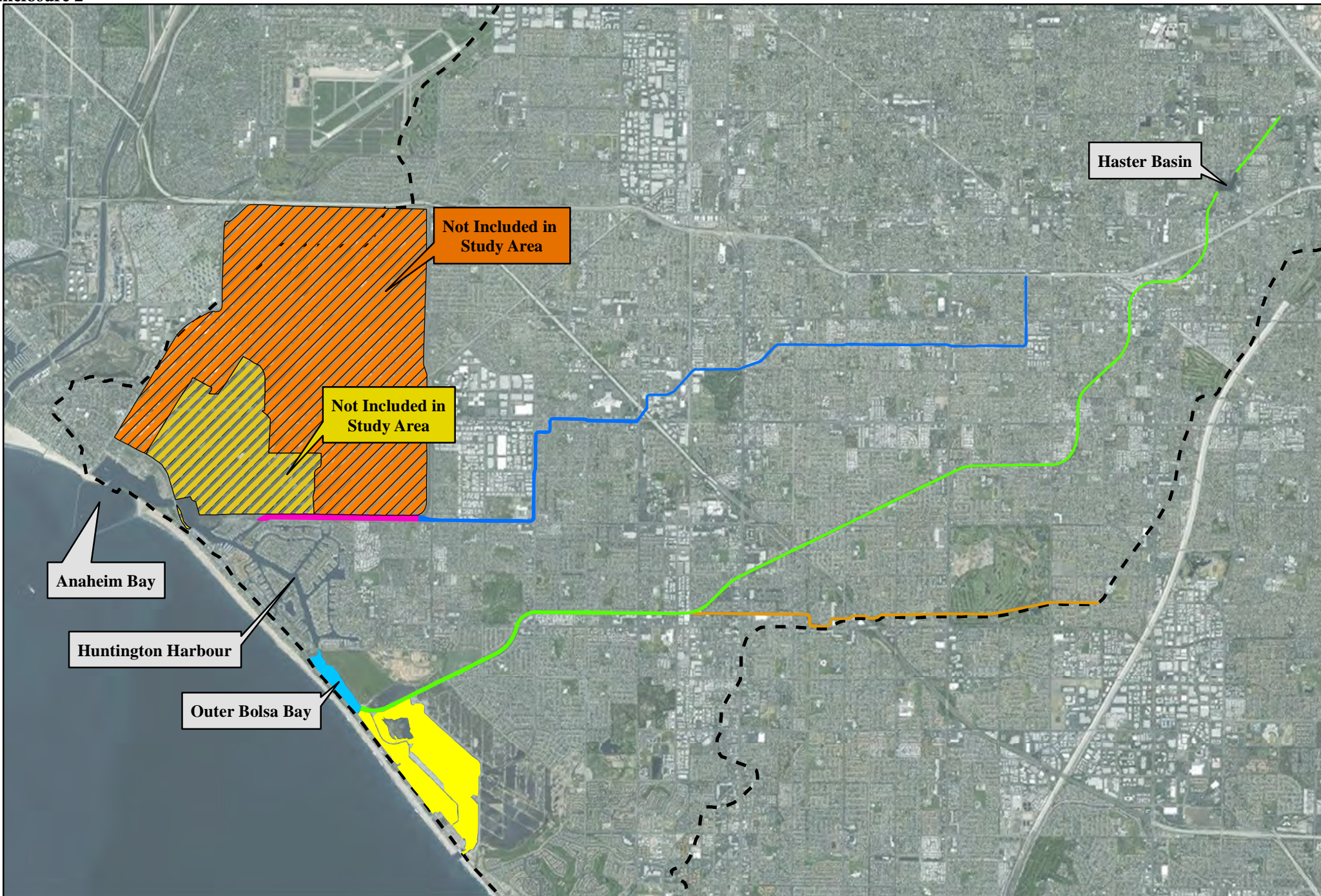
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581

Sycuan Band of the Kumeyaay Nation
1 Kwaaypaay Court
El Cajon, CA 92019

Torres-Martinez Desert Cahuilla Indians
Tribal Administration Building
66-725 Martinez Street
Thermal, CA 92274

Twenty-Nine Palms Band of Mission Indians
46200 Harrison Place
Coachella, CA 92236

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Watershed Boundary	East Garden Grove/Wintersburg Channel (CO5)	Seal Beach National Wildlife Refuge	 Westminster, East Garden Grove FRM For Official Use Only November 2017 Watershed Drainage Channels Plate Chicago District, U.S. Army Corps of Engineers
Bolsa Chica Channel (CO2)	Ocean View Channel (CO6)	Bolsa Bay SMCA	
Westminister Channel (CO4)	U.S. Naval Weapons Station Seal Beach	Bolsa Chica Basin SMCA	

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Miles

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3.0 Scoping Distribution List

Honorable Kamala Harris
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Assemblyman Travis Allen
17011 Beach Blvd., Suite 1120
Huntington Beach, CA 92647

Assemblywoman Sharon Quirk-Silva
State Capitol, Room #6012
Sacramento, CA 94249

Assemblywoman Sharon Quirk-Silva
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Assemblyman Tom Daly
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Assemblyman Tom Daly
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34th Senate District
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Garden Grove, CA 92843

Tony Mendoza
32nd Senate District
State Capitol, Room 5100
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32nd Senate District
17315 Studebaker Rd., Suite 332
Cerritos, CA 90703

County of Orange
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Santa Ana, CA 92702

Orange County Chapter of California Native Plant Society (CNPS)
P.O. Box 54891
Irvine, CA 92619

Sierra Club
30632 Marilyn Drive
Laguna Beach, CA 92651

U.S. Environmental Protection Agency
Office of Federal Activities
Ariel Rios Building, Mail Code 2252-80
1200 Pennsylvania Ave. NW.
Washington, D.C. 20460

Attn. Kathleen Johnson
U.S. Environmental Protection Agency
Region 9, Enforcement Division
75 Hawthorne Street
San Francisco, CA 94105

U.S. Council of Environmental Quality
730 Jackson Place, NW
Washington, D.C. 20503

Attn. Mr. Mendel Stewart, Field Supervisor
U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008

U.S. Department of Commerce
1401 Constitution Ave. NW
Washington, D.C. 20230

Region 9, NEPA Compliance Department
75 Conference St.
San Francisco, CA 94105

Attn. Janet Whitlock, Regional Environmental Officer
Department of Interior
Office of Environmental Policy and Compliance, Region IX
333 Bush Street, Suite 515
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U.S. Department of the Interior
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Attn. Javin Moore, Superintendent
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Southern California Agency
1451 Research Park Drive, Suite 100
Riverside, CA 92507

Advisory Council on Historic Preservation
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Washington, D.C. 20001

Federal Emergency Management Agency
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1001 "I" Street
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Attn. Mr. Ed Pert, Regional Manager
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South Coast Region (Region 5)
3883 Ruffin Road
San Diego, CA 92123

Governor's Office of Planning and Research
CEQA Clearinghouse
P.O. Box 3044
Sacramento, CA 95812

South Coast Air Quality Management District
CEQA Section
21865 Copley Drive
Diamond Bar, CA 91765

California Department of Toxic Substances
Cypress Office
5796 Corporate Avenue
Cypress, CA 90630

California Department of Water Resources
Southern Region Office
770 Fairmont Ave., Suite 102
Glendale, CA 91203

Attn. Jennifer Kent, Director
California Department of Health Care Services
P.O. Box 997413, MS 0000
Sacramento, CA 95899

California Department of Parks and Recreation
1416 9th Street
Sacramento, CA 95814

California Department of Parks and Recreation
Orange Coast District
3030 Avenida del Presidente
San Clemente, CA 92672

Attn. Ms. Julianne Polanco, State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Ms. Michelle Steel, Chairwoman and Supervisor 2nd District
Orange County Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92701

Mr. Andrew Do, Supervisor 1st District
Orange County Board of Supervisors
333 W. Santa Ana Blvd.
Santa Ana, CA 92701

Mr. Todd Spitzer, Supervisor 3rd District
Orange County Board of Supervisors
333 W. Santa Ana Blvd.
Santa Ana, CA 92701

Mr. Shawn Nelson, Supervisor 4th District
Hall of Administration
333 W. Santa Ana Blvd.
Santa Ana, CA 92701

Ms. Lisa Bartlett, Supervisor 5th District
County of Orange
333 W. Santa Ana Blvd.
Santa Ana, CA 92701

4.0 Tribal Scoping Distribution List

Augustine Band of Cahuilla Indians
P.O. Box 846
Coachella, CA 92236

Barona Band of Mission Indians
Barona Tribal Government Office
1095 Barona Road
Lakeside, CA 92040

Cahuilla Band of Indians
Environmental Office
52701 Hwy 371, Suite B-1
Anza, CA 92539

Campo Kumeyaay Nation
36190 Church Road
Campo, CA 91906

Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901

Inaja-Cosmit Band of Indians
2005 S. Escondido Blvd.
Escondido, CA 92025

Jamul Indian Village
P.O. Box 612
Jamul, CA 91935

La Jolla Band of Luiseño Indians
22000 Highway 76
Pauma Valley, CA 92061

La Posta Band of Mission Indians
8 ½ Crestwood Road
Boulevard, CA 91905

Los Coyotes Band of Cahuilla and Cupeño Indians
P.O. Box 189
Warner Springs, CA 92086

Mesa Grande Band of Mission Indians
P.O. Box 270
Santa Ysabel, CA 92070

The Morongo Band of Mission Indians
12700 Pumarra Road
Banning, CA 92220

Pala Band of Mission Indians
12196 Pala Mission Road
Pala, CA 92059

Pauma Band of Luiseño Indians
1010 Reservation Road
Pauma Valley, CA 92061

Pechanga Band of Luiseño Indians
P.O. Box 1477
Temecula, CA 92593

Ramona Band of Cahuilla
Tribal Office
56310 Highway 371, Suite B
Anza, CA 92539

Rincon Band of Luiseño Indians
33750 Valley Center Road
Valley Center, CA 92082

San Manuel Band of Mission Indians
26569 Community Center Drive
Highland, CA 92346

San Pasqual Band of Mission Indians
P.O. Box 365
27458 N. Lake Wohlford Rd.
Valley Center, CA 92082

Santa Rosa Band of Cahuilla Indians
65200 Highway 74
Mountain Center, CA 92561

Santa Ynez Band of Chumash Indians
P.O. Box 517
Santa Ynez, CA 93460

Iipay Nation of Santa Ysabel
P.O. Box 130
Schoolhouse Canyon Road
Santa Ysabel, CA 92070

Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581

Sycuan Band of the Kumeyaay Nation
1 Kwaaypaay Court
El Cajon, CA 92019

Torres-Martinez Desert Cahuilla Indians
Tribal Administration Building
66-725 Martinez Street
Thermal, CA 92274

Twenty-Nine Palms Band of Mission Indians
46200 Harrison Place
Coachella, CA 92236

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5.0 Scoping Responses

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CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

JENNIFER LUCCHESI, *Executive Officer*
(916) 574-1800 Fax (916) 574-1810
California Relay Service TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-0994

Contact Fax: (916) 574-1810

January 12, 2018

VIA EMAIL (Shawna.S.Herleth-King@usace.army.mil)

Shawna Herleth-King
Fisheries Biologist
U.S. Army Corps of Engineers
231 S. LaSalle Street, Suite 1500
Chicago, Illinois 60604

Subject: Westminster East Garden Grove Study (SCH #2017124001)

Dear Ms. Herleth-King:

Thank you for the opportunity to contribute comments to the scoping process for the Corps' Westminster East Garden Grove Study. As the landowner of the Bolsa Chica Lowlands Restoration Project and other sovereign State Lands in the area, including lands in Huntington Harbour, the State Lands Commission (Commission) is keenly interested in the Study.

Background on State Lands Commission Interests in Study Vicinity

The East Garden Grove-Wintersburg Channel (EGGW Channel) is adjacent to the Bolsa Chica Ecological Reserve (Ecological Reserve), a major environmental resource area in southern California that includes the Bolsa Bay State Marine Conservation Area (Bolsa Bay SMCA), the Bolsa Chica Basin SMCA, and the Bolsa Chica Lowlands Restoration Project. The SMCAs are No-Take areas and have been designated as an area of national significance; these wetlands host a wide assemblage of resident and migratory waterfowl and marine species, including over 30 state and federally listed sensitive species.

The Bolsa Chica Lowlands Restoration Project is owned and managed by the Commission with the oversight of state and federal interagency partners and on-site management provided by the California Department of Fish and Wildlife.

Two maps are attached to illustrate the relative locations of the Ecological Reserve, the SMCAs, and the Bolsa Chica Lowlands Restoration Project.

The State of California acquired fee ownership of the Huntington Harbour Main and Midway Channels in 1961 as a result of a land exchange entered into between the Commission and the Huntington Harbour Corporation, recorded as Sovereign Lands Location No. 34 dated December 22, 1960.

The State of California also has fee ownership of a portion of the land underlying the EGGW Channel, subject to an existing easement.

Background on State Lands Commission Jurisdiction

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways including 3 miles off the coastal shoreline. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c), 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine. Activities performed on State-owned sovereign land may require a lease or other authorization from the Commission.

Additionally, under the California Environmental Quality Act (CEQA), the Commission is a trustee agency for projects that could directly or indirectly affect sovereign land and their accompanying Public Trust resources or uses (CEQA Guidelines Section 15063, subd. (g)). For projects involving work on sovereign land, the Commission acts as a CEQA responsible agency. Our understanding is that the environmental document used to review the Study will be a joint NEPA-CEQA document, in which case the Commission would act, at a minimum, as a trustee agency, and likely would be a responsible agency.

Comments on the Study and Study Area

Given the somewhat general, conceptual information we were provided, our comments are also somewhat general and are aimed at providing you with a preview of the types of concerns we may have as the Study project develops.

1. The Study should fully analyze the risks described in staff comments below and identify appropriate avoidance or mitigation measures. The Corps May 28, 2014 Review Plan for the Study acknowledges that some of the proposed alternatives could negatively impact the restored wetlands, induce “flooding in the region, inundate of [*sic*] the oil wells, and spread oil contaminated waters into environmentally sensitive habitat. . . . The study will have to ensure that

there are no adverse impacts to these mitigation sites.” (p. 6.) For all alternatives except the No Action Alternative, the proposed improvements would result in increased flows during major storm events that will require some type of improved discharge conveyance system either via outer Bolsa Bay and under the Warner Avenue Bridge, or a tunnel system, since a new ocean outlet appears to be removed from consideration. Without an improved conveyance system, the existing flooding problems would simply be moved further downstream and could increase the potential for overtopping of the existing flood control levees with spillover occurring in the west end of the Full Tidal Basin area of the Bolsa Chica Restoration Project and/or into the Pocket Marsh. A portion of the core of the Restoration Project levees surrounding the Full Tidal Basin and a large overlook contain contaminated soil covered by one meter of clean compacted fill. Should this clean fill be washed away by spillover flooding, the underlying contaminated soil may become exposed to the flood waters and result in deposition of sediment into west end of the Full Tidal Basin area and the Pocket Marsh, with negative effects for habitat.

It should also be noted that any alternative that could lead to increased groundwater levels may require mitigation to avoid issues in the neighboring residential areas.

In short, the Study should focus on alternatives that address flood risk along the entire reach of the EGGW Channel. The Study should avoid incomplete solutions that would only transfer the flooding problem from one area to another and protect upstream infrastructure at the potential expense of downstream restored wetlands.

2. Any modifications that increase velocities of flood waters channeled through the narrow lower reaches of the EGGW Channel may also have negative effects to the mudflats in Outer Bolsa Bay as well as increased risk of scour to bulkheads in the residential area of Huntington Harbour. These issues would need to be addressed.
3. If a spillway and/or dredging of outer Bolsa Bay is still under consideration for the Study, these could produce negative impacts to the Bolsa Chica Pocket Marsh and lead to the loss of mudflat and marsh vegetation.

4. If the Bolsa Chica Channel (CO2) soft bottom is converted to hard bottom, Huntington Harbour could undergo increased siltation impacts requiring more frequent dredging which could affect a number of the Commission's lessees, including Orange County, which currently holds a lease with the Commission for dredging (PRC 9212), and operates a marina at the end of the Channel along one side. Indirect impacts could be realized by all Huntington Harbour lessees if increased siltation more generally affects mooring depths along the Main and Midway Channels.
5. The Corps May 28, 2014 Review Plan for the Study states that "There is a concern that any increase in flows from the CO5 channel may adversely impact Huntington Harbor. . . . Huntington Harbor is a complex hydraulic system and any extensive modeling of the harbor could be very costly and time-consuming. The exact extent of required analysis will not be known until all upstream improvements in the CO5 channel have been identified." Please identify the threshold that would trigger the need for modeling, and what type of modeling would be employed.
6. Staff requests the Study examine the possibility of diverting some of the upstream flow from CO5 and/or CO6 into other drainage conveyance systems such as the Santa Ana River, the existing flood control channels in the city of Fountain Valley, etc.
7. Regarding alternatives that propose raising Pacific Coast Highway, Commission staff have received informal communications that the Highway is currently subject to flooding. Raising the Highway could ameliorate the periodic flooding affecting the Highway.
8. The Study should provide a map delineating areas within the overall study area (Westminster Watershed) that have experienced flooding in the past or have triggered this Study.

Comments on Level of Environmental Review

The notice we received from the State Clearinghouse indicated that comments are also sought regarding the level of environmental review for the Study. Your letter indicated that the Corps previously issued a notice of intent to prepare an Environmental Impact Statement (EIS) for the Study. Commission staff understand that the County of Orange Flood Control Division will act as the CEQA lead. As a state entity, the Commission is bound by CEQA and staff believe an EIR is the appropriate

level of CEQA review for the Study, given the potential for some alternatives to create hydrology and erosion impacts in adjoining areas of the Bolsa Bay SMCA including the Outer Bolsa Bay and the Bolsa Chica Restoration Project, and/or Huntington Harbour.

Information Requests

Commission Staff requests the following information, ideally as soon as possible and prior to release of the Study:

- Specific, detailed information on the location of each alternative, including the location of any facilities that are part of the alternative and ancillary facilities (channels, tunnels, etc.), including maps, so that Commission staff can determine which features and activities may be proposed on lands subject to the Commission's jurisdiction
- Specific, detailed information on any ecosystem restoration plans and/or features associated with each alternative, including maps, so that Commission staff can determine which features and activities may be proposed on lands subject to the Commission's jurisdiction

If it is not possible to transmit this information to us prior to release of the Study, then Commission staff requests that this information be contained in the Study itself.

Please continue to keep the Commission updated on developments with the Study. We look forward to remaining in communication with you on this important project, and we appreciate the opportunity to comment.

Should you have any questions or if we can provide any information that could be helpful for the Study, please do not hesitate to contact us.

Sincerely,

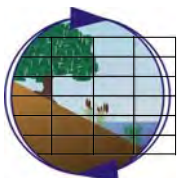


Wendy Hall
Special Projects Liaison

cc: State Clearinghouse, Governor's Office of Planning and Research
Orange County Public Works, Division of Flood Control
Clark Winchell, U.S. Fish and Wildlife Service
Bryant Chesney, NOAA Fisheries West Coast Region
Robert Revo Smith, U.S. Army Corps of Engineers
Larry Smith, U.S. Army Corps of Engineers

Tim Dillingham, California Department of Fish and Wildlife
Kelly O'Reilly, California Department of Fish and Wildlife
Eric Gillies, California State Lands Commission
Chandra Basavalinganadoddi, California State Lands Commission
Joo Chai Wong, California State Lands Commission
Lucinda Calvo, California State Lands Commission





Site Locator and Vicinity Map

Bolsa Chica Lowlands Restoration Project
Orange County, CA

Figure 1

From: [Jessica Mauck](#)
To: [Herleth-King, Shawna S CIV USARMY CELRC \(US\)](#)
Subject: [EXTERNAL] NEPA: Westminster Watershed
Date: Wednesday, December 6, 2017 1:38:25 PM
Attachments: [image99eba6.PNG](#)

Hello Shawna,

Thank you for contacting the San Manuel Band of Mission Indians (SMBMI) regarding the above referenced project. SMBMI appreciates the opportunity to review the project documentation, which was received by our Cultural Resources Management Department on 5 December 2017. The proposed project area is located outside of Serrano ancestral territory and, as such, SMBMI will not be requesting consulting party status with the lead agency or requesting to participate in the scoping, development, and/or review of documents created pursuant to these legal and regulatory mandates.

Regards,

Jessica Mauck
CULTURAL RESOURCES ANALYST
O: (909) 864-8933 x3249
M: (909) 725-9054
26569 Community Center Drive, Highland California 92346
<Blocked<http://www.sanmanuel-nsn.gov>>

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination or copying of this communication is strictly prohibited. If you have received this electronic transmission in error, please delete it from your system without copying it and notify the sender by reply e-mail so that the email address record can be corrected. Thank You

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Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

Request for Advance Notification
NEPA Document Review and Comment

Received
12-19-2017

December 12, 2017

To: Reviewing Agencies

Re: **Westminster East Garden Grove Study**
SCH# 2017124001

Prior to determining whether an Environmental Assessment or an Environmental Impact Statement (EIS) is required for a project under NEPA, a NEPA Lead Agency is required to consult with all responsible and trustee agencies. This notice and attachment fulfill the advance notification requirement. Recommendations on the appropriate type of environmental document for this project, as well as comments on its scope and content, should be transmitted to the NEPA Lead Agency at the address below. You do not have to be a responsible or trustee agency to comment on the project. All agencies are encouraged to comment in a manner that will assist the NEPA Lead Agency to prepare a complete and adequate environmental document.

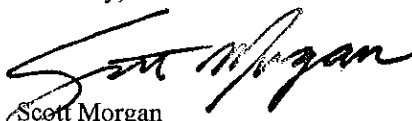
Please direct your comments to:

Shawna Herleth-King
U.S. Army Corps of Engineers, Chicago District
231 S. LaSalle St., Suite 1500
Chicago, IL 60604

Please provide a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to SCH Number (SCH# 2017124001) in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,


Scott Morgan
Director, State Clearinghouse

Attachment
cc: Lead Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2017124001
Project Title Westminster East Garden Grove Study
Lead Agency U.S. Army Corps of Engineers

Type Oth Other Document
Description Note: Scoping Notice, Review per lead

The purpose of this study is to evaluate residual flood risk within a portion of the Westminster watershed. The study area includes select non-Federal drainage channels within the watershed and the receiving waters of one of the channel systems within the Bolsa Chica Ecological Reserve area. Alternatives for analysis will look at reducing flood hazards and reducing flood impacts in the vicinity of Outer Bolsa Bay, including flooding along the Pacific Coast Highway.

There are two main channel systems that collect runoff from portions of urbanized areas in the cities of Anaheim, Stanton, Cypress, Buena Park, Orange, Santa Ana, Garden Grove, Westminster, Fountain Valley, Los Alamitos, Seal Beach, and Huntington Beach. The East Garden Grove-Wintersburg channel [(EGGW) (CO5)], with its principal tributary, the Ocean View Channel [(OV) (CO6)], drains into Outer Bolsa Bay which drains into Huntington Harbour. One retarding basin (Haster) exists at the upstream reach of the EGGW channel. Outer Bolsa Bay is a portion of the Bolsa Bay State Marine Conservation Area (Bolsa Bay SMCA). The East Garden Grove-Wintersburg Channel is adjacent to the Bolsa Chica Basin SMCA which includes the Bolsa Chica Lowlands and Ecological Reserve, and is a major environmental resource in southern California. The Bolsa Bay SMCA's have been designated as an area of national significance; these wetlands host a wide assemblage of resident and migratory waterfowl and marine species, including over 30 state and federally listed sensitive species.

Lead Agency Contact

Name	Shawna Herleth-King		
Agency	U.S. Army Corps of Engineers		
Phone	312-846-5407	Fax	
email	shawna.s.herleth-king@usace.army.mil		
Address	231 S. LaSalle Street, Suite 1500		
City	Chicago	State IL	Zip 60604

Project Location

County	Orange
City	Anaheim, Stanton, Cypress, Buena Park, Orange, Santa Ana, ...
Region	
Cross Streets	Various; Seal Beach Naval Weapons Station, Los Alamitos Armed Forces Training Base
Lat / Long	
Parcel No.	
Township	Range Section Base

Proximity to:

Highways	Pacific Coast Hwy
Airports	
Railways	
Waterways	CO5, CO6, CO2, CO4, Bolsa Bay, Outer Bolsa Bay
Schools	
Land Use	The Bolsa Chica Channel [(BCC) (CO2)], with Westminster Channel (CO4) as a principal tributary, drains to Huntington Harbour. The BCC drains the western portion of the study area, with a significant portion of property adjacent to the Seal Beach Naval Weapons Station and the Los Alamitos Armed Forces Training Base. Aside from the military facilities, this portion of the watershed is almost entirely urbanized. Agriculture is still practiced under leases granted by the Navy on portions of their property. The BCC Channel outlets into Huntington Harbour, but unlike EGGW, does not outlet into Outer Bolsa Bay. The sole ocean outlet for both Outer Bolsa Bay and Huntington Harbour is to the north at Anaheim Bay and the Seal Beach National Wildlife Refuge. Tidal influence in the lowermost portion of

**Document Details Report
State Clearinghouse Data Base**

the BCC and East Garden Grove-Wintersburg Channels extends approximately 2 miles inland.

Project Issues Agricultural Land; Biological Resources

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Wildlife, Region 5; Department of Fish and Wildlife, Marine Region; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Office of Emergency Services, California; Air Resources Board; State Water Resources Control Board, Division of Drinking Water; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission; San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy

Date Received 12/12/2017 **Start of Review** 12/12/2017 **End of Review** 01/12/2018

Notice of Completion & Environmental Document Transmittal

2017124001

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Westminster East Garden Grove Study

Lead Agency: U.S. Army Corps of Engineers, Chicago District

Contact Person: Shawna Herdeth-King

Mailing Address: 231 S. LaSalle St., Suite 1500

Phone: 312-846-5407

City: Chicago

Zip: 60604

County: Cook

Project Location: County: Orange

City/Nearest Community: Anaheim, Stanton, Cypress, Buena Park, etc.

Cross Streets: Various; Seal Beach Naval Weapons Station, Los Alamitos Armed Forces Training Base

Zip Code:

Longitude/Latitude (degrees, minutes and seconds): _____ N / _____ W

Total Acres: Various

Assessor's Parcel No.:

Section:

Twp.:

Range:

Base:

Within 2 Miles: State Hwy #: Pacific Coast Highway

Waterways: CO5, CO6, CO2, CO4, Bolsa Bay, Outer Bolsa Bay

Airports:

Railways:

Schools:

Document Type:

CEQA:

☐ NOP☐ Draft EIR

NEPA:

☐ NOI

Other:

☐ Joint Document☐ Early Cons☐ Supplement/Subsequent☐ EA☐ Draft EIS☐ Final Document☐ Neg Dec☐ (Prior SCH No.)☐ Other:☐ Other: Scoping Letter☐ Mlt Neg Dec

Other:

Other:

Other:

Other:

Local Action Type:

☐ Community Plan☐ Site Plan☐ Land Division (Subdivision, etc.)☒ Other: FRM study

Development Type:

☐ Water Facilities: Type

MGD

☒ Other: Flood Risk Management Study

Project Issues Discussed in Document:

☐ Aesthetic/Visual☐ Fiscal☐ Recreation/Parks☐ Vegetation☐ Agricultural Land☐ Flood Plain/Flooding☐ Schools/Universities☐ Water Quality☐ Air Quality☐ Forest Land/Fire Hazard☐ Septic Systems☐ Water Supply/Groundwater☐ Archeological/Historical☐ Geologic/Seismic☐ Sewer Capacity☐ Wetland/Riparian☒ Biological Resources☐ Minerals☐ Soil Erosion/Compaction/Grading☐ Growth Inducement☐ Coastal Zone☐ Noise☐ Solid Waste☐ Land Use☐ Drainage/Absorption☐ Population/Housing Balance☐ Toxic/Hazardous☐ Cumulative Effects☐ Economic/Other☐ Public Services/Facilities☐ Traffic/Circulation☐ Other:

Present Land Use/Zoning/General Plan Designation:

Project Description: (please use a separate page if necessary)

The purpose of this study is to evaluate residual flood risk within a portion of the Westminster watershed. The study area includes select non-Federal drainage channels within the watershed and the receiving waters of one of the channel systems within the Bolsa Chica Ecological Reserve area. Alternatives for analysis will look at reducing flood hazards and reducing flood impacts in the vicinity of Outer Bolsa Bay, including flooding along the Pacific Coast Highway.

There are two main channel systems that collect runoff from portions of urbanized areas in the cities of Anaheim, Stanton, Cypress, Buena Park, Orange, Santa Ana, Garden Grove, Westminster, Fountain Valley, Los Alamitos, Seal Beach, and Huntington Beach. The East Garden Grove-Wintersburg channel (EGGW) (CO5), with its principal tributary, the Ocean View Channel (OV) (CO6), drains into Outer Bolsa Bay which drains into Huntington Harbour. One retarding basin (Haster) exists at the upstream reach of the EGGW channel. Outer Bolsa Bay is a portion of the Bolsa Bay State Marine Conservation Area (Bolsa Bay SMCA). The East Garden Grove-Wintersburg Channel is adjacent to the Bolsa Chica Basin SMCA which includes the Bolsa Chica Lowlands and Ecological Reserve, and is a major environmental resource in southern California. The Bolsa Bay SMCA's have been designated as an area of national significance; these wetlands host a wide assemblage of resident and migratory waterfowl and marine species, including over 30 state and federally listed sensitive species.

State Clearinghouse Contact:

(916) 445-0613

State Review Began:

12-12-2017

SCH COMPLIANCE

1-12-2018

NOTE: Paid for lead

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2017124001

Please forward late comments directly to the Lead Agency

Project Sent to the following State Agencies

<input checked="" type="checkbox"/> Resources	<input checked="" type="checkbox"/> Cal EPA
<input checked="" type="checkbox"/> Boating & Waterways	<input checked="" type="checkbox"/> ARB: Airport & Freight
<input checked="" type="checkbox"/> Central Valley Flood Prot.	<input checked="" type="checkbox"/> ARB: Transportation Projects
<input checked="" type="checkbox"/> Coastal Comm	<input checked="" type="checkbox"/> ARB: Major Industrial/Energy
<input checked="" type="checkbox"/> Colorado Rvr Bd	<input checked="" type="checkbox"/> Resources, Recycl. & Recovery
<input checked="" type="checkbox"/> Conservation	<input checked="" type="checkbox"/> SWRCB: Div. of Drinking Water
<input checked="" type="checkbox"/> CDFW # 5, M	<input checked="" type="checkbox"/> SWRCB: Div. Drinking Wtr #
<input checked="" type="checkbox"/> Cal Fire	<input checked="" type="checkbox"/> SWRCB: Div. Financial Assist.
<input checked="" type="checkbox"/> Historic Preservation	<input checked="" type="checkbox"/> SWRCB: Wtr Quality
<input checked="" type="checkbox"/> Parks & Rec	<input checked="" type="checkbox"/> SWRCB: Wtr Rights
<input checked="" type="checkbox"/> Bay Cons & Dev Comm.	<input checked="" type="checkbox"/> Reg. WQCB # 2
<input checked="" type="checkbox"/> DWR	<input checked="" type="checkbox"/> Toxic Sub Ctrl-CTC
	<input checked="" type="checkbox"/> Yth/Adlt Corrections
	<input checked="" type="checkbox"/> Corrections
	<input checked="" type="checkbox"/> Independent Comm
	<input checked="" type="checkbox"/> Delta Protection Comm
	<input checked="" type="checkbox"/> Delta Stewardship Council
	<input checked="" type="checkbox"/> Energy Commission
	<input checked="" type="checkbox"/> NAHC
	<input checked="" type="checkbox"/> Public Utilities Comm
	<input checked="" type="checkbox"/> Santa Monica Bay Restoration
	<input checked="" type="checkbox"/> State Lands Comm
	<input checked="" type="checkbox"/> Tahoe Reg Plan Agency
	<input checked="" type="checkbox"/> San Gabriel & Lower LA
	<input checked="" type="checkbox"/> Conservancy
	<input type="checkbox"/> Other:

From: lcumper@jamulindianvillage.com on behalf of [Lisa Cumper](#)
To: [Herleth-King, Shawna S CIV USARMY CELRC \(US\)](#)
Subject: [EXTERNAL] WestMinster Watershed restoration
Date: Thursday, December 14, 2017 3:15:09 PM

Dear Mrs. King,

Jamul received your letter dated Nov 30, 2017 regarding the Westminster Watershed, Jamul's recommendation is for Native American Monitoring but defer's to the wishes of a closer tribe.

This area is not considered a traditional use area for Jamul Indian Village of the Kumeyaay Nation.

Thank you,

Respectfully,
<Blocked<https://docs.google.com/a/jamulindianvillage.com/uc?id=0B2ALWmyNOyA9NnBtakp1bkl4NUU&export=download>>

Lisa K. Cumper
Tribal Office Assistant/
Cultural Resource Manager / Tribal Liaison
Jamul Indian Village of California

P.O. Box 612, Jamul CA 91935

desk: 619.669.4855
cell: 619.928.8689
fax: 619.669.4817

email: lcumper@jiv-nsn.gov <<mailto:lcumper@jiv-nsn.gov>>
web: Blockedwww.jamulindianvillage.com <Blocked<http://www.jamulindianvillage.com>>

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**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
760-891-3510 Office | 760-742-3189 Fax



December 19, 2017

Shawna Herleth- King
U.S. Army Corps of Engineers
231 South LaSalle Street, Suite 1500
Chicago, IL 60604

Re: Flood control improvements and ecosystem habitat restoration in the Westminster Watershed.

Dear Ms. Herleth- King:

The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman.

We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. The project is also beyond the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Therefore, we have no objection to the continuation of project activities as currently planned and we defer to the wishes of Tribes in closer proximity to the project area.

We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact me by telephone at 760-891-3515 or by e-mail at sgaughen@palatribe.com.

Sincerely,

Shasta C. Gaughen, PhD
Tribal Historic Preservation Officer
Pala Band of Mission Indians

ATTENTION: THE PALA TRIBAL HISTORIC PRESERVATION OFFICE IS RESPONSIBLE FOR ALL REQUESTS FOR CONSULTATION. PLEASE ADDRESS CORRESPONDENCE TO **SHASTA C. GAUGHEN** AT THE ABOVE ADDRESS. IT IS NOT NECESSARY TO ALSO SEND NOTICES TO PALA TRIBAL CHAIRMAN ROBERT SMITH.

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NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710



January 3, 2018

Received 1-18-2018

Shawna Herleth-King
U. S. Army Corps of Engineers, Chicago District
231 La Salle Street, Suite 1500
Chicago, IL 60604

Sent via e-mail: shawna.s.herleth-king@usace.army.mil

RE: SCH# 2017124001; Westminster East Garden Grove Study Project, Cities of Anaheim, Stanton, Cypress, Buena Park, Santa Ana, Garden Grove, Westminster, Fountain Valley, Los Alamitos, Seal Beach, and Huntington Beach; Orange County, California

Dear Ms. Herleth-King:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for Draft Environmental Impact Report for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd. (a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

This process should be documented in the Cultural Resources section of your environmental document.

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

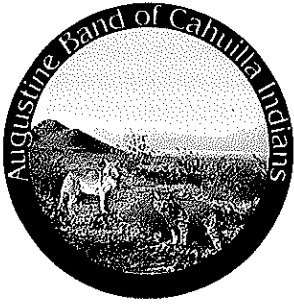
Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst
(916) 373-3714

cc: State Clearinghouse

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AUGUSTINE BAND OF CAHUILLA INDIANS

PO Box 846 84-481 Avenue 54 Coachella CA 92236

Telephone: (760) 398-4722

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Tribal Chairperson: Amanda Vance

Tribal Vice-Chairperson: William Vance

January 10, 2018

Received 2-5-2018

Susanne Davis, P.E.
Department of the Army
Chicago District, U.S. Army Corps of Engineers
231 South La Salle Street, Suite 1500
Chicago, IL 60604

RE: Westminster, East Garden Grove FRM
Watershed Drainage Channels

Dear Ms. Davis-

Thank you for the opportunity to offer input concerning the development of the above-identified project. We appreciate your sensitivity to the cultural resources that may be impacted by your project, and the importance of these cultural resources to the Native American peoples that have occupied the land surrounding the area of your project for thousands of years. Unfortunately, increased development and lack of sensitivity to cultural resources has resulted in many significant cultural resources being destroyed or substantially altered and impacted. Your invitation to consult on this project is greatly appreciated.

At this time we are unaware of specific cultural resources that may be affected by the proposed project. We encourage you to contact other Native American Tribes and individuals within the immediate vicinity of the project site that may have specific information concerning cultural resources that may be located in the area. We also encourage you to contract with a monitor who is qualified in Native American cultural resources identification and who is able to be present on-site full-time during the pre-construction and construction phase of the project. Please notify us immediately should you discover any cultural resources during the development of this project.

Very truly yours,

Augustine Band of Cahuilla Indians

Amanda Vance
Tribal Chairperson

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
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(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



January 12, 2018

Ms. Shawna Herleth-King
U.S. Army Corps of Engineers, Chicago District
231 S. LaSalle St., Suite 1500
Chicago, IL 60604
shawna.s.herleth-king@usace.mil

Subject: Comments on the Scoping Notice for the Westminster East Garden Grove Study
SCH# 2017124001

Dear Ms. Herleth-King:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Scoping Notice for the Westminster East Garden Grove Study (Project). A Notice of Intent to prepare a draft Environmental Impact Statement/Environmental Impact Report was published in 2006. The current Scoping Notice seeks updated comments on the Project and study area to be considered for incorporation into the draft National Environmental Policy Act (NEPA) document.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act [CEQA] Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. CDFW also administers the Natural Community Conservation Planning program. CDFW is also the land management agency for the Bolsa Chica Ecological Reserve (BCER) under State Lands Commission leases PRC 4733.9, PRC 4734.9 and PRC 8704.9.

Conserving California's Wildlife Since 1870

Project Location:

The proposed Westminster East Garden Grove Study (Project) is located within a portion of the Westminster watershed, in western Orange County, California. The Project area includes select non-Federal drainage channels within the watershed and receiving waters. Two main channel systems collect runoff from portions of the cities of Anaheim, Stanton, Cypress, Orange, Santa Ana, Garden Grove, Westminster, Fountain Valley, Los Alamitos, Seal Beach, and Huntington Beach. The East Garden Grove-Wintersburg Flood Control Channel (EGGW) is adjacent to two Bolsa Chica Basin State Marine Conservation Areas (SMCA), and the BCER. The EGGW and its principal tributary, the Ocean View Channel, drain into the Bolsa Bay SMCA that subsequently drains into Huntington Harbor. Two retarding basins exist at the upper end of the EGGW. The Bolsa Chica Channel, and its principal tributaries the Anaheim-Barber City and Westminster Channels, drain the western portion of the Project area directly into Huntington Harbor.

Project Description/Objective:

The Project would evaluate residual flood risk within a portion of the watershed. Project alternatives would look at reducing flood hazards and reducing flood impacts in the Outer Bolsa Bay area, including Pacific Coast Highway. The scoping notice does not provide specific project alternatives; rather, it states, "the District is seeking updated comments on the study and/or study area." CDFW staff met with U.S. Army Corps of Engineers (Corps) staff to discuss the Project during meetings on August 11, 2014, and May 20, 2015. At that time, there were four Project Alternatives under consideration in addition to the No Action Alternative (Alternative 1). Consequently, our comments are based on the following alternatives discussed during our meetings with the Corps:

- Channel Improvements and Mile Square Park Detention (Alternative 2a);
- Channel Improvements, Mile Square Park Detention, and New Ocean Outlet at Outer Bolsa Bay (Alternative 2b);
- Channel Improvements (Alternative 3a); and
- Channel Improvements and New Ocean Outlet at Outer Bolsa Bay (Alternative 3b).

Channel Improvements (Alternatives 2a and 3a) include modifications to a segment of the EGGW in the BCER. This action would involve an intentional levee breach of the EGGW at the muted tidal pocket, which would eliminate the access road and result in the tidal pocket serving as a detention basin. Channel improvements also include the removal, replacement, or relocation of the tide gate as well as modifications to Warner Avenue/Outer Bolsa Bay; that is, widening the Warner Avenue Bridge, removing constrictions in Outer Bolsa Bay, and dredging Outer Bolsa Bay. Raising the segment of Pacific Coast Highway that runs along Outer Bolsa Bay is also proposed. Alternatives 2b and 3b include the construction of a new ocean outlet at Outer Bolsa Bay to ensure that flows from EGGW do not impact Huntington Harbor.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the Corps in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Specific Comments

BCER and SMCA Significance

CDFW's primary concerns with the proposed Project are potential adverse impacts to the CDFW-managed BCER and SMCAs. Habitats at BCER include open waters, mudflats, salt marsh, coastal dunes, seabird nesting islands, riparian, and freshwater marsh. More than 200 avian species have been identified at BCER, and 475 acres are designated as Critical Habitat for the western snowy plover (*Charadrius nivosus nivosus*), a threatened species under the Endangered Species Act (ESA) and a state species of special concern (SSC). Ridgway's rail (*Rallus obsoletus levipes*; formally light-footed clapper rail) and California least tern (*Sternula antillarum browni*), both endangered under ESA and CESA and fully protected (FPS) under Fish and Game section 3511, nest at BCER. Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) is also listed as endangered under CESA. Other sensitive birds that inhabit BCER include peregrine falcon (*Falco peregrinus*; FPS), burrowing owl (*Athene cunicularia*; SSC), coastal California gnatcatcher (*Polioptila californica californica*; ESA-threatened, SSC), northern harrier (*Circus cyaneus*; SSC), Cooper's hawk (*Accipiter cooperii*), osprey (*Pandion haliaetus*), black skimmer (*Rynchops niger*, SSC), white-faced ibis (*Plegadis chihi*), and reddish egret (*Egretta rufescens*). Rare and endangered plants include California seablite (*Suaeda californica*; ESA-endangered), woolly seablite (*Suaeda taxifolia*), estuary seablite (*Suaeda esteroa*), coast woolly-heads (*Nemacaulis denudata* var. *denudata*), southern tarplant (*Centromadia parryi* ssp. *australis*), and red sand verbena (*Abronia maritima*). The ESA-threatened green sea turtle (*Chelonia mydas*) is also found at BCER. Sensitive marine resources include eelgrass (*Zostera marina*) beds, beach habitat, intertidal and subtidal habitat nesting/spawning habitat (including grunion, *Leuresthes tenuis*, habitat), mud flats, sand flats, dunes, coastal strand and salt marsh. The ESA-threatened green sea turtle (*Chelonia mydas*) is also found in the project area.

CDFW is primarily concerned with the proposed channel improvements and construction of a new ocean outlet at Outer Bolsa Bay. Specifically, activities that would breach the EGGW levee, eliminate access roads, convert the tidal pocket to a detention basin, modify the tide gate, remove constrictions in Outer Bolsa Bay, dredge Outer Bolsa Bay (enlarge Bay/Basin), widen Warner Avenue Bridge, construct a new ocean outlet, and raise the Pacific Coast Highway. The NEPA document should address the following:

- Breaching the EGGW levee at the muted tidal pocket would result in an influx of freshwater flow and introduce contaminants directly into the system. Avian species diversity is very high in this area, and the proposed action would result in a loss of current function. Additionally, the muted tidal pocket marsh is a mitigation site. Marine life within the pocket marsh would be impacted. Native vegetation that supports raptors and coastal California gnatcatcher could be impacted. Because the green sea turtle is common around the tide gates and within the pocket marsh, this ESA protected species could be impacted as well.
- Removal of the constriction in Outer Bolsa Bay could impact the CDFW-installed pedestrian bridge. This bridge is currently impacted by severe erosion. The NEPA document should analyze whether the proposed project alternatives would improve or worsen the erosion that is threatening the bridge.. Any action that would cause further erosion would need to be fully mitigated.

- Removal of the tide gates would impact marine habitat within the Bolsa Chica Basin SMCA, which includes Inner Bolsa Bay and the Bolsa Basin. Furthermore, these two marine waterbodies are separated by a levee that includes two overlooks and a bird nesting site where contaminated soils have been sequestered. The sequestered soils within the overlooks and nest site must remain protected from soil erosion. Proposed channel improvements would impact the road over the tide gates, an important access point for law enforcement agencies and emergency personnel such as fire and paramedics. If the tide gates are removed, an emergency access bridge should be installed over Bolsa Bay to maintain emergency access. Removal of the tide gates could also impact the existing Mesa trail thus public access to existing nature trails would be negatively affected. The NEPA document should analyze all possible consequences from removal, replacement, or relocation of the tide gate and impacts to the road.
- An increase in channel conveyance could result in increased erosion and flooding. Along Bolsa Bay, Pacific Coast Highway is currently vulnerable to flooding during especially high tides and/or intense storms.
- Dredging Outer Bolsa Bay would convert Outer Bolsa Bay mudflats to open water, reducing foraging opportunities for shallow water foragers and habitat for sensitive rare plants. Routine dredging would have impacts on sight-foraging species due to turbidity and conversion of shallow-subtidal habitat to deeper water habitat. Dredging could result in an increase of invasive species. Dredging Outer Bolsa Bay could severely impact public access to the reserve and could temporarily close the only designated fishing area on the reserve.
- Channel modifications and/or a new ocean outlet could impact Rabbit Island, a small island within the Bolsa Basin that is part of the original Ecological Reserve. Sensitive plants exist on Rabbit Island, including but not limited to coast woolly heads and red sand verbenas. It is also nesting habitat for Belding's savannah sparrow and likely Ridgway's rail.
- Channel modifications and/or a new ocean outlet could also impact the Bolsa Chica Basin including the basin inlet.

Marine Resources

- Project alternatives may have significant impacts to marine resources in Bolsa Chica Basin, Outer Bolsa Bay, Huntington Harbor, and the open coastal area where a new ocean outlet is proposed. As previously indicated, both Bolsa Chica Basin and Outer Bolsa Bay are SMCAs. In particular, the Project may result in potentially significant impacts to eelgrass habitat. Eelgrass provides a variety of ecological services including nursery habitat for a variety of fish and invertebrate species. Many of the species are both recreationally and commercially important. Other ecological services that eelgrass provides include: a source of food for waterfowl and invertebrates, buffering ocean acidification, nutrient cycling and absorbing nutrients, storing organic matter and carbon sequestration, stabilizing suspended sediments and buffering shorelines from erosion, increasing light attenuation, filtering contaminants, and producing dissolved oxygen (Bjork 2008; Orth et al. 2006; Waycott et al. 2009). Under the CDFW's "no net loss"

wetlands policy (also see General Comment 1), eelgrass is protected for its habitat and habitat values. The CDFW is concerned the Project could eliminate or significantly degrade existing eelgrass habitat in Bolsa Chica Basin, Outer Bolsa Bay, and Huntington Harbor as a result of dredging, scouring, sedimentation, turbidity, introduction of invasive species, and an increase in freshwater input. Impacts to these habitats should be thoroughly analyzed in the NEPA document.

- The NEPA document should also analyze impacts to eelgrass and eelgrass habitat from initial and on-going maintenance such as dredging, scouring, sedimentation, introduction of invasive species, turbidity, water quality, freshwater inputs, and loss of food web sources from floating eelgrass rafts/beach wrack. If eelgrass impacts are unavoidable, the NEPA document should include a comprehensive discussion on minimizing impacts as well as a description of the mitigation measures that will be implemented for any loss of eelgrass. All eelgrass pre- and post-construction monitoring and mitigation requirements should be developed using the National Oceanic and Atmospheric Administration Fisheries *California Eelgrass Mitigation Policy*.
- To adequately address the potential impacts to the various marine resources and their habitats listed above, the NEPA document should include comprehensive studies of eelgrass beds, beach habitat, intertidal and subtidal habitat nesting/spawning habitat, mud flats, sand flats, dunes, coastal strand and salt marsh of existing seabirds, shorebirds, fish, marine invertebrates, sandy beach species, fish habitats and fish migration corridors. The marine surveys should include identifying all listed and non-listed, sensitive, and rare or locally unique fish and bird species and communities within the potential areas of impact in order to determine direct and indirect impacts to these resources.
- Marine hydrology and water quality impacts within the Project footprint that may result from increased volume of flows should also be comprehensively studied. The increase in volumes and flow duration may have significant, long-term impacts to the marine life, habitats, and ecosystems within these areas. Potential hydrology and water quality impacts may include, but are not limited to the following: changes in circulation; increased areas of erosion; increased turbidity and sedimentation; reduced or increased salinity; changes in temperature and dissolved oxygen; changes to the tidal prism, tidal range, and residence time of water and pollutants; long-term reduction in water clarity; and increased nutrient and toxic pollutant load levels from an increase in floodwaters.
- Potentially significant marine fish, invertebrate, and seabird habitat losses and conversion of shallow subtidal/intertidal waters, eelgrass, and intertidal mud and sand flats from fill and dredging should be avoided and/or minimized to the maximum extent practicable in the NEPA document. This is especially relevant to impacts to Bolsa Chica Basin and Outer Bolsa Bay SMCA's.

General Comments

1. CDFW has responsibility for wetland and riparian habitats. It is the policy of CDFW to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any project activity that would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of

either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the environmental document and must compensate for the loss of function and value of a wildlife corridor.

2. CDFW considers adverse impacts to a species protected by CESA, for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from CDFW may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Pursuant to Fish and Game Code section 3511, CDFW cannot issue take for a FPS.
3. To enable CDFW to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the environmental document.
 - a) The document should contain a complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.
 - b) A range of feasible alternatives should be included to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources, particularly Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.
4. The document should provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a complete floral and faunal species compendium of the entire project site, undertaken at the appropriate time of year. The environmental document should include the following information.
 - a) CEQA Guidelines, section 15125(c), specifies that knowledge on the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.

- b) A thorough, recent floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <http://www.dfg.ca.gov/habcon/plant/>). CDFW recommends that floristic, alliance-based and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2008¹). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
 - c) A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. CDFW's California Natural Diversity Data Base in Sacramento should be contacted at www.wildlife.ca.gov/biogeodata/ to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
 - d) An inventory of rare, threatened, endangered and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service.
5. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the environmental document.
- a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should also be included. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included.
 - b) Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands. Impacts on,

¹ Sawyer, J. O., T. Keeler-Wolf and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society Press, Sacramento.

and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the environmental document.

- c) The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
 - d) A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
- 6. The environmental document should include measures to fully avoid and otherwise protect Rare Natural Communities from project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance.
 - 7. The environmental document should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
 - 8. For proposed preservation and/or restoration, the environmental document should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.
 - 9. In order to avoid impacts to nesting birds, the environmental document should require that clearing of vegetation, and when biologically warranted construction, occur outside of the peak avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If project construction is necessary during the bird breeding season a qualified biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds, within three days prior to the work in the area, and ensure no nesting birds in the project area would be impacted by the project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer should be a minimum width of 300 feet (500 feet for raptors), be delineated by temporary fencing, and remain in effect as long as construction is occurring or until the nest is no longer active. No project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

10. CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
11. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.

CONCLUSION

CDFW appreciates the opportunity to provide comments on the Scoping Notice to assist the Corps in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Jennifer Turner, Environmental Scientist, at (858) 467-4235 or Jennifer.Turner@wildlife.ca.gov. Specific questions concerning Bolsa Chica Ecological Reserve should be directed to Ms. Kelly O'Reilly, Environmental Scientist, at (714) 840-1959 or Kelly.O'Reilly@wildlife.ca.gov.

Sincerely,



Gail K. Sevens
Environmental Program Manager

ec: Rich Burg, CDFW San Diego
Tim Dillingham, CDFW San Diego
Wendy Hall, California State Lands Commission (wendy.hall@slc.ca.gov)
Bill Paznokas, CDFW San Diego
Office of Planning and Research, State Clearinghouse, Sacramento

References

Bjork, M., F. Short, E. Mcleod, and S. Beer. 2008. Managing seagrasses for resilience to climate change. IUCN Resilience Science Group Working Paper Series No. 3. 60pps.

Orth, R., T. Carruthers, W. Dennison, C. Duarte, J. Fourqurean, K. Heck, A. Hughes, G. Kendrick, J. Kenworthy, S. Olyarnik, F. Short, M. Qaycott, and S. Williams. 2006. A global crisis for seagrass ecosystems. *Bioscience*. 56(12): 987-996.

Waycott, M., C. Duarte, T. Carruthers, R. Orth, W. Dennison, S. Olyarnik, A. Calladine, J. Fourqurean, K. Heck, A. Hughes, G. Kendrick, J. Kenworthy, F. Short, and S. Williams. 2009. Accelerating loss of seagrasses across the globe threatens coastal ecosystems. *Proceedings of the National Academy of Sciences*. 106(30): 12377-12381.

Santa Ana Regional Water Quality Control Board

January 12, 2018

Shawna Herleth-King
U.S. Army Corps of Engineers, Chicago District
231 South LaSalle Street, Suite 1500
Chicago, IL 60604

Email Shawna.S.Herleth-King@usace.army.mil

NOTICE OF PREPARATION OF A NEPA ENVIRONMENTAL IMPACT STATEMENT OR ENVIRONMENTAL ASSESSMENT, U.S. ARMY CORPS OF ENGINEERS, CHICAGO DISTRICT – WESTMINSTER, EAST GARDEN GROVE STUDY, SOUTHWESTERN ORANGE COUNTY

Dear Ms. Herleth-King:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) has reviewed the U.S. Army Corps of Engineers' (USACE) Request for Advance Notification (RAN) for the "Westminster, East Garden Grove Study" in southwestern Orange County, California (Study). As required by the National Environmental Policy Act (NEPA), this request for comments from responsible agencies precedes the determination by the USACE of whether to conduct an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) for the Study.

The Study will evaluate flood risk from two selected main channel systems that drain this area's cities ("Westminster watershed") in a southwesterly direction and empty into coastal Huntington Beach, respectively into two receiving water bodies (the Huntington Harbour and Outer Bolsa Bay estuaries). The two channel systems are:

- 1) The Westminster Channel (WC) (designated waterway CO4), which is called the Bolsa Chica Channel when adjacent to the Seal Beach Naval Weapons Station and Seal Beach National Wildlife Refuge. The WC channel system outlets into one of the marina channels in western Huntington Harbour. In parallel to the south,
- 2) The East Garden Grove-Wintersburg Channel (EGGWC) (CO5) is joined by the Ocean View Channel (CO6) in Huntington Beach and outlets into Outer Bolsa Bay. Outer Bolsa Bay is located south of Huntington Harbour and Warner Avenue (Bolsa Bay State Marine Conservation Area (SMCA). The EGGWC outlet is located immediately north of, and disconnected from, the Bolsa Chica Basin SMCA. It may be considered that the terminus of the EGGWC reaches the dike separating the two SMCAs.

Brackish water from the Bolsa Chica Basin SMCA appears to flow through a pipe into the southern end of Outer Bolsa Bay. At its north end, Outer Bolsa Bay connects with Huntington Harbour beneath the Warner Avenue Bridge. For both the WC and the EGGWC, tidal influence extends two miles inland according to the RAN.

Study alternatives will analyze the reduction of flood hazards and impacts in the vicinity of Outer Bolsa Bay, such as flooding along the Pacific Coast Highway (PCH).

Regional Board staff recommend that the USACE consider incorporating the following comments into the Study:

- 1) Knowledge of the impacts of peak stormflows or sustained freshwater flood volumes into Huntington Harbour and Outer Bolsa Bay would assist Regional Board staff in protecting the water quality standards (water quality objectives, beneficial uses and antidegradation policy) of both water bodies, as defined in the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan). Further, the current interagency California Water Action Plan emphasizes flood protection, among many water supply and quality conservation efforts, through "integrated water management across all levels of government," including the USACE. Both the Basin Plan and the California Water Action Plan should be cited in the Study.

Regional Board staff commend the concept of the Study, because of the increased likelihood in California of sustained precipitation from atmospheric rivers¹. Regarding the choice of final document between an EA or EIS, we believe that the less complex level of an EA may suffice to: 1) provide hydrological data, 2) relate that data to impacts on the two estuaries posed by large additions of freshwater within short time periods, and 3) provide recommendations for further action. Those issues related to flooding that we suggest below may be generally discussed at the extent of USACE discretion at the level of an EA. Subsequently, if recommended measures to improve potential flooding situations propose actual physical construction, then the measures may be described and carried out through an EIS.

- 2) As sea level increases, the Sunset Beach portion of the City of Huntington Beach could be flooded by major freshwater increments from both its Huntington Harbour side and from its open ocean side (beach). Currently, sand berms are often erected on the beach to shield dwellings from the combination of king tides and storm swells that occasionally inundate the area as far inland as the PCH. The Study should model and map how major volumes of stormwater-- combined with the circumstances of high tides, storms, sea level rise, and perhaps local subsidence-- could flood Sunset Beach from both sides.
- 3) The USACE should consider incorporating into the Study the issue of harmful algal blooms (HABs) that currently affect Huntington Harbour and potentially, Outer Bolsa Bay, as a result of freshwater cyanobacteria conveyed into these estuarine environments. The cyanobacteria (blue-green algae) are believed to grow on nutrients that are transported to marine and estuarine waters via the Westminster watershed. The mortality of a sea

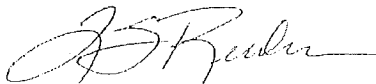
¹ U.S. Geological Survey Open File Report 2010-1312, *Overview of the ARkSorm Scenario*, p.1-8.

otter near Peter's Landing, Sunset Beach in approximately 2013 was likely caused by microcystin or related toxins produced in cyanobacteria that were concentrated in mussels or other shellfish attached to piers as noted by California Department of Fish and Wildlife (CDFW) staff following a necropsy (details may be requested from the CDFW staff copied below). Information on stormwater influx, compared with dry-weather flows, may identify potential sources of concentrated cyanobacteria as well as critical seasonal flow volumes when HAB impacts may occur in the two water bodies.

- 4) Similarly to HABs, the USACE should consider addressing the relationship of freshwater stormwater volume to estuarine water quality, particularly with regard to sediment, metals binding to sediment, trash, and other pollutants in the Study.

If you have any questions, please contact Glenn Robertson at (951) 782-3259 and Glenn.Robertson@waterboards.ca.gov, or me at (951) 782-4995 and Terri.Reeder@waterboards.ca.gov.

Sincerely,



Terri S. Reeder, PG, CEG, CHG
Supervisor, Coastal Waters Planning and CEQA Section

cc:

State Clearinghouse

Bill Orme, State Water Resources Control Board, Clean Water Programs Unit -
Bill.Orme@waterboards.ca.gov

Valerie Taylor and Mary Larson, California Department of Fish and Wildlife, Los Alamitos office, -
Valerie.Taylor@wildlife.ca.gov and Mary.Larson@wildlife.ca.gov

Stephanie J. Hall, U.S. Army Corps of Engineers, Los Angeles - Stephanie.J.Hall@usace.army.mil

Karin Cleary-Rose, Chief, U.S. Fish and Wildlife Service, Palm Springs office - Karin_Cleary-Rose@fws.gov

Andy Ngo, Orange County Public Works, Flood Control District
Andy.Ngo@ocpw.ocgov.com

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TWENTY-NINE PALMS BAND OF MISSION INDIANS

46-200 Harrison Place . Coachella, California . 92236 . Ph. 760.863.2444 . Fax: 760.863.2449

February 8, 2018

Susanne Davis, P.E.
Chief Planning Branch
Department of the Army
Chicago District, Army Corps of Engineers
231 South La Salle Street, Suite 1500
Chicago, IL 60604

Received
2-15-2018

RE: Army Corps of Engineers Westminster Watershed

Dear Ms. Davis,

This letter is in regards to consultation in compliance with the National Environmental Policy Act (NEPA), for the flood control improvements and ecosystem habit restoration in the Westminster Watershed. The Tribal Historic Preservation Office (THPO) is not aware of any additional archaeological/cultural sites or properties in the project area that pertain to the Twenty-Nine Palms Band of Mission Indians (Tribe). The THPO currently has no interest in the project and defers to the comments of other affiliated tribes. If there are inadvertent discoveries of archaeological remains or resources, construction should stop immediately, and the appropriate agency and tribe(s) should be notified.

If you have any questions, please do not hesitate to contact the THPO at (760) 775-3259 or by email: TNPConsultation@29palmsbomi-nsn.gov.

Sincerely,

Anthony Madrigal, Jr.
Tribal Historic Preservation Officer

cc: Darrell Mike, Twenty-Nine Palms Tribal Chairman
Sarah Bliss, Twenty-Nine Palms Tribal Cultural Specialist

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6.0 Previous SHPO Consultation for Other Projects on C05

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**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
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RECEIVED

OCT 05 2010

REGULATORY DIVISION
LOS ANGELES OFFICE

September 29, 2010

In Reply Refer To: COE100222A

Jae Chung
Senior Project Manager
South Coast, Regulatory Division
Department of the Army
Los Angeles District, Corps of Engineers
P.O. Box 532711
Los Angeles, California 95814

Re: Continued Consultation Regarding Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act Authorization to Conduct Channel Improvements Within East Garden Grove Wintersburg (EGGW) Channel, City of Huntington Beach, Orange County, California (File No. SPL-2007-1256-YJC)

Dear Mr. Chung:

Thank you for continuing consultation with me regarding the undertaking noted above. The U.S. Army Corps of Engineers (COE), Los Angeles District, is seeking my comments on the effects that the subject undertaking will have on historic properties, pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA). Previously in this consultation (SHPO letter of March 4, 2010) I requested that you submit additional information and documentation (DPR 523 site records or their equivalent) for three cultural resources, CA-ORA-78/H, the East Garden Grove Wintersburg Channel, and the Slater Bridge, all of which are located within the Area of Potential Effects (APE) of this undertaking. You have now responded with your letter of September 3, 2010, and the following additional supporting documentation:

- *Letter Report: East Garden Grove-Wintersburg Channel SHPO Comments Letter Response* (Gary Medeiros, BonTerra Consulting: March 31, 2010).
- *Historic Resources Assessment Report of East Garden Grove-Wintersburg Channel (EGGWC) Huntington Beach, CA* (Pamela Daly, Daly & Associates: June 2010).

After reviewing your letter and additional documentation, I have the following comments:

- 1) I concur that the APE has been appropriately determined in accordance with 36 CFR Parts 800.4(a)(1) and 800.16(d) and that your endeavors to identify and evaluate historic properties in the APE constitute a reasonable and good faith effort in accordance with 36 CFR Part 800(b)(1).

2) I agree with your conclusions and that of BonTerra Consulting (letter of March 31, 2010) that archaeological site CA-ORA-78/H is not located within the project APE.

3) I further concur that neither the East Garden Grove Wintersburg Channel nor the Slater Avenue Bridge are eligible for the National Register of Historic Places under any criteria.

4) I further concur that your finding of No Historic Properties Affected is appropriate pursuant to 36 CFR Part 800.4(d)(1).

Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, the COE may have additional future responsibilities for this undertaking under 36 CFR Part 800. Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact William Soule, Associate State Archeologist at phone 916-445-7022 or email wsoule@parks.ca.gov; and Tristan Tozer, State Historian, at phone 916-445-7027 and email ttozer@parks.ca.gov.

Sincerely,

A handwritten signature in cursive script, reading "Susan H. Stratton for".

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer



**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

Lisa Ann L. Mangat, Director

Julianne Polanco, State Historic Preservation Officer

1725 23rd Street, Suite 100, Sacramento, CA 95816-7100

Telephone: (916) 445-7000 FAX: (916) 445-7053

calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

September 07, 2018

In reply refer to: COE_2018_0809_001

Ms. Michelle Lynch – Chief,
South Coast Branch, Regulatory Division
U.S. Army Corps of Engineers
Los Angeles District
5900 La Place Ct., Suite 100
Carlsbad, CA 92008

Subject: Section 106 Consultation for the C05 East Garden Grove Wintersburg
Channel Widening Project, Huntington Beach, Orange County, California
(COE File #: SPL-2018-00099)

Dear Ms. Lynch:

The State Historic Preservation Officer (SHPO) received a letter from the U.S. Army Corps of Engineers on August 09, 2018 initiating consultation on the above referenced project in order to comply with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulations at 36 CFR Part 800. The COE is requesting comments on their determination of eligibility and finding of effect for the proposed undertaking and have provided the following documents for review:

- APE map and project plans (6 pages)
- Letter to Stephen Estes dated July 07, 2010, "Subject: Historic Resources Evaluation – East Garden Grove Wintersburg Channel, Huntington Beach, California" (Gary Medeiros and Patrick Maxon, BonTerra Consulting).
- *Historic Resources Assessment Report of East Garden Grove – Wintersburg Channel (EGGWC) Huntington Beach, CA* (Daly & Associates, June 2010).

The COE is proposing to issue permits under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act to Orange County Public Works (Applicant) to widen the East Garden Grove Wintersburg Channel (EGGWC) from Warner Avenue to 1,250 feet downstream of Goldenwest Street. The proposed project will include constructing two parallel rows of sheet pile walls across the existing levee backslopes on each side of the existing channel and filling the area between the walls with soil cement, and removing the existing sideslopes to expose the sheet piles to channel flows. The COE has defined the Area of Potential Effects (APE) as their permit area,

which includes their jurisdictional footprint within waters of the U.S., which is comprised by the channel. The COE has not included any upland buffer in their APE.

As evidence of their historic property identification efforts, the COE has provided a historic resources assessment report that includes an evaluation of the eligibility of the EGGWC (Daly & Associates 2010) that was completed for a previous project located immediately upstream of the current project area. The EGGWC was previously determined not eligible for listing on the National Register of Historic Places (NRHP), and the SHPO concurred in a letter dated September 29, 2010 (SHPO File #: COE100222A). The COE has determined that the reach of the EGGWC within the APE continues to be not eligible for listing on the NRHP.

The COE has not provided any evidence of an archaeological records search or survey, or Native American consultation for this undertaking. However, the COE has stated that the project will not disturb any native soils and excavation will not extend below the existing baseline of the channel.

The COE has concluded the undertaking will result in *No Historic Properties Affected* and has requested the SHPO's review and comment. After reviewing the submitted materials, the following comments are provided:

- The COE has narrowly defined the APE for this undertaking as the Waters of the U.S. that will be permanently impacted by the project, and does not include any upland areas. It recommended that the COE define the APE for this undertaking according to the regulations at 36 CFR 800.16(d) and include the entire footprint of ground disturbance for the proposed project and any potential indirect effects that may extend beyond that footprint; including staging areas, access routes, and spoil deposition areas associated with the undertaking, pursuant to 36 CFR 800.4(a)(1).
- The EGGWC was previously determined not eligible for listing on the NRHP, and therefore is not a historic property.
- Be advised that previous disturbance does not preclude the possibility of encountering potentially eligible archaeological deposits and does not preclude the area from having cultural and religious significance to Native American tribes. Pursuant to 36 CFR 800.3(e) and (f), federal agencies responsible for carrying out consultation with Indian tribes, the public, and other interested parties as part of the historic property identification process. Therefore, it is recommended that the COE include an archaeological analysis and Native American consultation for all undertakings.
- Pursuant to 36 CFR 800.4(d)(1), **I do not object** to a finding of *no historic properties affected* for this undertaking, due to the narrow scope of the

undertaking within the boundaries of a built environment resource and the apparent very low archaeological sensitivity of the APE.

- Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, the COE may have additional future responsibilities for this undertaking under 36 CFR Part 800.

For more information or if you have any questions, please contact Koren Tippet, Archaeologist, at (916) 445-7017 or koren.tippet@parks.ca.gov or Kathleen Forrest, Historian, at (916) 445-7022 or kathleen.forrest@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer