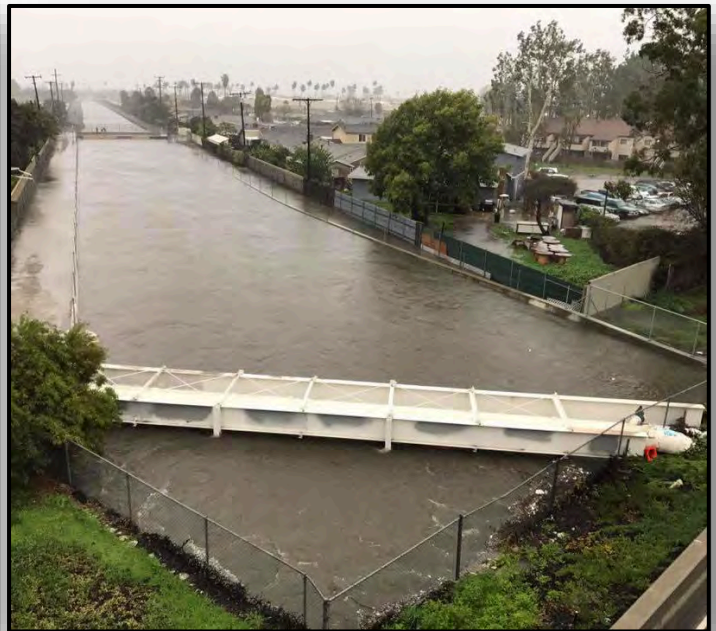


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**APPENDIX J – COORDINATION**  
**For**  
**WESTMINSTER, EAST GARDEN GROVE**  
**FLOOD RISK MANAGEMENT STUDY**



**December 2019**



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## **Appendix J – Coordination**

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## **Appendix J – Coordination**

### **1.0 Notice of Intent (NOI)**

## **Appendix J – Coordination**

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for double-sided printing*

*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](mailto: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](mailto: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.

## **Appendix J – Coordination**

### **2.0 Scoping Letter**

## **Appendix J – Coordination**

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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](mailto: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  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

Honorable Dana Rohrabacher  
U.S. Representative District 48  
101 Main Street, Suite 380  
Huntington Beach, CA 92648

Honorable Dana Rohrabacher  
U.S. Representative District 48  
2300 Rayburn House Office Building  
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

David L. Wegner  
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  
P.O. Box 6256  
Buena Park, CA 90622

Assemblyman Tom Daly  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249

Assemblyman Tom Daly  
2400 East Katella Ave., Suite 640  
Anaheim, CA 92806

Janet Nguyen  
34<sup>th</sup> Senate District  
State Capitol, Room 3048  
Sacramento, CA 95814

Janet Nguyen  
34<sup>th</sup> Senate District  
10971 Garden Grove Blvd., Suite D  
Garden Grove, CA 92843

Tony Mendoza  
32<sup>nd</sup> Senate District  
State Capitol, Room 5100  
Sacramento, CA 95814

Tony Mendoza  
32<sup>nd</sup> 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 9<sup>th</sup> 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 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

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

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

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

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

Ms. Lisa Bartlett, Supervisor 5<sup>th</sup> 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

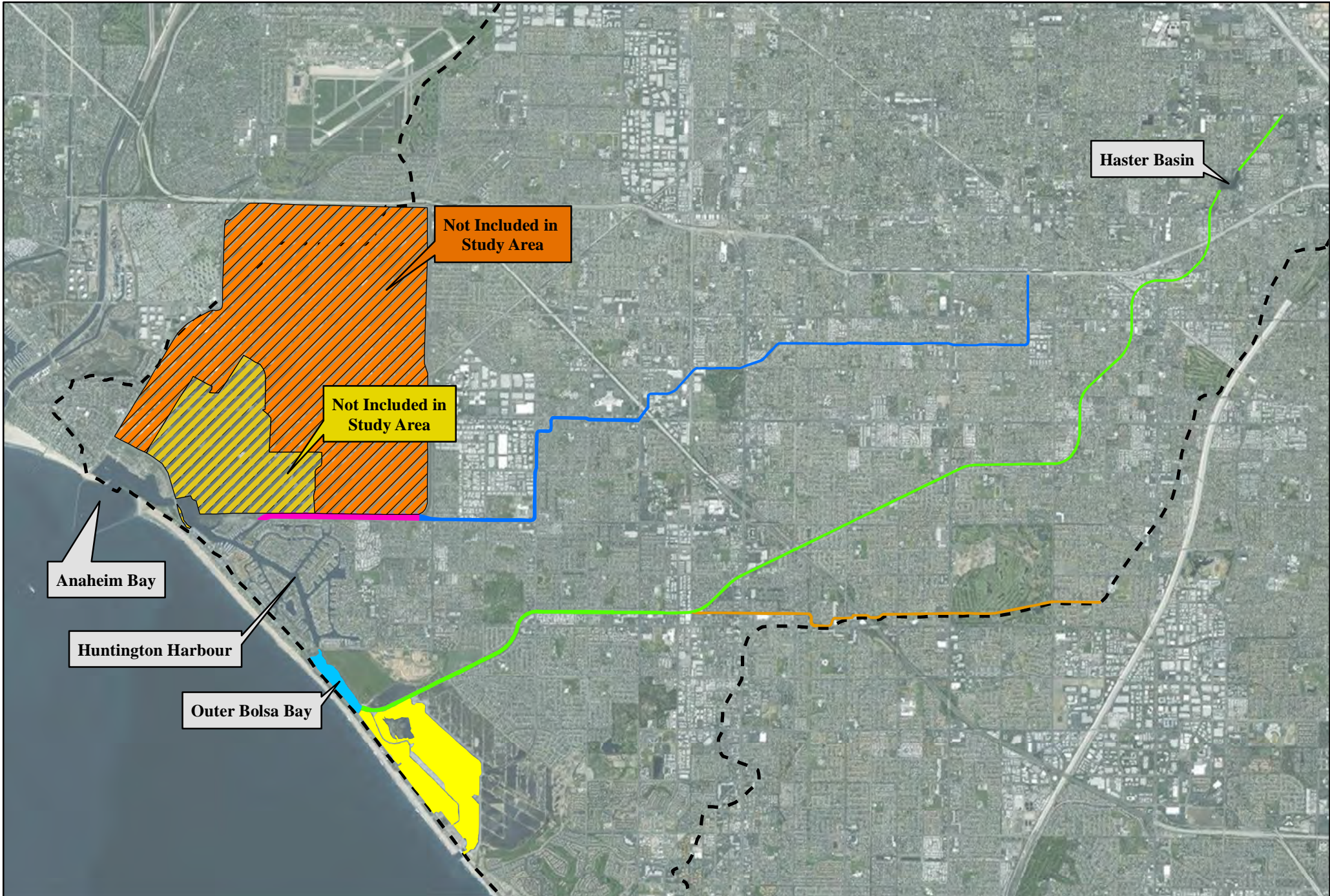
Soboba Band of Luiseño Indians  
P.O. Box 487  
San Jacinto, CA 92581

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
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

**Westminister, East Garden Grove FRM**  
Watershed Drainage Channels

**For Official Use Only**  
November 2017  
 **Plate**

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## **Appendix J – Coordination**

### **3.0 Scoping Distribution List**

## **Appendix J – Coordination**

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## **Appendix J – Coordination**

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  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

Honorable Dana Rohrabacher  
U.S. Representative District 48  
101 Main Street, Suite 380  
Huntington Beach, CA 92648

Honorable Dana Rohrabacher  
U.S. Representative District 48  
2300 Rayburn House Office Building  
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

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



## **Appendix J – Coordination**

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  
P.O. Box 6256  
Buena Park, CA 90622

Assemblyman Tom Daly  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249

Assemblyman Tom Daly  
2400 East Katella Ave., Suite 640  
Anaheim, CA 92806

Janet Nguyen  
34<sup>th</sup> Senate District  
State Capitol, Room 3048  
Sacramento, CA 95814

Janet Nguyen  
34<sup>th</sup> Senate District  
10971 Garden Grove Blvd., Suite D  
Garden Grove, CA 92843

Tony Mendoza  
32<sup>nd</sup> Senate District  
State Capitol, Room 5100  
Sacramento, CA 95814

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



## **Appendix J – Coordination**

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

## **Appendix J – Coordination**

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

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

## **Appendix J – Coordination**

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 9<sup>th</sup> 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 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

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

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

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

## **Appendix J – Coordination**

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

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

## **Appendix J – Coordination**

### **4.0 Tribal Scoping Distribution List**

## **Appendix J – Coordination**

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for double-sided printing*

## **Appendix J – Coordination**

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

## **Appendix J – Coordination**

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



## **Appendix J – Coordination**

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

## **Appendix J – Coordination**

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for double-sided printing*

## **Appendix J – Coordination**

### **5.0 Scoping Responses Received**

## **Appendix J – Coordination**

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for double-sided printing*

**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](mailto: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

Shawna Herleth-King

January 12, 2018

page 6 of 6

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.

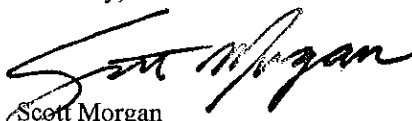
Please direct your comments to:

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**

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

---

**Project Location**

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

---

**Proximity to:**

<b>Highways</b>	Pacific Coast Hwy
<b>Airports</b>	
<b>Railways</b>	
<b>Waterways</b>	CO5, CO6, CO2, CO4, Bolsa Bay, Outer Bolsa Bay
<b>Schools</b>	
<b>Land Use</b>	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.

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**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 &amp; 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):

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:

CONSI

☒ Other: Scoping Letter

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

## 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 Repl Plan Agency
	<input checked="" type="checkbox"/> San Gabriel & Lower LA
	<input checked="" type="checkbox"/> Conservancy
	<input type="checkbox"/> Other:

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

SCH#: 2017124001

Please forward late comments directly to the Lead Agency

AQMD/APCD 33

(Resources: 12/16)

**From:** [lcumper@jamulindianvillage.com](mailto: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) <<mailto:lcumper@jiv-nsn.gov>>  
web: Blocked[www.jamulindianvillage.com](http://www.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](mailto: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  
1560 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](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](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](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](mailto:gayle.totton@nahc.ca.gov).

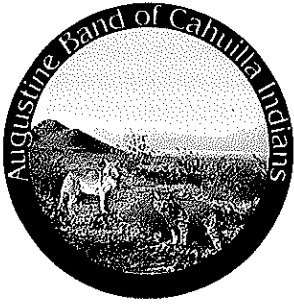
Sincerely,



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

Fax (760) 369-7161

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  
San Diego, CA 92123  
(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.



**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 verbena. 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 SMCAs.

## 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. 2008<sup>1</sup>). 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/](http://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,

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<sup>1</sup> 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](mailto: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](mailto: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](mailto: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.



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**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](mailto: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 rivers<sup>1</sup>. 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

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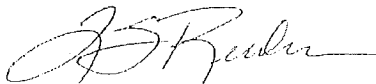
<sup>1</sup> U.S. Geological Survey Open File Report 2010-1312, *Overview of the ARkSorm Scenario*, p.1-8.

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](mailto:Glenn.Robertson@waterboards.ca.gov) , or me at (951) 782-4995 and [Terri.Reeder@waterboards.ca.gov](mailto: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](mailto:Bill.Orme@waterboards.ca.gov)

Valerie Taylor and Mary Larson, California Department of Fish and Wildlife, Los Alamitos office, -  
[Valerie.Taylor@wildlife.ca.gov](mailto:Valerie.Taylor@wildlife.ca.gov) and [Mary.Larson@wildlife.ca.gov](mailto:Mary.Larson@wildlife.ca.gov)

Stephanie J. Hall, U.S. Army Corps of Engineers, Los Angeles - [Stephanie.J.Hall@usace.army.mil](mailto:Stephanie.J.Hall@usace.army.mil)

Karin Cleary-Rose, Chief, U.S. Fish and Wildlife Service, Palm Springs office - [Karin\\_Cleary-Rose@fws.gov](mailto:Karin_Cleary-Rose@fws.gov)

Andy Ngo, Orange County Public Works, Flood Control District  
[Andy.Ngo@ocpw.ocgov.com](mailto: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](mailto: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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## **Appendix J – Coordination**

### **6.0 Draft Report Federal Register Notice of Availability (NOA)**

## **Appendix J – Coordination**

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for double-sided printing*



paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P-14751-002.

For further information, please contact John Matkowski at (202) 502-8576 or by email at [john.matkowski@ferc.gov](mailto:john.matkowski@ferc.gov).

Dated: October 15, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018-22817 Filed 10-18-18; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC19-11-000.

*Applicants:* Liberty Utilities (CalPeco Electric) LLC.

*Description:* Application for Authorization Under Section 203 of the Federal Power Act, et al. of Liberty Utilities (CalPeco Electric) LLC.

*Filed Date:* 10/12/18.

*Accession Number:* 20181012-5199.

*Comments Due:* 5 p.m. ET 11/2/18.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER18-2029-001.

*Applicants:* Southern California Edison Company.

*Description:* Tariff Amendment: SCE's Response to Deficiency re GIA & DistribServAgmt AltaGas SA Nos. 1027-1028 to be effective 7/18/2018.

*Filed Date:* 10/15/18.

*Accession Number:* 20181015-5085.

*Comments Due:* 5 p.m. ET 11/5/18.

*Docket Numbers:* ER19-104-000.

*Applicants:* El Paso Electric Company.

*Description:* § 205(d) Rate Filing: Concurrence of EPE to APS Service Agreement No. 367 to be effective 9/7/2018.

*Filed Date:* 10/12/18.

*Accession Number:* 20181012-5176.

*Comments Due:* 5 p.m. ET 11/2/18.

*Docket Numbers:* ER19-105-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Periodic Review of Variable Resource Requirement Curve Shape and Key Parameters to be effective 12/12/2018.

*Filed Date:* 10/12/18.

*Accession Number:* 20181012-5177.

*Comments Due:* 5 p.m. ET 11/2/18.

*Docket Numbers:* ER19-106-000.

*Applicants:* Birdsboro Power LLC.

*Description:* Baseline eTariff Filing: Application for Market Based Rate to be effective 12/1/2018.

*Filed Date:* 10/15/18.

*Accession Number:* 20181015-5048.

*Comments Due:* 5 p.m. ET 11/5/18.

*Docket Numbers:* ER19-107-000.

*Applicants:* ISO New England Inc.

*Description:* § 205(d) Rate Filing: 2019 Capital Budget & Revised Tariff Sheets for Recovery of 2019 Admin. Costs to be effective 1/1/2019.

*Filed Date:* 10/15/18.

*Accession Number:* 20181015-5061.

*Comments Due:* 5 p.m. ET 11/5/18.

*Docket Numbers:* ER19-108-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Amendment to WMPA SA No. 4916; Queue No. AC2-070 to be effective 1/26/2018.

*Filed Date:* 10/15/18.

*Accession Number:* 20181015-5067.

*Comments Due:* 5 p.m. ET 11/5/18.

*Docket Numbers:* ER19-109-000.

*Applicants:* Duke Energy Ohio, Inc., PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Duke Energy Ohio submits IA SA No. 5186 and Cancellation of IA SA No. 1958 to be effective 6/30/2018.

*Filed Date:* 10/15/18.

*Accession Number:* 20181015-5068.

*Comments Due:* 5 p.m. ET 11/5/18.

*Docket Numbers:* ER19-110-000.

*Applicants:* ISO New England Inc.

*Description:* § 205(d) Rate Filing: Revised Tariff Sheets for Recovery of Costs for the 2019 Operation of NESCOE to be effective 1/1/2019.

*Filed Date:* 10/15/18.

*Accession Number:* 20181015-5069.

*Comments Due:* 5 p.m. ET 11/5/18.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES19-2-000.

*Applicants:* KCP&L Greater Missouri Operations Company.

*Description:* Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of KCP&L Greater Missouri Operations Company.

*Filed Date:* 10/12/18.

*Accession Number:* 20181012-5196.

*Comments Due:* 5 p.m. ET 11/2/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211

and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: October 15, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018-22818 Filed 10-18-18; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9041-8]

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-5632 or <https://www.epa.gov/nepa/>.

Weekly receipt of Environmental Impact Statements  
Filed 10/08/2018 Through 10/12/2018  
Pursuant to 40 CFR 1506.9.

### Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

*EIS No. 20180243, Draft Supplement, USFWS, WA, Hanford Reach National Monument Rattlesnake Unit Draft Supplemental Environmental Impact Statement, Comment Period Ends: 12/03/2018, Contact: Trevor Fox 509-546-8311*

*EIS No. 20180245, Draft, FRA, OR, Oregon Passenger Rail Tier 1 Draft Environmental Impact Statement, Comment Period Ends: 12/18/2018, Contact: Lydia Kachadoorian 781-227-0778*

*EIS No. 20180246, Draft, FERC, TX, Rio Grande LNG Project, Comment Period Ends: 12/03/2018, Contact: Office of External Affairs 866-208-3372*

*EIS No. 20180247, Draft, USFWS, FL, Eastern Collier Multiple Species Incidental Take Permit Applications and Habitat Conservation Plan,*

Comment Period Ends: 12/03/2018,  
Contact: David Dell 404-679-7313  
*EIS No. 20180248, Final, USFWS, OK,*  
Proposed Habitat Conservation Plan  
for the Endangered American Burying  
Beetle for American Electric Power in  
Oklahoma, Arkansas, and Texas,  
Review Period Ends: 11/19/2018,  
Contact: Seth Willey 505-248-6920  
*EIS No. 20180249, Draft, USACE, CA,*  
Westminster East Garden Grove Flood  
Risk Management Study, Comment  
Period Ends: 12/03/2018, Contact:  
Michael Padilla 312-846-5427

#### Amended Notices

*EIS No. 20180238, Final, UDOT, UT,*  
S.R. 30, S.R. 23 to 1000 West, Contact:  
Naomi Kisen 801-965-4005 Revision  
to the FR Notice Published 10/12/  
2018; Correcting Lead Agency from  
FHWA to UDOT.

Dated: October 15, 2018.

**Robert Tomiak,**

Director, Office of Federal Activities.

[FR Doc. 2018-22745 Filed 10-18-18; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2018-0657; FRL-9983-98]

### Pesticide Registration Maintenance Fee: Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations

**AGENCY:** Environmental Protection  
Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In accordance with the  
Federal Insecticide, Fungicide, and  
Rodenticide Act (FIFRA), EPA is issuing  
a notice of receipt of requests by  
registrants through Pesticide  
Registration Maintenance Fee responses  
to voluntarily cancel certain pesticide  
registrations. EPA intends to grant these  
requests at the close of the comment  
period for this announcement unless the  
Agency receives substantive comments  
within the comment period that would  
merit its further review of the requests,  
or unless the registrants withdraw its

requests. If these requests are granted,  
any sale, distribution, or use of products  
listed in this notice will be permitted  
after the registrations have been  
cancelled only if such sale, distribution,  
or use is consistent with the terms as  
described in the final order.

**DATES:** Comments must be received on  
or before November 19, 2018.

**ADDRESSES:** Submit your comments,  
identified by docket identification (ID)  
number EPA-HQ-OPP-2018-0657, by  
one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- **Mail:** OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

Submit written withdrawal request by  
mail to: Information Technology and  
Resources Management Division  
(7502P), Office of Pesticide Programs,  
Environmental Protection Agency, 1200  
Pennsylvania Ave. NW, Washington, DC  
20460-0001. ATTN: Michael Yanchulis.

- **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on  
commenting or visiting the docket,  
along with more information about  
dockets generally, is available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:**  
Michael Yanchulis, Information  
Technology and Resources  
Managements Division (7502P), Office  
of Pesticide Programs, Environmental  
Protection Agency, 1200 Pennsylvania  
Ave. NW, Washington, DC 20460-0001;  
telephone number: (703) 347-0237;  
email address: [yanchulis.michael@epa.gov](mailto:yanchulis.michael@epa.gov).

#### SUPPLEMENTARY INFORMATION:

## I. General Information

### A. Does this action apply to me?

This action is directed to the public  
in general, and may be of interest to a  
wide range of stakeholders including  
environmental, human health, and  
agricultural advocates; the chemical  
industry; pesticide users; and members  
of the public interested in the sale,  
distribution, or use of pesticides.

B. What should I consider as I prepare  
my comments for EPA?

1. **Submitting CBI.** Do not submit this  
information to EPA through  
[regulations.gov](http://www.regulations.gov) or email. Clearly mark  
the part or all of the information that  
you claim to be CBI. For CBI  
information in a disk or CD-ROM that  
you mail to EPA, mark the outside of the  
disk or CD-ROM as CBI and then  
identify electronically within the disk or  
CD-ROM the specific information that  
is claimed as CBI. In addition to one  
complete version of the comment that  
includes information claimed as CBI, a  
copy of the comment that does not  
contain the information claimed as CBI  
must be submitted for inclusion in the  
public docket. Information so marked  
will not be disclosed except in  
accordance with procedures set forth in  
40 CFR part 2.

2. **Tips for preparing your comments.**  
When preparing and submitting your  
comments, see the commenting tips at  
[http://www.epa.gov/dockets/](http://www.epa.gov/dockets/comments.html)  
[comments.html](http://www.epa.gov/dockets/comments.html).

### II. What action is the Agency taking?

This notice announces receipt by the  
Agency of requests from registrants to  
cancel 200 pesticide products registered  
under FIFRA section 3 (7 U.S.C. 136a)  
or 24(c) (7 U.S.C. 136v(c)). These  
registrations are listed in sequence by  
registration number (or company  
number and 24(c) number) in Table 1 of  
this unit.

Unless the Agency determines that  
there are substantive comments that  
warrant further review of the requests or  
the registrants withdraw their requests,  
EPA intends to issue an order in the  
**Federal Register** canceling all of the  
affected registrations.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registra- tion No.	Com- pany No.	Product name	Chemical name
100-1053	100 .....	Havoc Rodenticide Bait Pack Pellets with Bitrex .....	Brodifacoum.
100-1054	100 .....	Havoc Rodenticide Bait Pack Mini-Pellets with Bitrex .....	Brodifacoum.
100-1065	100 .....	Scimitar WP Insecticide in Water-Soluble Packs .....	lambda-Cyhalothrin.
100-1082	100 .....	Demand Pestab Insecticide .....	lambda-Cyhalothrin.
100-1142	100 .....	Mesotrione/acetochlor 3.5 CS .....	Mesotrione; Acetochlor.
100-1152	100 .....	Lumax Selective Herbicide .....	Mesotrione; Atrazine; S-Metolachlor.
100-1174	100 .....	Impasse Termite Bait .....	Lufenuron.

## **Appendix J – Coordination**

### **7.0 Draft Report Distribution List**

## **Appendix J – Coordination**

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for double-sided printing*

<b>Agency/Organization</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
U.S. Environmental Protection Agency Region 9	75 Hawthorne Street	San Francisco	CA	94105
U.S. Fish and Wildlife Service	2177 Salk Avenue, Suite 250	Carlsbad	CA	92008
U.S. Department of the Interior	333 Bush Street, Suite 515	San Francisco	CA	94104
U.S. Fish and Wildlife Service Seal Beach National Wildlife Refuge	800 Seal Beach Boulevard, Bldg. 226	Seal Beach	CA	90740
Naval Weapons Station Seal Beach	800 Seal Beach Boulevard, Bldg. 226	Seal Beach	CA	90740
U.S. Coast Guard Eleventh Coast Guard District	Coast Guard Island, Bldg. 50-2	Alameda	CA	94501
National Oceanic and Atmospheric Administration National Marine Fisheries Service West Coast Region	501 West Ocean Boulevard, Suite 4200	Long Beach	CA	90802
State Clearinghouse	1400 10 <sup>th</sup> Street, Room 113	Sacramento	CA	95814
California Coastal Commission	45 Fremont Street, Suite 2000	San Francisco	CA	94105
California Air Resources Board	1001 I Street	Sacramento	CA	95814
Office of Historic Preservation	1725 23 <sup>rd</sup> Street, Suite 100	Sacramento	CA	95816
Native American Heritage Commission	1550 Harbor Boulevard, Suite 100	West Sacramento	CA	95691
Caltrans, District 12	3347 Michelson Drive, Suite 100	Irvine	CA	92612
California Department of Transportation	1750 East Fourth Street, Suite 100	Santa Ana	CA	92705
California Department of Conservation	801 K Street, Floor 24	Sacramento	CA	95814
California Department of Fish and Wildlife South Coast Region 5	3883 Ruffin Road	San Diego	CA	92123
California Department of Toxic Substances Control	1001 I Street	Sacramento	CA	95814
California Public Utilities Commission	505 Van Ness Avenue	San Francisco	CA	94102
Southern California Association of Governments	900 Wilshire Boulevard, Suite 1700	Los Angeles	CA	90017
State Water Resources Control Board	P.O. Box 100	Sacramento	CA	95812
California Highway Patrol, Westminster Office	13200 Goldenwest Street	Westminster	CA	92683
California Governor's Office of Emergency Services	3650 Schriever Avenue	Mather	CA	95655
Department of Resources Recycling and Recovery (Cal Recycle)	P.O. Box 4025	Sacramento	CA	95812

<b>Agency/Organization</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
Department of Oil, Gas, and Geothermal Resources	801 K Street, MS 24-01	Sacramento	CA	95825
State Lands Commission	100 Howe Avenue, Suite 100 South	Sacramento	CA	95825
California Department of Water Resources – Southern Region Office	770 Fairmont Avenue, Suite 102	Glendale	CA	91203
California Department of Parks and Recreation	1416 9 <sup>th</sup> Street	Sacramento	CA	95814
California Department of Parks and Recreation – Orange Coast District	3030 Avenida del Presidente	San Clemente	CA	92672
Metropolitan Water District of Southern California	P.O. Box 54153	Los Angeles	CA	90054
Orange County Transportation Authority	550 South Main Street	Orange	CA	92863
Santa Ana Regional Water Quality Control Board, Region 8	3737 Main Street, Suite 500	Riverside	CA	92501
South Coast Air Quality Management District	21865 Copley Drive	Diamond Bar	CA	91765
County of Los Angeles – Department of Regional Planning	320 West Temple Street, Suite 1390	Los Angeles	CA	90012
County of San Diego – Planning and Development Services	5510 Overland Avenue	San Diego	CA	92123
County of Riverside – Planning Department	4080 Lemon Street	Riverside	CA	92502
County of San Bernardino	385 N. Arrowhead Avenue	San Bernardino	CA	92415
Orange County of Clerk-Recorder Department	12 Civic Center Plaza, Room 101	Santa Ana	CA	92701
County of Orange Development Services	300 N. Flower Street	Santa Ana	CA	92701
County of Orange Waste and Recycling	320 N. Flower Street	Santa Ana	CA	92701
Orange County Fire Authority	1 Fire Authority Road	Irvine	CA	92602
City of Anaheim	200 S. Anaheim Blvd, Suite 733	Anaheim	CA	92805
City of Stanton	7800 Katella Avenue	Stanton	CA	90680
City of Cypress	5275 Orange Avenue	Cypress	CA	90630
City of Garden Grove	11222 Acacia Parkway	Garden Grove	CA	92840
City of Westminster	8200 Westminster Boulevard	Westminster	CA	92683
City of Fountain Valley	10200 Slater Avenue	Fountain Valley	CA	92507
City of Los Alamitos	3191 Katella Avenue	Los Alamitos	CA	90720
City of Seal Beach	211 Eighth Street	Seal Beach	CA	90740
City of Huntington Beach	2000 Main Street	Huntington Beach	CA	92648
City of Orange	300 East Chapman Avenue	Orange	CA	92866

<b>Agency/Organization</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
Anaheim – Planning Department	200 S. Anaheim Boulevard	Anaheim	CA	92805
Stanton – Planning Division	7800 Katella Avenue	Stanton	CA	90680
Cypress – Planning Division	5275 Orange Avenue	Cypress	CA	90630
Garden Grove - Planning	11222 Acacia Parkway	Garden Grove	CA	92840
Westminster - Planning	8200 Westminster Boulevard	Westminster	CA	92683
Fountain Valley - Planning	10200 Slater Avenue	Fountain Valley	CA	92507
Los Alamitos – Planning Division	3191 Katella Avenue	Los Alamitos	CA	90720
Seal Beach – Community Development	211 Eighth Street	Seal Beach	CA	90740
Huntington Beach – Planning Division	2000 Main Street, 3 <sup>rd</sup> Floor	Huntington Beach	CA	92648
Orange – Planning and Zoning	300 East Chapman Avenue	Orange	CA	92866
Ocean View School District	17200 Pinehurst Lane	Huntington Beach	CA	92647
Los Alamitos Unified School District	10293 Bloomfield Street	Los Alamitos	CA	90720
Huntington Beach Union High School District	5832 Bolsa Avenue	Huntington Beach	CA	92649
Huntington Beach City School District	17011 Beach Boulevard, Suite 560	Huntington Beach	CA	92647
Fountain Valley School District	10055 Slater Avenue	Fountain Valley	CA	92708
Westminster School District	14121 Cedarwood Street	Westminster	CA	92683
Garden Grove Unified School District	10331 Stanford Avenue	Garden Grove	CA	92840
Golden West College	15744 Goldenwest Street	Huntington Beach	CA	92647
Southern California Edison	2244 Walnut Grove Avenue	Rosemead	CA	91770
Southern California Gas Company	P.O. Box 3150	San Dimas	CA	91773
Bolsa Chica Conservancy	3842 Warner Avenue	Huntington Beach	CA	92649
Orange County Coastkeeper	3151 Airway Avenue, Suite F-110	Costa Mesa	CA	92626
Surfrider Foundation	942 Calle Negocio, Suite 350	San Clemente	CA	92673
Friends of Harbors, Beaches, & Parks	P.O. Box 9256	Newport Beach	CA	92658
Orange County Chapter of California Native Plant Society	P.O. Box 54891	Irvine	CA	92619
Sierra Club	30632 Marilyn Drive	Laguna Beach	CA	92651
Bolsa Chica Land Trust	5200 Warner Avenue, Suite 108	Huntington Beach	CA	92649

<b>Native American Tribes</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
Sobaba Band Of Luiseño Indians	P.O. Box 487	San Jacinto	CA	92581
Juaneño Band of Mission Indians	4955 Paseo Segovia	Irvine	CA	92603
San Gabriel Band of Mission Indians	P.O. Box 693	San Gabriel	CA	91778
Gabrieleño Band of Mission Indians - Kizh Nation	P.O. Box 393	Covina	CA	91723
U.S. Bureau of Indian Affairs - Southern California Agency	1451 Research Park Drive, Suite 100	Riverside	CA	92507
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 Pauma Reservation Road, P.O. Box 369	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



<b>Native American Tribes</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
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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## **Appendix J – Coordination**

### **8.0 Notice of Preparation (NOP)**

## **Appendix J – Coordination**

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**US Army Corps  
of Engineers®**



**NOTICE OF PREPARATION  
OF A  
DRAFT INTEGRATED FEASIBILITY REPORT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
DRAFT ENVIRONMENTAL IMPACT REPORT**

**STATE CLEARINGHOUSE NO. 2017124001**

**DATE:** November 1, 2018

**SUBJECT:** Notice of Preparation of a Draft Integrated Feasibility Report, Draft Environmental Impact Statement/Draft Environmental Impact Report

**PROJECT:** Westminster, East Garden Grove, CA Flood Risk Management Study

**APPLICANT:** Department of the Army - U.S. Corps of Engineers and Orange County Public Works

On January 13, 2006, the U.S. Army Corps of Engineers (USACE) published a Notice of Intent in the Federal Register (Vol. 71, No. 9, p. 2193) entitled *Intent to Prepare a Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR) for the Westminster Watershed Study, Orange County, CA*. A scoping meeting was held in the City of Garden Grove on January 25, 2006. The scoping process portion of the Notice of Intent specifically encouraged State and local agencies to participate. Moreover, the Notice of Intent also states that public participation will be especially important in defining the scope of analysis in the draft environmental impact statement/environmental impact report (DEIS/DEIR) that will be incorporated into a final DEIS/DEIR, ultimately leading to a final EIS/EIR. The USACE received comments from State and Trustee agencies.

On November 30, 2017, the USACE prepared a Scoping Letter and sent to State and Trustee agencies providing public notice that the Westminster, East Garden Grove Flood Risk Management Study is progressing and requested new comments, updated comments, or both that may have been provided in response to the 2006 Notice of Intent. The USACE submitted the 2017 Scoping Letter to the State Clearinghouse (SCH). The SCH assigned Clearinghouse Number 2017124001 distributed a Request for Advance Notification to State and Trustee agencies on December 12, 2017.

The SCH Request for Advance Notification inadvertently omitted noting that the environmental document being prepared would serve as a joint document satisfying the requirements of National Environmental Policy Act and California Environmental Quality Act (CEQA). To ensure that all responsible and trustee agencies under CEQA have sufficient opportunity to comment in accordance with CEQA, this Notice of Preparation (NOP) is being circulated to responsible and trustee agencies for public review and comment, concurrent with the Draft Feasibility Report/Draft Environmental Impact Statement/Draft Environmental Impact Report (also called an Integrated Feasibility Report, or IFR). Comments received in response to

this NOP will be incorporated, as appropriate, into the Final Draft Feasibility Report/ Environmental Impact Statement/Environmental Impact Report tentatively scheduled for release in Fall 2019. The USACE process is to publish two draft environmental documents for public review prior to preparing a Final Feasibility Report/Environmental Impact Statement/Environmental Impact Report. Following the public review period, responses to all public comments received will be prepared.

### **Location and Project Description**

The study area is located entirely within the Westminster Watershed in western Orange County, California, approximately 25 miles southeast of the City of Los Angeles. The watershed is approximately 87 square miles in area and is almost entirely urbanized. Cities in the watershed include Anaheim, Stanton, Cypress, Garden Grove, Westminster, Fountain Valley, Los Alamitos, Seal Beach, and Huntington Beach. Identified problems include flooding within the study area, including portions of the Pacific Coast Highway (PCH) and I-405, which occurs between the 10% and 4% annual chance of exceedance events.

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), 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 state and/or federal 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 Naval Weapons Station Seal Beach and the Los Alamitos Joint 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 United States Navy on portions of their property. The BCFC 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 EGGW extend approximately 2 miles inland.

The project identifies the federal interest in flood risk management within the Westminster Watershed. The No Action Alternative along with three Action Alternatives were carried forward for analysis. The Tentatively Selected Plan (TSP) is the Minimum Channel Modifications Plan, which includes implementing the minimum channel modifications in individual reaches of C02 (Bolsa Chica Channel), C04 (Westminster Channel), C05 (East Garden Grove-Wintersburg Channel), and C06 (Ocean View Channel). Maximum channel modifications would be implemented only in the downstream reaches of C02 (Reach 23) and C05 (Reach 1). The TSP also includes increasing the span of Warner Avenue Bridge, replacing the tide gates on C05, and constructing a floodwall along the PCH at Outer Bolsa Bay. Compatible nonstructural measures would be incorporated to lessen the life safety risk associated with flooding in the project area.

OC Public Works is lead agency for CEQA and the non-federal local sponsor also asking for consideration of a Locally Preferred Plan (LPP). The LPP is the Maximum Channel Modifications Plan, which includes implementing the maximum channel modifications in individual reaches of C02, C04, C05, and C06. Similar to the TSP, the LPP also includes increasing the span of Warner Avenue Bridge, replacing the tide gates on C05, and constructing a floodwall along the PCH at outer Bolsa Bay. Compatible nonstructural measures would also be implemented as part of the LPP.

### **Probable Environmental Effects of the Project**

The full range of resource topics has been analyzed within the Draft Feasibility Report/Draft Environmental Impact Statement/Draft Environmental Impact Report including all of the topical environmental issues listed in Appendix G of the CEQA Guidelines, and cumulative effects.

This NOP has been prepared and distributed to solicit comments from potential Responsible and Trustee Agencies, other local public agencies, and Native American Tribal Nations so that Project-related concerns relevant to each agency's statutory responsibilities in connection with the Project can be addressed in the Final Draft Feasibility Report/ Environmental Impact Statement/Environmental Impact Report.

### **Public Scoping Meetings**

The following public scoping meetings have been scheduled:

November 7, 2018	6:30 p.m. to 9:00 p.m.	Westminster Civic Center 8200 Westminster Boulevard Westminster, CA 92683
November 8, 2018	6:30 p.m. to 9:00 p.m.	Meadowlark Golf Club 16782 Graham Street Huntington Beach, CA 92649

If you have any questions or need additional information, please contact Michael Padilla, U.S. Army Corps of Engineers at (312) 846-5427 or send an email to Michael.C.Padilla@usace.army.mil or Susanne Davis also at U.S. Army Corps of Engineers at (312) 846-5407 or by email to Susanne.J.Davis@usace.army.mil.

The public review period will be from November 1, 2018 to December 3, 2018. The Draft Feasibility Report/Draft Environmental Impact Statement/Draft Environmental Impact Report may be obtained at the following location:

<https://www.lrc.usace.army.mil/Missions/Civil-Works-Projects/Westminster-East-Garden-Grove/>

Submit written comments to the following postal address or email address:

Orange County Public Works  
Attention: Justin Golliher  
300 N. Flower Street  
Santa Ana, CA 92703  
[westminster\\_comments@usace.army.mil](mailto:westminster_comments@usace.army.mil)

Submitted by: \_\_\_\_\_  
Name: Shawna Herleth-King

Attachment 1 – Project Location Map

Attachment 2 – Draft Feasibility Report/Draft Environmental Impact Statement/Draft Environmental Impact Report (attached as a CD)

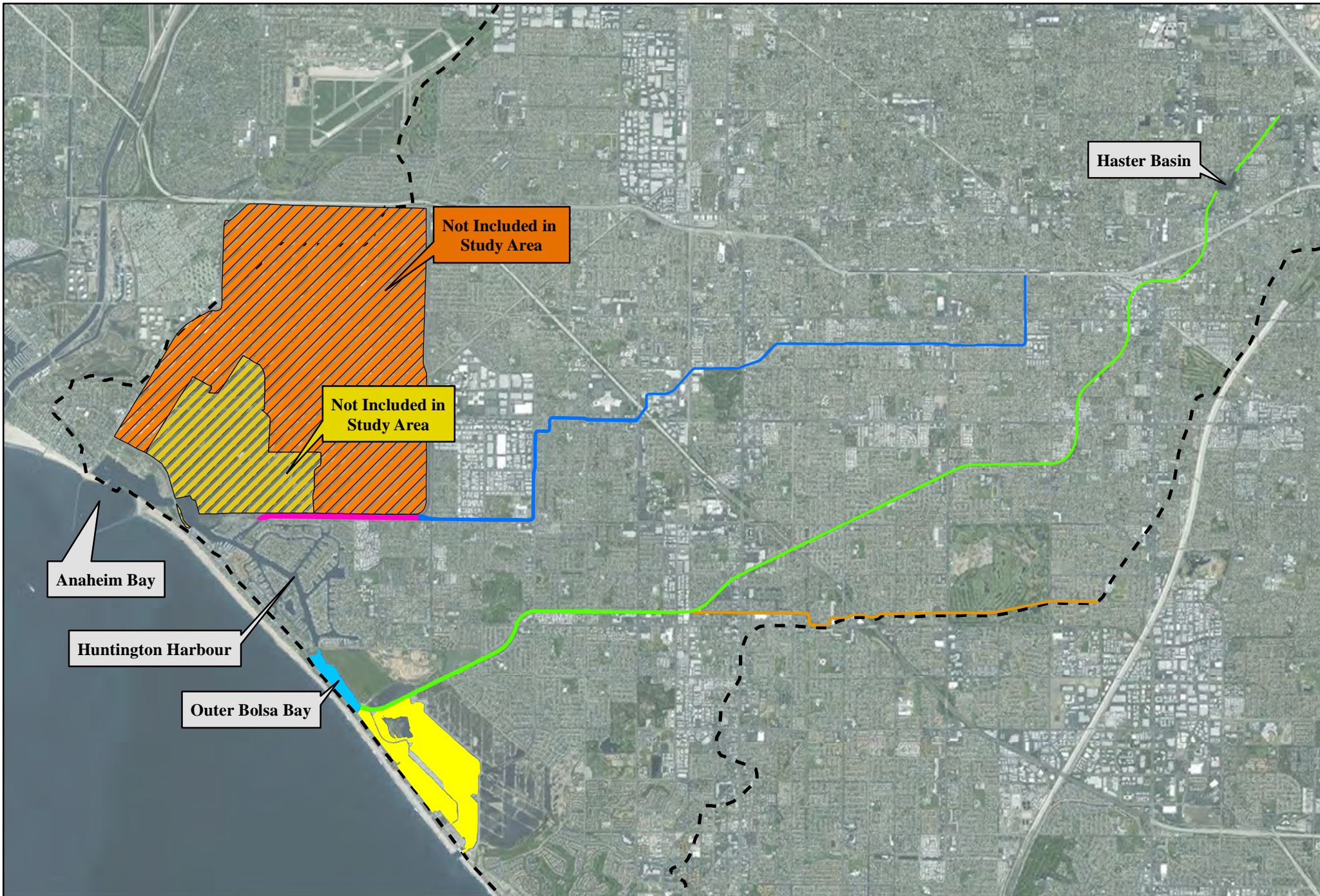
Attachment 3 – January 25, 2006 Notice of Intent to Prepare a Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) for Westminster Watershed Study, Orange County, CA

Attachment 4 – November 30, 2017 U.S. Army Corps of Engineers Scoping Letter

Attachment 5 – December 12, 2017 State Clearinghouse Request for Advance Notification

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*For double-sided printing*





Watershed Boundary	East Garden Grove/Wintersburg Channel (CO5)	Seal Beach National Wildlife Refuge	  <b>Westminister, East Garden Grove FRM</b> Watershed Drainage Channels <b>Plate</b> 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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for double-sided printing*



*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](mailto: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](mailto: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.



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](mailto:shawna.s.herleth-king@usace.army.mil). Questions should be directed to Mrs. Herleth-King at 312/846-5407.

Sincerely,

A handwritten signature in blue ink, appearing to read "Susanne Davis".

Susanne Davis, P.E.  
Chief, Planning Branch

Enclosures as stated



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.

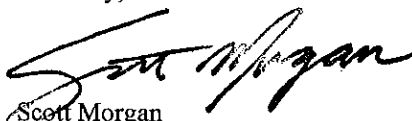
Please direct your comments to:

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

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**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.

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**Lead Agency Contact**

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

---

**Project Location**

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

---

**Proximity to:**

<b>Highways</b>	Pacific Coast Hwy
<b>Airports</b>	
<b>Railways</b>	
<b>Waterways</b>	CO5, CO6, CO2, CO4, Bolsa Bay, Outer Bolsa Bay
<b>Schools</b>	
<b>Land Use</b>	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

Note: Blanks in data fields result from insufficient information provided by lead agency.



**Document Details Report  
State Clearinghouse Data Base**

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

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**Project Issues**    Agricultural Land; Biological Resources

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**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

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

## Notice of Completion &amp; 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

DEC 12 2017

☐ EA☐ Final Document☐ Neg Dec

(Prior SCH No.)

☐ Draft EIS☒ Other: Scoping Letter☐ Mlt Neg Dec

Other:

STATE CLEARINGHOUSE

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.

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State Clearinghouse Contact:

(916) 445-0613

State Review Began:

12-12-2017

SCH COMPLIANCE

1-12-2018

NOTE: Paid for lead

## 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 Repl Plan Agency
	<input checked="" type="checkbox"/> San Gabriel & Lower LA
	<input checked="" type="checkbox"/> Conservancy
	<input type="checkbox"/> Other:

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

SCH#: 2017124001

Please forward late comments directly to the Lead Agency

AQMD/APCD 33

(Resources: 12/16)

## **Appendix J – Coordination**

### **9.0 Draft Report Public Comments Received**

## **Appendix J – Coordination**

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for double-sided printing*



## NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC

November 6, 2018

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

RE: SCH# 2017124001 Westminster East Garden Grove Study, Orange County

Dear Ms. Herleth-King:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a 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 §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, § 5064 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 within the area of potential 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). 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, a notice of negative declaration, or a 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 consultation with 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 §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 §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 §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 §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 §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 non-federally 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 §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §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 §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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](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](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 §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 §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](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 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, §15064.5(f) (CEQA Guidelines §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 §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §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.

If you have any questions or need additional information, please contact me at my email address: [Katy.Sanchez@nahc.ca.gov](mailto:Katy.Sanchez@nahc.ca.gov).

Sincerely,



for

Katy Sanchez  
Associate Environmental Planner

cc: State Clearinghouse

**From:** [Diana C Jaque](#)  
**To:** [westminster\\_comments](#)  
**Subject:** [Non-DoD Source] Question re: Westminster, East Garden Grove, CA Flood Risk Management Study  
**Date:** Thursday, November 8, 2018 11:55:19 PM

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Good day,

My question about the flood zone concerns where the East Garden Grove Wintersburg Channel meets the Ocean View Channel at approximately Graham and Slater avenues in Huntington Beach, CA 92649.

The new development on Graham, Parkside Estates-Shea Homes, near the East Garden Grove Wintersnurg Channel has been telling potential homeowners that the properties will not require flood insurance.

Is this correct?

Isn't it a FEMA map that assesses a flood probability for this area?

I am a local resident and at 17542 Rainglen in the Landing tract.

This information from Shea does not make sense to me.

Thank you,

Diana Jaque

17542 Rainglen Lane

Huntington Beach, CA 92649

**From:** [Mary Ann Comes](#)  
**To:** [westminster\\_comments](#)  
**Subject:** [Non-DoD Source] Projects/Westminster-East-Garden-Grove  
**Date:** Wednesday, November 7, 2018 12:49:43 PM

---

As a property owner at 16142 Osborne, Westminster, I skimmed through the report as best I could. It's definitely more technical for me to understand. I know that several years ago the channel was worked on. At that time we were told that everything is OK. Now you want to work on this channel again. It really concerns me that my property will be in harm's way. Your report says nothings about the surrounding properties. I'm sure this project is a done deal. So giving this report to the homeowners is supposed to be our OK for you to go ahead. I am also concerned about all of the equipment that will be needed for this area. We are now going through a widening of the 405 which is enough for now. You will go through the necessary channels for you to continue what you want to do. I'm not sure it is the right thing to do because I don't understand your report. It would be nice if you gave the community a lay man's report so that we could understand it and that our properties were not in danger.

Thank you,

Mary Ann Comes,  
property owner of 16142 Osborne, Westminster

**From:** [JOHN DINH](#)  
**To:** [westminster\\_comments](#)  
**Subject:** [Non-DoD Source] Flood at 5201W Davit Ave. Block Santa Ana CA 92704  
**Date:** Tuesday, November 13, 2018 10:45:34 AM

---

Dear Mr. Golliher,

I would like to submit the video clip that I recorded during the flood on Jan 2017, the picture is worth a thousand words. Please watch the video clip to see how serious the flood in my area. Our duplexes are located at the North-West corner of Euclid St and Davit Ave. Santa Ana CA 92704.

I would like to recommend the followings:

1. The overpass at Euclid St. and Davit Ave. should be rebuilt taller and wider.
2. The flood canal need to be widen into a U-shape one.
3. The heavy run-off rain water flows from Euclid St. to Davit Ave. caused heavy flooding in my neighborhood.  
By building a storm drain on Euclid St. connect directly to the flood canal could prevent flooding in my neighborhood.
4. The wall along the flood canal in my neighborhood should be taller and much thicker.
5. The storm drain at the Davit Ave. Cul de Sac should be much wider.

Thanks for the opportunities to input my comments, and hope to hear from your office soon.

Euclid@Davit Ave Flood1.mp4

<Blocked[https://drive.google.com/file/d/16S\\_HXF479Kzd8vLEv95FeJURVUFB3GCt/view?usp=drive\\_web](https://drive.google.com/file/d/16S_HXF479Kzd8vLEv95FeJURVUFB3GCt/view?usp=drive_web)>

**U.S. Department of  
Homeland Security**

**United States  
Coast Guard**



Commander  
Eleventh Coast Guard District

Coast Guard Island, Bldg. 50-2  
Alameda, CA 94501-5100  
Staff Symbol: (dpw)  
Phone: (510) 437-3514  
Fax: (510) 437-5836  
Email: Carl.T.Hausner@uscg.mil

16591  
Bolsa Bay (3.0)  
Bolsa Bay (3.07)  
November 14, 2018

Orange County Public Works  
Attn: Justin Golliher  
300 N. Flower St.  
Santa Ana, CA 92703

Dear Mr. Golliher:

We have completed our review of the draft Environmental Impact Statement for Westminster, East Garden Grove, CA Flood Risk Management Study dated October 2018. This study proposes to modify the existing Warner Ave Bridge, mile 3.07 and replace the existing Bolsa Bay Pedestrian Bridge, mile 3.0, over Bolsa Bay, near the City of Huntington Beach, Orange County, CA.

No individual Coast Guard permit will be required for these bridge projects (COMDTINST M16590.5C). This does not relieve the bridge owners from complying with all applicable federal, state and local laws and associated permit requirements.

Bolsa Bay is subject to tidal influence and presently considered navigable by Coast Guard standards. However, IAW California Code of Regulations Title 14, Section 632(b), vessels are prohibited from entering the bay.

The General Bridge Act of 1946 requires the approval of the location and plans of bridges prior to the start of construction (33 U.S.C. 525). The Commandant of the Coast Guard has given advance approval to the location and plans of bridges to be constructed across reaches of waterways considered navigable, but not actually navigated by other than logs, log rafts, rowboats, canoes and small motorboats. In such cases the clearances provided for high water stages will be considered adequate to meet the reasonable needs of navigation (33 CFR 115.70).

An Advance Approval determination is listed as a Categorical Exclusion in Coast Guard NEPA Implementing Procedures. Therefore, the proposed bridge projects over Bolsa Bay will require no further environmental review by the Coast Guard.

This review is valid for a period of 3 years from the date of this letter. If the character of navigation changes, such that the waterway no longer meets advance approval criteria, the Coast Guard will promptly withdraw the advance approval designation for this project and notify all interested parties.

A photograph and as-built drawings (plan and elevation) of each bridge, in 8 ½ x 11 inch format, are required upon completion of the project. The drawings, along with the Completion Report Form (Enclosures), must indicate the elevation of the lowest hittable part of the bridge above

16591  
November 14, 2018

mean high water and horizontal clearance available for navigation, pier face to pier face or bank to bank.

Please notify our office at least 30 days prior to beginning and upon completion of the over-water portion of this project so we may provide the appropriate Notice to Mariners. You may me by telephone at (510) 437-3516, to discuss this determination.

Sincerely,



C. T. HAUSNER  
Chief, Bridge Section  
Eleventh Coast Guard District  
By Direction of the District Commander

Enclosures

Copy: Michael Padilla, U.S. Army Corps of Engineers, Chicago District  
Johnathon Claudio, City of Huntington Beach, Public Works  
California Department of Fish and Wildlife, Marine Region (Region 7)

### Completion Report Information

Upon completion of the bridge, complete and return this information to:

Commander (dpw)

11<sup>th</sup> Coast Guard District

Coast Guard Island, Bldg 50-2

or

[Carl.T.Hausner@uscg.mil](mailto:Carl.T.Hausner@uscg.mil)

Alameda, CA 94501-5100

Name & Location of Bridge: Replacement – Pedestrian Bridge, mile 3.0, Bolsa Bay

Owner: California Department of Fish and Wildlife, Marine Region

Type of Project: Replacement Bridge.

Date commenced: \_\_\_\_\_, Date Completed: \_\_\_\_\_

Horizontal navigational clearance, pier face to pier face, or measured at mean low water, bank to bank (if no in-water piers), normal to the axis of the channel: \_\_\_\_\_ feet.

Vertical navigational clearance, measured at the channel margins and mid span, at Mean High Water:

East Channel Margin \_\_\_\_\_ feet.

West Channel Margin \_\_\_\_\_ feet.

Center of Channel \_\_\_\_\_ feet.

Datum Used for clearance calculations:

All parts of the existing bridge removed from the waterway down to or below the mudline. ( ) Yes ( ) No.

Waterway Cleared of All Temporary Obstructions ( ) Yes ( ) No.

Vertical Clearance Gauges: ( ) installed, (X) not installed, not required.

Navigational Lighting: ( ) installed, (X) not installed, not required.

Pier Protection/ Fendering System: ( ) installed, (X) not installed.

Photographs, 8 X 10 inch, glossy, black & white (digital acceptable) ( ) included.

Basic Bridge Drawings, Elevation and Plan View, Identifying Navigational Clearances: ( ) Included.

Date bridge open to traffic: \_\_\_\_\_

Signature: \_\_\_\_\_, Date: \_\_\_\_\_

Title: \_\_\_\_\_

ENCLOSURE ( 1 )

### Completion Report Information

Upon completion of the bridge, complete and return this information to:

Commander (dpw)

11<sup>th</sup> Coast Guard District

Coast Guard Island, Bldg 50-2

or

[Carl.T.Hausner@uscg.mil](mailto:Carl.T.Hausner@uscg.mil)

Alameda, CA 94501-5100

Name & Location of Bridge: Modification – Warner Ave Bridge, mile 3.07, Bolsa Bay

Owner: City of Huntington Beach, Public Works

2000 Main St. 1<sup>st</sup> Floor

Huntington Beach, CA 92648

Type of Project: Modification to Existing Bridge.

Date commenced: \_\_\_\_\_, Date Completed: \_\_\_\_\_

Horizontal navigational clearance, measured pier face to pier face, normal to the axis of the channel: \_\_\_\_\_ feet.

Vertical navigational clearance, measured at the channel margins and mid span, at Mean High Water:

East Channel Margin \_\_\_\_\_ feet.

West Channel Margin \_\_\_\_\_ feet.

Center of Channel \_\_\_\_\_ feet.

Datum Used for clearance calculations:

Waterway Cleared of All Temporary Obstructions ( ) Yes ( ) No.

Vertical Clearance Gauges: ( ) installed, (X) not installed, not required.

Navigational Lighting: ( ) installed, (X) not installed, not required.

Pier Protection/ Fendering System: ( ) installed, (X) not installed.

Photographs, 8 X 10 inch, glossy, black & white (digital acceptable) ( ) included.

Basic Bridge Drawings, Elevation and Plan View, Identifying Navigational Clearances: ( ) Included.

Signature: \_\_\_\_\_, Date: \_\_\_\_\_

Title: \_\_\_\_\_

ENCLOSURE (2)



**From:** [Mark Adams](#)  
**To:** [westminster\\_comments](#)  
**Subject:** [Non-DoD Source] Westminster East Garden Grove, California Flood Risk Management Feasibility Study  
**Date:** Wednesday, November 14, 2018 1:47:21 PM

---

I vote for the Locally Preferred Plan (LPP) to remove all flood zone risk in our area.

--

Mark Adams  
9041 Obsidian Dr.  
Westminster, CA 92683

**From:** [Bruce](#)  
**To:** [westminster\\_comments](#)  
**Cc:** [bwebber1@socal.rr.com](mailto:bwebber1@socal.rr.com)  
**Subject:** [Non-DoD Source] Public comment on the Flood Control  
**Date:** Saturday, November 24, 2018 3:04:13 PM

---

Public comment on the Westminster & East Garden Grove Flood Risk Management Study

I was very impressed with the work that has been completed to identify solutions to the historical flooding in the Westminster and Garden Grove areas.

I am concerned about the construction of the Warner Bridge based on our recent experience with the Edinger bridge replacement into the Sunset Marina.

During that project which will last approximately 2 yrs (despite a scope change that reduced the actual schedule by 4-6 months), impact on the traffic and local neighbors was significant.

The traffic across the Edinger bridge is likely to be miniscule compared to the traffic at the Warner /PCH intersection. The closest alternatives routes to transit between PCH and inland are approximately 5 miles away in either direction (Westminster Blvd-north and Seaport -South). There is also significant pedestrian and bicycle traffic on this street.

I would request that a detailed traffic study be included in the bridge scope constructability phase with public meetings to explain how this critical artery would remain functional during construction.

Bruce Weber

3295 Tempe

HB

310 483 8065

DENNIS B. NEEDLEMAN  
16631 Carousel Lane  
Huntington Beach, California 92649  
(213) 272-4779

November 27, 2018

**RE: Westminster, East Garden Grove, CA Flood Risk Management Study**

Dear Mr. Golliher:

Please consider this letter as our formal **objection** to this proposal as the entire study is based upon the assumption that Huntington Harbour can accommodate the increased storm flow predicted in the documentation.

We have lived on the main channel (address above) since 2006, and we have noticed a considerable rise in sea levels at extreme high tides without the presence of a heavy rain storm or other such flooding or run-off. We are very concerned that with the additional flow of water diverted into the harbor, the sea levels will rise even further causing significant damage to our home foundation, sea wall, home structure, and boat dock.

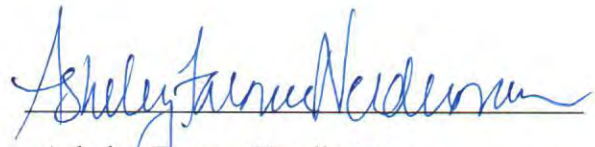
It appears that the study used the mean high tide plus a future water level rise starting at the Wintersburg Channel. We believe that the study should start at the Anaheim Bay outlet and further determine if there will be impact to properties in Huntington Harbour.

We thank you for your time and consideration on this very important project, and its potential catastrophic impact on life and property within the Huntington Harbour community.

Sincerely,



Dennis Needleman

  
Asheley Farmer Needleman

**From:** [Jim Rueff](#)  
**To:** [westminster\\_comments](#)  
**Cc:** [Hoxsie, Alex R CIV USARMY CELRC \(US\)](#)  
**Subject:** [Non-DoD Source] Re: Westminster, East Garden Grove, CA Flood Risk Management Study Comment  
**Date:** Tuesday, November 27, 2018 12:27:20 PM

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Re-sending at Alex Hoxsie's request. Hopefully it comes through this time. If not, please provide a fax number. Thanks.

Jim Rueff  
e-mail: [jimrueff@yahoo.com](mailto:jimrueff@yahoo.com)  
+1 714 321 2555

On Friday, November 9, 2018, 9:56:20 AM PST, Jim Rueff <[jimrueff@yahoo.com](mailto:jimrueff@yahoo.com)> wrote:

We fully support the Locally Preferred Plan. Our house is approximately 350 feet south of Ocean View Channel (C06). According to the Study, the reach of C06 nearest our home overflowed in 2010. I was not aware of this as our property was not damaged. However, this demonstrates how critical it is to make the maximum flow improvements, within the exiting right-of-way, as soon as possible.

We presently pay for both National Flood Insurance (purchased through USAA) and excess flood insurance (purchased through a local California insurance company and underwritten by Lloyd's of London). Our premiums for the two policies this year totaled \$1,547.02. We purchase excess flood insurance because National Flood Insurance, with a \$250,000 maximum policy amount, is inadequate to rebuild our home. We would really like to have lower premiums.

Wherever practical, it would be nice to have permeable bottoms in the channels to allow for infiltration to the already overdrawn aquifer.

Thank you,

James & Chawnie Rueff  
16842 Mt. Whitney St.  
Fountain Valley, CA 92708



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

SENT VIA USPS AND E-MAIL:

November 30, 2018

[Westminster\\_comments@usace.army.mil](mailto:Westminster_comments@usace.army.mil)

Justin Golliher

Orange County Public Works

300 N. Flower Street

Santa Ana, CA 92703

## **Notice of Preparation of a Draft Environmental Impact Report for the Proposed Westminster, East Garden Grove, CA Flood Risk Management Study**

South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. SCAQMD staff's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft Environmental Impact Report (EIR). Please send SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address shown in the letterhead. **In addition, please send with the Draft EIR all appendices or technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files<sup>1</sup>. These include emission calculation spreadsheets and modeling input and output files (not PDF files). Without all files and supporting documentation, SCAQMD staff will be unable to complete our review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.**

### **Air Quality Analysis**

SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from SCAQMD's Subscription Services Department by calling (909) 396-3720. More guidance developed since this Handbook is also available on SCAQMD's website at: [http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993)). SCAQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and replaces the now outdated URBEMIS. This model is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

SCAQMD has also developed both regional and localized significance thresholds. SCAQMD staff requests that the Lead Agency quantify criteria pollutant emissions and compare the results to SCAQMD's CEQA regional pollutant emissions significance thresholds to determine air quality impacts.

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<sup>1</sup> Pursuant to the CEQA Guidelines Section 15174, the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review.

SCAQMD's CEQA regional pollutant emissions significance thresholds can be found here: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>. In addition to analyzing regional air quality impacts, SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the Lead Agency perform a localized analysis by either using the LSTs developed by SCAQMD staff or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the proposed project and all air pollutant sources related to the proposed project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("*Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Guidance<sup>2</sup> on strategies to reduce air pollution exposure near high-volume roadways can be found at: [https://www.arb.ca.gov/ch/rd\\_technical\\_advisory\\_final.PDF](https://www.arb.ca.gov/ch/rd_technical_advisory_final.PDF).

### **Mitigation Measures**

In the event that the proposed project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize these impacts. Pursuant to CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are

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<sup>2</sup> In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.



available to assist the Lead Agency with identifying potential mitigation measures for the proposed project, including:

- Chapter 11 “Mitigating the Impact of a Project” of SCAQMD’S *CEQA Air Quality Handbook*. SCAQMD’s CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- SCAQMD’s Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- SCAQMD’s Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- CAPCOA’s *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

### **Alternatives**

In the event that the proposed project generates significant adverse air quality impacts, CEQA requires the consideration and discussion of alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project. The discussion of a reasonable range of potentially feasible alternatives, including a “no project” alternative, is intended to foster informed decision-making and public participation. Pursuant to CEQA Guidelines Section 15126.6(d), the Draft EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.

### **Permits and SCAQMD Rules**

In the event that the proposed project requires a permit from SCAQMD, SCAQMD should be identified as a Responsible Agency for the proposed project. The assumptions in the air quality analysis in the Draft EIR will be the basis for permit conditions and limits. For more information on permits, please visit SCAQMD’s webpage at: <http://www.aqmd.gov/home/permits>. Questions on permits can be directed to SCAQMD’s Engineering and Permitting staff at (909) 396-3385.

### **Data Sources**

SCAQMD rules and relevant air quality reports and data are available by calling SCAQMD’s Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available at SCAQMD’s webpage at: <http://www.aqmd.gov>.

SCAQMD staff is available to work with the Lead Agency to ensure that project air quality and health risk impacts are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov) or (909) 396-3308.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

**From:** [RICHARD KOHAN](#)  
**To:** [Hoxsie, Alex R CIV USARMY CELRC \(US\)](#)  
**Cc:** [RICHARD KOHAN](#)  
**Subject:** [Non-DoD Source] Re: Westminster Flood Risk Management Study Follow-up  
**Date:** Sunday, December 2, 2018 4:55:11 PM

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Re Westminster public meeting

The Superfund Site was the Ralph Gray Trucking Co. Superfund Site. July 2004 they were prepared to delete this site from the NPL list however if new information becomes (became) available which indicates a need for further action, EPA may initiate further cleanup activities.

Above is a quote from July 2004 Flyer for public notice.

---

From: RICHARD KOHAN <kohanfam@msn.com>  
Sent: Friday, November 9, 2018 6:01 PM  
To: Hoxsie, Alex R CIV USARMY CELRC (US)  
Subject: Re: Westminster Flood Risk Management Study Follow-up

Thanks I will look at this when I get to my computer. I see you have a Chicago address. Check out the Bongo Room for breakfast and Bavette's for the best steak dinner ever. Buy one steak share between 3 people and get sides.

Sent from my iPhone

> On Nov 9, 2018, at 11:46 AM, Hoxsie, Alex R CIV USARMY CELRC (US) <Alex.R.Hoxsie@usace.army.mil> wrote:

>

> Hi Coni,

>

> Thank you again for attending our public meeting on Wednesday night. We are extremely interested to hear from local residents in order to ensure that we have considered all of the issues that are most important to you, our ultimate customer. I just wanted to follow up with you about your question regarding the bypass channel near Westminster Mall and provide you with a quick access copy of that analysis. I am attaching a preliminary report on the subject from a contractor that Orange County Public Works used to develop a feasibility level design for the bypass channel measure. This report is also included as Appendix B within the Civil Engineering Appendix on the project website at:

>

> Blocked<https://www.lrc.usace.army.mil/Missions/Civil-Works-Projects/Westminster-East-Garden-Grove/>  
<Blocked<https://www.lrc.usace.army.mil/Missions/Civil-Works-Projects/Westminster-East-Garden-Grove/>>

>

> And just to be clear about setting expectations, The US army Corps of Engineers is unlikely to be involved in decisions related to the eventual development of a bike path/linear park space as part of this flood control project. Any specific questions or concerns about those municipal master-plan-type projects should be directed to the city and/or county. Thanks again for your participation and please feel free to reach out if you have any other questions or concerns about this flood risk management study!

>

> Cheers,

>

> Alex Hoxsie

> Planner/Landscape Architect

> US Army Corps of Engineers, Chicago District

> 231 S. LaSalle Street, Suite 1500

> Chicago, IL 60604-1437

>

> Phone: (312) 846-5587



> Cell: (312) 728-0719

>

> CHICAGO USACE WEB SITE: Blocked<http://www.lrc.usace.army.mil>

> FACEBOOK: Blocked<http://www.facebook.com/usacechicago>

>

>

> <Westminster Mall Diversion\_Draft Report\_05172018.pdf>



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Huntington Beach Tomorrow  
Orange Coast League of  
Women Voters  
Orange County  
Coastkeeper  
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Sea and Sage Audubon  
Sierra Club  
Angeles Chapter  
Surfrider Foundation



December 3, 2018

Michael C Padilla, PMP  
US Army Corps of Engineers, Chicago District  
231 S. LaSalle St, Suite 1500  
Chicago, Illinois 60604  
[Michael.C.Padilla@usace.army.mil](mailto:Michael.C.Padilla@usace.army.mil)

Orange County Public Works  
ATTN: Justin Golliher  
300 N. Flower Street  
Santa Ana, CA 92703  
[westminster\\_comments@usace.army.mil](mailto:westminster_comments@usace.army.mil)

Dear Mr. Padilla and Mr. Golliher,

The Bolsa Chica Land Trust (BCLT), established in 1992, is a California non-profit 501(c)(3) with the mission to acquire, preserve and restore all of Bolsa Chica and to educate the public to its natural wonders and cultural resources. Our organization represents the vision and commitment to Bolsa Chica's place in our local environment for over 5,000 members of our community. For 22 years we have partnered with the California Department of Fish and Wildlife in a habitat restoration project that has involved 25,000 community volunteers. Our educational program, Miracles of the Marsh, is entering its 17<sup>th</sup> year, meets Next Generation science standards as set by the California Department of Education, and has provided curriculum and field trips for 28,000 students from a dozen neighboring cities. BCLT is regarded as one of the strongest environmental and conservation organizations in Southern California. We are a proud and active member of the California Council of Land Trusts and CalNonprofits.

Thank you for the presentation that took place on November 5<sup>th</sup> regarding the Westminster Flood Risk Management study. We appreciate being invited and for the opportunity to comment on the project.

These are our comments on the proposed project:

1) We urge the Corps to communicate thoroughly with the Department of the Navy as to the Navy project for the Seal Beach Naval Weapons Station. This project will significantly redesign the ocean inlet and the potential for additional tidal action. The ocean inlet at Anaheim Bay feeds ocean water to Huntington Harbour and Inner and Outer Bolsa Bay (within the Bolsa Chica Ecological Reserve). We are unaware of any predicted impacts to BCER from the Navy project; however, there may be impacts particularly during storm and extreme tidal events.

The potential impacts from the Naval base coupled with impacts resulting from the Corps project could be significant to BCER's Outer and Inner Bolsa Bays and Huntington Harbour residents and infrastructure.

2) The environmental review seems not to have included the study of Reserve wide impacts during high water events. While it is understood that the typical water volume from the channel would remain the same, during high water events, this project may create a scenario different from the one the Reserve currently experiences. At a peak flow, storm event the quantity and speed of water expelled into Outer Bolsa Bay and then the Harbor may cause dramatic negative impacts.

This project could dramatically and permanently impact salinity, bluff erosion, essential mudflat habitat, water temperature and depth in both Bays, which would impact resident and migratory marine species of all kinds. Many of the marine species are the food source for our resident and migratory bird species – several of which are listed species.

We urge a comprehensive analysis of the project's potential impacts to the wildlife which utilize Inner and Outer Bolsa Bays as well as to the existing mudflats, transitional habitats between wetland, dune and mesa. We urge a comprehensive analysis of the potential erosion to all sides of Outer Bolsa Bay during regular flow and resulting from storm and extreme tidal events – all which may be exacerbated due to this project. If these impacts are found to be significant, at any point, then we urge that this project not be permitted to be implemented.

3) We are concerned with the loss of 'edge' transitional habitats due to the proposed sea wall and to the overall aesthetic the sheet metal armoring will create. These transitional habitats are an increasingly rare element in our ecosystem due to development, and their importance should not be overlooked. As an internationally renowned birding location, and one of our few remaining publicly accessible open spaces other than our beaches, BCER is visited by an approximate 80,000 visitors each year. Bolsa Chica is an important and beloved location within Southern California. Rusty sheet metal lining harshly industrializes what should be a natural landscape. We are concerned that the ugly alterations this project proposes would negatively impact the community's support of Bolsa Chica, which is urgently and consistently needed for its sustainability.

4) From a County perspective, this project will cost \$1 Billion to add concrete and metal to a waterway, in order to move large quantities of 'fresh' water/rain water out of neighboring communities and into the ocean. At the same time, just about 2 miles south, the Poseidon organization is aggressively pursuing permits to spend \$1 Billion + to construct a desalination plant to extract ocean water to create fresh, drinkable water for our neighboring communities. We agree completely with the EPA representative who was on the phone during the November 5<sup>th</sup> presentation that the lack of water reclamation within this project is disturbing, particularly for drought stricken Southern California. We firmly believe that alternatives to directing the flow out to the ocean must be strongly considered. Creating a speedway for water might just be the easiest, but not the best way to address the water needs and flood protection of this part of the county.

The issues that prompt this project, poor urban planning and climate change, are issues that were foreseeable, and it is regrettable that Bolsa Chica may yet again bear the brunt. The overdevelopment of Orange County forces the concentration of wildlife species at Bolsa Chica, and the few remaining coastal wetlands and open spaces. Permitting urban development in known flood plains, in areas

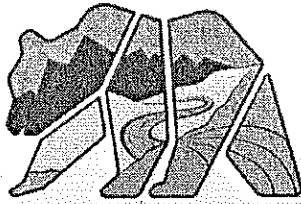
adjacent to wetlands, the beach, rivers, and below sea level is irresponsible, and yet is continuing as this project is being developed.

Thank you for the opportunity to review and present our comments on this project. Whereas we understand the life threatening situations severe flooding may inflict on Orange County, we also strongly believe that given the resources of Army Corps and the County that better alternatives are available which may be able to address more than one need and protect our natural resources as well as our communities, at the same time.

Best regards,

A handwritten signature in cursive script, appearing to read "Kim Kolpin".

Kim Kolpin  
Executive Director



California

## Department of Conservation

Oil, Gas, & Geothermal Resources

Southern District  
5816 Corporate Avenue, Suite 100  
Cypress, CA 90630

T: (714) 816-6847  
F: (714) 816-6853  
[conservation.ca.gov](http://conservation.ca.gov)

November 29, 2018

### VIA EMAIL

Orange County Public Works  
Attention: Justin Galliher  
300 N. Flower Street  
Santa Ana, CA 92703  
Email: [westminster.comments@usace.army.mil](mailto:westminster.comments@usace.army.mil)

Governor's Office of Planning & Research

DEC 03 2018

STATE CLEARINGHOUSE

Dear Mr. Galliher:

**NOP – NOTICE OF PREPARATION  
DRAFT INTEGRATED FEASIBILITY REPORT  
DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
DRAFT ENVIRONMENTAL IMPACT REPORT  
WESTMINSTER, EAST GARDEN GROVE, CA FLOOD RISK MANAGEMENT STUDY  
SCH: #2017124001**

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above-referenced project for impacts with Division jurisdictional authority. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California. The Division offers the following comments for your consideration.

The project area is in Orange County and includes approximately 3,000 identified oil and gas wells, the majority of which are within the Huntington Beach field, with most of the remaining wells within the Seal Beach, Olive, Sunset Beach (abandoned), and Anaheim (abandoned) fields. Less than 50 of the wells within the project area are found outside an administrative field boundary.

Based on review of the Tentatively Selected Plan (TSP) and the Locally Preferred Plan (LPP) presented in the Draft Integrated Feasibility Report & Draft EIR/EIS, Division records indicate that there are no oil, gas or geothermal wells located within the two proposed project boundaries as identified in the reports. Division information can be found at: [www.conservation.ca.gov](http://www.conservation.ca.gov). Individual well records are also available on the Division's web site, or by emailing [dogdist1@conservation.ca.gov](mailto:dogdist1@conservation.ca.gov).

The scope and content of information that is germane to Division's responsibility are contained in Section 3000 et seq. of the Public Resources Code, and administrative regulations under Title 14, Division 2, Chapters 2, 3 and 4 of the California Code of Regulations.

If any wells, including any plugged, abandoned or unrecorded wells, are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or

discovery occurs, the Division's district office must be contacted to obtain information on the requirements and approval to perform remedial operations.

The possibility for future problems from geothermal wells that have been plugged and abandoned, or reabandoned, to the Division's current specifications are remote. However, the Division recommends that a diligent effort be made to avoid building over any plugged and abandoned well.

Questions regarding the Division's Construction Site Well Review Program can be addressed to the local Division's office in Cypress by emailing [DOGDIST1@conservation.ca.gov](mailto:DOGDIST1@conservation.ca.gov) or by calling (714) 816-6847.

Sincerely,

**Curtis M. Welty**

Digitally signed by Curtis M. Welty  
DN: cn=Curtis M. Welty, o=CA Dept. of  
Conservation, ou=DOGGR,  
email=curtis.welty@conservation.ca.gov, c=US  
Date: 2018.12.03 09:49:58 -08'00'

Curtis M. Welty, PG  
Associate Oil and Gas Engineer

cc: The State Clearinghouse in the Office of Planning and Research  
Email: [state\\_clearinghouse@opr.ca.gov](mailto:state_clearinghouse@opr.ca.gov)

Naveen Habib, DOC OGER  
Email: [Naveen.Habib@conservation.ca.gov](mailto:Naveen.Habib@conservation.ca.gov)

Christine Hansen, DOC OGER  
Email: [Christine.Hansen@conservation.ca.gov](mailto:Christine.Hansen@conservation.ca.gov)

Kyle VanRensselaer, DOC  
Email: [Kyle.VanRensselaer@conservation.ca.gov](mailto:Kyle.VanRensselaer@conservation.ca.gov)

Jan Perez, DOGGR CEQA Unit  
Email: [Jan.Perez@conservation.ca.gov](mailto:Jan.Perez@conservation.ca.gov)

Environmental CEQA File



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
www.wildlife.ca.gov

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



Clear  
12/3/18  
E

December 3, 2018

Governor's Office of Planning & Research

Ms. Shawna Hearth-King  
U.S. Army Corps of Engineers, Chicago District  
231 S. LaSalle Street, Suite 1500  
Chicago, IL 60604  
shawna.s.hearth-king@usace.army.mil

DEC 03 2018

STATE CLEARINGHOUSE

**Subject: Comments on the Notice of Preparation of a Draft Integrated Feasibility Report, Environmental Impact Statement/Environmental Impact Report for the Westminster East Garden Grove Study, Orange County, CA (SCH# 2017124001)**

Dear Ms. Hearth-King:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the Westminster East Garden Grove Study Draft Integrated Feasibility Report/Environmental Impact Statement/Environmental Impact Report (DIFR). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program.

The Westminster watershed encompasses an area of approximately 87 square miles in western Orange County. Four channels of interest flow through the watershed: Bolsa Chica Channel (C02), Westminster Channel (C04), Oceanview Channel (C06), and East Garden Grove-Wintersburg Channel (C05). Flowing adjacent to Naval Weapons Station Seal Beach, C02 is approximately 1.5 miles long and discharges at Huntington Harbor. C04 is approximately 8 miles long and begins at the confluence with C02, then extends northeast into the cities of Westminster and Garden Grove. C06 begins east of the City of Fountain Valley and extends 4.1 miles to the confluence of C05. Approximately 11.5 miles long, C05 begins in Garden Grove and discharges into Bolsa Chica Ecological Reserve (BCER) at Outer Bolsa Bay, which flows into Huntington Harbor, and out to the Pacific Ocean.

BCER is owned by the California State Lands Commission and is managed by the Department. It is comprised of approximately 1,300 acres of coastal estuary that includes a multitude of habitats, such as eel grass bed, salt marsh, coastal strand/sand dune, coastal sage scrub, freshwater wetland, and riparian woodland. In addition to harboring many sensitive species (see Specific Comment 6), BCER is an important migratory stop and nesting ground for a multitude of avian species.

The Department has participated in ongoing scoping meetings with the U.S. Army Corps of Engineers (Corps) and the County of Orange (County; non-federal sponsor for the DIFR), regarding channel improvements in the Westminster watershed as early as June 2014. On January 12, 2018, the Department provided feedback regarding preliminary in-channel

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alternatives for the DIFR in a letter entitled, "Comments on the Scoping Notice for the Westminster East Garden Grove Study (SCH# 2017124001)." On November 5, 2018, multiple stakeholders, including the Department, met to discuss in-channel and downstream improvements and the potential impacts to biological resources as a result of new infrastructure and hydrology.

The NOP seeks to identify sustainable flood risk management solutions within the Westminster watershed in order to reduce flooding caused by overtopping of the C02/C04 and the C05/C06 channel systems. While other alternatives not analyzed in the current NOP have been explored during current stakeholder meetings and calls (Merkel and Associates; personal communication, November 26, 2016), the NOP describes the Tentatively Selected Plan (TSP) and a Locally Preferred Plan (LPP). The TSP increases conveyance efficiency to a minimally acceptable level through lining existing channels with concrete, while the LPP calls for additional channel geometry alterations for a maximum increase in conveyance efficiency. Both plans include "downstream improvements," such as expansion of Warner Avenue Bridge, replacement of tide gates at C05, and construction of a flood wall along Pacific Coast Highway (PCH) at Outer Bolsa Bay. These downstream improvements and mitigation for their impacts are of particular interest to the Department. The Department offers the following comments and recommendations to assist the Corps in avoiding or minimizing potential project impacts on biological resources.

### **Specific Comments**

#### Alternatives Analysis

1. The Department has concerns regarding how increased conveyance flows via C05 into Outer Bolsa Bay will contribute to type conversion of habitat and impact biological resources through changes in water quality and hydrology. Given the data provided in the NOP, the Department supports the adoption of the TSP because conveyance flows would be minimally increased, and water quality and hydrology would be impacted as little as possible.

Should additional alternatives be considered for inclusion in the DIFR, the Department would not support any alternative that would discharge conveyance into the Muted Tidal Pocket of BCER that may lead to significant erosion or sedimentation of the habitat in that basin. Beyond potential type conversion of habitat on the adjacent mesa and/or disturbance of sensitive species such as southern tarplant (*Centromadia parryi* ssp. *australis*; California Rare Plant Rank 1B.1) the Department is concerned that conveyance discharged into the Muted Tidal Pocket or anywhere within BCER could disturb sequestered soil pockets that contain contaminants from oil field production. Any analysis of alternatives in the DIFR that discharge into the BCER, therefore, should include a discussion and analysis of these potential impacts.

2. With regard to hydrology of the two alternatives, given the broad scope of the NOP, it was infeasible for the Department to review the hydrological analysis for the TSP and the LPP in detail; therefore, the Department looks forward to providing detailed comments on the hydrological analysis provided in the DIFR when the TSP, LPP, or another alternative is adopted by the Corps. The Department is available for discussion as the document is formulated.



### Mitigation

3. The NOP states that a Mitigation Plan will be crafted in order to offset impacts from downstream improvements (NOP, Executive Summary-v). Any Mitigation Plan associated with the DIFR should identify whether the habitat to be impacted was mitigation for previous municipal, County, or state projects such as, but not limited to: former Warner Avenue Bridge, channel, or BCER improvements. Replacement mitigation for impacts to areas where mitigation has already occurred should be considered separate from and in addition to compensation for other biological resources impacted within the project site and/or associated with the project. In such cases, appropriate and in-kind mitigation at no less than a 10:1 mitigation ratio should be considered.
4. Any mitigation planned within BCER, or on any other Department-owned or -leased land, will require further review and approval by the Department prior to certification of the final IFR.

### Water Quality

5. The Department has concerns that changes to hydrology of Outer Bolsa Bay and/or the Muted Tidal Pocket, with the addition of downstream improvements, will impact water quality and subsequently the marine resources in BCER. Water quality impacts may include, but are not limited to, the following:
  - a. changes in circulation;
  - b. increased areas of erosion;
  - c. increased turbidity and sedimentation;
  - d. changes to salinity;
  - e. changes in temperature and dissolved oxygen;
  - f. changes to the tidal prism, tidal range, and residence time of water and pollutants;
  - g. long-term reduction in water clarity; and,
  - h. increased nutrient and toxic pollutant load levels.

The Department recommends that the DIFR include a discussion of how water quality will be impacted, and how those impacts may directly and indirectly affect biological resources within the project study area.

### Impacts from Downstream Improvements

6. The proposed tide gate replacement/relocation at the terminus of C05 may be close to the habitat area known as "Rabbit Island," located in the upper reaches of the Bolsa Bay State Marine Conservation Area (BBSMCA). The DIFR should describe how it would avoid,

minimize, and mitigate for any temporary or permanent impacts that may occur to sensitive species on Rabbit Island as a result of project activity. These species include but are not limited to: Belding's savanna sparrow (*Passerculus sandwichensis beldingi*; California Species of Special Concern (SSC)), burrowing owl (*Athene cunicularia*; SSC), light-footed Ridgway's rail (*Rallus obsoletus levipes*; CESA- and Endangered Species Act (ESA)-listed Endangered), salt marsh bird's beak (*Chloropyron maritimum* ssp. *maritimum* (CESA- and ESA- listed Endangered), Ventura marsh milk vetch (*Astragalus pycnostachys* var. *lanosissimus*; CESA- and ESA- listed Endangered), as well as for special status plants (California Rare Plant Rank 1.B) such as coast woolly heads (*Nemacaulis denudata* var. *denudata*), Coulter's goldfields (*Lasthenia glabrata* spp. *coulteri*), estuary seablite (*Suaeda esteroa*), and southern tarplant.

7. The DIFR should discuss in detail impacts to Bolsa Basin, Outer Bolsa Bay, and the Muted Tidal Pocket that may occur from the increased flow of trash and debris at the replaced/relocated tide gates at the terminus of C05. The Department recommends that a physical structure or mechanism be used to control the spread of unwanted debris (i.e. trash boom or trash wheel) in conjunction with a trash management/collection program.
8. Impacts to dune plant species from flood wall construction along PCH should be thoroughly discussed and analyzed in the DIFR.

#### Eelgrass Habitat

9. Eelgrass provides a variety of critical ecological services including nursery habitat for a variety of fish and invertebrate species. Many of the fish and invertebrate 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.

Both the TSP and LPP would likely result in the direct loss of an undetermined amount of eelgrass and eelgrass substrate. The potential eelgrass habitat areas that may be impacted due to excavation and fill are located within the BBSMCA, and the proposed construction footprints of the PCH floodwall, and under or adjacent to the Warner Bridge (where it has been historically observed). The soft bottom, tidally influenced channels may also have eelgrass habitat available as the lower reach of Bolsa Chica Channel has historically supported eelgrass. In addition, the Department believes that the proposed project may also result in the indirect and permanent loss of eelgrass habitat as a result of potential shading from bridge widening, changes in Bolsa Bay hydrology and water quality impacts (see Specific Comment 5). The Department recommends that:

- a. eelgrass habitat surveys are required in order to identify short term and direct impacts before and after all in water construction activities where eelgrass may exist. The

Department requires eelgrass surveys and mitigation in conformance with the California Eelgrass Mitigation Policy<sup>1</sup> unless otherwise agreed upon by the resources agencies;

- b. long-term impact monitoring be included to identify eelgrass losses and eelgrass habitat degradation because indirect and long-term eelgrass impacts are difficult to identify or predict without monitoring after construction. The development of a long-term eelgrass impact monitoring program and mitigation plan is advisable;
- c. the DIFR should include a detailed discussion of eelgrass avoidance and minimization mitigation strategies, designs and methods for all direct and indirect impacts, along with compensatory mitigation proposals to offset the unavoidable adverse impacts to eelgrass habitat;
- d. the DIFR should include additional evaluations of other project alternatives, construction methodologies, materials and designs that can be implemented to allow for further reduction of eelgrass habitat impacts, due to the amount of expected adverse impacts to eelgrass from the proposed project;
- e. the draft Eelgrass Mitigation, Monitoring and Reporting plans be made available for review by the Department prior to the certification of the final IFR; and,
- f. if eelgrass mitigation and transplanting are necessary, the Department requires a Department issued Scientific Collecting Permit for eelgrass collection, and a Letter of Authorization for eelgrass transplanting. The Department recommends that the Corps coordinate with the Department at its earliest opportunity.

#### Impacts to Cultural Resources

- 10. The Department is aware of the existence and location of cultural resources sites at BCER that should be considered within the scope of the DIFR. The Department recommends coordination with the Department, the State Historic Preservation Officer, and any Tribes, per state Assembly Bill 52.

#### **General Comments**

- 1. The Department considers adverse impacts to a species protected by the California Endangered Species Act (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

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<sup>1</sup>Available online at:  
[www.westcoast.fisheries.noaa.gov/publications/habitat/california\\_eelgrass\\_mitigation/Final%20CEMP%20October%202014/cemp\\_oct\\_2014\\_final.pdf](http://www.westcoast.fisheries.noaa.gov/publications/habitat/california_eelgrass_mitigation/Final%20CEMP%20October%202014/cemp_oct_2014_final.pdf).

endangered or threatened, or a candidate for listing under CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department 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. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

2. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish, and wildlife, the Department recommends the following information be included in the DIFR.
  - 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. Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.

#### Biological Resources within the Project's Area of Potential Effect

3. 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 DIFR 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 the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <https://www.wildlife.ca.gov/Conservation/Plants/Info>). The Department 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. 2008<sup>2</sup>). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off-site. 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. The Department's California Natural Diversity Data Base in Sacramento should be contacted at [www.wildlife.ca.gov/biogeodata/](http://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 the Department and the U.S. Fish and Wildlife Service.

#### Analyses of the Potential Project-Related Impacts on the Biological Resources

- 4. 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 DIFR.
  - 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 (e.g., preserve lands associated with a NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DIFR.

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<sup>2</sup> Sawyer, J. O., T. Keeler-Wolf and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society Press, Sacramento.

- 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.

Mitigation for the Project-related Biological Impacts

- 5. The DIFR should include measures to fully avoid and otherwise protect Rare Natural Communities from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.
- 6. The DIFR 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.
- 7. For proposed preservation and/or restoration, the DIFR 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.
- 8. The Department recommends that measures be taken to avoid project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Sections 3503.5 and 3513 of the California Fish and Game Code prohibit take of all raptors and other migratory nongame birds and section 3503 prohibits take of the nests and eggs of all birds. Proposed project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1-September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, the Department recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. 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.

9. The Department 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.
10. 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.
11. The Polyphagous and Kuroshio shot hole borers (ISHBs) are invasive ambrosia beetles that introduce fungi and other pathogens into host trees. The adult female (1.8-2.5 mm long) tunnels galleries into the cambium of a wide variety of host trees, where it lays its eggs and propagates the *Fusarium* fungi species for the express purpose of feeding its young. These fungi cause *Fusarium* dieback disease, which interrupts the transport of water and nutrients in at least 58 reproductive host tree species, with impacts to other host tree species as well. With documented occurrences within the Westminster watershed, the spread of invasive shot hole borers (ISHBs) could have significant impacts in local ecosystems. Therefore, with regard to ISHBs, the Department recommends the DIFR include the following:
  - a. a thorough discussion of the direct, indirect, and cumulative impacts that could occur from the potential spread of ISHBs as a result of proposed activities in the DIFR;
  - b. an analysis of the likelihood of the spread of ISHBs as a result of the invasive species' proximity to above referenced activities;
  - c. figures that depict potentially sensitive or susceptible vegetation communities within the project area, the known occurrences of ISHB within the project area (if any), and ISHB's proximity to above referenced activities; and
  - d. a mitigation measure or measure(s) within the final DIFR that describe Best Management Practices (BMPs) that bring impacts of the project on the spread of ISHB below a level of significance. Examples of such BMPs include:
    - i. education of on-site workers regarding ISHB and its spread;
    - ii. reporting sign of ISHB infestation, including sugary exudate ("weeping") on trunks or branches and ISHB entry/exit-holes (about the size of the tip of a ballpoint pen), to the Department and UCR's Eskalen Lab;
    - iii. equipment disinfection;
    - iv. pruning infected limbs in infested areas where project activities may occur;
    - v. avoidance and minimization of transport of potential host tree materials;
    - vi. chipping potential host materials to less than 1 inch and solarization, prior to delivering to a landfill;



Ms. Shawna Hearth-King  
U.S. Army Corps of Engineers, Chicago District  
December 3, 2018  
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- vii. chipping potential host materials to less than 1 inch, and solarization, prior to composting on-site;
- viii. solarization of cut logs; and/or
- ix. burning of potential host tree materials.

Please refer to UCR's Eskalen lab website for more information regarding ISHBs:  
<http://eskalenlab.ucr.edu/pshb.html>.

The Department appreciates the opportunity to comment on the referenced NOP. Questions regarding this letter and further coordination on these issues should be directed to Jennifer Turner at (858)467-2717 or [jennifer.turner@wildlife.ca.gov](mailto:jennifer.turner@wildlife.ca.gov).

Sincerely,



Gail K. Sevens  
Environmental Program Manager  
South Coast Region

cc: Christine Medak (U.S. Fish and Wildlife Service)  
Scott Morgan (State Clearinghouse)

#### References

Keith Merkel. Merkel and Associates. November 26, 2018. Personal communication via phone stakeholder meeting regarding additional alternatives with discharge points other than those presented in the TSP or LPP. On file, California Department of Fish and Wildlife R5 Office.



**From:** [Simon.Larry@Coastal](mailto:Simon.Larry@Coastal)  
**To:** [westminster\\_comments](#)  
**Subject:** [Non-DoD Source] Comments on Draft Consistency Determination (Appendix N of Draft Feasibility Report)  
**Date:** Monday, December 3, 2018 4:37:06 PM

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The Coastal Commission staff submits the following comments on the Draft Consistency Determination (CD) which serves as Appendix N of the Draft Feasibility Report (DFR) for the Westminster, East Garden Grove Flood Risk Management Study, Orange County, California. It is our understanding that the final CD will be submitted to the Commission in the fall of 2019. Once the final CD is submitted, the Commission must act within 75 calendar days of the submittal date, unless that statutory time deadline is extended by the Corps of Engineers. The Commission staff will work with the Corps staff to ensure that Commission action at one of its monthly meetings is scheduled in order to complement the Corps' schedule for completion of the NEPA process for the project.

The Draft CD states that for purposes of the CD the proposed project is the Locally Preferred Plan (LPP; Alternative 3 – Maximum Channel Modifications). The Final CD should incorporate any changes made to the LPP as a result of comments made on the DFR and/or changes made to the LPP as the project design is refined by the Corps in 2019. The Draft CD includes statements regarding temporary project impacts to public access, recreation, and scenic views. The Final CD should include estimates as to the length of time that such temporary construction impacts of numerous project elements would occur, and, if possible, the estimated dates for construction of all project elements. Regarding the disruption to pedestrian access at the Warner Avenue Bridge and other locations, the Final CD should also include provisions for signage and temporary detour pathways during the construction period. The Draft CD states that operation of the project would not affect recreation, particularly in waters downstream of the project. The Final CD should, however, include analysis of potential adverse effects on recreational boating and other water uses in Huntington Harbor and Anaheim Bay from increased volumes and velocities of stormwater flowing into those areas after completion of the project.

The Final CD should include a more detailed analysis of how the project is consistent with Section 30236 of the Coastal Act, in particular, how there are no other methods for protecting existing structures and development in the floodplain, and how the project incorporates the best feasible mitigation measures. The Final CD should include a more detailed analysis of the impacts to public views from construction of the floodwall along Pacific Coast Highway, from the highway to Outer Bolsa Bay and from the latter toward the Pacific Ocean. The Final CD should include a detailed analysis of how the project would not lead to adverse effects to the Bolsa Chica Ecological Reserve. In November 2001 the Commission concurred with consistency determination CD-061-01 from the U.S. Fish and Wildlife Service for construction of the Bolsa Chica Lowlands restoration project. That project serves in part as mitigation for landfill construction in the Ports of Los Angeles and Long Beach. Habitat protection and preservation of the ecological values of the Bolsa Chica Lowlands complex must not be adversely affected by the proposed flood control project. The Final CD should include (or directly reference) a detailed mitigation plan for unavoidable losses of and adverse effects on environmentally sensitive habitat, including Coastal Act-defined wetlands, riparian habitat, and sensitive upland habitat.

To avoid needless repetition, the Final CD can include references to those sections of the EIS/EIR which support the findings/conclusions made in the CD, in particular for the aforementioned issues.

The Commission staff looks forward to working with the Corps of Engineers on your upcoming consistency determination. Please contact me should you have any questions regarding these comments.

Best regards,

Larry Simon

Federal Consistency Coordinator

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UNITED STATES DEPARTMENT OF COMMERCE  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802-4213

December 3, 2018

U.S. Army Corps of Engineers  
Chicago District  
231 S. LaSalle Street  
Suite 1500  
Chicago, Illinois 60604

Dear Mr. Padilla:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the U.S. Army Corps of Engineers' (USACE) Draft Integrated Feasibility Report (IFR) and the Draft Environmental Impact Statement / Environmental Impact Report (Draft EIS/EIR). NMFS is providing the following comments pursuant to our responsibilities under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), Endangered Species Act, and Marine Mammal Protection Act.

### **Proposed Project**

The goal of the study is to identify sustainable flood risk management solutions within the Westminster watershed to reduce flooding caused by overtopping of the area's channel systems. Specifically, the study analyzes flood conveyance properties of the Bolsa Chica Channel (C02), Westminster Channel (C04), East Garden Grove/Wintersburg Channel (C05), and the Ocean View Channel (C06) as well as downstream management measures in Outer Bolsa Bay. The combination of increased runoff from urbanization and underperforming drainage channels results in increased flood risks to approximately 400,000 residents, 44,000 structures, important roadways, and the Bolsa Chica Ecological Reserve (BCER). In addition to underperforming drainage channels, the existing downstream conditions in Outer Bolsa Bay limit flows being discharged from the C05 channel. The outlet of Outer Bolsa Bay into Huntington Harbour at Warner Avenue constricts flows and creates a backwater effect through Outer Bolsa Bay and up into the C05 channel. Similarly, the existing tide gates at the downstream end of C05 constrict discharge from the channel during high flow events. These constrictions increase flood risk to the oil facilities within BCER and to homes located upstream.

The planning objectives are to 1) reduce the risk of flood damages to structures and infrastructure, 2) reduce life-safety risk associated with overbank flooding, 3) reduce the risk of downstream flood damages, and 4) promote compatible recreation. The draft IFR provides a preliminary analysis of the performance, design, cost, and impacts to natural and manmade resources of four alternative plans to address these objectives. The plans evaluated structural measures including channel lining, channel geometry modifications and flood storage reservoirs,



and nonstructural measures, including debris removal, regulations and response planning. The next phase of the study involves input from the public, stakeholders, resource agencies, and multiple reviews. The study team will use input from the review process to inform feasibility study completion. In addition, detailed analyses including design, cost, geotechnical studies, hydrologic and hydraulic analyses, plan formulation, economic analyses, environmental assessments, and hazardous, toxic, and radioactive waste studies will be completed. These detailed studies should result in a finer level of analysis and higher level of certainty in the project design, cost, effectiveness and impacts. The final report will document these detailed analyses and provide a recommendation based on the study objectives, law, and policy.

The alternatives that were evaluated consisted of either increasing channel conveyance efficiency (Minimum Channel Modifications Plan) or increasing storage capacity (Maximum Channel Modifications Plan). Based on the USACE's benefit cost analysis, the USACE determined that the Minimum Channel Modifications Plan yielded higher net benefits than the Maximum Channel Modifications Plan, and, thus, identified the Minimum Channel Modifications Plan as the Tentatively Selected Plan (TSP). However, Orange County Public Works, the non-federal sponsor of the study, has determined that the TSP does not meet their objective of containing a 1% annual chance of exceedance (ACE) storm event within the channels and reducing the size of the floodplain. Therefore, they have identified the Maximum Channel Modifications Plan as the Locally Preferred Plan (LPP) because it does meet their objective.

The TSP involves concrete lining of the trapezoidal channels within C02, C04, C05, and C06 that currently have an earthen bottom and either earthen or riprap banks. In addition, the leveed areas in the downstream reaches of C02 and C05 would be improved to reduce levee failure risks. Modifications in these reaches would include installation of steel sheet pile channel walls, but would preserve the existing soft bottom, tidally-influenced habitat. The LPP changes existing trapezoidal channels within C02, C04, C05, and C06 into rectangular concrete (or steel sheet pile) channels in order to increase storage volume and flow for floodwaters. This would also require alterations to some existing road and path crossings to accommodate the new channel geometry. Diversion channels would be constructed in areas that cannot accommodate a change in channel design to direct flows around existing bottlenecks. In addition, floodwalls would be constructed in the existing channel right of way where necessary to contain the 1% annual chance of exceedance (ACE) storm event.

Both the TSP and LPP include channel modifications within the C05/C06 and C02/C04 systems that would cause an increase in downstream discharges, which would increase flows in the vicinity of Outer Bolsa Bay, Warner Avenue, and PCH. To compensate for increased flows in these locations due to channel modifications, the TSP and LPP include replacing the tide gates on C05, increasing the span of Warner Avenue Bridge, and constructing a floodwall on PCH along Outer Bolsa Bay. The tide gates on C05 would be replaced in order to improve the flow conditions through the lower reaches of the C05 channel. The current tide gates leak and therefore allow saltwater habitat to exist upstream in C05. This saltwater influence extends upstream of Outer Bolsa Bay for approximately 2.5 miles. The replacement of the tide gates as part of this alternative would be configured to allow for continued tidal influence in the lower reaches of C05, thus lessening impacts to the existing ecological conditions. Another downstream measure includes the widening of the Outer Bolsa Bay channel just upstream of the Warner Avenue Bridge. Widening of the channel would require that the Warner Avenue Bridge and the pedestrian bridge at the Bolsa Chica Conservancy be widened as well. Widening of the Outer Bolsa Bay channel would improve conveyance as well as the hydraulic efficiency of the

lower reaches of C05. Lastly, an approximately 2,500 foot long and 3 foot tall floodwall would be built along PCH at Outer Bolsa Bay to reduce the impact of flooding from C05/C06 on traffic.

### **Magnuson-Stevens Fishery Conservation and Management Act Comments**

#### **Action Area**

The study area is located entirely within the Westminster watershed in western Orange County, California. The project area includes portions of four non-federal drainage channels (i.e., C02, C04, C05, and C06) within the watershed, the receiving waters of Outer Bolsa Bay in the Bolsa Chica Ecological Reserve (BCER), and adjacent marine/estuarine habitats in Huntington Harbour and Inner Bolsa Bay. Tidal influence in C05 extends approximately 1.2 miles upstream from Outer Bolsa Bay within the coastal zone and the tidal influence continues upstream and gradually diminishes for approximately 1.5 miles. Tidal influence in C02 extends approximately 2 miles upstream from Huntington Harbour.

Essential fish habitat (EFH) for various federally managed fish species under the Pacific Coast Groundfish (PCG) and Coastal Pelagic Species (CPS) Fishery Management Plans (FMPs) occurs within Outer Bolsa Bay and the tidally influenced portions of channels C02 and C05, as well as adjacent estuarine/marine areas, such as Inner Bolsa Bay, Huntington Harbor, and the Bolsa Chica Lowlands Restoration Project. The project also occurs within and/or in the vicinity of estuary and seagrass habitat areas of particular concern (HAPC) for various fish species within the PCG FMP. HAPC are described in the regulations as subsets of EFH which are rare, particularly susceptible to human-induced degradation, especially ecologically important, or located in an environmentally stressed area. Designated HAPC are not afforded any additional regulatory protection under MSA; however, federal projects with potential adverse impacts to HAPC will be more carefully scrutinized during the consultation process.

#### **Adequacy of Information to Support EFH Consultation**

According to the IFR, the draft study and EFH assessment found in Section 5.8 serve as preliminary consultation with the NMFS under the MSA, and the USACE expects that NMFS will provide comments during the public review on the EFH assessment in the draft report. As described above, detailed studies still need to be completed to provide a finer level of analysis and higher level of certainty in the project design, cost, effectiveness and impacts. Therefore, NMFS recommends that the USACE initiate EFH consultation when the additional studies are completed and available for review. In addition, we offer the following preliminary comments and recommendations for the USACE's consideration during subsequent phases of the planning process.

#### **Effects of the TSP and LPP Alternatives**

Both the TSP and LPP would adversely impact tidal wetland habitat in Outer Bolsa Bay due to the modification of the Warner Avenue Bridge and the construction of the floodwall along PCH. NMFS believes any permanent losses to tidal wetlands would result in an adverse impact to EFH, as tidal wetlands are an important component of estuary HAPC. The IFR estimates the loss of approximately 1 acre of upland habitat with adjacent wetland fringe along Outer Bolsa Bay associated with expanding the span of the Warner Avenue Bridge. Also, the construction of the floodwall along PCH adjacent to Outer Bolsa Bay would result in the loss of approximately 0.2

acre of upland habitat and adjacent wetland fringe. The IFR indicates that these impacts would result in a significant, unavoidable impact that would require mitigation. Thus, a wetland mitigation plan is being prepared to replace the acreage of the impacted resources elsewhere in/around the study area. The IFR indicates that opportunities for mitigation have been identified at the BCER, but detailed plans have not yet been developed. Potential mitigation opportunities will be developed into mitigation alternatives that will be evaluated and compared to the future without project conditions. Lastly, a functional assessment has not been conducted on potential mitigation opportunities, but will be conducted prior to completion of the Final EIS/EIR.

Construction activities would also permanently impact seasonal wetlands within the channels. The TSP would impact approximately 24 acres of seasonal wetlands. In contrast, the LPP would impact approximately 9 acres of seasonal wetlands. The IFR is not spatially explicit regarding the exact locations of all the impacted seasonal wetlands, and assumes that more detailed surveys and analysis will be needed during the next phase of the project. Based upon the project description and our understanding of channel habitat characteristics, NMFS anticipates that the majority of these areas are seasonal freshwater wetlands, which are not designated EFH for fish species within the PCG and CPS FMPs. However, tidal influence extends upstream for a couple miles in both C02 and C05 channels. Therefore, permanent losses to tidal wetlands within the channels may occur (e.g., C05 Reach 2). The IFR indicates that mitigation opportunities for these wetlands are still being evaluated.

In addition to permanent losses to tidal wetlands, construction within the drainage channels, at Warner Avenue Bridge, along PCH, and at the tide gates at the downstream end of C05 involves bottom-disturbing work that may directly remove and/or bury living marine organisms, increase turbidity, release contaminants, release oxygen consuming substances, increase noise, and/or permanently alter physical habitat. Of particular concern is the potential for adverse impacts to eelgrass via direct disturbance and/or increased turbidity in C02, near the Warner Avenue Bridge, and adjacent areas in Huntington Harbor. In order to address potential construction impacts to eelgrass, the IFR indicates that surveys within the vicinity of the Warner Avenue Bridge will be conducted prior to completion of the final report. NMFS believes it is also appropriate to conduct eelgrass surveys in C02 given previous eelgrass observations near the Edinger Ave Bridge, and recommends that the surveys and any necessary mitigation be conducted in accordance with the California Eelgrass Mitigation Policy (NMFS 2014).

Another potential project concern is the spread of the invasive alga *Caulerpa taxifolia* from bottom disturbance activities. As you may be aware, this invasive alga had been introduced to our coastline. Evidence of harm that can ensue as a result of an uncontrolled spread of the alga has already been seen in the Mediterranean Sea where it has destroyed local ecosystems, impacted commercial fishing areas, and affected coastal navigation and recreational opportunities. Although it is not known to currently be present within the project area, it had been detected in Huntington Harbor and another location in Southern California. If the invasive alga is present within the project area, the bottom disturbance activities would adversely affect EFH by promoting its spread and increasing its negative ecosystem impacts. Therefore, NMFS recommends that the USACE address this potential threat by conducting surveys in appropriate areas consistent with the Caulerpa Control Protocol (SCCAT 2008).

According to the IFR, the existing tide gates at the downstream end of C05 constrict discharge from the channel during high flow events, and would be replaced in order to improve the flow conditions through the lower reaches of the C05 channel. Tide gates have a number of adverse physical, chemical, and biological effects. Channel morphology may be locally altered by scour pools that develop at both the inlet and outlet ends. Water temperatures may increase upstream due to freshwater stagnation and restriction of tidal inflow. In addition, tide gates prevent or limit flooding of upland channels with salt water, which may create dramatic salinity differences between one side of the gate and another. Moreover, tide gates may obstruct the movement of fish and other nekton, alter aquatic plant composition, and lead to pulses of coliform bacteria into estuarine/marine waters during low tides (Giannico and Souder, 2004). Given that the current tide gates are identified as a current flooding risk, and the proposed gates would continue to allow saltwater intrusion into C05, NMFS questions the purpose and need for tide gate replacement. Tide gate removal would seem to better address the identified flood risk, while also avoiding some of the adverse physical and chemical effects above and allowing for increased aquatic connectivity. However, the IFR indicates that tide gate removal was screened out for further review because the tide gates are specifically mentioned in the flood control easement deed that allows the Orange County Public Works (OCPW) to operate the lower reach of C05. NMFS suggests OCPW explore the feasibility of a new easement agreement and recommends that the USACE further analyze and consider removal of the tide gates on C05.

Both the TSP and LPP include channel modifications within the C05/C06 and C02/C04 systems that would cause an increase in downstream discharges, which would increase flows in Outer Bolsa Bay. These higher flows may adversely affect existing mudflats in Outer Bolsa Bay due to increased risk of scour. The IFR screened dredging in Outer Bolsa Bay out of the detailed study due, at least in part, to habitat concerns associated with the loss of mudflats. Therefore, NMFS believes the USACE should also analyze the potential for scour impacts to the existing mudflats and evaluate the need for mitigation and monitoring.

#### Additional Alternatives Analysis

The proposed downstream management measures are intended to accommodate the increased flow and volume of floodwaters expected from structural changes to the upstream drainage channels. For example, the IFR indicates that widening the Outer Bolsa Bay channel just upstream of the Warner Avenue Bridge would improve conveyance and hydraulic efficiency in the lower reaches of the C05 channel and compensate for increased flows associated with channel modifications upstream in C05/C06. However, the Muted Tidal Pocket and the Full Tidal Basin of the Bolsa Chica Lowlands Restoration Project, which are immediately adjacent to C05, may provide an alternative opportunity to accommodate the increase in floodwaters without significant infrastructure improvements at the Warner Avenue Bridge. For example, the northern C05 levee may be breached or a weir installed to allow overflow into the Muted Tidal Pocket. Similarly, a spillover weir could be constructed on the southern C05 levee to allow a limited amount of overflow into the Full Tidal Basin. Although urban runoff has the potential to degrade the quality of the wetland and shallow subtidal habitats in these areas, additional hydrological connectivity and freshwater into these estuarine habitats may provide important ecological benefits. In addition, additional freshwater flows into the Full Tidal Basin may increase ebb flow velocities at the tidal inlet, which may ultimately facilitate more efficient tidal exchange and minimize tidal inlet maintenance at the Bolsa Chica Restoration Lowlands Project. Therefore, NMFS recommends that the USACE evaluate an alternative that considers the use of these

adjacent habitat areas to accommodate the expected increase in downstream floodwater discharge. Such an alternative should evaluate the erosion risk to contaminated sediments that are currently sequestered within portions of the levee and overlook surrounding the Full Tidal Basin, and develop management measures to mitigate that risk. In addition, the USACE should consider utilizing the potential cost savings from not expanding the Warner Avenue Bridge to various mitigation measures that could be used to offset any reductions in quality associated with urban runoff into these habitat areas and to ensure long-term preservation of the Full Tidal Basin's tidal connectivity to the Pacific Ocean.

### **Endangered Species Act Comments**

As a federal agency and pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. § 1531 et. seq.), the USACE shall, in consultation with and with the assistance of NMFS, insure that any action it authorizes, funds, or carries out, does not jeopardize the continued existence of any species listed as threatened or endangered, or result in the destruction or adverse modification of designated critical habitat. The federally-listed threatened green sea turtle (*Chelonia mydas*) has been observed in Anaheim Bay, Huntington Harbor, Outer Bolsa Bay, and the Muted Tidal Pocket. The IFR indicates that all of the alternative plans include features whose construction activities would impact the green sea turtle. The IFR indicates there could be significant adverse impacts to green sea turtles while construction is occurring around the Warner Avenue Bridge, replacement of the tide gates on C05, and construction activities associated with modifications to Reach 23 C02 and Reach 1. Specifically, construction activities associated with the replacement of the tide gates, modification of the Warner Avenue Bridge, and construction of the floodwall along Pacific Coast Highway (PCH) would impact foraging habitat and may affect feeding behavior and movement.

NMFS supports the preliminary environmental commitment identified in the IFR to address green sea turtle impacts. Specifically, the IFR indicates that reaches or areas where the green sea turtle may be present will be visually monitored for the presence of the green sea turtle. If the green sea turtle is found to be present, then construction activities in that area will halt until the turtle has moved from the area. Construction within these areas may also be staged to occur when the green sea turtle would not be expected to be present. The green sea turtle is typically present between late spring through fall, so construction activities within Outer Bolsa Bay, C02, and Reach 1 of C05 may be staged to occur outside this window. However, additional protective measures may be appropriate depending upon the final project design and approach.

The IFR indicates that coordination with NMFS regarding effects to green sea turtles will continue as the project progresses and that the proposed project will be in full compliance with Section 7 of ESA. NMFS recommends that the USACE engage in consultation with the NMFS West Coast Region Protected Resources Division, for assistance with ESA compliance. Upon request, NMFS staff may be able to help in the determination of how green sea turtles or any other ESA-listed species may be directly or indirectly affected by the project activities. NMFS staff may also be able to assist in development of protective measures that can help minimize the potential for adverse effects to ESA-listed species.



## **Marine Mammal Protection Act Comments**

Marine mammals, particularly pinnipeds such as the California sea lion (*Zalophus californianus*), may be found in Huntington Harbor and Outer Bolsa Bay. Marine mammals are protected under the Marine Mammal Protection Act (MMPA; 16 U.S.C. § 1361 et. seq.). Under the MMPA, it is generally illegal to "take" a marine mammal without prior authorization from NMFS. "Take" is defined as harassing, hunting, capturing, or killing, or attempting to harass, hunt, capture, or kill any marine mammal. Except with respect to military readiness activities and certain scientific research conducted by, or on behalf of, the Federal Government, "harassment" is defined as any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal in the wild, or has the potential to disturb a marine mammal in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.


Please note that this letter does not provide Incidental Harassment Authorization for any marine mammals; any such authorization would be issued by NMFS Office of Protected Resources, in Silver Spring, Maryland. These comments are provided to facilitate direct coordination with the local NMFS West Coast Regional Office responsible for marine mammal conservation in the area of the proposed project. NMFS recommends that the USACE assess the potential for harassment or injury to marine mammals as a result of project activities, and consider implementing any measures that may be necessary to avoid the take of any marine mammals, as defined under the MMPA.

The proposed action does not appear to pose a significant risk of direct contact injury to marine mammals, but interactions with vessels, barges, and other equipment are possible, and there are risks of potential harassment under the MMPA that could result from acoustic impacts during construction. NMFS requests that biological observers carefully record the behavior of any marine mammals that do occur within the project area during project activities. If marine mammal disturbance appears to be occurring during the proposed activities, the USACE should cease activity and contact NMFS before proceeding further. In the unlikely event of an injury or mortality of a marine mammal due to project activities, please immediately contact our regional stranding coordinator, Justin Viezbicke, at (562) 980-3230.

If the incidental take of marine mammals may be expected to occur as a result of project activities, the USACE should apply for an Incidental Harassment Authorization (IHA) or Letter of Authorization (LOA) from NMFS well in advance of any work conducted under the proposed RGP. NMFS staff is available to assist with this assessment and compliance with the MMPA, including any IHA or LOA applications, upon request from the USACE. If it becomes apparent to the USACE that impacts to marine mammals in the form of "take" that has not been authorized by NMFS may be occurring as a result of any project activities, the USACE should cease operations and contact NMFS immediately to discuss appropriate steps going forward.

Thank you for considering our comments. Please contact Mr. Bryant Chesney at (562) 980-4037, or via email at [Bryant.Chesney@noaa.gov](mailto:Bryant.Chesney@noaa.gov) if you have any questions concerning our EFH comments. If you have any questions pursuant to ESA or MMPA issues, please contact Dan Lawson at (206) 526-4740 or [Dan.Lawson@noaa.gov](mailto:Dan.Lawson@noaa.gov).

Sincerely,



Chris Yates,  
Assistant Regional Administrator  
for Protected Resources

cc: Justin Golliher, Orange County Public Works  
Jon Avery, U.S. Fish and Wildlife Service  
Jean Prijatel, Environmental Protection Agency  
Glenn Robertson, Santa Ana Regional Water Quality Control Board  
Wendy Hall, California State Lands Commission  
Kelly O'Reilly, California Department of Fish and Wildlife  
Administrative File: 150316WCR2018PR00221

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**Santa Ana Regional Water Quality Control Board**

December 3, 2018

Justin Golliher  
Orange County Public Works  
300 North Flower Street  
Santa Ana, CA 92703  
Email [Westminster\\_Comments@usace.army.mil](mailto:Westminster_Comments@usace.army.mil)

**NOTICE OF PREPARATION, DRAFT INTEGRATED FEASIBILITY REPORT, DRAFT ENVIRONMENTAL IMPACT STATEMENT/ ENVIRONMENTAL IMPACT REPORT – WESTMINSTER, EAST GARDEN GROVE, CALIFORNIA FLOOD RISK MANAGEMENT STUDY, VARIOUS CITIES IN ORANGE COUNTY, CALIFORNIA**

**U.S. ARMY CORPS OF ENGINEERS AND ORANGE COUNTY PUBLIC WORKS JOINT DOCUMENT, SCH NO. 2017124001**

Dear Mr. Golliher:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) has reviewed the Notice of Preparation (received November 5, 2018) for a “Draft Integrated Feasibility Report, Draft Environmental Impact Statement/ Draft Environmental Impact Report (EIS/EIR), for the “Westminster, East Garden Grove, CA Flood Risk Management Study.” This is a joint document prepared by the U.S. Army Corps of Engineers (USACE) and Orange County Public Works (OCPW). This study, along with its proposed implementation by both agencies, constitutes the Project.

The Project has examined the flood risk posed by two primary but undersized drainage systems in the Westminster Watershed, the Westminster and East Garden Grove-Wintersburg Channel systems in the highly urbanized coastal plain between the cities of Cypress and Huntington Beach<sup>1</sup>. The Project concluded that additional lining and in-channel widening in these systems is necessary in order to achieve 100-year probability flood capacity and safely convey major stormflows through adjacent communities. Minimum flows of 800 cubic feet per second (cfs) must be conveyed by these channel revisions (EIS/EIR p. 6, Coastal Consistency Determination). The Project was conceived in 1972 and is scheduled for presentation to Congress in 2020, with construction expected to continue into 2038.

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<sup>1</sup> Segments (reaches) of the Westminster and East Garden Grove-Wintersburg Channels have experienced levee exceedances (overtopping) during even 5- to 10-year storm recurrence intervals, or 20 to 10 percent annual probability events (USACE cover letter for Project, October 19, 2018). At various reaches, these two systems receive stormflow from portions of the cities of Westminster, Garden Grove, western Anaheim and Santa Ana, Fountain Valley, Stanton, Cypress, Los Alamitos, Seal Beach, and Huntington Beach (OCPW designated Watershed “C”). Not included in the Project are system tributaries located north of the Westminster Channel: the Bolsa Chica Channel north of Edinger Avenue, and the Anaheim Barber City Channel.

Regional Board staff has attended informational meetings on the Project held by USACE and OCPW staff, during an interagency presentation (November 5, 2018), and a separate field meeting and public presentation (November 7, 2018).

### **Proposed Project**

The Project would apply plan alternatives for either “minimum” or “maximum” channel modifications to the two drainage systems:

- 1) The more northern Westminster Channel (C04) merges with the Bolsa Chica Channel (C02) at the corner of Bolsa Chica/Edinger Avenues in Huntington Beach. C02 continues west along the southern boundary of the Seal Beach Naval Weapons Station (SBNWS) and farther west, the Seal Beach National Wildlife Refuge (SBNWR), to then curve beneath the Edinger Avenue Bridge (currently in reconstruction) into Huntington Harbour. There are no tide gates at the terminus of C02 and currently, tidal influence naturally extends inland as far as two miles. Huntington Harbour is a major urbanized estuary and recreational marina, with its sole connection to the ocean through Anaheim Bay (located to the northwest). Huntington Harbour’s southeastern limit is the Warner Avenue Bridge, under which a narrow channel constitutes the only inlet providing estuarine waters to Outer Bolsa Bay (southeast of the Bridge).
- 2) The East Garden Grove-Wintersburg Channel (C05) extends from western Anaheim/ Santa Ana into Outer Bolsa Bay of the Bolsa Bay State Marine Conservation Area (BBSMCA, aka Bolsa Chica Ecological Reserve), one of the last conserved estuarine wetlands in coastal southern California. The Oceanview Channel (C06) follows the southern boundary line of the Westminster Watershed with Santa Ana River Watershed “D” beside Mile Square Park in Fountain Valley. C06 joins C05 at a “Y” junction in Huntington Beach. C05 terminates at tide gates within “north” and “south” levees that curve westerly into Outer Bolsa Bay. Estuarine water rises through these leaking tide gates and advances inland through C05, mixing with descending fresh water from storms and dry-weather flow, to generally discharge into Outer Bolsa Bay at low tide. Outer Bolsa Bay has limited “muted connection” to other designated sections of the BBSMCA, through separate tide gates with Inner Bolsa Bay (observed in the field) and the Muted Tidal Basin (not observed; identified by EIS/EIR Feasibility Chapter, Appendix B p.10). Outer Bolsa Bay has no connection to the Full Tidal Basin and Seasonal Ponds, a relationship maintained since the BBSMCA was established in the 1980s.

Each of the four channels above (C02, C04, C05, and C06) is predominantly trapezoidal in cross section with earthen or riprap segments.

The minimum channel modification plan entails lining with concrete those segments of the four channels where concrete does not exist. Much of C04, C05, and C06 would not be paved.

The maximum channel modification plan entails the conversion of the trapezoidal channels into concrete rectangular channels, with vertical walls and “boxed” cross-sections that increase capacity. Floodwalls would be constructed along the length of C05 to its terminus in Outer Bolsa Bay, but not along C02/C04 or C06.

Under both minimum and maximum plans:

- The termini and lowest reaches of C02 and C05 (Reach 1) would remain soft-bottomed. Vertical steel sheet piles would be driven into the mud, replacing the channel slopes. Paving would not occur where tidal influence would spall the concrete.
- The leaking tide gates between the levees at the terminus of CO5 would be replaced with sealing tide gates, at the same location or at another position upstream.
- The narrow channel beneath the Warner Avenue Bridge would be widened by excavating the adjacent promontory, which currently extends into Outer Bolsa Bay from the Bolsa Chica Ecological Reserve visitor center. The degrading Warner Avenue Bridge itself would be replaced and widened, as well as the adjacent visitor center pedestrian bridge.
- A three-foot high floodwall would be constructed along the Outer Bolsa Bay side of Pacific Coast Highway (PCH), opposite the C05 terminus, in anticipation of major stormflows exiting C05 into the estuary and raising water levels onto the highway.

The maximum channel modification plan is the “locally preferred plan” by the OCPW, and the strongly recommended goal of the USACE. There is no phased plan by which some of the above measures could be implemented to determine levels of success prior to adding other measures.

A Clean Water Act (CWA) Section 401 Water Quality Standards Certification (Certification) must be issued by the Regional Board and is recognized by the EIS/EIR as a prerequisite to the Project and the USACE CWA Section 404 Permit. Mitigation for the Certification may incorporate our recommendations (p.5 of this letter) or other parts of our discussion.

### **Narrative Comments On Entire Project**

Regional Board staff recommends that the Final EIS/EIR incorporate the following comments in order for the Project to best protect water quality standards (water quality objectives, beneficial uses<sup>2</sup> and antidegradation policy), as defined in the Water Quality Control Plan for the Santa Ana River Basin (i.e., Basin Plan):

### **Downstream Impacts of Increased Stormflow**

Regional Board staff concur that implementation of the maximum plan alternative is necessary to evacuate greater stormflow volumes that could be conveyed by rectangular channels. However, Regional Board staff has expressed concern to USACE, OCPW, and other agency recipients copied below that *qualitatively*, the Project could be undersized or

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<sup>2</sup> The designated beneficial uses of Huntington Harbour, Bolsa Bay, and the Bolsa Chica Ecological Reserve are variously: Estuarine Habitat (EST); Navigation (NAV); Water Contact Recreation (REC1); Non-contact Water Recreation (REC2); Commercial and Sportfishing (COMM); Preservation of Biological Habitats of Special Significance (BIOL); Wildlife Habitat (WILD); Rare, Threatened or Endangered Species (RARE); Spawning, Reproduction, and Development (SPWN); Marine Habitat (MAR); and Shellfish Harvesting (SHEL).

approaching obsolescence by the time of completion, unless current planning places greater focus on potential climate change impacts. Limited by urbanization to their present widths, the finalized channels still may not adequately convey greater than 100-year stormflow (the minimum 150- to 200-year probability that the Final EIS/EIR should analyze for) unless the Project incorporates measures to relieve the channels of some of the volume of potentially intensive future storms (see Recommendations below). The historical deluges of 1861-2, 1938, and 1969 are likely to repeat, with modern overland flow on much greater areas of impervious surface. The Final EIS/EIR should *quantitatively* determine the limits of flow capacity. Then, this figure(s) should compare the Project design flood with the Probable Maximum Flood to determine, as we anticipate, potential shortfalls in future flow conveyance.

The newly published “Fourth National Climate Assessment,” November 2018, compiled by the U.S. Global Change Research Program, National Oceanic and Atmospheric Administration (NOAA), states for the “Southwest” that “*Extreme precipitation events are projected to increase in a warming climate and may lead to more severe floods and greater risk of infrastructure failure in some regions*” (Chapter 3, Water, “Southwest” section). This Chapter adds that in most parts of the U.S. since 1901, the juxtaposition of droughts with “increasingly heavy downpours” and “heavy precipitation events” has intensified. Chapter 8, Coastal, notes that “compound extreme events” of essentially heavy precipitation, ocean surges, and channel discharges from land have increased in severity in many coastal cities.

Recognizing the recent trends of warmer climate and increased hardscape, Regional Board staff has also noted that higher and earlier peak flows (“flash flooding”) have been occurring during more isolated yet intense rainfall events. The Project’s proposed armoring will decrease roughness and accelerate the velocity and evacuation of runoff and pollutants during future heavy precipitation events. We believe that such velocity and volume exceeding normal baseline flow may create a “firehose” effect into the respective estuaries, thereby causing marina damage (C02, Huntington Harbour) and erosion/scour (C05, Outer Bolsa Bay, even with existing tide gates partly regulating the flows).

Regional Board staff support the proposed widening of the channel associated with the Warner Avenue Bridge to slow the velocity of currents and increase tidal exchange between Outer Bolsa Bay and Huntington Harbour.

For the terminus of C05, major discharges into Outer Bolsa Bay could be alleviated by extending the levees of the East Garden Grove-Wintersburg Channel directly to the ocean (as with the existing Talbert Channel D02) beneath a raised PCH. Such an extension would still not serve as the long-considered second ocean inlet for the BBSMCA. However, instead of the Project’s proposed floodwall, a breach of the PCH roadway and Bolsa Chica State Beach could form a narrow ocean inlet opposite the terminus of C05. The inlet would potentially absorb the energy and volume of future C05 discharges, while providing direct tidal exchange.

Alternatively, the concept of tide gates could be abandoned for C05 (they are not proposed for C02), with the acceptance that rising sea levels anticipated in the coming decades will

advance farther inland in these channels<sup>3</sup>, submerge more of both estuaries, and during king tides, submerge local portions of PCH itself. If the C05 tide gates are to be replaced, a location upstream but within the BBSMCA should be considered in order to release more stormflow to the Bolsa Chica wetlands. The tide gates should be positioned to not have backed-up flows overtop the levees to adjacent housing developments.

### Rising Sea Levels

With the following sentences, the Fourth National Climate Assessment, Chapter 8 (Coastal), warns of the need for project adaptations to accommodate rising sea levels, which Regional Board staff believe the Final EIS/EIR should address:

*“The combined effects of changing extreme rainfall events and sea level rise are already increasing flood frequencies, which impacts property values and infrastructure viability, particularly in coastal cities. Without significant adaptation measures, these regions are projected to experience daily high tide flooding by the end of the century,” and “Restoring and conserving coastal ecosystems and adopting natural and nature-based infrastructure solutions can enhance community and ecosystem resilience to climate change...”*

Chapter 3 (Water) further supports our concern: *“...current coastal flood risk assessment methods consider changes in terrestrial flooding and ocean flooding separately, leading to an underestimation or overestimation of risk in coastal areas,” and “Higher storm surges due to sea level rise and the increased probability of heavy precipitation events exacerbate the risk.”*

Accordingly, Regional Board staff identify a conflicting scenario. Once channel capacity is maximized by conversion to a rectangular cross-section under the Project’s “preferred plan,” the collected watershed runoff for the 100-year or greater storm may “mound” upon rising seawater that it collides with, upstream of the terminus of each channel, depending on concurrent tidal and storm surge conditions. The collective volume may back up the channels to key locations, where it exceeds levee height despite current planning. Therefore, we believe that the Project requires redistribution of some of that volume away from the channels, through “relief valve” measures mimicking deltaic functions for each channel. These measures could represent the Project’s mitigation measures for the required Certification for the Project, as well as provide the solution to our concerns about whether a high-velocity discharge would exit C02 or C05, or whether major flows would collide with tidal incursions. For each channel system, our recommended measures are as follows:

### Recommendations

#### C02/C04 System - Huntington Harbour

- Distribute flows from the curving terminus of C02 to northwest of the SBNWR salt marsh. The SBNWR appears to be slightly lower in elevation than the mid-level (perhaps even the bottom) of the C02 channel. Instead of installing sheet piling along the northern

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<sup>3</sup> As discussed with USACE and OCPW staff, Regional Board staff do not consider the increasing extension of sea water inland as a result of sea level rise in C02 and C05 to be a water-quality threat, given that seawater intrusion already exists.



levee, construct outlets or weirs through the northern levee and point them upstream, to partly divert flows to the SBNWR. At least one outlet could be designed as perpendicular to the levee, to intercept either rising seawater or downstream flows. Property of the SBNWS would not be considered for these diversions, although Regional Board staff ask for cooperation with the U.S Navy for these diversions to the wildlife refuge.

- The Westminster Diversion Channel is proposed by the Project to branch out additional channel space from C04 near the Westminster Mall, for temporary removal of a large fraction of the major volume we have anticipated (exceeding the 100-year flow volume). Regional Board staff supports its construction. The Project does not appear to have considered that the downstream addition of storm flows from the Bolsa Chica Channel and Anaheim Barber City Channel could replace the water conceptually diverted upstream into the Westminster Diversion Channel. Therefore, we believe that the downstream improvements to move major flows out to the SBNWR remain necessary.

#### C05/C06 System - Outer Bolsa Bay/ BBSMCA/ Oceanview Channel

- Any replacement of the existing tide gates should occur upstream of the current location but downstream of existing development. An option to completely remove the tide gates should be strongly considered. We recommend that the USACE and OCPW consider working with increasing sea level rise by allowing tidal influence and stormwater flows to combine and fluctuate together without tide gates (as appears to be the plan for C02/C04).
- From interagency discussion onsite, with their support for some version of the following measure<sup>4</sup>, Regional Board staff understand that of the “north” and “south” levees at the C05 terminus, the “south” levee may contain buried contaminants from the partial cleanup of the Bolsa Chica oil fields surrounding the estuary. The “north” levee does not contain contaminants; if the “north” levee can be shown to be constructed only of clean earthen material, then we recommend that the Final EIS/EIR consider the dismantling of the north levee in favor of spreading out the C05 stormwater discharge to mix with estuarine waters of the adjacent Muted Tidal Basin. As discussed above (Proposed Project), such comingling is ostensibly occurring already. The opening of the entire north levee would allow the estuarine water of Outer Bolsa Bay, and freshwater introduced from C05, to provide deeper water in the Muted Tidal Basin (now a tidal flat) and enhance a coastal marsh function. Alternatively, a portion of the “north” levee at the C05 terminus could be removed, allowing a narrow passage for exchange between Outer Bolsa Bay and the Muted Tidal Basin. These measures appear to conflict with proposed sheet pile installation at the C05 terminus, as understood.
- Under the above measure, with stormwater discharge from C05 entering a wider tidal marsh, the flow velocity and volume are distributed such that a floodwall along PCH does not appear necessary. Mindful that sea level rise may eventually inundate PCH anyway, the elevation of the highway--perhaps over a second inlet to the BBSMCA--may be an optimum solution to be considered by the Final EIS/EIR.

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<sup>4</sup> With representatives of NOAA, the U.S. Fish and Wildlife Service, and the Environmental Protection Agency.

- Booms and bandolons (a floating metal mesh dumpster) should be considered for use in all channels, to intercept floatable refuse before it reaches the estuaries.
- In a September 2012 Mitigated Negative Declaration (MND), the widening of the Warner Avenue Bridge was planned by the City of Huntington Beach (City) with a series of goals that would have required permitting by our office. This MND should be obtained from the City.
- Construction of an offsite basin on the vacant land located at the “Y” junction of C05 and C06 should be considered for temporary storage of pumped stormwater from either channel when flows threaten to overtop the channels.
- The Final EIS/EIR should further address one of the Study’s topics, the transfer of stormflow from Westminster Watershed “C” to the Santa Ana River Watershed “D” (OCPW designation), in order to relieve stormwater volume from an exceeded C channel system. Although Watershed D may have little more assimilative capacity for additional stormflow than does C, Regional Board staff note the immediate proximity of the Oceanview Channel (C06) to the Warner Avenue and Magnolia Street intersection in D, which provides an opportunity to transfer water to the Talbert Channel (D02). Similarly, C06 water could conceivably be transferred to the Fountain Valley Channel (D05) or to the Santa Ana River. A major percentage of C flows could thus be transferred to the next watershed.
- Other opportunities for upstream stormwater capture should be addressed by the Final EIS/EIR, both to withdraw stormwater volume from eventual downstream discharge, and to comply with the Regional Board’s Municipal Stormwater Permit for Orange County, Order No. RB8-2009-0030 (as amended by R8-2010-0062). Please refer to [https://www.waterboards.ca.gov/santaana/water\\_issues/programs/stormwater/](https://www.waterboards.ca.gov/santaana/water_issues/programs/stormwater/) Regional Board staff found that where C06 crosses the Mile Square Park golf course as an open drainage, flows could conceptually be pumped out during storms, when no visitors are playing, and spread far away from the channel upon the vast hummocky terrain.

Coverage is required for construction, with appropriate Best Management Practices, under State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity, for individual projects occurring on an area of one or more acres. A Notice of Intent (NOI) with the appropriate fees for coverage of the project under this Permit must be submitted to the SWRCB at least 30 days prior to the initiation of construction activity at the site.

Information about this permit program can be found at

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html)

If you have any questions, please contact Glenn Robertson of our Coastal Waters Planning and CEQA Section at (951) 782-3259 and [Glenn.Robertson@waterboards.ca.gov](mailto:Glenn.Robertson@waterboards.ca.gov), or me at (951) 782-4995 or [Terri.Reeder@waterboards.ca.gov](mailto:Terri.Reeder@waterboards.ca.gov)

Sincerely,



Terri S. Reeder, PG, CEG, CHG  
Senior Engineering Geologist  
Coastal Waters Planning and CEQA Section  
Santa Ana Regional Water Quality Control Board

Enclosure: Regional Board January 12, 2018 letter regarding "Westminster, East Garden Grove Study"

Cc w/Enclosure:

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Jennifer Turner, California Department of Fish and Wildlife, Los Alamitos - [Jennifer.Turner@wildlife.ca.gov](mailto:Jennifer.Turner@wildlife.ca.gov)

State Clearinghouse, Sacramento - [State.clearinghouse@opr.ca.gov](mailto:State.clearinghouse@opr.ca.gov)

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December 3, 2018

File Ref: SCH # 2017124001

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

Orange County Public Works  
Attention: Justin Golliher  
300 N. Flower Street  
Santa Ana, CA 92703

VIA REGULAR & ELECTRONIC MAIL ([Westminster\\_comments@usace.army.mil](mailto:Westminster_comments@usace.army.mil))

**Subject: Notice of Preparation (NOP) for a Draft Integrated Feasibility Report,  
Draft Environmental Impact Statement/Draft Environmental Impact  
Report (EIS/EIR) for the Westminster East Garden Grove, CA Flood Risk  
Management Study, Orange County**

Dear Ms. Herleth-King and Mr. Golliher:

Thank you for the opportunity to contribute comments to the Draft Integrated Feasibility Report EIS/EIR for Westminster East Garden Grove Flood Risk Management Study (Feasibility Report or Report). 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 Report.

Commission staff has reviewed the subject NOP for an EIS/EIR for the Westminster, East Garden Grove, CA Flood Risk Management Study Project (Project), which is being prepared by the U.S. Army Corps of Engineers (ACOE) and Orange County Public Works (OCPW). The OCPW, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub.

Resources Code, § 21000 et seq.), and the ACOE is the lead agency under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on sovereign land, the Commission will act as a responsible agency. Commission staff requests that OCPW consult with us on preparation of the Draft EIR as required by CEQA section 21153, subdivision (a), and the State CEQA Guidelines section 15086, subdivisions (a)(1) and (a)(2).

### **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 (BCLRP). 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 BCLRP is owned and managed by the Commission with the oversight of state and federal interagency partners and on-site management assistance from the California Department of Fish and Wildlife. The BCLRP is included in the Ecological Reserve, but the Ecological Reserve includes some areas outside of the BCLRP.

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

### **Commission Jurisdiction and Public Trust Lands**

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways including three 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 § 15063(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.

Based on the identified study area limits and preliminary descriptions in the Initial Study's plan alternatives, including the Tentatively Selected Plan, the Commission has jurisdiction within the study area and the Project may require Commission authorization, depending on the activities ultimately included. In addition, the Commission has issued various leases within the Project area that may be impacted, including, but not limited to:

- PRC 8704.9, a General Lease – Public Agency Use to the California Department of Fish and Wildlife for the Bolsa Chica Lowlands Restoration Project;
- PRC 4733.9, a General Lease – Public Agency Use to the California Department of Fish and Wildlife for an ecological reserve, recreational facilities, and pedestrian bridge adjacent to Warner Avenue;
- PRC 9063.9, a General Lease – Public Agency Use to the City of Huntington Beach for the Warner Avenue Bridge;
- PRC 8685.9, a General Lease – Other Use to the Bolsa Chica Conservancy for the Bolsa Chica Interpretive Center and related activities;
- Various leases along the Main and Midway Channels in the Huntington Harbour development, along the Bolsa Chica Channel outlet in Huntington Harbour, the Surfside-Sunset area, and Anaheim Bay.

The proposed widening of the channel under the Warner Avenue Bridge will result in a change in the physical character of the sovereign land affected, from upland to submerged land, and may result in habitat loss. This change will have an impact on both Public Trust uses and Public Trust resources and may require compensation to the State pursuant to the California Code of Regulations (2 CCR § 2003, subd. (d)(5); see also Pub. Resources Code, § 8625).

Staff can better identify the Commission's jurisdiction once Project elements are identified with more certainty and site-specific Project details are provided.

## **Project Description**

The study focuses on modifications to the existing channels that include C02 Bolsa Chica Channel, C04 Westminster Channel, C05 East Garden Grove-Wintersburg Channel, and the C06 Ocean View Channel, all within the Westminster watershed in western Orange County, California.

The study will examine two plans: Tentatively Selected Plan (TSP) and a Locally Preferred Plan (LPP). The Minimum Channel Modifications Plan is the TSP. It reduces flood risk by lining the existing drainage channels with concrete, thus increasing conveyance efficiency. The Maximum Channel Modifications Plan has been identified as the LPP. It reduces flood risk by altering the geometry of existing drainage channels to increase conveyance efficiency and storage capacity. Both of these plans include additional downstream measures to address the impacts of increased flood flow conveyance resulting from the channel modifications. The downstream measures include increasing the span of Warner Avenue Bridge, replacing the tide gates on C05, and constructing a floodwall along Pacific Coast Highway at Outer Bolsa Bay. Compatible nonstructural measures were also included in the TSP to lessen the life safety risk associated with flooding in the project area. Each plan will require mitigation to address the loss of habitat.

## **Environmental Review**

Commission staff requests that the OCPW/ACOE consider the following comments when preparing the EIS/EIR.

### **General Comments**

1. **Project Description:** A thorough and complete Project Description should be included in the EIS/EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of the timing and length of activities. In particular, illustrate on figures and engineering plans and provide written description of activities occurring below the mean high tide line for Project area waterways. Thorough descriptions will facilitate Commission staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.

### Biological Resources

2. For land under the Commission's jurisdiction, the EIS/EIR should disclose and analyze all potentially significant effects on sensitive species and habitats in and around the Project area, including special-status wildlife, fish, and plants, and if appropriate, identify feasible mitigation measures to reduce those impacts. The OCPW/ACOE should conduct queries of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Project area. The EIS/EIR should also include a discussion of consultation with the CDFW, USFWS, and National Marine Fisheries Service (NMFS) as applicable, including any recommended mitigation measures and potentially required permits identified by these agencies.
3. Invasive Species: One of the major stressors in California waterways is introduced species. Therefore, the EIS/EIR should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species (AIS) such as the quagga mussel, or other nonindigenous, invasive species including aquatic and terrestrial plants. For example, construction boats and barges brought in from long stays at distant projects may transport new species to the Project area via hull biofouling, wherein marine and aquatic organisms attach to and accumulate on the hull and other submerged parts of a vessel. If the analysis in the EIS/EIR finds potentially significant AIS impacts, possible mitigation could include contracting vessels and barges from nearby or requiring contractors to perform a certain degree of hull-cleaning. The CDFW's Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at <https://www.wildlife.ca.gov/Conservation/Invasives>).

### Climate Change

4. Sea-Level Rise: A tremendous amount of State-owned lands and resources under the Commission's jurisdiction will be impacted by rising sea levels. With this in mind, the OCPW/ACOE should consider discussing in the EIS/EIR if and how various project components might be affected by sea-level rise and whether "resilient" designs have been incorporated. Additionally, because of their nature and location, these lands and resources are already vulnerable to a range of natural events, such as storms and extreme high tides. As individual projects are designed and evaluated, attention should be given to sea-level rise projections to ensure the structures' designs are sufficient to ensure function, safety, and protection of the environment over the expected life of the structure. For bridges, this could include



the location and design of the anchors/footings, height of the span, design or use of bank stabilization, etc. Note that the State of California released the *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018) to provide policy guidance for state decision-makers as part of continuing efforts to prepare for climate risks. The Safeguarding Plan sets forth “actions needed” to safeguard ocean and coastal ecosystems and resources as part of its policy recommendations for state decision-makers.

In addition, Governor Brown issued Executive Order B-30-15 in April 2015, which directs state government to fully implement the Safeguarding Plan and factor in climate change preparedness in planning and decision making. Please note that when considering lease applications, Commission staff will (1) request information from applicants concerning the potential effects of sea-level rise on their proposed projects, (2) if applicable, require applicants to indicate how they plan to address sea-level rise and what adaptation strategies are planned during the projected life of their projects, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea-level rise, including adverse impacts on public access.

#### Mitigation and Alternatives

5. Deferred Mitigation: In order to avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing “performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way” (State CEQA Guidelines, § 15126.4, subd. (a)).
6. Alternatives: In addition to describing mitigation measures that would avoid or reduce the potentially significant impacts of the Project, the OCPW/ACOE should identify and analyze a range of reasonable alternatives to the proposed Project that would attain most of the Project objectives while avoiding or reducing one or more of the potentially significant impacts (see State CEQA Guidelines, § 15126.6).

#### Additional Comments

1. Any construction activities or modifications to the existing conditions within the State Lands Commission’s jurisdiction shall require prior authorization from the SLC, including but not limited to removal of the lands just upstream to the Warner Avenue Bridge, modification to the existing tide gate at the downstream end of C05, construction of new floodwall along PCH or other

work in Outer Bolsa Bay, modification to CO5 adjacent to the BCLRP, Huntington Harbour, Anaheim Bay, etc.

2. Upon removal of the lands just upstream to the Warner Avenue Bridge, will the land/slope be installed with slope stabilization and erosion control features? If no, please explain the reasons. If yes, will the feature installation be supported with geotechnical information and recommendations to ensure safe installation and long-term stability of the features?
3. Figure 2 of the Report shows the 100-year floodplain for the Westminster watershed. It is assumed that the floodplain is the numerical modeling results with the existing channel conditions incorporated in the numerical model. Please provide the numerical modeling results with the channel conditions as described in Tentatively Selected Plan (TSP) and Locally Preferred Plan (LPP) in a similar manner as shown on Figure 2. It would be even better if the 100-year floodplains from the existing, TSP, and LPP conditions could be presented in the same figure.
4. The Commission submitted prior comments on January 12, 2018, attached as Exhibit A for your convenience.

#### **Specific Comments on Lower CO5 Project Features and Proposal for Consideration of a New Alternative**

The Locally Preferred Plan (LPP) addresses additional local sponsor and stakeholder concerns that may have a more regional, rather than national, benefit. The Commission recommends that the LPP include consideration of regional benefits beyond the defined 100-yr flood protection objectives of the OCFCD. This includes a consideration of a project design that accommodates the required flow rates generated by increased drainage efficiencies in upstream areas while avoiding damage and enhancing function of downstream wetlands. As a primary affected land owner and public trust agency, the Commission seeks to assist in this effort by identifying an alternative that would provide greater benefits to the wetlands at the downstream end of the EGGW Channel (lower CO5) and would be expected to lessen the overall project cost and risk of unforeseen impacts and liabilities.

Under both the TSP and LPP, considerable activity is proposed within the tidal reaches of the EGGW Channel to accommodate enhanced flows developed through upstream channel improvements. These flows would be accommodated by reconstruction of the existing flap-gate weir at the lower end of the channel, lengthening of the Warner Avenue Bridge to accommodate increased flood flow discharge, and construction of a flood wall along PCH in order to accommodate higher water levels and create a greater contained capacity within Outer Bolsa Bay (OBB) during storm discharge peaks. The cost of such improvements is reported in the document and combined with mitigation

and real estate expense the downstream improvements results in a significant overall portion of the project expense. However, we believe that there are additional impacts not yet fully addressed in the document relating to increase scour along the bulkhead walls along the main channel within Huntington Harbour. (See Commission's previous comment letter Exhibit A). These impacts and solutions should be evaluated as they would be expected to result in impacts to eelgrass and shallow water marine habitats as well as adding to the overall project cost. Further, replacement of the Warner Avenue Bridge and the pedestrian bridge at Warner Avenue would have a serious disruptive effect of a main traffic linkage and public access trails and would further impact wetlands of Outer Bolsa Bay. Not addressed in the document are expected effects of changing flow dynamics in Outer Bolsa Bay and the potential for loss or reconfiguration of mudflats and marshlands that have developed under the current flow regimes.

We would like to request consideration of an alternative to passing the full flood flows through Huntington Harbour and out Anaheim Bay. This alternative would eliminate the lengthening of the Warner Avenue Bridge, and potentially eliminate the floodwall at PCH and would eliminate or relocate the existing weir at the base of the EGGW Channel. The concept is very schematically outlined in the illustration accompanying this letter. The alternative includes the following elements (conceptually illustrated in Exhibit B):

- 1) Potentially a relocated weir that would facilitate diversion of high flows into off-channel retention in the Bolsa Chica Muted Pocket Marsh (MPM);
- 2) A spill in weir into the MPM that would accept high flows as the water surface rises and prior to reaching an elevation that would result in PCH flooding;
- 3) A second spill over weir into the Bolsa Chica Full Tidal Basin (FTB) that would accept flows at even higher water surface elevations that would provide both retention in and conveyance through the FTB;
- 4) Enhanced trash and debris removal booms and potentially even active debris traps located upstream of the Bolsa Chica Wetlands tidal wetland complex;
- 5) Trash racks on constructed weirs;
- 6) Potential area for wetland mitigation within the Bolsa Chica Wetlands Complex;
- 7) A one-way circulation system to facilitate maintenance of the Bolsa Chica inlet shoaling and flushing of the system, and;
- 8) Participation in maintenance of the Bolsa Chica MPM and FTB inlet as well as trash removal either by capital acquisition of flood water conveyance rights or on-going maintenance commitments to the receiver wetlands (Commission).

It is anticipated that conveyance of flood flows into the BCLRP would eliminate the need for replacement of the Warner Avenue bridge and construction of the PCH floodwall. It would also potentially reduce risks of unforeseen as well as known damage to wetlands and infrastructure as discussed below.

Under the alternative scenario, high frequency flood discharges would continue to flow through OBB under the existing Warner Avenue Bridge. As the water surface elevation rises in Outer Bolsa Bay, water would be spilled into the Bolsa Chica Wetlands (BCW) Muted Pocket Marsh (MPM) to avoid discharges onto PCH. This would provide offline wet pond retention. As the MPM capacity is consumed, a second stage spill would occur into the Bolsa Chica Full Tidal Basin (FTB). The flood waters spilled to the Bolsa Chica FTB would be conveyed out the ocean inlet. The infrequent and late storm stage discharges into the BCW would be expected to minimize trash and debris inputs to the wetlands if adequate debris booms and racks are used. Further these infrequent spills to the system would provide a means of stimulating vegetation recruitment events and conveying nutrients to the wetlands that are presently substantively separated from freshwater inputs. Pulsed discharges of freshwater to tidal wetlands can stimulate vegetation growth and enhance ecological functions. If contaminants and trash are effectively minimized through avoiding absorbing first flush events and removing debris, the spills to the BCW can be a positive benefit to the wetlands. In addition, one of the key physical functions of wetlands is the ability to mitigate flooding.

In the event, this alternative was determined to be superior to the current proposal, the use of the BCLRP for retention and conveyance would contribute to the need to sustain physical functioning of the BCLRP FTB and MPM. This would require contribution to the maintenance of the flood shoal as well as the project's implementation of storm water conveyance weirs on the berms along the EGGW. Maintenance of the ocean outlet is essential to sustaining high functioning of the BCLRP. It would also be essential to maintaining effective functioning of the FTB as a retention pond and conveyance. The maintenance would reduce post-storm freshwater residence time and protect against flooding of surrounding areas. The Bolsa Chica Ecological Reserve would also provide opportunities to mitigate impacts associated with wetlands in the channel complex.

It is anticipated that under the mutually beneficial alternative, mitigation could likely be accommodated within the BCER complex in a manner that contributes to the overall function of the wetlands and provides a minor amount of additional floodable land for storage capacity to the project. Under the alternative proposed, conceptual locations for siting mitigation have been identified. Because restoration of the wetlands has been a collaborative effort on the part of the Bolsa Chica Steering Committee, the Commission, CDFW, and non-governmental organizations including but not limited to the Bolsa Chica Conservancy that have been engaged in restoration, stewardship and public access work, any mitigation planning at the BCER would need to be a coordinated and public engagement activity. However, collectively the engaged parties are interested in overall enhancement of the wetlands and the Commission would anticipate this effort to be effective and collaborative.

In addition to compensatory mitigation needs, opportunities may exist for improvement of circulation and tidal flushing dynamics of the FTB as an element of mitigation for infrequent retention and conveyance of flows. This may include the implementation of

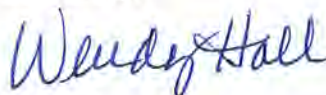
one-way flows from OBB through Inner Bolsa Bay, and into the FTB. This would be expected to create an imbalance between ebb and flood tides within the FTB and would be expected to reduce the overall maintenance requirements at the ocean inlet and enhance the functioning of the FTB as an alternative retention pond and conveyance facility for the flood waters.

While the overall cost of the recommended alternative has not been determined, it has been noted that the advantages of this concept include the elimination of modifications to the tidal gates, elimination of the flood wall construction in outer Bolsa Bay, and the elimination for the need to widen Warner Ave, reduction in habitat mitigation requirements, elimination for the need to replace the pedestrian bridge, and elimination for the need to reinforce bulkheads in Huntington Harbor. The downstream improvements costs that are already known total approximately \$100 million. Whereas with the Bolsa Chica proposed alternative, we anticipate with the reduced capital costs associated with the necessary stormwater conveyance structures, the participation in the flood basin maintenance and development of wetlands within the BCER complex as mitigation, the overall project costs could be dramatically reduced with greater cost certainty and existing wetlands in the region would be benefited through this participation. It is believed this mutually beneficial alternative should be considered as an alternative to the present downstream conveyance plan. (State CEQA Guidelines, § 15126.6).

We would like to request an opportunity to continue to work with OCFCD and the Corps on development of a mutually beneficial project. The current proposed action would discharge considerable additional flood peak energy through waters of Outer Bolsa Bay and Huntington Harbour for which the Commission has interest in and will have adverse impacts on these properties. We would like to work with you to ensure that the Commission's, our partner state and federal agencies', and the public's interests in the Bolsa Chica Wetlands are fully taken into account, protected, and where possible benefited by the project. In effect, enhancement of flood protection in upstream portions of the watershed exacerbates conditions in the lower watershed. Given this circumstance it would be prudent to seek means to fully offset the effects of the transfer of impact.

Please refer questions concerning the Commission staff review to me, at (916) 574-0994 or via email at [wendy.hall@slc.ca.gov](mailto:wendy.hall@slc.ca.gov).

Sincerely,



Wendy Hall  
Bolsa Chica Project Manager  
Special Projects Liaison, Executive Office

S. Herleth-King/J. Golliher  
December 3, 2018  
page 11 of 11

cc: State Clearinghouse, Governor's Office of Planning and Research  
Tim Dillingham, California Department of Fish and Wildlife

Office of Planning and Research  
E. Gillies, Commission

**Exhibit A**

**Prior California State Lands Commission Comment Letter  
January 12, 2018 Scoping Comments on  
Westminster East Garden Grove Study, SCH #2017124001**

**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](mailto: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

Shawna Herleth-King

January 12, 2018

page 6 of 6

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

## **Exhibit B**

### **Conceptual Illustration for Bolsa Chica Lowlands Enhancement Project Potential Alternative for Flood Control at East Garden Grove/Wintersburg Channel**



## Bolsa Chica Lowlands Enhancement Project Potential Alternative for Flood Control at East Garden Grove-Wintersburg Channel (EGGW Channel)

Westminster, East Garden Grove, CA Flood Risk Management Study  
Preliminary California State Lands Commission Comments and Recommendation  
November 22, 2018 (revised December 2, 2018)



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for double-sided printing*





# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
333 Bush Street, Suite 515  
San Francisco, California, 94104

IN REPLY REFER TO:  
(ER 18/0485)

*Filed Electronically*

December 3, 2018

Michael C. Padilla, PMP  
US Army Corps of Engineers, Chicago District  
231 S. LaSalle St, Suite 1500  
Chicago, Illinois 60604

Subject: Draft Integrated Feasibility Report/DEIS/DEIR for Westminster, East Garden Grove, CA Flood Risk Management Study.

Dear Mr. Padilla,

The United States Department of the Interior (DOI), through the United States Fish and Wildlife Service (USFWS), has reviewed the *Draft Integrated Feasibility Report/Draft Environmental Impact Statement /Draft Environmental Impact Report for Westminster, East Garden Grove, CA Flood Risk Management Study (DEIS)*, dated October 2018. USFWS is not providing detailed comments on the DEIS at this time; however, USFWS anticipates completing a coordination act report pursuant to the Fish and Wildlife Coordination Act in early 2019 with comments similar to those that would be provided in response to the DEIS. General comments from USFWS are attached.

We appreciate the opportunity to comment on the DEIS and look forward to continued coordination with the United States Army Corp of Engineers and local sponsor during the study period. If you have any questions concerning our comments, please contact Jon Avery of the Carlsbad Fish and Wildlife Office at 760-431-9440, extension 309. If you have further questions, please contact me at (415) 420-0524 or at [janet\\_whitlock@ios.doi.gov](mailto:janet_whitlock@ios.doi.gov).

Sincerely,

Janet L. Whitlock  
Regional Environmental Officer

Attachment

Cc: Shawn Alam, DOI OEPC  
Jon Avery, USFWS  
Christine Medak, USFWS

## ATTACHMENT

### **USFWS Comments on the Draft Environmental Impact Statement for Westminster East Garden Grove Flood Risk Management Study, Orange County, California**

The U.S. Fish and Wildlife Service (Service) has reviewed the above referenced Draft Environmental Impact Statement (DEIS), dated October 2018, for the Westminster, East Garden Grove Flood Risk Management Study (study). Our primary concern and mandate is the protection of public fish and wildlife resources and their habitats. We have legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. These comments are provided pursuant to our responsibilities under the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*). The Service anticipates that potential effects to federally listed species in association with the proposed project resulting from the study will be addressed in the Service's consultation with the U.S. Army Corps of Engineers (Corps), in accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

The purpose of the study is to evaluate the flood risk within the Westminster watershed. Currently flood flows overtop the storm channels in the study area during 5 to 10 year recurrence interval storm events causing road closures and putting residents at risk. The study is being conducted by the Corps in partnership with the local sponsor, Orange County Public Works (County). The DEIS considers three alternatives: No Action, Minimum Channel Modifications Plan, and Maximum Channel Modification Plan. The Minimum Channel Modification Plan increases the channel conveyance efficiency and is the Corps Tentatively Selected Plan (TSP). The Maximum Channel Modification Plan increases the storage capacity of the channel and is the Locally Preferred Plan (LPP) because it meets the local sponsor's objective of containing the 100-year recurrence interval storm event. Anticipated impacts to wetlands associated with the two plans are 24 acres and 9 acres respectively.

#### General Comments

Our primary concerns with the proposed project are 1) the protection of existing biological resources in Bolsa Chica Ecological Reserve (BCER), and 2) the cumulative loss of aquatic resources throughout Orange County due to the systematic channelization of its watersheds.

Since at least 1997 (e.g., Service 1997), the Service has provided significant input on the proposed improvements to the storm channels in accordance with the provisions of FWCA. Portions of the channel improvements were implemented in advance of the current study, and we worked with the Corps and the local sponsor to identify interim measures to protect BCER from exposure to contaminants (e.g., Service 2008, 2010). Most recently, we provided a planning aid letter that suggested design alternatives to improve flood conveyance and aquatic resource function, including identifying options for mitigating unavoidable impacts associated with channel improvements (Service 2018).

Due to workload constraints we are not providing detailed comments on the DEIS at this time; however, we anticipate completing a coordination act report under FWCA in early 2019 with essentially the same comments that would be provided in response to the DEIS. We appreciate the opportunity to comment on the DEIS and look forward to continued coordination with the Corps and local sponsor during the study period.

## **LITERATURE CITED**

- [Service] U.S. Fish and Wildlife Service. 1997. Comments on Draft Environmental Impact Report for East Garden Grove-Wintersburg/Oceanview Channel System (C05/C06), EIR No. 560. On File, Carlsbad Fish and Wildlife Office, Carlsbad, California (July 11).
- [Service] U.S. Fish and Wildlife Service. 2008. Public Notice SPL-2007-1256-YJC, East Garden Grove Wintersburg Channel Flood Control Improvement project, City of Huntington Beach, Orange County, California. On File, Carlsbad Fish and Wildlife Office, Carlsbad, California (08B0229-08TA0226, January 11).
- [Service] U.S. Fish and Wildlife Service. 2010. Informal Section 7 Consultation for the East Garden Grove Wintersburg Channel Improvement Project, City of Huntington Beach, Orange County, California. On File, Carlsbad Fish and Wildlife Office, Carlsbad, California (08B0229-10I0216, February 3).
- [Service] U.S. Fish and Wildlife Service. 2018. Fish and Wildlife Coordination Act PAL for the proposed Westminster East Garden Grove Flood Risk Management Project. On File, Carlsbad Fish and Wildlife Office, Carlsbad, California (July 24).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

December 3, 2018

Ms. Susanne Davis  
US Army Corps of Engineers, Chicago District  
231 S. LaSalle St, Suite 1500  
Chicago, Illinois 60604

Subject: Draft Integrated Feasibility Report Draft Environmental Impact Statement/Report for the Westminster, East Garden Grove, CA Flood Risk Management Study, Orange County, California (EIS No. 20180249)

Dear Ms. Davis:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The US Army Corps of Engineers (Corps) and the local sponsor Orange County Public Works (OCPW), on behalf of the Orange County Flood Control District, are proposing to modify four flood drainage channels in the Westminster watershed to reduce flood risk to residential and commercial properties and transportation corridors. The flood channels drain into and flow through the Outer Bolsa Bay, Bolsa Chica Ecological Reserve, Huntington Harbor, Seal Beach National Wildlife Refuge, and Anaheim Bay.

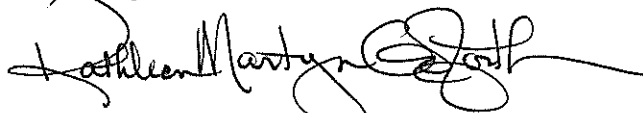
EPA appreciates the Corps' and local sponsor's efforts to gather agency feedback during a meeting on November 5, 2018 and their responsiveness in hosting a requested site visit on November 7, 2018. During the site visit, representatives from the US Fish and Wildlife Service, NOAA Fisheries, Santa Ana Regional Water Quality Control Board, and EPA discussed the proposed project, potential modifications, and project impacts with the Corps and OCPW. EPA staff found the discussions very constructive.

Through the above discussions and our review of the Draft EIS, EPA learned that the Corps and local sponsor had not considered flood control measures that could reduce water quality impacts while improving the performance of the watershed's flood management system and, potentially, the habitat in the Bolsa Chica Ecological Reserve. For this reason, it is unclear whether either of the action alternatives could be the Least Environmentally Damaging Practicable Alternative (LEDPA) for the Clean Water Act Section 404 analysis. The enclosed *Detailed Comments* describe measures that EPA recommends be evaluated for incorporation into the project design. As discussed in the Detailed Comments, EPA also recommends that the EIS provide additional information describing the mitigation strategy for the project and the potential impacts from mobilizing sediment of undetermined contamination, as well as information needed to determine impacts to air quality.

Effective October 22, 2018, EPA no longer includes ratings in our comment letters. Information about this change and EPA's continued roles and responsibilities in the review of federal actions can be found on our website at: <https://www.epa.gov/nepa/epa-review-process-under-section-309-clean-air-act>.

EPA appreciates the opportunity to review this DEIS, and we are available to discuss our comments. When the FEIS is released for public review, please send one hard copy and one CD to the address above (mail code: ENF-4-2). If you have any questions, please contact me at 415-972-3521, or contact Jean Prijatel, the lead reviewer for this project. Ms. Prijatel can be reached at 415-947-4167 or [prijatel.jean@epa.gov](mailto:prijatel.jean@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen Martyn Goforth', with a stylized flourish at the end.

Kathleen Martyn Goforth, Manager  
Environmental Review Section

Enclosure: EPA's Detailed Comments

cc: Justin Golliher, Orange County Public Works  
Jon Avery, US Fish and Wildlife Service  
Bryant Chesney, NOAA Fisheries  
Glenn Robertson, Santa Ana Regional Water Quality Control Board  
Marc Brown, Santa Ana Regional Water Quality Control Board  
Wendy Hall, California State Lands Commission  
Jennifer Turner, California Department of Fish and Wildlife

**DRAFT INTEGRATED FEASIBILITY REPORT DRAFT ENVIRONMENTAL IMPACT STATEMENT/REPORT FOR THE WESTMINSTER, EAST GARDEN GROVE, CA FLOOD RISK MANAGEMENT STUDY, ORANGE COUNTY, CALIFORNIA – DECEMBER 3, 2018**

**Range of Alternatives and Identification of the LEDPA**

EPA encourages the US Army Corps of Engineers (Corps) to integrate required analyses under Clean Water Act (CWA) Section 404 into the NEPA process to streamline environmental review. Pursuant to the Federal Guidelines (Guidelines) promulgated at 40 CFR 230 under Section 404(b)(1) of the CWA, the Corps is required to demonstrate that the preferred alternative for a proposed action is the Least Environmentally Damaging Practicable Alternative (LEDPA) that achieves the overall project purpose. Based on the available information, the DEIS has not demonstrated that either of the action alternatives is the LEDPA.

The Purpose and Need statement in the Draft Environmental Impact Statement (DEIS) cites a combination of increased runoff, due to urbanization, and underperforming conveyance channels as the underlying causes of increased flood risk in the Westminster watershed. The stated purpose of the project focuses only on the conveyance channels: “to evaluate the flood risk within the Westminster watershed that is primarily attributable to underperforming drainage channels that collect surface runoff and convey it downstream towards eventual discharge into the Pacific Ocean” (page 2). The Clean Water Act section 404(b)(1) analysis found in Appendix L to the DEIS provides a broader purpose statement: to “evaluate flood risk within the Westminster watershed following the completion of channel modifications and major flood control projects for the Santa Ana River and the removal of the Westminster watershed from the Santa Ana River 100 year floodplain” (Appendix L, page 53).

Based on the narrower focus of the Purpose statement in the body of the DEIS, the two action alternatives rely on within-channel improvements (modifying the shape, adding concrete, raising wall height) and downstream structural modifications (replacing tide gates, widening a bridge, installing a floodwall) to improve performance of the drainage channels. Opportunities to improve the performance of the flood management system by preventing floodwater from entering the system or by removing structural elements that direct flows through a narrow tide gate into Outer Bolsa Bay are not explored. Three measures that could help achieve the 404(b)(1) analysis purpose -- breaching the north levee into the muted tidal pocket, removing the tide gates at the bottom of C05, and floodplain regulation -- were eliminated from consideration. Such downstream and upstream approaches, discussed in greater detail below, could be helpful in addressing the underlying problem described in the Purpose and Need statement and warrant further consideration for inclusion in the range of alternatives.

***Downstream Structural Measures***

The DEIS proposes modifying the Warner Avenue Bridge, replacing the tide gate at the bottom of the C05 channel, and building a floodwall along Pacific Coast Highway (PCH) to increase conveyance downstream of the modified channels and reduce impacts from the increased surface runoff on Outer Bolsa Bay, Warner Avenue, and PCH (page 136). Two other measures to modify C05 were screened out (page 99): the levee breach because of potential impacts to the muted tidal basin on the other side of the levee; and removal of the tide gate because the existing flood control easement deed is linked to the location of the gates and because of potential, but unanalyzed and unlikely, saltwater intrusion into the groundwater aquifer. These measures warrant reconsideration due to their potential consistency with not only the project’s 404(b)(1) purpose, but also with regional wetlands restoration goals.

The current Bolsa Chica Ecological Reserve (BCER) habitat and hydrologic zones were created around the existing C05 flood control channel. Since the 1970s, multiple local, state, and federal agencies have

partnered to study, monitor, and restore BCER in acknowledgement of the benefits wetland systems provide to the surrounding landscape (i.e., storm buffering, improved water quality, habitat, groundwater recharge). The BCER restoration effort is also an example of coastal restoration undertaken in response to projected regional effects of sea level rise. The Wetlands on the Edge Regional Strategy Report 2018,<sup>1</sup> recently released by the Southern California Wetlands Recovery Project (for which the Corps, EPA, and numerous other federal, state, and local stakeholders are members of the Directors Group), will be used in designing projects, reviewing proposals, and allocating funding to guide wetland restoration throughout Southern California to improve resiliency to climate change and other stressors. Consideration of breaching the north levee of C05 would be consistent with the Report's Management Strategy 5: remove barriers to reconnect wetlands. Strategy 5 states (emphasis added):

"Built infrastructure in the wetlands also impedes natural water flow. The best way to restore the natural functions that create and maintain wetlands is to remove the physical impediments to water and sediment flow that have been built. *In situations where flood risk management infrastructure inhibits water flows, culverts or gates could be installed to allow water to flow from creeks into adjacent wetlands.* Enhancing sediment movement may require more than culverts or tide gates, since significant sediment loads can move with extreme flood events. In these cases, *breaching or lowering berms would facilitate sediment transport.* Additionally, new berms could be constructed farther back from the wetlands in order to maintain the same level of protection to the urban and residential areas they were originally intended to serve.

### ***Recommendations***

Further evaluate the possibility of breaching the north levee of C05 to provide an opportunity for more tidal and natural wetlands systems in what is currently a muted tidal basin in the BCER. Coordinate with California Department of Fish and Wildlife (CDFW) and the State Lands Commission (SLC) -- manager and owner, respectively, of BCER --- and the Coastal Commission to determine the feasibility of this measure and its potential impacts to existing mitigation units in the BCER.

Analyze the benefits and impacts of removing the tide gates or relocating them upstream to the boundary of the BCER with the residential neighborhood. Describe and compare how the options for addressing the tide gates would impact saltwater mixing and habitat in the channel.

### ***Upstream Watershed Management***

"Urban runoff/storm sewers" are identified as sources of water quality impairment for Bolsa Chica Channel, Huntington Harbor and Seal Beach (page 28). Focusing the project on improving conveyance of the drainage channels misses an opportunity to improve flood flow management and reduce cumulative water quality impacts of the overall system. Incorporating recharge and beneficial reuse of floodwaters into the proposed project could have added benefits of improving habitat quality and reducing water quality impairments in the receiving waters during storm events, including in the BCER and Seal Beach National Wildlife Refuge (SBNWR).

The DEIS indicates that modifying floodplain regulation is outside of the scope of the current project (page 98). Modification of regulations may not be needed to incorporate measures that would improve recharge or beneficial reuse. Such approaches would be consistent with the proposed project's stated 404(b)(1) purpose and may already be aligned with existing priorities and programs at Orange County Public Works (OCPW). In addition to serving as the local sponsor for the project, OCPW is responsible

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<sup>1</sup> <https://scwrp.databasin.org/pages/regional-strategy-report>

for the county's Stormwater Program ([overwateringisout.org](http://overwateringisout.org)), which engages the public to reduce runoff. OC Watershed is a division of OCPW "that coordinates watershed planning efforts, collects water quality, hydrologic, and meteorological data, develops large-scale water quality projects, reduces pollutants in local waterbodies, and ensures countywide compliance with state and federal water quality regulations."

Communities across the state of California have embraced incorporating green infrastructure and preserving open spaces as part of an integrated plan to address flood risk, manage stormwater, and provide for beneficial use of all water. While OCPW is focused on flood and stormwater management programs, the Orange County Water District's (OCWD) programs for water supply prioritize a "holistic watershed approach, implementing and promoting water reuse, employment of natural treatment when practical."<sup>2</sup> The conservation and beneficial use of water resources is also enshrined in the California state constitution (Section 2 of Article 10).<sup>3</sup> Through the Storm Water Program, the State Water Resources Control Board (SWRCB) has emphasized the importance of storm water and the need to manage it as a resource, including restoring storm water infiltration.<sup>4</sup>

***Recommendations:***

Incorporate the purpose statement from the CWA 404(b)(1) analysis into the overall purpose statement for the EIS and evaluate, for potential incorporation into the project design, additional measures that promote recharge and beneficial use of floodwaters and would improve water quality in the project's channels and receiving waters. To identify opportunities that would be appropriate for a highly urbanized landscape, consider the following:

- EPA's website on green infrastructure<sup>5</sup> lists opportunities to provide treatment, retention or infiltration of stormwater; e.g., downspout disconnection, rain gardens and bioswales, increasing tree planting, and county-wide incentives to increase greenspace, including yards.
- The Orange County Municipal Separate Storm Sewer Permit<sup>6</sup> provides an option "to develop and implement watershed master plans integrating water quality, hydromodification, water supply and habitat protection issues."
- The Southern California Coastal Water Research Project's Hydromodification and Assessment Technical Report<sup>7</sup> emphasizes a watershed-scale strategy and adaptive management and calls for the conservation of open space for infiltration, stream buffers, and course sediment production.

EPA further recommends that the Corps:

- Work with the SWRCB and the Santa Ana Regional Water Quality Control Board to ensure the proposal is compliant with state and local permits and priorities;
- Coordinate with entities such as Caltrans ([www.protecteverydrop.com](http://www.protecteverydrop.com)), US Fish and Wildlife Service, National Marine Fisheries Service, CDFW, the California Coastal

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<sup>2</sup> <https://www.ocwd.com/what-we-do/environmental-stewardship>

<sup>3</sup> "declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare."

<sup>4</sup> [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/storms/obj1\\_proj1a\\_desc.shtml](https://www.waterboards.ca.gov/water_issues/programs/stormwater/storms/obj1_proj1a_desc.shtml)

<sup>5</sup> <https://www.epa.gov/green-infrastructure/what-green-infrastructure>

<sup>6</sup> [www.waterboards.ca.gov/santaana/board\\_decisions/adopted\\_orders/orders/2009/09\\_030\\_oc\\_stormwater\\_ms4\\_permit.pdf](http://www.waterboards.ca.gov/santaana/board_decisions/adopted_orders/orders/2009/09_030_oc_stormwater_ms4_permit.pdf)

<sup>7</sup> [www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/hydromodification/docs/667\\_ca\\_hydromodmgmtapr2012.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/hydromodification/docs/667_ca_hydromodmgmtapr2012.pdf)



Commission, and local cities to identify opportunities to use existing green space adjacent to the channels for increased stormwater recapture.

### **Mitigation**

According to the DEIS, although a jurisdictional determination has yet to be completed for the project, the Corps has begun preparing a mitigation strategy. The DEIS and the Mitigation Strategy (Appendix M) identify impacts that would likely require mitigation pursuant to CWA section 404 regulations, specifically: “the conversion of soft-bottom habitat to hard-bottom habitat within the flood conveyance channels, increasing the span of Warner Avenue Bridge which includes the removal of approximately 1 acre of upland and adjacent fringe wetland habitat upstream of the bridge in Outer Bolsa Bay, and construction of the floodwall along PCH which includes the loss of approximately 0.2 acres of adjacent upland and fringe wetland habitat.” Depending on the alternative selected, the impacts would affect between 10.54 and 24.93 acres of waters of the U.S.; both would include impacts to wetlands. The DEIS does not provide sufficient details regarding avoidance measures and the proposed compensatory mitigation for impacts to waters of the U.S.

With only 10 acres of vacant land within the project’s channel footprint, the Corps has identified BCER as a potential mitigation site, providing the following potential mitigation opportunities: “increasing the size/height of north and south tern islands to accommodate for projected sea level rise over the next 50 years, adding tide gates between C05 and the full tidal basin with the intent of flushing accumulated sand from the ocean outlet, and terracing/grading banks and creating habitat along the east bank upstream of Warner Avenue Bridge.” It is unclear whether CDFW and the SLC have agreed to or been involved with developing the proposed mitigation. It is also unclear whether the Corps intends to utilize the 10 vacant acres within the footprint as mitigation in addition to the proposed BCER mitigation.

### ***Recommendation:***

In the Final EIS (FEIS), include an updated Mitigation Strategy that clarifies the impacts requiring mitigation and the proposed mitigation measures. Ensure that the Strategy is consistent with the Guidelines at 40 CFR 230 (Subparts A-J). In addition to replacing lost functions, Subpart J requires that there be no net loss of jurisdictional waters. Given that coastal regions are increasingly affected by sea level rise, and in light of regional initiatives to increase wetland acreage, EPA advises against any alternatives that would authorize the loss of wetlands.

In determining appropriate compensatory mitigation for unavoidable impacts to waters, consider:

- All practicable avoidance opportunities to reduce and/or eliminate permanent impacts to wetland habitat;
- Opportunities within the footprint to mitigate wetland losses;
- Regional initiatives to increase wetland acreage and quality and other initiatives to combat the effects of sea level rise, e.g., the Wetlands on the Edge Report;
- Incorporating the California Rapid Assessment Method for Wetlands (CRAM) to monitor and assess wetland condition.

### **Water Quality and Hydrology**

#### ***Impacts on Sediments and Benthos***

The DEIS analyzes impacts from project construction, but does not indicate whether impacts to water quality or hydrology would result from the expected functioning of the project after construction is completed. While the amount of water flowing through the system is not expected to change under either of the alternatives evaluated, the goal and, therefore, the anticipated result of the project is to

move water more quickly through the system and out into receiving waters. Page 58 of the Environmental Considerations appendix (Appendix L) states that there would be not be any detrimental loss of benthic organisms and habitat from project construction, but it does not analyze the impact of high velocity water potentially increasing sediment scour within the receiving waters and what impact that might have on benthic organisms.

Appendix L notes that “little information is available on the sediment within the harbor/bay/estuary portions of the project” (page 57), but then states that sediment “is presumed to be of uncertain quality due to urban impacts...BCER may have low concentrations of anthropogenically source compounds” (page 64). It indicates that a contaminant determination will be performed in coordination with the Regional Board when additional project details are available and that the project will comply with the proposed 2018 Amendments to the Water Quality Control Plan for Enclosed Bays and Estuaries of California, Sediment Quality Provisions. EPA is concerned about the indirect impact of mobilization of potentially contaminated sediment due to increased flow velocity. Reducing flood flow velocity with measures described above (removing or moving the tide gates and modifying or removing the North Levee of C05) could attenuate these potential impacts.

***Recommendation:*** In the FEIS, disclose the results of coordination with the Regional Board regarding sediment contamination and how the project construction and operation would comply with the Water Quality Control Plan for Enclosed Bays and Estuaries of California. Analyze and compare the indirect water quality and hydrologic impacts of projected sediment mobilization and transport under each of the action alternatives and tide gate and levee modifications described above. Identify measures that could mitigate those impacts.

### ***Sea Level Rise and Climate Resiliency***

The Hydrology and Hydraulics appendix (Appendix A) discusses the Corps’ Engineering and Construction Bulletin (ECB) No. 2016-25 (ECB 2016-25) guidance for incorporating climate change impacts to inland hydrology in Civil Works studies, designs, and projects (page 52). EPA notes that there is an updated ECB No. 2018-14 that appears to provide guidance for the same concerns.

In the recent DEIS for the Corte Madera Creek Flood Risk Management Project, the Corps San Francisco District included a discussion of Engineering Circular EC 1165-2-211 Water Resource Policies and Authorities: Incorporating Sea-Level Change Considerations in Civil Works Programs, issued in July 2009. According to the Corte Madera DEIS, EC 1165-2-211 provides guidance for estimating the range of potential sea-level change and for incorporating direct and indirect physical effects of projected future sea-level change into project planning and design; planning studies and engineering designs are to evaluate alternatives against a range of local sea-level change projections, which are defined by low, intermediate, and high rates of local sea-level change.

***Recommendation:*** Review the updated Construction Bulletin and highlight in the FEIS whether and how the update changes the analytical approach of the EIS. Discuss EC 1165-2-211 and whether and how the sea level rise analysis in the FEIS complies with its guidance.

### **Air Quality**

#### ***General Conformity***

The DEIS indicates that the evaluated construction schedule would approach general conformity *de minimis* thresholds for oxides of nitrogen (NO<sub>x</sub>) in one year of construction (2020) and exceed the threshold in another (2021). The General Conformity Analysis (Appendix I) acknowledges that a general conformity determination will be required, but does not indicate how conformity will be met. It

also states that additional mitigation measures and environmental commitments are being considered as part of the Draft Environmental Impact Report (EIR) for this project to minimize impacts to air quality (page 16); however, the document under review is a joint EIS/EIR and it does not contain these additional measures.

**Recommendation:** In the FEIS, provide a complete general conformity determination. The regulation at 40 CFR 93.158 provides several methods for meeting conformity, such as buying emissions offsets from the air district. South Coast Air Quality Management District has a general conformity budget approved in its State Implementation Plan.

### ***Vehicle Technology***

Environmental Commitment AQ-16 states that “only diesel-powered heavy duty highway trucks newer than 2010 will be used for delivery or material and export of soil,” but AQ-18 states (emphasis added): “When Tier 4 off-road or *2010 and newer on-road engines* aren’t available for a particular application, utilize engine retrofit technology verified and/or certified by USEPA or California Air Resources Board to reduce NOx and PM emissions (diesel particulate filters, oxidation catalyst, select catalytic reduction).” EPA is concerned that Environmental Commitment AQ-18 could be used to avoid complying with AQ-16. We note that 2010 and later model year on-road trucks are widely available in Southern California.

**Recommendation:** Eliminate AQ-18 and modify AQ-15, which addresses off-road equipment, to include “unless a piece of specialized equipment is not available for sale or lease in the U.S.”

### ***Modeling Inputs***

The DEIS relies on results from the California Emissions Estimator Model (CalEEMod), as authorized by the South Coast Air Quality Management District (page 138), and provides a general list of the types of inputs used in the modeling process. It further states that more details about the inputs can be found in Appendix I. EPA was unable to locate these details in the document or the appendices.

**Recommendation:** To provide transparency for environmental commitments that will be needed to meet the modeled emissions, include details in Appendix I regarding the air quality modeling inputs used and outputs generated.

**DEPARTMENT OF TRANSPORTATION**

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a California Way of Life.*

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Governor's Office of Planning &amp; Research

December 3, 2018

DEC 06 2018

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

STATE CLEARINGHOUSE

File: IGR/CEQA  
SCH: 2017124001  
IGR Log# 2017-01006  
PCH

Dear Ms. Herleth-King:


Thank you for the opportunity to review and comment on the Notice of Preparation (NOP) for the Draft Integrated Feasibility Report Draft Environmental Impact Report/Draft Environmental Impact Statement for Westminster, East Garden Grove Risk Flood Management Study. The purpose of this study is to evaluate the flood risk within the Westminster watershed that is primarily attributable to underperforming drainage channels that collect surface runoff and convey it downstream towards eventual discharge into the Pacific Ocean. The study area is located within the Westminster watershed in western Orange County, California, approximately 25 miles southeast of the City of Los Angeles. The watershed is approximately 87 square miles in area and is almost entirely urbanized. Cities in the watershed include Anaheim, Stanton, Cypress, Garden Grove, Westminster, Fountain Valley, Los Alamitos, Seal Beach, and Huntington Beach.

Caltrans is a responsible and commenting agency on this project and has the following comments:

1. In the event of any activity in Caltrans right of way an encroachment permit will be required. For specific details on Encroachment Permits procedure, please refer to Encroachment Permits Manual. This Manual is available on the web site: [www.dot.ca.gov/hq/traffops/developserv/permits](http://www.dot.ca.gov/hq/traffops/developserv/permits).
2. Additional comments from Geotech South unit is forthcoming.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Maryam Molavi at (949) 724-2241.

Sincerely,

  
Scott Shelley,  
Branch Chief, Regional-IGR-Transit Planning

**DEPARTMENT OF TRANSPORTATION**

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Governor's Office of Planning &amp; Research

DEC 17 2018

December 14, 2018

**STATE CLEARINGHOUSE**

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

File: IGR/CEQA  
SCH: 2017124001  
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PCH

Dear Ms. Herleth-King:

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Caltrans is a responsible and commenting agency on this project. As noted in the previous letter dated December 3, 2018 the following are additional comments from Geotech South unit.

**Appendix G: Geotechnical Report**

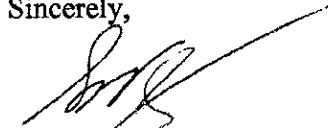
1. In several alternatives for the project, modifications to the existing channel configurations such as concrete lining or vertical walls for the side slopes have been discussed. Depending on the extent, these modifications at Caltrans bridge locations could affect the foundations/substructure components, under static and seismic conditions. The project documents should discuss the potential impacts of any significant modifications and the need for mitigation, if necessary.
2. The report discusses overexcavations for several alternatives. Overexcavations and backfilling at bridge locations could exert additional stresses on bridge foundations depending on the depth of overexcavations since the backfill could be heavier. Overexcavations may require dewatering too. The documents should discuss the need for an evaluation of these impacts and mitigation as necessary.

Ms. Shawna Herleth-King  
December 14, 2018  
Page 2

3. Dewatering has been discussed in the report. Dewatering adjacent to Caltrans facilities (bridges, other structures or roadways) could potentially impact them. The impacts should be evaluated and if necessary, mitigation measures be taken.
4. Excavation with or without shoring adjacent to Caltrans facilities have the potential to impact these facilities therefore, mitigations should be discussed in the report.
5. The proposed flood wall adjacent to Pacific Coast Highway (PCH) appears to be in the fault rupture zone. A rupture of the fault in a "Design Seismic Event" could result in an offset of several feet causing extensive damages to a wall. Therefore, the performance of the wall under seismic conditions should be addressed. Further, any repair or removal of a damaged wall could impact the operations on PCH significantly. A traffic management plan should be submitted to Caltrans for review and comment.
6. The alternative with the tunnel could affect Caltrans roadways. The potential impacts of a tunnel at roadway crossing should be discussed and mitigation measures need to be proposed.
7. Please note that discussions on potential impacts to Caltrans' right of way including proposed mitigation measures should be submitted to Caltrans for review and comment.
8. For all activities in Caltrans' right of way an encroachment permit will be required. For specific details on Encroachment Permits procedure, please refer to Encroachment Permits Manual, Seventh Edition. This Manual is available on the web site:  
[www.dot.ca.gov/hq/traffops/developserv/permits](http://www.dot.ca.gov/hq/traffops/developserv/permits).

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Maryam Molavi at (657) 328-6280 or [Maryam.Molavi@dot.ca.gov](mailto:Maryam.Molavi@dot.ca.gov).

Sincerely,



Scott Shelley,  
Branch Chief, Regional-IGR-Transit Planning

## **Appendix J – Coordination**

### **10.0 Public Comment Summary Report**

## **Appendix J – Coordination**

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# **PUBLIC COMMENT SUMMARY REPORT**

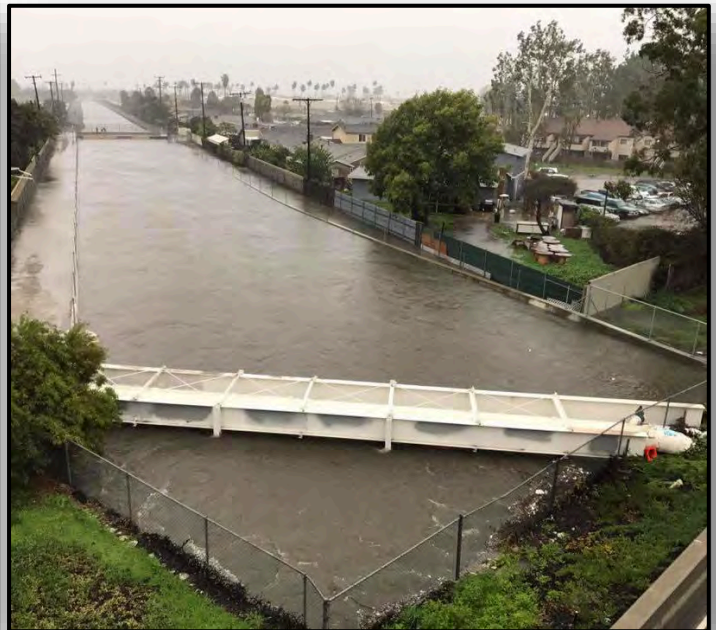
**For**

**WESTMINSTER, EAST GARDEN GROVE, CA**

**FLOOD RISK MANAGEMENT STUDY**

**California State Clearinghouse No. 2017124001**

**County of Orange EIR No. 631 and IP No. 18-249**



**December 2019**



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## List of Acronyms:

Acronym	Definition
BCER	Bolsa Chica Ecological Reserve
BCLT	Bolsa Chica Land Trust
California CC	California Coastal Commission
CEQA	California Environmental Quality Act
Caltrans	California Transportation Agency
CD	Consistency Determination
EC	Engineering Circular
EO	Executive Order
FEMA	Federal Emergency Management Agency
FR	Federal Register
HTRW	Hazardous, Toxic, and Radioactive Waste
LEDPA	Least Environmentally Damaging Practicable Alternative
MMPA	Marina Mammal Protection Act

Acronym	Definition
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
OCPW	Orange County Public Works
PCH	Pacific Coast Highway
SAWQCB	Santa Ana Regional Water Quality Control Board
SBNWR	Seal Beach National Wildlife Refuge
SCAQMD	Southern California Air Quality Management District
SLC	State Lands Commission
SMCA	State Marine Conservation Area
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service

## 1.0 Introduction

This report summarizes the public comment process implemented and public comments received for the U.S. Army Corps of Engineers (USACE) Westminster, East Garden Grove, California Flood Risk Management Study. In addition, the report provides USACE responses to comments on the Draft Westminster Report.

## 2.0 Public Comment Process

### 2.1 Public Outreach

On November 1, 2018, the USACE published a Notice of Availability (NOA) in the Federal Register (83 FR 54920) for the *Westminster, East Garden Grove, California Flood Risk Management Study*, announcing the 45-day public review period from October 19, 2018 through December 3, 2018. In addition, over 8,000 postcards notifying the availability of the Notice of Preparation (NOP) and environmental document were sent to residents located within 500 feet of the project footprint. The public was invited to comment on the draft report via email through the project email address; by postal mail to the Orange County Public Works; and in person at the public meetings by testifying or submitting written comments.

The USACE hosted public meetings to discuss the draft report and receive oral and written comments from the public. People could also participate in the meetings via Web conference or conference line. The USACE staffed each meeting with agency representatives who facilitated the meeting and gave a presentation summarizing the Draft Westminster Report. Court reporters recorded the proceedings of each meeting.

Prior to each public meeting, a press release was distributed to the local media outlets. Opportunities for public input were also publicized through the notice posted in the *Federal Register*. Information on locations and dates of the two public meetings was posted on the Westminster project website (<https://www.lrc.usace.army.mil/Missions/Civil-Works-Projects/Westminster-East-Garden-Grove/>).

Meeting dates and locations were as follows:

- November 7, 2018 City of Westminster City Hall, Westminster, CA
- November 8, 2018 Meadowlark Golf Course, Huntington Beach, CA

### 2.2 Public Comment Metrics

The USACE received 31 comment submittals, both written and oral, on the draft Westminster Report representing about 15 individuals and 16 organizations. Comments were received from state and local government agencies, environmental groups, and other interested parties.

Federal, State, and local government entities that provided comments included:

- Bolsa Chica Land Trust
- California Coastal Commission
- California Department of Conservation – Oil, Gas, & Geothermal Resources
- California Department of Fish and Wildlife
- California Department of Transportation
- California State Lands Commission

- National Oceanic and Atmospheric Administration – National Marine Fisheries Service
- Orange County Coastkeeper
- Orange County Sanitation District
- Santa Ana Regional Water Quality Control Board
- Santa Ana River Flood Protection Agency
- South Coast Air Quality Management District
- State of California Native American Heritage Commission
- U.S. Coast Guard
- U.S. Department of the Interior
- U.S. Environmental Protection Agency

## 2.3 Public Meeting Metrics

Over 30 individuals attended the Westminster public meetings; with eight (8) people providing oral comments. Meeting attendees included representatives from Federal and state agencies, elected officials or their representatives, representatives from environmental groups, local news media, and other interested parties.

## 3.0 Summary of Public Comments and USACE Responses

This section summarizes the comments received on the Draft Westminster Report and the USACE responses to those comments. Comments that were received are divided between one of two headings, either Organization or Public. The Organization heading includes all the comments that were received from federal, state, or local agencies as well as environmental groups, while the Public heading includes all the comments that were received by the general public. Responses to the comments received are provided following each comment.

### 3.1 Organization

#### 3.1.1 South Coast Air Quality Management District, Lijin Sun, Program Supervisor, letter dated November 30, 2018

##### **Comment/Concern:**

1. The South Coast Air Quality Management District (SCAQMD) recommended that the USACE should identify any potential adverse air quality impacts that could occur from all phases of the proposed project and all air pollutant sources related to the proposed project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis as well.

**Response:** Air quality impacts from all phases of the Recommended Plan are identified in Air Quality and Greenhouse Gas Emissions section of the EIS/EIR and General Conformity Analysis appendix to the report. A copy of the completed report as well as electronic copies of modeling files and calculation spreadsheets are provided to SCAQMD.

##### **Comment/Concern:**

2. The SCAQMD recommended that the USACE perform a mobile source health risk assessment in the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-

fueled vehicles. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.

**Response:** A health risk assessment is not included since the project does not produce long-term mobile trucking/transportation-related emissions and will not result in long-term land use or operation emissions of DPM. All construction-related mobile source emissions are included in the air quality analysis, and are mitigated to the maximum extent feasible by environmental commitments limiting the idling time of heavy-duty diesel trucks and using Tier 4 off-road and 2010 or newer on-road diesel engines.

**Comment/Concern:**

3. The SCAQMD recommended that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize potential impacts, in the event that the proposed project generates significant adverse air quality impacts. In addition, any impacts resulting from mitigation measures should also be discussed.

**Response:** Air quality impacts from construction-related engine exhaust and fugitive dust emissions are mitigated to the maximum extent feasible by implementing Environmental Commitments as discussed in the Air Quality section of the Westminster Flood Risk Management Study EIS/EIR.

**Comment/Concern:**

4. The SCAQMD recommended that the Westminster Report consider and discuss alternatives to the project or its location which are capable of avoiding or substantially lessening any of the significant effects of the project, in the event that the proposed project generates significant adverse air quality impacts. The Westminster Report should include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.

**Response:** All action alternatives are evaluated for potentially significant air quality impacts based on emissions generated from each project. Though emissions modeling focuses on the Maximum Channel Modifications Alternative (i.e., the Recommended Plan), the Minimum Channel Modifications Alternative is addressed both qualitatively and quantitatively for meaningful comparison of both projects.

3.1.1 U.S. Department of the Interior – U.S. Fish and Wildlife Service, Janet Whitlock,  
Regional Environmental Officer, letter dated December 3, 2018

**Comment/Concern:**

1. The Department of the Interior/U.S. Fish and Wildlife Service (USFWS) did not provide detailed comments on the Draft Westminster Report during the public comment period, other than to note that they would be providing comments in coordination with the USACE under the Fish and Wildlife Coordination Act and Section 7 of the Endangered Species Act. However, the USFWS did state that it had two general primary concerns regarding the proposed project: 1) the protection of existing biological resources in the Bolsa Chica Ecological Reserve (BCER), and 2) the cumulative loss of aquatic resources throughout Orange County due to systematic channelization of the areas watersheds.

**Response:** The majority of the construction activities that are part of the Recommended Plan would not occur within the vicinity of the BCER. The primary concern is construction occurring within C05 Reach 1 which is adjacent to the BCER on both the north and south sides of the channel. To protect biological resources, especially nesting and foraging special status birds within this area, the project proposes the



implementation of several environmental commitments that are listed in *Chapter 5 – Environmental Consequences* of the main report.

A jurisdictional determination (JD) was performed by the LA District Regulatory Office in 2019 for the Recommended Plan's action area. The JD did not identify the presence of any jurisdictional wetlands within the flood control channels, but did identify the presence of approximately 0.15 acre of estuarine wetland within the vicinity of Warner Avenue Bridge. Compensatory mitigation is proposed for the direct impact to the 0.15 acre of estuarine wetland habitat and the conceptual mitigation strategy is found in *Appendix M – Conceptual Mitigation Plan* to the main report.

### 3.1.1 National Oceanic and Atmospheric Administration, Chris Yates, Assistant Regional Administrator for Protected Resources, letter dated December 3, 2018

#### **Comment/Concern:**

1. The National Oceanic and Atmospheric Administration (NOAA) expressed concern regarding the proposed channel modifications and the potential of those modifications to cause increased downstream discharges and increased flow in Outer Bolsa Bay. Subsequently, higher flows through Outer Bolsa Bay may adversely affect existing mudflat habitat in Outer Bolsa Bay. Taking the above into consideration, NOAA requested USACE analyze the potential for scour impacts to existing mudflat habitat within Outer Bolsa Bay and evaluate the need for mitigation and monitoring.

**Response:** The study team assessed as part of its indirect effects analysis the potential for the proposed channel modifications and resultant downstream discharges to adversely affect existing mudflat habitat in Outer Bolsa Bay. It is important to note that while the Recommended Plan would not be increasing the amount of storm flow reaching Outer Bolsa Bay, a larger volume of freshwater would be reaching Outer Bolsa Bay in a shorter period of time. The Recommended Plan includes the widening of the Warner Avenue Bridge which allows storm flows that are reaching Outer Bolsa Bay faster to exit the bay quicker, thereby reducing residence time of freshwater within Outer Bolsa Bay from existing conditions. Modeling of the velocity hydrograph within Outer Bolsa Bay shows that the Recommended Plan does not significantly increase velocities above existing conditions. For example, under the mean higher high water (MHHW) tide condition and 100-year storm event (i.e., the maximum expected increase in velocity that should only occur during hundred year storm events), the existing condition velocity is 1.55 feet/second (ft/sec) whereas the with-project condition velocity is 2.45 ft/sec; an increase of less than 1.0 ft/sec over the existing condition. Similarly, under the mean low water (MLW) tide condition and 100-year storm event, the existing condition velocity is 2.8 ft/sec whereas the with-project condition velocity is 3.65 ft/sec; an increase of less than 1.0 ft/sec over the existing condition. Since the with-project condition velocity does not increase significantly over the existing condition, scouring of mudflat habitat within Outer Bolsa Bay is not expected to occur directly as a result of implementation of the Recommended Plan.

#### **Comment/Concern:**

2. NOAA recommended that USACE assess the potential for harassment or injury to marine mammals, as defined by the Marine Mammal Protection Act (MMPA; 16 U.S.C. Section 1361 et seq.), due to construction of the proposed project. It was noted that the California sea lion (*Zalophus californianus*) may be present within the vicinity of the proposed project, specifically in Huntington Harbour and Outer Bolsa Bay. In addition, NOAA recommended that USACE consider implementing measures to avoid the take of any marine mammals, as defined under the MMPA.



**Response:** An assessment of the potential for the project to harass or injure marine mammals was included to *Section 5.8 Biological Resources* in the main report.

**Comment/Concern:**

3. NOAA (along with other commenters) recommended USACE analyze the feasibility of permanently removing the tide gates at the downstream end of C05 Reach 1 instead of replacing them as proposed in the Draft Westminster Report.

**Response:** Since release of the Draft Report, the study team has coordinated with federal and local resource agencies regarding the permanent removal of the tide gates on C05 Reach 1. Additional hydraulic and hydrologic analysis was conducted, and it was determined that the tide gates could be permanently removed instead of replaced as part of the Recommended Plan. The tide gates do provide access to recreational users as well as maintenance and emergency personnel, therefore, a new bridge will be constructed within the former footprint of the tide gates.

**Comment/Concern:**

4. NOAA (along with other commenters) expressed their desire for USACE to evaluate an alternative to increasing the span of Warner Avenue Bridge. The muted tidal pocket and the full tidal basin of the Bolsa Chica Lowlands Project, were suggested as an alternative opportunity to accommodate the increase in floodwaters due to modifications of the C05/C06 channel system. It was suggested that USACE evaluate breaching the northern C05 levee to allow overflow into the muted tidal pocket. In addition, a spillover weir could be constructed on the southern C05 levee to allow a limited amount of overflow into the full tidal basin.

**Response:** After release of the Draft Report, the USACE conducted an analysis of the opportunity to overflow water from C05 into the muted tidal pocket and the full tidal basin of the BCER instead of through an expanded Warner Avenue Bridge. This analysis was completed after requests were received from NOAA, USFWS, and the California State Lands Commission after public review of the Draft Report. The analysis was conducted at a high level in order to determine whether it should be incorporated as a measure that would be fully analyzed in the Final Report. The analysis concluded that overflowing into the full tidal basin has a greater potential for environmental impacts, is not significantly more cost effective, and has hazardous, toxic, and radioactive waste (HTRW) policy issues. In addition, the analysis concluded that conveying flood flows from C05 to the full tidal basin would not require regular dredging of the full tidal basin's ocean outlet for flood risk management purposes. The analysis is included in *Appendix L – Environmental Considerations*.

3.1.1 Orange County Coastkeeper, Sarah Spinuzzi, Staff Attorney, letter dated December 3, 2018

**Comment/Concern:**

1. The Orange County Coastkeeper expressed concern that the Draft Westminster Report failed to consider pollutant loading that may occur as a result of increased flow velocity and removal of soft-bottom habitat within the channels. It was recommended that USACE analyze whether the proposed channel modifications would have long-term impacts on pollutant loading as a consequence of removing soft-bottom channels. In addition, the Orange County Coastkeeper noted that C05 and C02 are on the 303(d) list, and the Westminster Report should address these impairments as well as consider options for eliminating these impairments.

**Response:** The source of the water (stormwater run-off) is not being changed in this study. Conditions in the channels, which can include the presence of garbage and debris, will not change significantly (that is, the urban lands surrounding the channels will still be a potential source of garbage, either windblown or dumped.) Paving the soft bottom will reduce the threat of erosion of the soils. It is agreed that the water will flow faster through the channels, but the faster flows will not result in greater scour of sediment or erosion within the channels because the channels would be lined with concrete. The source conditions for any pollution will not change, and the speed of the water will not cause or create any new pollution. Thus, we conclude that the total pollutant loading at the downstream end will not change.

**Comment/Concern:**

2. The Orange County Coastkeeper expressed concern that the Draft Westminster Report did not adequately assess the impact of the proposed channel modifications on groundwater recharge. It was recommended that USACE should assess loss of groundwater percolation in time of drought and climate change in order to understand whether the impact to groundwater would be significant. In addition, it was suggested that the Westminster Report should identify opportunities for additional groundwater recharge within and outside the existing project footprint, and consider implementing those options as part of the proposed project.

**Response:** Water reclamation and recharge are not primary goals under the Corps' FRM mission area. However, the Recommended Plan minimizes lining with concrete existing soft bottom channels compared to other study alternatives (i.e., the NED Plan) that were evaluated, particularly on the downstream end of the channels, that are more often ponded with water.

In addition, based on preliminary analysis, it does not appear that the impact of lining the channels with concrete will significantly affect the amount of recharge to the aquifer below the project. This is because the majority of infiltration is expected to occur through the relatively permeable alluvial surface soils compared to the channels. The drainage area for C04 and C05/C06 channels is 10.9 and 28 square miles, respectively. For these areas, 30% of the area is assumed to be pervious. This represents an area of 11.7 square miles. By contrast, the areas of the channels are 0.12, 0.12, and 0.04 for C02, C05, and C06 respectively for a total of 0.28 square miles. Because the channels, particularly the upstream portions are often dry and because the channels only constitute approximately 2% of the available recharge area, paving the channels will likely have little effect on recharge. However, during the design phase a cost/benefit analysis for using permeable pavement to line the bottom of some or all the proposed channels will be considered, as will other alternatives to increase infiltration. Though the cost of permeable pavement may be 25% more than conventional pavement, this cost may be offset by increased design life or water savings, which will be evaluated within the authority of the project.

**Comment/Concern:**

3. The Orange County Coastkeeper expressed concern that the Draft Westminster Report did not comply with the "no net loss of wetlands" policy as stated in E.O. 11990 and California E.O. W-59-93. The Coastkeeper stated that the Westminster Report should be revised to sufficiently address the three points in E.O. 11990 in order to comply with the E.O. as well as Section 3067.1 of the California Coastal Act.

**Response:** A jurisdictional determination (JD) was performed by the LA District Regulatory Office in 2019 of the Recommended Plan's action area. The JD did not identify the presence of any jurisdictional wetlands within the flood control channels. The only wetlands identified by the JD were within the vicinity of the Recommended Plan's action area for Warner Avenue Bridge. With the modification of the

Warner Avenue Bridge, approximately 0.01 acre of bordering mudflat, 0.03 acre of bordering wetland, and 0.11 acre of neighboring wetland would be directly impacted due to the excavation of the upstream constriction. The USACE did analyze ways to avoid the direct impact to jurisdictional wetlands listed above by 1) avoiding the impact by discharging stormwater from C05/C06 into the full tidal basin of the BCER, and 2) minimizing the impact by reducing the footprint to the maximum extent possible required for excavation at the Warner Avenue Bridge. The USACE determined through additional analysis that discharging into the full tidal basin was infeasible due to potential impacts to HTRW (refer to *Appendix L – Environmental Considerations* of the main report for the analysis on the overflow to the full tidal basin). The impact to wetlands within the vicinity of Warner Avenue Bridge was minimized to the greatest extent possible. For the remaining unavoidable impact to wetlands within the vicinity of Warner Avenue Bridge compensatory mitigation is being proposed. A conceptual mitigation strategy is presented in *Appendix M – Conceptual Mitigation Plan* of the main report.

**Comment/Concern:**

4. The Orange County Coastkeeper (along with other commenters) stated that the Anaheim Bay improvement project being undertaken by the Navy should be discussed under the cumulative impacts section of the Westminster Report. Concern was expressed that the redesign of the ocean inlet at Anaheim Bay would have the potential for additional tidal action within the study area that could potentially impact the effectiveness of the proposed project.

**Response:** Additional hydrology and hydraulic modeling would take place during the next phase of the project, the preconstruction engineering and design phase (PED), to assess if the combination of the improvement project being undertaken by the Navy (which includes a new ocean inlet) and the Recommended Plan would have a cumulative effect that would reduce the effectiveness of the Recommended Plan. It is important to note, however, that in the Navy's Final Environmental Assessment for the Ammunition Pier and Turning Basin, Naval Weapons Station Seal Beach, results of a model of the Anaheim Bay system under a range of hydraulic conditions (e.g., tide level, storm flood event, sea level rise, and tsunami event) indicated that there would not be any changes to the tide range within or outside the action area as a result of the Navy's project. Tidal velocities were compared in the Navy's study between existing and proposed action conditions in the public navigation channel. Results indicated that there would not be any changes to the tide range within or outside of the study area ([https://sealbeachea.com/Portals/sealbeachea/files/ea/Seal\\_Beach\\_EA\\_Final\\_June2019.pdf](https://sealbeachea.com/Portals/sealbeachea/files/ea/Seal_Beach_EA_Final_June2019.pdf)). Therefore, since the Navy's Final Environmental Assessment indicates that their Recommended Plan would not cause any changes to the tide range within or outside of the study area, it is unlikely that the effectiveness of the Recommended Plan for the Westminster East Garden Grove Flood Risk Management Study would be impacted by the Navy's project.

**Comment/Concern:**

5. The Orange County Coastkeeper (along with other commenters) stated that potential tsunami impacts/risks should be discussed in the Westminster Report. In particular, there was concern expressed that the proposed Pacific Coast Highway (PCH) floodwall would not allow the dissipation of a tsunami hazard and would potentially increase impacts related to a tsunami hazard further inland.

**Response:** The floodwall on PCH is no longer under consideration in any of the study alternatives because flooding of PCH at Outer Bolsa Bay occurs regularly in the future without project condition and may be exacerbated by local drainage issues. H&H modeling demonstrated that significant increases of this existing impact would result from channel modifications upstream in C05/C06.

**Comment/Concern:**

6. The Orange County Coastkeeper expressed concern that the Draft Westminster Report failed to include all practicable mitigation measures to minimize harm to affected wetlands. They noted that the Westminster Report should include 1) the consideration of a full range of practicable alternatives to achieve flood risk management goals, 2) include all practicable mitigation measures to minimize harm to affected wetlands, 3) analyze how significant and unavoidable impacts to wetlands will be mitigated, and 4) include mitigation measures consistent with the California Coastal Act.

**Response:** A jurisdictional determination (JD) was performed by the LA District Regulatory Office in 2019 of the Recommended Plan's action area. The JD did not identify the presence of any jurisdictional wetlands within the flood control channels. The only wetlands identified by the JD were within the vicinity of the Recommended Plan's action area for Warner Avenue Bridge. With the modification of the Warner Avenue Bridge, approximately 0.01 acre of bordering mudflat, 0.03 acre of bordering wetland, and 0.11 acre of neighboring wetland would be directly impacted due to the excavation of the upstream constriction. The USACE did analyze ways to avoid the direct impact to jurisdictional wetlands listed above by 1) avoiding the impact by discharging stormwater from C05/C06 into the full tidal basin of the BCER, and 2) minimizing the impact by reducing the footprint to the maximum extent possible required for excavation at the Warner Avenue Bridge. The USACE determined through additional analysis that discharging into the full tidal basin was infeasible due to potential impacts to HTRW (refer to *Appendix L – Environmental Considerations* of the main report for the analysis on the overflow to the full tidal basin). The impact to wetlands within the vicinity of Warner Avenue Bridge was minimized to the greatest extent possible. For the remaining unavoidable impact to wetlands within the vicinity of Warner Avenue Bridge compensatory mitigation is being proposed. A conceptual mitigation strategy is presented in *Appendix M – Conceptual Mitigation Plan* to the main report.

**Comment/Concern:**

7. The Orange County Coastkeeper (along with other commenters) questioned why the Anaheim-Barber Channel, which is within the Westminster Watershed and includes the entire northern portion of the watershed, was not included in the study.

**Response:** The original study scope included all of the drainage channels within the watershed. In consultation with OCPW and a review of existing conditions in the watershed, it was determined that the study would instead focus only on portions of the C02, C04, C05, and C06 channels. This statement can be found in the main report, *Section 1.9.1*.

C05/C06 is the last large area of the watershed still in the FEMA 100 year floodplain. In consultation with the OCPW, it was determined that there was considerable enough flooding potential on C02/C04 to be included in the study.

3.1.1 California Coastal Commission, Larry Simon, Federal Consistency Director, email dated December 3, 2018

**Comment/Concern:**

1. The California Coastal Commission (California CC) urged the USACE to include analysis of potential adverse effects in the Westminster Report on recreational boating and other water uses in Huntington Harbour and Anaheim Bay from increased volumes and velocities of stormwater flowing into those areas after completion of the proposed project.

**Response:** Lining the existing earthen and riprap trapezoidal channels with concrete would indirectly increase the flowrate within the channels which in turn would lead to a shorter timeframe for water retention in the channels. However, water retention within the channels under existing conditions is minimal since a majority of the channels (about 75 percent) have already been lined with riprap or concrete. This increase in flowrate may indirectly affect water-oriented opportunities immediately following rain events by increasing the volume over the short-term, but does not increase the resulting total volume of water in Outer Bolsa Bay, Huntington Harbour, and Anaheim Bay, compared to existing conditions. Recreational boating and other water uses may experience a short-term increase in freshwater input closest to the outlet of C02 in Huntington Harbour and Anaheim Bay, as well as the C05 into Outer Bolsa Bay; however, this increase would occur immediately following a rain event and would then exhibit conditions similar to existing conditions (refer to *Appendix N – Coastal Consistency Determination*).

**Comment/Concern:**

2. The California CC stated that the Final Consistency Determination (CD) should include estimates as to the length of time that such temporary construction impacts of numerous project elements would occur, and, if possible, the estimated dates for construction of all project elements.

**Response:** The following tables show the estimated construction schedules that were used to develop the feasibility level costs for both the NED Plan and LPP. Projected construction methods and schedules coming out of the feasibility study will be subject to multiple design critiques with the goal to value engineer and minimize impacts to special status species when the project proceeds to the Preconstruction Engineering and Design phase. It is also important to note that these schedules are dependent on authorization of the project, appropriation of funds, and avoidance of restricted time periods for sensitive species (e.g., bird breeding and nesting seasons, etc.).

**Estimated Construction Schedule for the NED Plan.**

Project Feature	Estimated Start Date	Estimated End Date	Duration (calendar days)*
Warner Avenue Bridge	5/20/2022	8/3/2023	315
Tide Gates (C05 Reach 1)	5/20/2022	8/3/2023	315
C05 Reach 1	5/20/2022	8/3/2023	315
C02 Reach 23	5/20/2022	12/22/2022	155
Upstream reaches on channel C04 (Reaches 20-22)	2/17/2023	11/22/2029	1,605
Upstream reaches on channel C05 (Reaches 2-12)	9/29/2023	7/31/31	1,720
Upstream reaches on channel C06 (Reaches 13-19)	9/29/2023	1/21/27	785

\* Calendar days are based on a 5-day work week.

**Estimated Construction Schedule for the LPP.**

Project Feature	Estimated Start Date	Estimated End Date	Duration (calendar days)
Warner Avenue Bridge	5/20/2022	8/3/2023	315
Tide Gates (C05 Reach 1)	5/20/2022	8/3/2023	315
C05 Reach 1	5/20/2022	8/3/2023	315
C02 Reach 23	5/20/2022	12/22/2022	155
Upstream reaches on channel C04 (Reaches 20-22)	2/17/2023	1/13/2033	1,805

Project Feature	Estimated Start Date	Estimated End Date	Duration (calendar days)
Diversion Channel (C04)	1/15/2027	12/14/2028	500
Upstream reaches on channel C05 (Reaches 2-12)	9/29/2023	3/2/2034	2,320
Upstream reaches on channel C06 (Reaches 13-19)	10/4/2024	10/26/2028	860

\* Calendar days are based on a 5-day work week.

Since the LPP is the Recommended Plan presented in the Final Report, the above Estimated Construction Schedule for the LPP is presented in *Section 8.11.2 Project Implementation Strategy* of the main report.

**Comment/Concern:**

3. The California CC stated that the Final CD should include provisions for signage and temporary detour pathways during the construction period.

**Response:** Statement has been added to the project description to include provisions for signage and temporary detour pathways for areas accessible to the public and utilized by recreational users.

**Comment/Concern:**

4. The California CC stated that the Final CD should include a more detailed analysis of how the proposed project is consistent with Section 30236 of the Coastal Act, in particular, how there are no other methods for protecting existing structures and development in the floodplain, and how the proposed project incorporates the best feasible mitigation measures.

**Response:** Both the NED Plan and LPP presented in the Draft Report are consistent with Section 30236 of the Coastal Act. Section 30236 states that “Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat. The drainage channels within the Westminster watershed, which this study proposes to modify to increase conveyance and/or capacity, were originally built in the 1950s and the 1960s to convey residual flood waters after the channelization of the Santa Ana River. Therefore, the Recommended Plan would be modifying drainage channels that have already been channelized. In addition to channelization, approximately 53% of the channels that are proposed to be modified have been lined with concrete. The remaining 47% of the channels are either earthen bottom or riprap lined. Under the Recommended Plan, 54% of the modified channels would be earthen bottom and 46% would be concrete lined. Therefore, the primary conversion of bottom habitat under the Recommended Plan would be from riprap lined to concrete lined, and is not a substantial modification.

Bottom Type	Existing Conditions (Acres)	Percentage	With-Project (Acres)	Percentage
Earthen Bottom	143	53%	146	54%
Riprap Lined	67	25%	0	0%
Concrete Lined	61	22%	125	46%
Total	271	100%	271	100%

The feasibility study did evaluate numerous measures, in addition to those that are included in the NED Plan and LPP, for protecting existing structures in the Westminster watershed flood plain. Measures falling within four broad categories (e.g., nonstructural measures, in-channel measures, upstream flood risk reduction measures, and downstream flood risk reduction measures) were formulated and their feasibility for implementation was considered in the context of the project area and the Westminster watershed as a whole. The challenges of implementing flood damage risk reduction measures in such an urbanized area reduced the list of viable options. The study area is considered “built-out” since there is only approximately 10 acres of vacant land within the watershed. For a detailed discussion on the initial development and screening of measures refer to Chapter 3 of the main report.

In addition, the Recommended Plan is necessary for public safety and to protect existing development in the Westminster watershed. Preliminary analysis shows that flood flows begin to overtop the drainage channels within the watershed between the 20% and 10% annual chance of exceedance (ACE) storm events (5 and 10 year recurrence intervals, respectively), with approximately 400,000 area residents and 44,000 structures at risk during a 0.2% ACE event. Overbank flooding also impacts traffic in the project area, causing closures on local roads as well as major routes, including Interstate 405 (I-405) and the Pacific Coast Highway (PCH). The additional burden that flooding puts on already crowded roads can result in a loss of functionality for local hospitals as delays caused by flooding negatively impact ambulance routes and other emergency services. Flooding can also negatively impact schools in the project area by obstructing pedestrian and bus routes, damaging facilities, and reducing access to emergency services. I-405 and other major transportation routes in the project area can become impassible due to flooding, further increasing delays during high traffic period and reducing access for people and services.

Due to unavoidable impacts to soft-bottom habitat, wetlands (adjacent to Warner Avenue Bridge), and eelgrass within the Recommended Plan’s action area, mitigation is being proposed. The conceptual mitigation strategy (*Appendix M – Conceptual Mitigation Plan*) outlines the proposed mitigation activities which include enhancement of the muted tidal pocket in the BCER, in-kind (transplanting in Outer Bolsa Bay) and out-of-kind (Palos Verdes Rocky Reef Restoration Project) eelgrass mitigation, and increasing the resiliency to sea level rise of the north and south tern islands at the BCER. The USACE has been coordinating the above proposed mitigation strategy with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, California State Lands Commission, and California Department of Fish and Wildlife. Coordination is expected to continue into the next phase of the project, Preconstruction Engineering and Design, where the mitigation strategy will be finalized prior to implementation of the Recommended Plan. The Conceptual Mitigation Strategy presented in Appendix M to the main report represents the best feasible mitigation measures since the conceptual plan proposes measures that are implementable, would provide benefits to fish and wildlife, and are being coordinated with federal and state agencies. Due to the “built-out” nature of the area, there are currently limited opportunities for in-kind mitigation other than those being proposed as part of the Conceptual Mitigation Strategy. The Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS) was searched for other mitigation opportunities within the area. There are only three mitigation banks located within the immediate vicinity of the Recommended Plan, one of which is closed (i.e., Anaheim Bay – Port of Long Beach) and two which are pending development and may be available in the future (i.e., Upper Los Cerritos Wetland Mitigation Bank and Colorado Lagoon Mitigation Bank).

**Comment/Concern:**

5. The California CC stated that the Final CD should include a more detailed analysis of the impacts to public views from construction of the floodwall along the Pacific Coast Highway (PCH), from the PCH to Outer Bolsa Bay, and from Outer Bolsa Bay toward the Pacific Ocean.

**Response:** The floodwall on PCH is no longer under consideration in any of the study alternatives because flooding of PCH at Outer Bolsa Bay occurs regularly in the future without project condition and may be exacerbated by local drainage issues. H&H modeling demonstrated that significant increases of this existing impact would result from channel modifications upstream in C05/C06.

**Comment/Concern:**

6. The California CC stated that the Final CD should include a detailed analysis of how the proposed project would not lead to adverse effects to the BCER.

**Response:** Chapter 5 of the Final CD includes a discussion on how the project would be consistent with the California Coastal Act and how the Recommended Plan would not lead to adverse effects to the BCER. In addition, Chapter 5 of the main report also includes a discussion of the potential impacts of the project to Biological Resources (*Section 5.8*) as well as other resources and mitigation measures that would be implemented to reduce impacts to less than significant.

**Comment/Concern:**

7. The California CC stated that the Final CD should include (or directly reference) a detailed mitigation plan for unavoidable losses of adverse effects on environmentally sensitive habitat, including Coastal Act-defined wetlands, riparian habitat, and sensitive upland habitat.

**Response:** A conceptual mitigation has been prepared and is *Appendix M – Conceptual Mitigation Plan* to the main report.

3.1.1 Bolsa Chica Land Trust, Kim Kolpin, Executive Director, letter dated December 3, 2018

**Comment/Concern:**

1. The Bolsa Chica Land Trust (BCLT) expressed concern that the environmental impacts analysis did not include a study of potential BCER wide impacts during high water events. The BCLT urged the USACE to include a comprehensive analysis of the proposed project's potential impacts to the wildlife which utilize Inner and Outer Bolsa Bay as well as to the existing mudflats, transitional habitats between wetland, dune, and mesa.

**Response:** In regards to Outer Bolsa Bay, the study team assessed as part of its indirect effects analysis the potential for the proposed channel modifications and resultant downstream discharges to adversely affect existing mudflat habitat in Outer Bolsa Bay. It is important to note that while the Recommended Plan would not be increasing the amount of storm flow reaching Outer Bolsa Bay, a larger volume of freshwater would be reaching Outer Bolsa Bay in a shorter period of time. The Recommended Plan includes the widening of the Warner Avenue Bridge which allows storm flows that are reaching Outer Bolsa Bay faster to exit the bay quicker, thereby reducing residence time of freshwater within Outer Bolsa Bay from existing conditions. This indicates that there would be no conversion of habitat types, since the Recommended Plan would be reducing residence time of freshwater within Outer Bolsa Bay over existing conditions.



In regards to the potential of the Recommended Plan to scour existing habitats within Outer Bolsa Bay, modeling of the velocity hydrograph within Outer Bolsa Bay indicates that the Recommended Plan does not significantly increase velocities above existing conditions. For example, under the mean higher high water (MHHW) tide condition and 100-year storm event (i.e., the maximum expected increase in velocity that should only occur during hundred year storm events), the existing condition velocity is 1.55 feet/second (ft/sec) whereas the with-project condition velocity is 2.45 ft/sec; an increase of less than 1.0 ft/sec over the existing condition. Similarly, under the mean low water (MLW) tide condition and 100-year storm event, the existing condition velocity is 2.8 ft/sec whereas the with-project condition velocity is 3.65 ft/sec; an increase of less than 1.0 ft/sec over the existing condition. Since the with-project condition velocity does not increase significantly over the existing condition, impacts to existing habitat within Outer Bolsa Bay due to scouring are not expected directly as a result of implementation of the Recommended Plan.

**Comment/Concern:**

2. The BCLT (along with other commenters) stated that the Anaheim Bay improvement project being undertaken by the Navy should be discussed under the cumulative impacts section of the Westminster Report. Concern was expressed that the redesign of the ocean inlet at Anaheim Bay would have the potential for additional tidal action within the study area that could potentially impact the effectiveness of the proposed project.

**Response:** The Navy's Final Environmental Assessment for the Ammunition Pier and Turning Basin, Naval Weapons Station Seal Beach, results of a model of the Anaheim Bay system under a range of hydraulic conditions (e.g., tide level, storm flood event, sea level rise, and tsunami event) indicated that there would not be any changes to the tide range within or outside the action area as a result of the Navy's project. Tidal velocities were compared in the Navy's study between existing and proposed action conditions in the public navigation channel. Results indicated that there would not be any changes to the tide range within or outside of the study area ([https://sealbeachea.com/Portals/sealbeachea/files/ea/Seal\\_Beach\\_EA\\_Final\\_June2019.pdf](https://sealbeachea.com/Portals/sealbeachea/files/ea/Seal_Beach_EA_Final_June2019.pdf)). Therefore, since the Navy's Final Environmental Assessment indicates that their Recommended Plan would not cause any changes to the tide range within or outside of the study area, it is unlikely that the effectiveness of the Recommended Plan for the Westminster East Garden Grove Flood Risk Management Study would be impacted by the Navy's project.

**Comment/Concern:**

3. The BCLT urged USACE to conduct a comprehensive analysis of the potential erosion to all sides of Outer Bolsa Bay during regular flow and resulting from storm and extreme tidal events, all of which may be exacerbated due to the proposed project.

**Response:** The study team assessed as part of its indirect effects analysis the potential for the proposed channel modifications and resultant downstream discharges to adversely affect existing mudflat habitat in Outer Bolsa Bay. It is important to note that while the Recommended Plan would not be increasing the amount of storm flow reaching Outer Bolsa Bay, a larger volume of freshwater would be reaching Outer Bolsa Bay in a shorter period of time. The Recommended Plan includes the widening of the Warner Avenue Bridge which allows storm flows that are reaching Outer Bolsa Bay faster to exit the bay quicker, thereby reducing residence time of freshwater within Outer Bolsa Bay from existing conditions. Modeling of the velocity hydrograph within Outer Bolsa Bay shows that the Recommended Plan does not significantly increase velocities above existing conditions. For example, under the mean higher high water (MHHW) tide condition and 100-year storm event (i.e., the maximum expected increase in velocity

that should only occur during hundred year storm events), the existing condition velocity is 1.55 feet/second (ft/sec) whereas the with-project condition velocity is 2.45 ft/sec; an increase of less than 1.0 ft/sec over the existing condition. Similarly, under the mean low water (MLW) tide condition and 100-year storm event, the existing condition velocity is 2.8 ft/sec whereas the with-project condition velocity is 3.65 ft/sec; an increase of less than 1.0 ft/sec over the existing condition. Since the with-project condition velocity does not increase significantly over the existing condition, scouring of mudflat habitat within Outer Bolsa Bay is not expected to occur directly as a result of implementation of the Recommended Plan.

**Comment/Concern:**

4. The BCLT expressed concern regarding the loss of “edge” transitional habitats due to the proposed floodwall along the PCH and Outer Bolsa Bay. They also expressed concern regarding potential impacts to area aesthetics due to the construction of the floodwall.

**Response:** The floodwall on PCH is no longer under consideration in any of the study alternatives because flooding of PCH at Outer Bolsa Bay occurs regularly in the future without project condition and may be exacerbated by local drainage issues. H&H modeling demonstrated that significant increases of this existing impact would result from channel modifications upstream in C05/C06.

**Comment/Concern:**

5. The BCLT (along with other commenters) expressed concern that the proposed project does not include water reclamation and/or promote recharge and beneficial use of floodwaters.

**Response:** Water reclamation was not considered independently because it is not consistent with meeting the flood risk management goals of the study. Beneficial use of floodwaters is being considered in the mitigation strategy for this project to potentially increase habitat values in the muted tidal pocket.

3.1.1 Santa Ana Regional Water Quality Control Board, Terri Reeder, Senior Engineering Geologist, letter dated December 3, 2018

**Comment/Concern:**

1. The Santa Ana Regional Water Quality Control Board (SAWQCB) expressed concern that the proposed project could be undersized or obsolete by the time construction is complete due to potential climate change impacts. The SAWQCB stated that the Final Westminster Report should quantitatively determine the limits of flow capacity which should be compared to the proposed project design flood and the probable maximum flood in order to determine potential shortfalls in future flow conveyance.

**Response:** *Appendix A – Hydrology and Hydraulics* to the main report addresses the uncertainty related to climate change and sea level change. Design features are evaluated on economic justification, and evaluating the probable maximum flood is not standard practice for flood risk management projects. It is recognized (and discussed in *Appendix A – Hydrology and Hydraulics*) that adaptive management strategies may be needed in the future based on future climate conditions.

**Comment/Concern:**

2. The SAWQCB (along with other commenters) recommended that USACE analyze the feasibility of permanently removing the tide gates at the downstream end of Reach 1 C05 instead of replacing them as proposed in the Draft Westminster Report.

**Response:** Since release of the Draft Report, the study team has coordinated with federal and local resource agencies regarding the permanent removal of the tide gates on C05 Reach 1. Additional hydraulic and hydrologic analysis was conducted, and it was determined that the tide gates could be permanently removed instead of replaced as part of the Recommended Plan. The tide gates do provide access to recreational users as well as maintenance and emergency personnel, therefore, a new bridge will be constructed within the former footprint of the tide gates.

**Comment/Concern:**

3. The SAWQCB recommended that if the northern levee of C05 Reach 1 could be shown to not contain contaminants, it should be breached to allow C05 stormwater discharge to mix with estuarine waters of the adjacent Muted Tidal Basin. Alternatively, a portion of the 'north' levee at C05 Reach 1 could be removed, allowing a narrow passage for exchange between Outer Bolsa Bay and the Muted Tidal Basin.

**Response:** Since release of the Draft Report, further work has been completed on the conceptual mitigation plan. *Appendix M – Conceptual Mitigation Plan* to the main report includes a proposal to breach the northern levee of C05 Reach 1 with a small hydraulic stoplog structure to allow C05 stormwater discharge to overflow during certain storm events into the muted tidal pocket. The hydraulic stoplog structure would allow the California Department of Fish and Wildlife (CDFW), the reserve manager, to control the amount of water that would enter the muted tidal pocket and alter if necessary. The conceptual mitigation plan is being coordinated with the California State Lands Commission, CDFW, U.S. Fish and Wildlife Service, and National Marine Fisheries Service.

**Comment/Concern:**

4. The SAWQCB stated that the proposed floodwall along the PCH may be unnecessary if the northern levee along C05 Reach 1 could be breached.

**Response:** The floodwall on PCH is no longer under consideration in any of the study alternatives because flooding of PCH at Outer Bolsa Bay occurs regularly in the future without project condition and may be exacerbated by local drainage issues. H&H modeling demonstrated that significant increases of this existing impact would result from channel modifications upstream in C05/C06.

Breaching of the northern levee in C05 Reach 1 is currently included in the mitigation strategy for both the NED Plan and LPP.

**Comment/Concern:**

5. The SAWQCB urged USACE to consider distributing flows from the terminus of C02 to the Seal Beach National Wildlife Refuge (SBNWR) salt marsh.

**Response:** Distributing flows from the terminus of C02 to the Seal Beach National Wildlife Refuge was assessed early on as a potential mitigation opportunity. The mitigation opportunity was proposed by the U.S. Fish and Wildlife Service as part of their recommendations under the Draft Fish and Wildlife Coordination Act Report. Specifically, the U.S. Fish and Wildlife Service recommended that flows from the terminus of C02 be allowed to breach or flow onto the south end of the Naval Weapons State Seal Beach, allowing ecological restoration of mud flat, salt marsh, and potentially riparian habitat. USACE did approach the Navy regarding this opportunity, however, at this time, the Navy did not want to consider portions of its base for construction of a restoration site as part of the Recommended Plan.

**Comment/Concern:**

6. The SAWQCB suggested that the water diverted through the proposed construction of the Westminster Diversion Channel could be replaced by storm flows from the Bolsa Chica Channel and Anaheim Barber City Channel. The SAWQCB urges the USACE to evaluate whether or not this would be the case.

**Response:** The current plan is to only divert flow from the C04 channel, not the Bolsa Chica Channel or Anaheim Barber City Channel.

**Comment/Concern:**

7. The SAWQCB recommended that USACE consider the use of booms and bandolons (i.e., floating metal mesh dumpsters) for use in all channels in order to intercept floatable refuse before it reaches the estuaries.

**Response:** During the preconstruction engineering and design phase, trash collection booms will be evaluated for potential installation within the flood control channels.

**Comment/Concern:**

8. The SAWQCB recommended that USACE evaluate the construction of a retention basin on the vacant land located at the confluence of C05 and C06, which could be used for temporary storage of pumped stormwater from C05/C06.

**Response:** This parcel is not sufficiently large to provide significant flood risk management benefits during a large storm event. See also Section 3.3.2 for more general discussion of why retention basins were screened out from further consideration.

**Comment/Concern:**

9. The SAWQCB recommended that USACE should discuss the potential for transferring stormflow from the Westminster Watershed to the Santa Ana River Watershed, in order to relieve stormwater volume from the Westminster Watershed.

**Response:** Due to the elevations not aligning, pumping and a pump station would be required, which would have been less cost effective than the proposed channel modifications for the same flood risk management benefit. Additionally, pump stations are more time consuming and costly to operate and maintain over time than the proposed channel modifications.

**Comment/Concern:**

10. The SAWQCB urged USACE to consider other opportunities for upstream stormwater capture, in order to both reduce stormwater volume within the flood control channels as well as comply with the SAWQCB Municipal Stormwater Permit for Orange County, Order No. RB8-2009-0030 (as amended by R8-2010-0062).

**Response:** USACE did consider upstream stormwater capture in the form of dams and/or retention basins. However, the lack of available of land in the urban study area, and the general lack of topographic relief make these measures ineffective and costly compared to the FRM measures that were retained in the study alternatives

**Comment/Concern:**

11. The SAWQCB suggested that the Mile Square Park golf course should be evaluated as a potential overflow area during storm events, where flows from C06 could be pumped out.

**Response:** Mile Square Park was considered for development of a large retention basin, as it is one of few open spaces available in the study area. The measure was ultimately screened out, largely because of impacts to recreation and access to open space in the dense urban study area. However, the channels that run through Mile Square Park are not proposed for improvement, thus allowing for overflow into the park during storm events.

3.1.1 U.S. Environmental Protection Agency, Kathleen Martyn Goforth, Manager  
Environmental Review Section, letter dated December 3, 2018

**Comment/Concern:**

1. The U.S. Environmental Protection Agency (USEPA) asked USACE to detail the results of its coordination with SAWQCB regarding sediment contamination as well as how construction and operation of the proposed project would comply with the Water Quality Control Plan for Enclosed Bays and Estuaries in California.

**Response:** Sediment characterization has not been completed at this time, and has been deferred until the locations and quantities are better defined. It is anticipated that sediment will be characterized following USEPA/USACE guidance, and that a sediment sampling plan will be the start of coordination with the SAWQCB. Until it is clear where work will occur and what the sediment quality is, it is not possible to determine the water quality protection requirements. This effort would occur during the preconstruction engineering and design (PED) phase of the project.

**Comment/Concern:**

2. The USEPA urged USACE to analyze and compare the indirect water quality and hydrologic impacts of projected sediment mobilization and transport under each action alternative as well as the tide gate and levee modifications. Measures to mitigate these potential impacts should be included in the Westminster Report.

**Response:** The water quality in the channels is not anticipated to change (any pollutants would have the same sources as currently). Paving the channels will not result in new or increased concentrations of pollutants, nor additional scour or erosion in the channels.

Work along the water line, including at the tide gate, along levees, and near the Warner Avenue Bridge, could result in the disturbance of sediment. The sediment quality in the area is not known, but is presumed to be at least somewhat impacted by urban water uses and the land uses surrounding the project area. For this reason, it is proposed that the sediment be further characterized in the future (when locations and quantities are better defined), following the USEPA/USACE guidance documents and/or regional guidance (such as the Inland Testing Manual and other guidance). The sediment quality data would be incorporated into a contaminant determination that would be the basis for a future 401 Water Quality Certification. Impacts from disturbing the sediment would include best management practices such as the use of turbidity curtains, turbidity monitoring near sensitive populations if needed, control of return water and possible treatment of return water, and upland disposal of sediment removed to facilitate the work. Erosion control would be used for upland disturbed areas, to prevent run-off and impacts to water quality.

**Comment/Concern:**

3. The USEPA requested USACE review the updated Construction Bulletin and note in the Final Westminster Report whether and how the update changes the analytical approach of the Report. The USEPA also requested USACE discuss EC 1165-2-211 and whether and how the sea level rise analysis in the Final Westminster Report complies with its guidance.

**Response:** The latest climate change Engineering and Construction Bulletin (ECB) (ECB No. 2018-14) was reviewed and used to update the report. Refer to *Appendix A – Hydrology and Hydraulics* for the detailed analysis. In regards to sea level rise, Engineering Regulation (ER) 1100-2-8162 (15 June 2019), *Incorporating Sea Level Change in Civil Works Programs*, and Engineer Technical Letter (ETL) 1100-2-1, *Procedures to Evaluate Sea Level Change: Impacts, Responses, and Adaptation* (30 June 2014) were used to incorporate future sea level rise in analysis of the alternatives. Refer to *Appendix A – Hydrology and Hydraulics* for the detailed analysis.

**Comment/Concern:**

4. The USEPA expressed the need for a mitigation plan that clarifies the impacts requiring mitigation and the proposed mitigation measures. The USEPA also advised against any alternatives that would authorize the loss of wetlands. The USEPA stated that the mitigation plan should consider/include: 1) practicable avoidance opportunities, 2) in-footprint mitigation opportunities, 3) regional initiatives to increase wetland acreage and quality and other initiatives to combat the effects of sea level rise, and 4) incorporate the California Rapid Assessment Method for Wetlands (CRAM) to monitor and assess wetland condition.

**Response:** A jurisdictional determination (JD) was performed by the USACE Los Angeles District Regulatory Office in 2019 of the Recommended Plan's action area. The JD did not identify the presence of any jurisdictional wetlands within the flood control channels. The only wetlands identified by the JD were within the vicinity of the Recommended Plan's action area for Warner Avenue Bridge. With the proposed modification of the Warner Avenue Bridge, approximately 0.01 acre of bordering mudflat, 0.03 acre of bordering wetland, and 0.11 acre of neighboring wetland would be directly impacted due to the excavation of the upstream constriction. The USACE did analyze ways to avoid the direct impact to jurisdictional wetlands listed above by 1) avoiding the impact by discharging stormwater from C05/C06 into the full tidal basin of the BCER, and 2) minimizing the impact by reducing the footprint to the maximum extent possible required for excavation at the Warner Avenue Bridge. The USACE determined through additional analysis that discharging into the full tidal basin was infeasible due to potential impacts to HTRW (refer to *Appendix L – Environmental Considerations* of the main report for the analysis on the overflow to the full tidal basin). The impact to wetlands within the vicinity of Warner Avenue Bridge was minimized to the greatest extent possible. For the remaining unavoidable impact to wetlands within the vicinity of Warner Avenue Bridge mitigation is being proposed. A conceptual mitigation strategy is presented in *Appendix M – Conceptual Mitigation Plan* to the main report.

**Comment/Concern:**

5. The USEPA (along with other commenters) recommended USACE analyze the feasibility of permanently removing the tide gates on Reach 1 C05 instead of replacing them as proposed in the Draft Westminster Report. In addition, the USEPA suggested USACE evaluate the benefits and potential impacts of relocating the tide gates further upstream within C05.

**Response:** Since release of the Draft Report, the study team has coordinated with federal and local resource agencies regarding the permanent removal of the tide gates on C05 Reach 1. Additional

hydraulic and hydrologic analysis was conducted, and it was determined that the tide gates could be permanently removed instead of replaced as part of the Recommended Plan. The tide gates do provide access to recreational users as well as maintenance and emergency personnel, therefore, a new bridge will be constructed within the former footprint of the tide gates.

**Comment/Concern:**

6. The USEPA (along with other commenters) expressed concern that the proposed project does not include water reclamation and/or promote recharge and beneficial use of floodwaters. In addition, the USEPA also suggested USACE and the Orange County Public Works (OCPW) should work with state agencies, local agencies, and cities to identify opportunities to use existing green space adjacent to the flood control channels for increased stormwater recapture.

**Response:** Water reclamation and recharge are not primary goals under the Corps' FRM mission area. However, the Recommended Plan minimizes lining with concrete existing soft bottom channels compared to other study alternatives (including the NED Plan) that were evaluated.

Similarly, beneficial use of floodwaters is not an explicit component of the Corps plan formulation process, or goals, for FRM studies. However, beneficial use of floodwaters is being considered in the mitigation strategy for this project to potentially increase habitat values in the muted tidal pocket.

**Comment/Concern:**

7. The USEPA stated that they could not determine whether or not either of the action alternatives that were presented in the Draft Westminster Report could be the Least Environmentally Damaging Practicable Alternative (LEDPA). The Final Westminster Report should demonstrate that the preferred alternative is the LEDPA as is required for the Clean Water Act, Section 404 analysis (40 C.F.R. 230).

**Response:** The Locally Preferred Plan [LPP] (i.e., the Maximum Channel Modifications Plan) has been identified as the Least Environmentally Damaging Practicable Alternative (LEDPA). Both the LPP and the National Economic Development (NED) Plan (i.e., the Minimum Channel Modifications Plan) have direct impacts to approximately 0.15 acres of jurisdictional wetlands, indirect impacts to 1.70 acres of eelgrass, and temporary direct impacts to special status species. For the unavoidable impacts to wetland habitat and the potential indirect impacts to eelgrass, a conceptual mitigation strategy (*Appendix M – Conceptual Mitigation Plan* to the main report) has been prepared to offset these losses. Therefore, the LPP is the LEDPA with compensatory mitigation incorporated.

3.1.1 California State Lands Commission, Wendy Hall, Special Projects Liason, letter dated December 3, 2018

**Comment/Concern:**

1. The California State Lands Commission (SLC) stated that the Westminster Report needs to include a thorough and complete project description in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. In addition, written descriptions of activities occurring below the mean high tide line in area waterways should be included.

**Response:** A detailed description of the study goals, plan formulation process, and identified plans (NED and LPP) are included in Chapters 1, 3, and 8 of the main report.

Detailed project layout and design drawings can be found in the Civil Engineering Appendix. Additional level of detail will be further developed during the Preconstruction Engineering and Design phase if the recommended plan is approved by the Chief of Engineers and authorized by Congress.

Detailed description of the proposed mitigation plan can be found in *Appendix M – Conceptual Mitigation Plan* to the main report. Detailed discussion of the potential environmental impacts of the study alternatives can be found in *Chapter 5 – Environmental Consequences* of the main report.

**Comment/Concern:**

2. The California SLC stated that in regards to biological resources and potential impacts, the Westminster Report should 1) disclose and analyze all potentially significant effects on sensitive species/habitats that are located within and around the proposed project area, 2) include results of queries of the California Department of Fish and Wildlife’s California Natural Diversity Database and the U.S. Fish and Wildlife Service’s Special Status Species Database, 3) include a discussion of consultation with the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and National Marine Fisheries Service as applicable, and 4) consider the proposed project’s potential to encourage the establishment or proliferation of aquatic invasive species.

**Response:** An analysis of potentially significant effects on sensitive species/habitats within and around the Recommended Plan’s action area is included in *Chapter 5 – Environmental Consequences* of the main report. The results of queries of the CDFW’s California Natural Diversity Database (CNDDDB) and the U.S. Fish and Wildlife Service’s Environmental Conservation Online System Information for Planning and Consultation (ECOS-IPaC) are included in *Chapter 2 – Affected Environment* of the main report. A discussion regarding consultation with other federal, state, regional, and local agencies is included in *Chapter 6 – Public Involvement, Review and Coordination* of the main report. Finally, *Chapter 7 – Compliance with Applicable Laws, Policies, and Plans* discusses the Recommended Plan’s undertakings to prevent the introduction of invasive species.

**Comment/Concern:**

3. The California SLC recommended that the Westminster Report include a discussion on how various components of the proposed project might be affected by sea-level rise and whether ‘resilient’ designs have been incorporated. The Westminster Report should also include potential effects of sea-level rise and how the proposed project would address/adapt to sea-level rise.

**Response:** *Appendix A – Hydrology and Hydraulics* to the main report has been updated and includes a discussion on resiliency of the Recommended Plan to sea-level rise.

**Comment/Concern:**

4. The California SLC recommended that the Westminster Report should include mitigation measures that are specific, feasible, enforceable obligations, or be presented as formulas containing “performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way” (State California Environmental Quality Act [CEQA] Guidelines, § 15126.4, subd. (a)).

**Response:** A conceptual mitigation strategy is presented in *Appendix M – Conceptual Mitigation Plan* to the main report.



**Comment/Concern:**

5. The California SLC recommended that the Westminster Report should identify and analyze a range of reasonable alternatives to the proposed project that would attain most of the project objectives while avoiding or reducing one or more of the potentially significant impacts.

**Response:** The study team considered numerous measures that could potentially be formulated into alternative plans that could be evaluated for implementation. Initial screening of measures demonstrated that the urban nature of the project area (high land values and a lack of available real estate) tended to self-select for measures that limit property acquisition, such as nonstructural measures and measures that are implemented within existing rights-of-way. Based on these considerations, the retained measures were combined into five alternatives, including the No Action Alternative. Further screening of the initial array of alternative plans narrowed down the number of alternative plans that were evaluated in the report to two plans (NED Plan and LPP) that meet the study objectives and have less than significant adverse impacts, with mitigation incorporated, on cultural and natural resources. These plans also include mitigation measures to reduce the effect of the identified potential adverse impacts. Further, the study team considered additional alternatives based on comments received during public review and during this process was unable to identify an alternative plan that met the study objectives with lesser adverse impacts (after mitigation). The study team believes that it has identified the best plan that will effectively reduce flood risk in the Westminster watershed, which reasonably avoids impacts to cultural and natural resources, and mitigates for potential adverse impacts that are unavoidable or infeasible to avoid entirely. For a detailed discussion on the measures considered, the initial and final arrays of alternatives, and the screening process refer to *Appendix H – Plan Formulation*.

**Comment/Concern:**

6. The California SLC questioned if the land/slope portion upstream of the Warner Avenue Bridge would be installed with slope stabilization and erosion control features. They requested that USACE either 1) explain why if the answer is ‘no’, or 2) if the answer is ‘yes’ describe if the feature installation would be supported with geotechnical information and recommendations to ensure safe installation and long-term stability of the features.

**Response:** It is likely that erosion control features would be installed for the land upstream of Warner Avenue Bridge. The erosion protection would likely be riprap sized to withstand the expected water velocities. Soil borings (i.e., geotechnical information) in the vicinity of Warner Avenue Bridge are proposed to evaluate any changes to the bridge or fill added adjacent to the bridge.

**Comment/Concern:**

7. The California SLC recommended that the Locally Preferred Plan presented in the Draft Westminster Report include consideration of regional benefits beyond the defined 100-year flood protection objectives of the Orange County Flood Control District. This includes consideration of a project design that accommodates the required flow rates generated by increased drainage efficiencies in upstream areas while avoiding damage and enhancing function of downstream wetlands.

**Response:** The NED Plan was formulated based on Corps goals for FRM studies, as well as policy and guidance, and is described in the main feasibility report. The LPP builds upon this plan in order to meet the goals of the non-federal sponsor that do not overlap directly with those of the Federal Government, explicitly that of achieving flood damage reduction to the 1% ACE storm event in order to remove homes from the mapped FEMA floodplain and reduce the associated flood insurance burden for its ratepayers.

While these goals were primary in the formulation process, the recommended plan is projected to provide assurance at the 1% ACE storm event and enhance habitat function of the muted tidal pocket located in the Bolsa Chica Ecological Reserve. A habitat model was not readily available that would quantitatively evaluate the enhanced habitat function of the muted tidal pocket. Refer to *Appendix M – Conceptual Mitigation Plan* for a detailed discussion on how enhancement of the muted tidal pocket was evaluated.

**Comment/Concern:**

8. The California SLC (along with other commenters) recommended that the USACE analyze the feasibility of permanently removing the tide gates on C05 Reach 1 instead of replacing them as proposed in the Draft Westminster Report.

**Response:** Since release of the Draft Report, the study team has coordinated with federal and local resource agencies regarding the permanent removal of the tide gates on C05 Reach 1. Additional hydraulic and hydrologic analysis was conducted, and it was determined that the tide gates could be permanently removed instead of replaced as part of the Recommended Plan. The tide gates do provide access to recreational users as well as maintenance and emergency personnel, therefore, a new bridge will be constructed within the former footprint of the tide gates.

3.1.2 Orange County Sanitation District, Kathleen Millea, December 2018

**Comment/Concern:**

1. The Orange County Sanitation District requested that any potential impacts to Sanitation District sewers be addressed in the Final Westminster Report.

**Response:** The proposed project would have no potential impacts to Sanitation District sewers. Refer to Chapter 5 Environmental Consequences for a complete discussion on potential impacts of the proposed project.

3.1.3 California State Transportation Agency (Caltrans District 12), Scott Shelley, Branch Chief, Regional-IGR-Transit Planning, letter dated December 14, 2018

**Comment/Concern:**

1. The California State Transportation Agency (Caltrans) stated that the Westminster Report should include a discussion about the potential impacts of any significant modifications at Caltrans bridge locations and needs for mitigation if necessary. Caltrans expressed concern that modifications to the existing channels at bridge locations could affect the foundations/substructure components under static and seismic conditions.

**Response:** The channel widening applies to the Locally Preferred Plan. For bridges that require widening, standard Caltrans box culverts are proposed for most crossings. However, a few bridges that require widening will also require piles. In either the case of using standard Caltrans box culverts or pile design, geotechnical borings are proposed. All crossings will be designed to Caltrans seismic criteria.

**Comment/Concern:**

2. Caltrans stated that the Westminster Report should discuss the need for an evaluation of potential impacts due to overexcavations and backfilling at bridge locations as well as any necessary mitigation. Caltrans expressed concern that overexcavations and backfilling at bridge locations could

exert additional stresses on bridge foundations depending on the depth of overexcavations since the backfill could be heavier.

**Response:** For all bridges, the requirements for excavation will be evaluated and bridges will be adequately shored to meet Caltrans requirements.

**Comment/Concern:**

3. Caltrans stated that the Westminster Report should evaluate if there would be any potential impacts to Caltrans facilities (e.g., bridges, other structures, or roadways) due to dewatering of the channels where construction is occurring. In addition, any necessary mitigation as a result of potential impacts should also be discussed.

**Response:** Design during the design phase, the impact of dewatering on Caltrans structures will be evaluated and mitigated as necessary.

**Comment/Concern:**

4. Caltrans stated that excavation with or without shoring adjacent to Caltrans facilities has the potential to impact these facilities, therefore, mitigation measures should be discussed in the Westminster Report.

**Response:** In addition to design and shoring, structural monitoring will be performed on Caltrans structures to evaluate the impact of excavations adjacent to these structures.

**Comment/Concern:**

5. Caltrans noted that the proposed floodwall adjacent to the PCH appears to be in the fault rupture zone. A rupture of the fault in a “Design Seismic Event” could result in an offset of several feet causing extensive damages to a wall, therefore, the performance of the wall under seismic conditions should be addressed. Further, any repair or removal of a damaged wall could impact the operations on the PCH. A traffic management plan should be submitted to Caltrans for review and comment.

**Response:** All seismic designs will be performed in accordance with “Earthquake Design and Evaluation for Civil Works Projects” (ER 1110-2-1806, 31 May 2016). However, the PCH floodwall has been removed from the project. Therefore, a traffic management plan to address the potential failure of this floodwall will be omitted.

**Comment/Concern:**

6. Caltrans stated that the Diversion Tunnel Alternative has the potential to affect Caltrans roadways and the potential impacts of this tunnel at a roadway crossing should be discussed and mitigation measures proposed in the Westminster Report.

**Response:** The Diversion Tunnel Alternative was not carried forward as part of the NED Plan or LPP. Therefore, the impacts at crossings will be omitted from this report. However, it will be noted that tunnel inlets would have the potential for impacts to Caltrans roadways.

3.1.4 California Department of Fish and Wildlife, Gail Sevrens, Environmental Program Manager, letter dated December 3, 2018

**Comment/Concern:**

1. The California Department of Fish and Wildlife (CDFW) expressed concern regarding increased flow conveyance via C05 into Outer Bolsa Bay and how those increased flows could contribute to type conversion of habitat and impact biological resources through changes in water quality and hydrology.

**Response:** The study team assessed as part of its indirect effects analysis the potential for the proposed channel modifications and resultant downstream discharges to adversely affect existing mudflat habitat in Outer Bolsa Bay. It is important to note that while the Recommended Plan would not be increasing the amount of storm flow reaching Outer Bolsa Bay, a larger volume of freshwater would be reaching Outer Bolsa Bay in a shorter period of time. The Recommended Plan includes the widening of the Warner Avenue Bridge which allows storm flows that are reaching Outer Bolsa Bay faster to exit the bay quicker, thereby reducing residence time of freshwater within Outer Bolsa Bay from existing conditions. Modeling of the velocity hydrograph within Outer Bolsa Bay shows that the Recommended Plan does not significantly increase velocities above existing conditions. For example, under the mean higher high water (MHHW) tide condition and 100-year storm event (i.e., the maximum expected increase in velocity that should only occur during hundred year storm events), the existing condition velocity is 1.55 feet/second (ft/sec) whereas the with-project condition velocity is 2.45 ft/sec; an increase of less than 1.0 ft/sec over the existing condition. Similarly, under the mean low water (MLW) tide condition and 100-year storm event, the existing condition velocity is 2.8 ft/sec whereas the with-project condition velocity is 3.65 ft/sec; an increase of less than 1.0 ft/sec over the existing condition. Since the with-project condition velocity does not increase significantly over the existing condition, scouring of mudflat habitat within Outer Bolsa Bay is not expected to occur directly as a result of implementation of the Recommended Plan.

**Comment/Concern:**

2. The CDFW stated that if any alternative includes discharge into the muted tidal pocket or anywhere within the BCER, a discussion and analysis of potential impacts needs to be included in the Westminster Report. Potential impacts that should be discussed include significant erosion or sedimentation of habitat in the basin, conversion of habitat on adjacent mesa, disturbance of sensitive species, and disturbance of sequestered soil pockets that contain contaminants from oil field production to name a few.

**Response:** The Recommended Plan includes the continued outletting of flood waters into Outer Bolsa Bay, as is the existing condition. The Proposed Project does not include overflowing waters into the full tidal basin or the muted tidal pocket of the BCER. However, the Conceptual Mitigation Plan (*Appendix M*) does include overflowing of certain storm events via a hydraulic stoplog structure into the muted tidal pocket of the BCER. While additional analysis (e.g., sediment analysis) would need to occur during the preconstruction engineering and design phase of the project to better understand the changes to the muted tidal pocket as a result of proposed enhancement features, in general, the mitigation activities are not expected to have a significant impact due to habitat conversion or disturbance of sensitive species. Any construction activities associated with the compensatory mitigation features would occur outside of bird nesting season (i.e., construction activities would only occur between October 1 and February 28), as is recommended for project features that are located within the vicinity of the Bolsa Chica Ecological Reserve and the Seal Beach National Wildlife Refuge. In addition, mitigation measures that were

proposed in the main report (Chapter 5) to be implemented prior and during construction of project features would be implemented prior and during construction activities associated with mitigation features.

**Comment/Concern:**

3. The CDFW stated that any mitigation plan associated with the Westminster Report should identify whether the habitat to be impacted was mitigated for previous municipal, County, or state projects.

**Response:** *Appendix M – Conceptual Mitigation Plan* was revised to include whether or not habitat to be impacted was mitigated for previously.

**Comment/Concern:**

4. The CDFW expressed concern that changes to hydrology of Outer Bolsa Bay and/or the muted tidal pocket, with the addition of downstream modifications, will impact water quality and subsequently the marine resources in the BCER. The Westminster Report should include a discussion of how water quality will be impacted, and how those impacts may directly and indirectly affect biological resources within the project study area.

**Response:** An analysis of potential impacts to water quality and biological resources within the proposed project's action area is in *Chapter 5 – Environmental Consequences* of the main report.

**Comment/Concern:**

5. The CDFW noted that the proposed tide gate replacement/relocation at the terminus of C05 Reach 1 may be close to the habitat area known as “Rabbit Island”, located in the upper reaches of the Bolsa Bay State Marine Conservation Area (SMCA). The Westminster Report should describe how it would avoid, minimize, and mitigate for any temporary or permanent impacts that may occur to sensitive species on Rabbit Island as a result of project activity.

**Response:** Since release of the Draft Report, the study team has coordinated with federal and local resource agencies regarding the permanent removal of the tide gates on C05 Reach 1. Additional hydraulic and hydrologic analysis was conducted, and it was determined that the tide gates could be permanently removed instead of replaced as part of the proposed project. The tide gates do provide access to recreational users as well as maintenance and emergency personnel, therefore, a new bridge will be constructed within the former footprint of the tide gates. Since the new access bridge would be located in the former footprint of the tide gates, the bridge would have no impact to sensitive species that occur on Rabbit Island.

**Comment/Concern:**

6. The CDFW stated that the Westminster Report should discuss in detail impacts to Bolsa Basin, Outer Bolsa Bay, and the muted tidal pocket that may occur from the increased flow of trash and debris at the replaced/relocated tide gates at the terminus of C05. CDFW recommended that a physical structure or mechanism be used to control the spread of unwanted debris (i.e., trash boom or trash wheel) in conjunction with a trash management/collection program.

**Response:** During the preconstruction engineering and design phase, trash collection booms will be evaluated for potential installation within the flood control channels.

**Comment/Concern:**

7. The CDFW expressed concern about the potential impacts and direct loss of an undetermined amount of eelgrass and eelgrass substrate near the footprints of the proposed PCH floodwall, Warner Avenue Bridge, and the downstream reaches of C02 and C05. Additionally, CDFW expressed concern about potential indirect impacts and permanent loss of eelgrass habitat as a result of potential shading from bridge widening, changes in Bolsa Bay hydrology, and water quality impacts. The CDFW recommended 1) an eelgrass habitat survey to identify short-term and direct impacts before and after all in water construction activities where eelgrass may exist; 2) long-term impact monitoring after construction completion; 3) a detailed discussion of eelgrass avoidance and minimization mitigation strategies, designs, and methods for all direct and indirect impacts, along with compensatory mitigation proposals to offset unavoidable adverse impacts to eelgrass habitat; 4) additional evaluations of other project alternatives, construction methodologies, materials and designs that can be implemented to allow for further reduction of eelgrass habitat impacts; 5) draft eelgrass mitigation, monitoring, and reporting plans be made available for review by CDFW prior to certification of the Final Westminster Report; and 6) if eelgrass mitigation and transplanting are necessary a Scientific Collecting Permit be acquired and a Letter of Authorization for eelgrass transplanting.

**Response:** Since release of the Draft Report, an eelgrass survey within the Recommended Plan's action area was conducted in July of 2019. The eelgrass survey report is available in *Appendix L – Environmental Considerations*. In addition, eelgrass surveys from 2013 by Merkel & Associates and eelgrass surveys conducted prior to dredging within Huntington Harbour have been reviewed. Based on the combination of these eelgrass surveys, the project is expected to have an indirect impact on approximately 1.7 acres of eelgrass present at the downstream of C02 Reach 23 where the flood control channel outlets into Huntington Harbour. This acreage was determined based on the 2013 surveys of Merkel & Associates which showed higher densities of eelgrass compared to the surveys that were conducted of the harbour prior to dredging. Therefore, the potential indirect impact to 1.7 acres is considered a conservative assumption. The indirect impact would be due to subsequent increased flow velocities due to upstream modifications of the channels. These increased velocities at the outlet of C02 could potentially cause scour of eelgrass habitat resulting in the indirect impact. There would be no direct impact to eelgrass due to implementation of the proposed project. A conceptual mitigation strategy for the indirect impact to eelgrass was prepared and may be found in *Appendix M – Conceptual Mitigation Plan* to the main report.

**Comment/Concern:**

8. The CDFW stated that they are aware of the existence and location of cultural resource sites at the BCER, and these sites should be considered within the scope of the Westminster Report.

**Response:** Cultural resources present within the study area are discussed in *Section 2.9 Cultural Resources* of the main report. In addition, potential impacts to cultural resources and tribal cultural resources are discussed in *Sections 5.9 and 5.10*, respectively, of the main report.

**Comment/Concern:**

9. The CDFW stated that the Westminster Report 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.

**Response:** The purpose and need for this project is described in *Chapter 1 – Introduction* of the main report.

A detailed description of the study goals, plan formulation process, and identified plans (NED and LPP) are included in *Chapter 1 - Introduction*, *Chapter 3 – Plan Formulation*, and *Chapter 8 – Recommended Plan* of the main report.

Detailed project layout and design drawings can be found in *Appendix B – Civil Engineering* to the main report. Additional level of detail will be further developed during the Preconstruction Engineering and Design phase if the recommended plan is approved by the Chief of Engineers and authorized by Congress.

Detailed description of the proposed mitigation plan can be found in *Appendix M – Conceptual Mitigation Plan* to the main report. Detailed discussion of the potential environmental impacts of the study alternatives can be found in *Chapter 5 – Environmental Consequences* of the main report.

Additional information on any anticipated staging areas that fall outside of the non-federal sponsor's existing right-of-way and will be required for the project are included in *Appendix D – Real Estate*.

**Comment/Concern:**

10. The CDFW stated that 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. Additionally, specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.

**Response:** The formulation process for this project is described in the main feasibility report in Chapter 1. All Corps studies, the Westminster East Garden Grove FMR Study included, seek to first avoid potential adverse impacts to natural resources, minimize them if avoidance is infeasible, and then mitigate for any remaining adverse impacts.

The study team has developed two plans (NED Plan and LPP) that meet the study objectives and have less than significant, with mitigation incorporated, adverse impacts on cultural and biological resources. These plans also include mitigation measures to reduce the effect of the identified potential adverse impacts. Further, the study team considered additional alternatives based on comments received during public review and during this process was unable to identify an alternative plan that met the study objectives with lesser adverse impacts (after mitigation). The study team believes that it has identified the best plan that will effectively reduce flood risk in the Westminster watershed that reasonably avoids impacts to cultural and natural resources, and mitigates for potential adverse impacts that are unavoidable or infeasible to avoid entirely.

The Recommended Plan minimizes lining with concrete existing soft bottom channels compared to other study alternatives (including the NED Plan) that were also evaluated.

Beneficial use of floodwaters is being considered in the mitigation strategy for this project to potentially increase habitat values in the muted tidal pocket.

**Comment/Concern:**

11. The CDFW stated that the Westminster Report 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 assessment should include a complete floral and faunal species compendium of the entire project site. Specifically, the Westminster Report should include the following information: 1) knowledge of the regional setting with special emphasis placed on resources that are rare or unique to the region; 2) a thorough, recent floristic-based assessment of special status plants and natural communities, following the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities; 3) a current inventory of the biological resources associated with each habitat type on site and within the area of potential effect; and 4) an inventory of rare, threatened, endangered, and other sensitive species on site and within the area of potential effect.

**Response:** The Westminster Report is a feasibility level report that evaluates potential alternatives that could be implemented to reduce flooding within the Westminster Watershed and recommends a proposed project for implementation. To assess the potential impacts to flora and fauna within the area at the feasibility level, the report used published species data, data from CDFW, and reconnaissance level surveys that were conducted in May 2018 and July 2019. In addition, the California Natural Diversity Database and the California Native Plant Society's Inventory of Rare Plants were queried for special status species located within the study area. During the next phase of the project, the preconstruction engineering and design phase (PED), detailed biological surveys documenting the flora and fauna present would be conducted.

**Comment/Concern:**

12. The CDFW stated that the Westminster Report should address the following in order to provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources: 1) discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage; 2) discussion 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; 3) 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; and 4) a cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130.

**Response:** An analysis of potential direct, indirect, and cumulative impacts due to the implementation of the proposed project is in *Chapter 5 – Environmental Consequences* of the main report.

**Comment/Concern:**

13. The CDFW stated that the Westminster Report should include measures to fully avoid and otherwise protect Rare Natural Communities from project-related impacts.

**Response:** Several mitigation measures would be implemented during construction to avoid rare natural communities as well as special status species. These measures are listed in *Section 5.8.3 Mitigation Measures* in the main report.



**Comment/Concern:**

14. The CDFW stated that the Westminster Report 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.

**Response:** Environmental commitments that will be implemented to reduce potential adverse impacts to sensitive plants, animals, and habitats are included in *Chapter 5 – Environmental Consequences* of the main report. A conceptual mitigation strategy for unavoidable adverse impacts to biological resources within the proposed project's action area are in *Appendix M – Conceptual Mitigation Plan* to the main report.

**Comment/Concern:**

15. The CDFW recommended measures be taken to avoid project impacts to nesting birds. Proposed project activities should occur outside of the avian breeding season which generally runs from February 1-September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors).

**Response:** Sensitive bird species are most likely to be present within the vicinity of Warner Avenue Bridge, tide gates on C05 Reach 1, C02 Reach 23, and C05 Reach 1. Therefore, demolition and construction activities associated with these areas will be conducted outside of the avian breeding season. This is a stated environmental commitment in *Chapter 5 – Environmental Consequences* of the main report. In addition, other environmental commitments will be enacted to further reduce any potential impacts to nesting birds during construction activities. Additional environmental commitments include a qualified biologist that will conduct pre-construction surveys to determine if there are nesting birds within 500 feet of construction activities as well as focused Belding's savannah sparrow surveys. These environmental commitments are listed in *Chapter 5 – Environmental Consequences* of the main report.

**Comment/Concern:**

16. The CDFW noted that 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 size, 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.

**Response:** At this time, no native plant restoration or revegetation is included as part of the proposed project or the proposed project's mitigation plan. Transplanting eelgrass within Outer Bolsa Bay is proposed as part of the conceptual mitigation strategy. The details of the transplanting are in *Appendix M – Conceptual Mitigation Plan* to the main report.

**Comment/Concern:**

17. The CDFW stated that the Westminster Report should include the following: 1) a thorough discussion of the direct, indirect, and cumulative impacts that could occur from the potential spread of Invasive Shot Hole Borer's (ISHB) as a result of proposed activities; 2) an analysis of the likelihood of the spread of ISHB's as a result of the invasive species' proximity to above referenced activities; 3) figures that depict potentially sensitive or susceptible vegetation communities within the project area, the known occurrences of ISHB within the project area (if any), and ISHB's proximity to above referenced activities; and 4) a mitigation measure to measure(s) within the final Westminster Report that describe the BMPs that bring impacts of the project on the spread of the ISHB below a level of significance.

**Response:**

It is unlikely that the proposed project would contribute to the spread of ISHB. The proposed project would only use wood products (i.e., pre-cut treated lumber) for concrete form work within the channels. The proposed project does not include the introduction of any other type of wood products for construction activities or for long-term operation. The modification of the channels may require minor ornamental tree-trimming along channel access ramps and maintenance roads in order for construction equipment to safely pass. Tree-trimmings that would be recycled would either be treated on-site before transfer to a recycling facility. If unable to treat the tree-trimmings on site, the trimmings would be covered while in transportation to a recycling facility. Tree-trimmings that are not recycled would be covered while in transportation to a landfill for disposal.

### **3.2 Public**

**Comment/Concern:**

1. One commenter expressed concern regarding the potential impacts of the proposed project during construction and operation to adjacent properties. The commenter also expressed concern regarding the amount of construction equipment needed for the proposed project and where the construction equipment would be staged.

**Response:** Vibration from equipment used during construction would be the primary concern for structural damage to adjacent properties. In the main report, these potential impacts were assessed in *Section 5.7 Noise*. The piece of equipment with the greatest potential for causing excessive vibration levels that could potentially cause structural damage would be a bulldozer. Vibration levels produced by a typical bulldozer would attenuate for residences located within 30 to 50 feet of the channels under the thresholds for structural damage for continuous/frequent intermittent sources. For a detailed discussion refer to *Section 5.7 Noise* of the main report. In regards to staging of construction equipment, the majority of staging would occur within the channel right-of-way. *Appendix B – Civil Engineering* includes the feasibility level plan sheets which show where construction equipment would be staged for the proposed project.

**Comment ID:** Pub-001

**Comment/Concern:**

2. One commenter expressed concern about the potential impacts to traffic (e.g., vehicle, bicycle, and pedestrian) during construction of the Warner Avenue Bridge. The commenter noted that the closest alternative routes allowing inland access from the PCH are approximately five miles north and south

of Warner Avenue. The commenter also questioned if the bridge would remain open to traffic during construction.

**Response:** *Section 5.15 Transportation* of the main report discusses the potential impacts of the proposed project to traffic during construction. In addition, mitigation measures (Section 5.15.3 of the main report) would be implemented to reduce potential traffic impacts to less than significant. In regards to the Warner Avenue Bridge modification, the construction would be phased to allow traffic to continue in both directions, however, the number of lanes of traffic would be reduced during construction. The first phase would be extending the bridge on the left hand side which would require closing the two vehicle lanes and one bike lane conveying traffic east. The two lanes conveying traffic to the west would be divided to have a single lane conveying traffic west and a single lane conveying traffic east (during construction, bikes would have to travel in the same lanes as vehicles). The second phase would be extending the bridge on the right hand side which would require closing the two vehicle lanes and one bike lane conveying traffic west. The two lanes conveying traffic to the east would be divided to have a single lane conveying traffic west and a single lane conveying traffic east (during construction, bikes would have to travel in the same lanes as vehicles). Refer to Section 5.15 of the main report for a full discussion.

**Comment ID:** Pub-006

**Comment/Concern:**

3. Once commenter stated that potential tsunami impacts/risks should be discussed in the Westminster Report. In particular, there was concern expressed that the proposed PCH floodwall would not allow the dissipation of a tsunami hazard and would potentially increase impacts related to a tsunami hazard further inland.

**Response:** The floodwall on PCH is no longer under consideration in any of the study alternatives because flooding of PCH at Outer Bolsa Bay occurs regularly in the future without project condition and may be exacerbated by local drainage issues. H&H modeling demonstrated that significant increases of this existing impact would result from channel modifications upstream in C05/C06.

**Comment ID:** Mtg-003

**Comment/Concern:**

4. One commenter expressed concern regarding the existing berm that separates the residential area from the oil production field within the BCER. The commenter felt that the Westminster Report should address whether the existing berm would be able to handle the additional flood waters without being overtopped.

**Response:** The existing berm will not receive any additional loading from the proposed project.

**Comment ID:** Mtg-006

**Comment/Concern:**

5. One commenter noted that the Pacific Flyway Agreement between the United States, Canada, and Mexico includes the BCER. The Commenter recommended that potential impacts to the Pacific Flyway Agreement as it relates to the BCER should be included in the Westminster Report.

**Response:** The Proposed Project does include work within the vicinity of the BCER included in the Pacific Flyway Agreement. The Pacific Flyway stretches from the Arctic to the coast of Mexico, and from the Rocky Mountains to the Pacific Ocean. North to south it's over 4,000 miles long and, in places, over 1,000 miles wide. The BCER is considered an important bird area, an area that provides a diversity of habitat types for migrating birds seeking refuge and forage. To avoid potential impacts to migratory birds, construction activities associated with the Warner Avenue Bridge, tide gates at the downstream end of C05 Reach 1, C05 Reach 1 channel modification, and C02 Reach 23 channel modification would occur outside of breeding and nesting season. Therefore, construction within these areas would occur only from October 1 to February 28. Having construction activities occur within this window in the above listed area is expected to avoid any potential impacts to the Pacific Flyway Agreement as it relates to the BCER.

**Comment ID:** Mtg-004

**Comment/Concern:**

6. One commenter expressed concern that it appeared as though the hydrology and hydraulic modeling of the proposed alternatives did not take into consideration sea level rise. The commenter expressed the need for the report to include a discussion on sea level rise and how it would potentially impact the effectiveness of the proposed alternatives.

**Response:** *Appendix A – Hydrology and Hydraulics* includes an evaluation of various sea level change scenarios, refer to this appendix for a detailed discussion.

**Comment ID:** Mtg-004

**Comment/Concern:**

7. One commenter questioned how the non-federal sponsor would pay for their portion of the NED Plan and the LPP.

**Response:** The NED Plan will not be built but will serve to establish the federal cost share of the project. Funding would come from several sources including the following:

- Flood 400 Funds- Provided through Orange County property tax assessment specifically for flood control (OCFCD).
- Assessment District- this would need voter approval and would include select areas within the cities benefitting from the project.
- Bond Act – this would be introduced by County legislators and passed by Orange County voters.
- California State Subvention Funds- this could provide reimbursement to the county of 50% to 70% of the project costs.
- Federal government agencies other than the Corps of Engineers could potentially provide funding for the project as long as such funds are allowed by law to be used for this purpose.
- Private-Public Partnership (P3) –County of Orange has experience with P3 and intends to investigate this as a potential source of funding.

**Comment ID:** Mtg-007

**Comment/Concern:**

8. One commenter questioned when remapping of the Federal Emergency Management Agency (FEMA) flood zones would occur. Additionally, the commenter asked about the conditional map amendment and who was responsible for this (i.e., OCPW or individual cities).

**Response:** Changes to FEMA flood plain mapping can take a considerable amount of time. Prior to construction of the project the Corps and Orange County will coordinate with FEMA to coordinate a Conditional Letter of Map Revision (CLOMR). The CLOMR is a document whereby FEMA approves the plan preliminarily and states that a flood plain map revision is warranted taking areas out of the flood plain if the project is constructed as shown on the plan. Once the CLOMR is approved by FEMA the project construction period begins. Construction is estimated to take approximately 15 years to complete. Construction naturally will proceed from downstream to upstream. Some areas of the project will be completed before others in the 15 year period and can be taken out of the floodplain accordingly. When the project or portions of the project are completed a request for a Letter of Map Revision (LOMR) is requested from FEMA by each local city or village. Orange County Flood Control District will aid the local municipalities with the request for LOMR. FEMA will review and approve the LOMR. Once the LOMR is approved, FEMA will engage in a regulatory mapping process that is estimated to take up to 18 months. Once completed, a Permanent Map Revision (PMR) is issued.

**Comment ID:** Mtg-008

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## **Appendix J – Coordination**

### **11.0 SHPO Consultation**

## **Appendix J – Coordination**

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

December 20, 2019

Planning Division

Julianne Polanco  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, California 95816-7100

Dear Ms. Polanco:

The U.S. Army Corps of Engineers, Chicago District (Corps), is initiating consultation with you to comply with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulation at 36 CFR Part 800 regarding proposed modifications to portions of the Westminster channel system, including portions of channels C02, C04, C05, and C06 in Orange County, California, on the Anaheim, Los Alamitos, Newport Beach, and Seal Beach U.S.G.S. 7.5 minute topographic quadrangles (see enclosed vicinity map).

The purpose of the Westminster, East Garden Grove Flood Risk Management Study is to evaluate the flood risk within the Westminster watershed that is primarily attributable to undersized drainage channels that collect surface runoff and convey it downstream toward eventual discharge into the Pacific Ocean. The Westminster watershed is the largest remaining Federal Emergency Management Agency Special Flood Hazard Area in Orange County. Preliminary analysis shows that flood flows overtop the drainage channels in the study area between the 20% and 10% annual chance of exceedance (ACE) storm events (5 and 10 year recurrence intervals, respectively), putting approximately 400,000 area residents and 44,000 structures at risk during a 0.2% ACE event ("500-year storm"). Overbank flooding also impacts traffic in the project area, causing delays and/or closures on local roads as well as major routes, including Interstate 405 (I-405). In total, the study area experiences approximately \$72,000,000 (FY2020 price levels, 2035 base year, 2.75% federal discount rate) in average annual equivalent direct damages as a result of overbank flooding.

The final array of alternatives evaluated include the No Action Plan, the Minimum Channel Modifications Plan and the Maximum Channel Modifications Plan. The Minimum Channel Modifications Plan was identified as the National Economic Development Plan (NED) and the Maximum Channel Modifications Plan was identified as a Locally Preferred Plan (LPP) and is the Recommended Plan for implementation. The enclosed table (see enclosure 2) shows proposed modifications by reach. Implementation of the LPP would reduce flood risk primarily by altering the geometry of existing drainage channels to increase conveyance efficiency and storage capacity throughout the study area. The expanded channels in the LPP would primarily be concrete lined and rectangular in cross section. The downstream measures include increasing the span of Warner Avenue Bridge and removing the tide gates at the downstream end of C05 Reach 1 and replacing with a new access bridge. Compensatory mitigation is also required to address impacts to habitat and special status species.

The area of potential effects (APE) includes the four non-federal channels that would be modified, staging areas to be used for construction activities, disposal areas for any removed materials, and any other rights-of-way or other easements required to construct the project. Some areas, such as staging areas, will be developed during the next phase of the study, although most are expected to fit within the right of way. If the APE changes in the future, the

Corps will re-open consultation with you at that time. For the purpose of identification of cultural resources for this stage of the project, the project APE is limited to an area within 30 feet on either side of each channel (see enclosed APE maps), and requesting your review and comments regarding the APE.

At this time, there are eight structures and archaeological sites that are known to be within or adjacent to the APE: CA-ORA-78/H (Bolsa Chica Gun Club Headquarters), P-30-179858 (Signal Lease), P-30-1000052 (remnant canal), the four channel structures themselves, and a segment of a relict government railroad used by the Navy. NRHP status of these properties is summarized below.

We are affirming previous Corps National Register of Historic Places (NRHP) eligibility determinations for CA-ORA-78/H (Bolsa Chica Gun Club Headquarters), P-30-179858 (Signal Lease), P-30-1000052 (remnant canal), and the C05 channel; and requesting your concurrence with current Corps NRHP eligibility determinations for channels C02, C04, and C06, and a segment of a relict government railroad used by the Navy. Enclosed are a partial record of previous correspondence (SHPO file COE000501B [Enclosure 3]) regarding NRHP eligibility determinations for sites recorded as part of the Bolsa Chica Lowlands Restoration Project and a subsequent pipeline relocation project, and correspondence (COE100222A and COE\_2018\_0809\_001 [Enclosure 4]) regarding the previous eligibility determination and concurrence record for the C05 channel. Also enclosed for your review and comment are an overview and evaluation report for the C02, C04, and C06 channels (Enclosure 5), including an abbreviated historic context statement and California Department of Parks and Recreation (DPR) forms 523A and 523B forms, and a DPR 523 form for the relict government/Navy railroad segment.

Previous correspondence (COE000501B) regarding NRHP determinations of eligibility for archaeological sites in the Bolsa Chica Ecosystem Restoration Area was sent to the SHPO in 2000, and although the Acting SHPO at that time concurred that none of the three sites appeared eligible as districts, a letter was returned asking if there were any features that might be individually eligible. There is no return response in our project file.

The subject was again raised in 2004 when Rincon Consultants sent a letter to the SHPO regarding a pipeline relocation project that appeared to be a component of the ecosystem restoration project. Again, our file has only a copy of the response letter from the SHPO to the consultant; however, Dr. Aaron Allen, former Chief of the Environmental Resources Branch, responded to the SHPO via a letter dated March 11, 2004, clarifying the original issue. Dr. Allen's letter states that the three sites were determined not to be eligible mainly based on their lack of integrity and given that there is no integrity for these resources they could not be eligible as individual features or as districts. He clearly stated that no individual features were NRHP eligible, however, Dr. Allen did not request concurrence with the Corps determinations of eligibility a second time, and it appears that the SHPO did not take independent action in 2004, as there is still no record of a consensus determination in the Office of Historic Preservation database. At this time we request that the SHPO concur with the Corps' determinations of eligibility based on the lack of integrity recorded in 1995.

Channel C05 was also previously determined not eligible for listing on the NRHP and the SHPO concurred in a letter dated September 29, 2010 (SHPO file COE 100222A) and reaffirmed this finding in 2018 (COE\_2018\_0809\_001) based on the 2010 Daly and Associates evaluation report. The Corps is affirming with this letter that Channel C05 is not a historic property for the purposes of this undertaking.

The C02, C04, and C06 flood control channels are evaluated in the enclosed report (McCroskey, Lauren. 2019. *Westminster Flood Control Channel Improvements: Affected Environment: Historic Structures and Buildings*. Technical Center of Expertise, Preservation of Historic Structures and Buildings, U.S. Army Corps of Engineers, Seattle District). The

assessment for these channels is consistent with the earlier finding for the NRHP evaluation for the C05 Channel. The report concludes that in terms of its public benefit and economic infusion, the Westminster Flood Control Channel system has been no less impactful than other regional water management systems such as the Los Angeles River, a property identified as NRHP eligible. The report states that the channels are an eligible type of historic water conveyance infrastructure under the area of significance, Conservation, and that the system embodies the themes of flood control and water management supporting vital agricultural and industrial economies, as well as residential infrastructure. When completed by the Orange County Flood Control District, the channels were a successful government remedy that fully realized the county's public water service and conservation goals. NRHP eligibility under Criterion A is therefore supported during the period of significance 1953-1963.

The Westminster Flood Control channels have not been shown to represent the important life work of a recognized individual and is therefore ineligible under Criterion B. From the perspective of engineering, the trapezoidal earthen and concrete lined ditches are ubiquitous and undistinguished structures, and are nearly as prevalent on the southern California landscape as highways and roads. The form and engineering design of channels have changed little throughout the past century, and because the Westminster system does not project an outward temporal association with a particular era, it therefore lacks NRHP eligibility under Criterion C. Although buildings and structures occasionally can be recognized for the important information they might yield regarding historic construction or technologies under Criterion D, the properties within the study area for this project are structure types that are well documented. Thus, these properties are not principal sources of important information in this regard and these channels do not meet this criterion.

Notwithstanding clear historical association with the area of significance, Conservation, the system does not meet the majority of essential aspects of integrity. Although the general design (i.e., trapezoidal or rectangular profile) remains, materials and workmanship have been altered in places with the application of concrete to previously earthen ditches, and the installation of sheet pile fortifications. The heavily urbanized area through which the channels pass has also dramatically changed the channel's historic backdrop (i.e., setting, feeling, and association), as the majority of buildings and structures are contemporary and no longer evoke the period of significance. Therefore, the Corps has determined that these three channels, C02, C04, and C06, are not eligible for listing on the NRHP under any of the four criteria.

The relict government/Navy railroad originated from the Southern Pacific Railroad and supplied the Seal Beach naval base, now the Naval Weapons Station Seal Beach, presumably to carry munitions and other supplies during World War II, as numerous spurs within the base are visible on USGS topographic maps. The association of the military supply rail with the Naval base and WWII functions provides a period of significance minimally during WWII and possibly through the Cold War (1939-1974). NRHP eligibility under Criterion A is therefore supported during the period of significance 1939-1974. The rail has not been shown to represent the important life work of a recognized individual and is ineligible under Criterion B. From the perspective of engineering, the design of this small railroad is common and does not project an outward temporal association with a particular era; it therefore lacks NRHP eligibility under Criterion C. Similar to the channels, the railroad itself is unlikely to yield important information in history (Criterion D). Although there is a clear historical association with the area of significance, Transportation, the system does not meet the majority of essential aspects of integrity in the recorded segment as the railroad has been removed, leaving only the gravel bed. The heavily urbanized area through which the railroad passes has also dramatically changed the historic backdrop (i.e., setting, feeling, and association), as the majority of buildings and structures are contemporary and no longer evoke the period of significance. Therefore, the Corps has determined that this segment of the military supply rail is not eligible for listing on the NRHP under any of the four criteria.

The likelihood of encountering substantial buried archaeological resources, specifically those that would qualify for NRHP listing is low in most project areas, primarily because most of the Project site has been subjected to construction in the past, however some areas, particularly near the Bolsa Chica Mesa, are known to be highly sensitive. Implementation of a post-review discovery plan for all archaeological resources is planned.

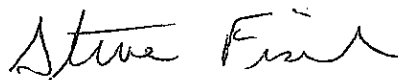
A summary of Native American consultation conducted to date by the Corps and Orange County is enclosed (Enclosure 6). This consultation indicates the study area should be considered highly sensitive for Native American resources. Consultation under Section 106 of the NHPA and CEQA is ongoing and the Gabrieleño Band of Mission Indians - Kizh Nation have indicated an interest in actively participating during all phases of this project.

In accordance with 36 CFR 800.3, we are requesting your review and comments regarding the Area of Potential Effects (APE) for the Westminster, East Garden Grove Flood Risk Management Study undertaking as described herein and illustrated for the proposed LPP alternative on the enclosed set of maps. In addition, per 36 CFR 800.4(c)(2), we ask your concurrence regarding our determinations of eligibility for the four sites without previous NRHP eligibility determinations (C02, C04, and C06 channels, and also the relict segment of the government/Navy military supply railroad), and reaffirmation for the three Bolsa Chica Ecosystem sites (CA-ORA-78/H (Bolsa Chica Gun Club Headquarters), P-30-179858 (Signal Lease), P-30-1000052 (remnant canal)) and the C05 Channel.

We are also requesting an initial effects determination of "no historic properties affected" based on our preliminary APE and determinations of eligibility. We are requesting an expedited review of both our eligibility and effects determinations per 36 CFR 800.3(g) within 30 days of receipt.

If post-review discoveries are encountered, project activities within 15 m (50 feet) will cease, and the Corps Engineering Division and District Archaeologist will be notified. Post-review discoveries will be treated and evaluated in accordance with the regulations set forth in 36 CFR 800.13(b)(3). If human remains are discovered, to the extent not inconsistent with Federal law, the Corps shall ensure that Native American burials and related cultural items are treated in accordance with the applicable requirements of the California Public Resources Code (PRC) at Sections 5097.98 and 5097.991, and of the California Health and Human Safety Code at Section 7050.5(c). Further provisions of PRC Section 5097.98 are to be followed as applicable. Please contact Dr. Meg McDonald, Archaeologist, at [a.meg.mcdonald@usace.army.mil](mailto:a.meg.mcdonald@usace.army.mil) or at (213) 452-3849, if you have any comments or concerns.

Sincerely,



Steven Fischer  
Deputy District Engineer  
USACE - Chicago District

Enclosures 1-6

# **Westminster, East Garden Grove Flood Risk Management Study**

## **1.0 Vicinity Map**

## **Westminster, East Garden Grove Flood Risk Management Study**

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## Westminster, East Garden Grove Flood Risk Management Study

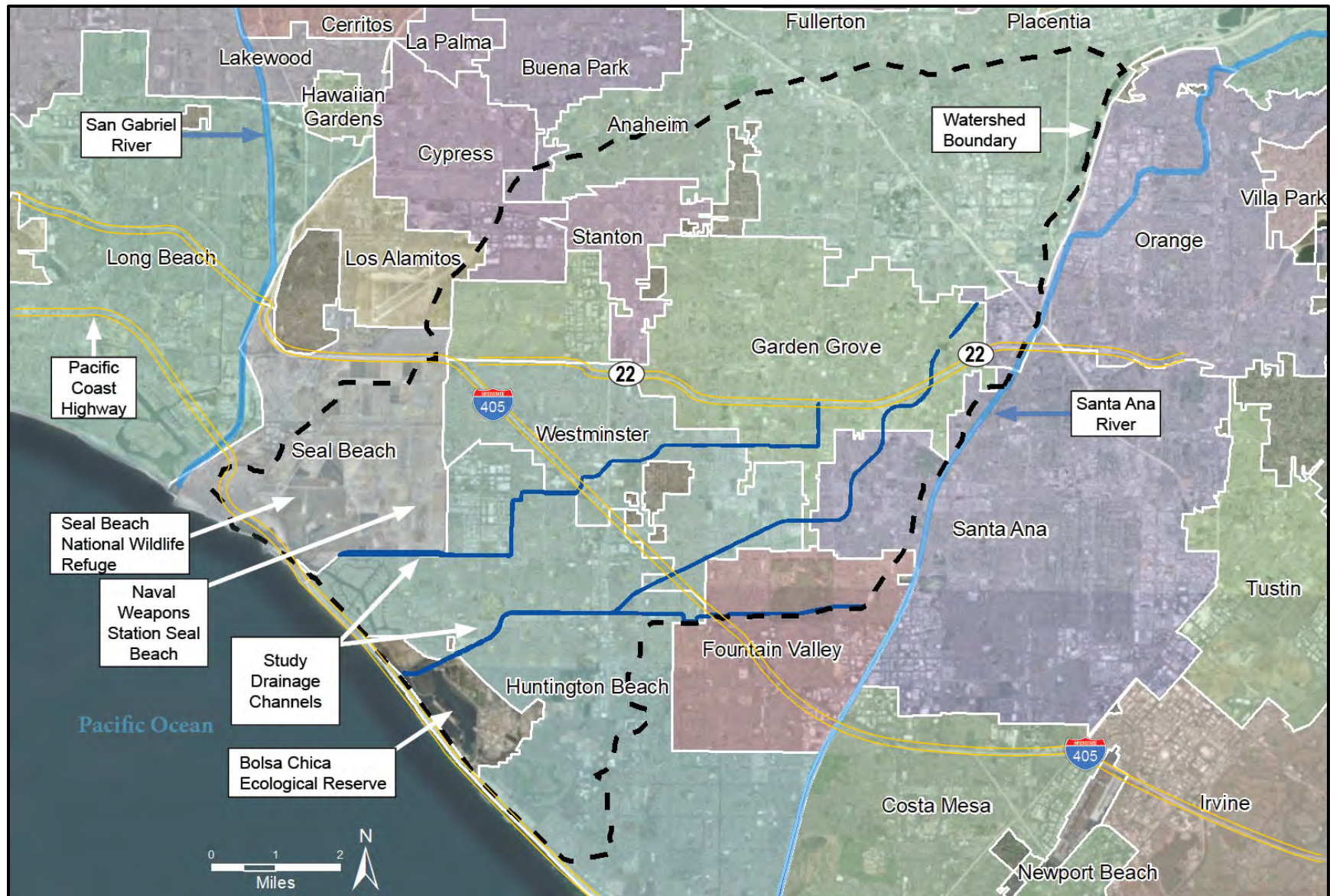


Figure: Project Vicinity Map



## **Westminster, East Garden Grove Flood Risk Management Study**

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# **Westminster, East Garden Grove Flood Risk Management Study**

## **2.0 Enclosure 2**

**Westminster, East Garden Grove Flood Risk Management Study**

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**Westminster, East Garden Grove Flood Risk Management Study**

<b>Westminster, East Garden Grove Flood Risk Management Study Maximum Channel Modifications</b>			
<b>Channel</b>	<b>Reach</b>	<b>Existing Conditions</b>	<b>Proposed Modifications</b>
CO2	23	Earthen trapezoidal	Sheet pile with anchor system located at existing levee crest on south side of channel only. Excavation of material on the channel side of the sheet pile.
CO4	20	Riprap lined trapezoidal from CO2 to Bolsa Chica Street; Earthen & riprap trapezoidal from Bolsa Chica Street to Graham Street; Earthen trapezoidal from Graham Street to McFadden Avenue; Riprap trapezoidal from McFadden Avenue to Bolsa Avenue; Earthen & riprap trapezoidal from Bolsa Avenue to Edwards Street Concrete lined rectangular from Edwards Street to I-405	80' Concrete rectangular with middle 48' left earthen from CO2 to McFadden Avenue; 68' Concrete rectangular with middle 40' left earthen from McFadden Avenue to Bolsa Avenue; 55' Concrete rectangular from Bolsa Avenue to Edwards Street; 3 crossings replaced of different dimensions
CO4	21	Concrete lined rectangular	Diversion Channel at Westminster Mall <i>(See Appendix B – Civil Engineering)</i>
CO4	22	Concrete lined compound from Beach Blvd to Magnolia Street; Concrete rectangular with soft bottom from Magnolia Street to Brookhurst; Riprap trapezoidal from Brookhurst Street to Westminster Avenue; Concrete lined trapezoidal from Westminster Avenue to SR-22	Base of concrete lined channel increased to 35' from Beach Blvd to Magnolia Street; Soft bottom channel from Magnolia Street to Brookhurst Street concrete lined; Concrete lined trapezoidal from Brookhurst Street to Westminster Avenue; 18' Concrete rectangular from Westminster Avenue to SR-22; 12 crossings replaced of different dimensions
CO5	1	Earthen levee from tide gates to Warner Avenue w/ some SSP on south bank; SSP rectangular from Graham Street to Warner Avenue; Earthen levees from Warner Avenue to 1,300 ft upstream of Edwards Avenue	Sheet pile/soft bottom/splash walls (various heights) from tide gates to existing rectangular channel west of Golden West Street 3 crossings replaced of different sizes (Edwards. Springdale, Oil Field)

**Westminster, East Garden Grove Flood Risk Management Study**

<b>Westminster, East Garden Grove Flood Risk Management Study Maximum Channel Modifications</b>			
<b>Channel</b>	<b>Reach</b>	<b>Existing Conditions</b>	<b>Proposed Modifications</b>
CO5	2	Concrete lined rectangular	Concrete rectangular with 1' splash walls from Goldenwest St to Gothard St; Concrete rectangular from Gothard Street to C05/C06 confluence
CO5	3	Riprap lined trapezoidal from CO5/CO6 confluence to Woodruff Street; Concrete rectangular from Woodruff to 405	Concrete lined rectangular; Some section of 1' splash wall between Beach Blvd and Woodruff Road; 2 crossings replaced of different sizes
CO5	4	Concrete lined rectangular from 405 to Quartz; Riprap trapezoidal from Quartz Street to Bushard Street	Concrete lined rectangular with splash walls (various heights); 3 crossings replaced of different sizes
CO5	5	Riprap lined trapezoidal from Bushard Street to Brookhurst Street; 1,300 ft of concrete lined trapezoidal upstream of Brookhurst Street; Riprap lined trapezoidal to 3rd St	Concrete lined rectangular with splash walls (various heights); 6 crossings replaced of different dimensions
CO5	6	Concrete lined trapezoidal	Concrete lined rectangular; 1 crossing replaced
CO5	7	Covered concrete conduit	Replace crossing at New Hope & Hazard
CO5	8	Concrete lined trapezoidal	Concrete lined rectangular; 3 crossings replaced of different sizes
CO5	9	Concrete lined trapezoidal	Concrete lined rectangular; 5 crossings replaced of different sizes
CO5	10	Covered concrete conduit	Replace crossing at Aspenwood; Haster Basin inlet culverts modified
CO5	11	Covered concrete conduit	No Action
CO5	12	Concrete lined trapezoidal (first 1400') and covered concrete conduit (next 1000')	No Action
CO6	13	Earthen trapezoidal from CO5/CO6 confluence to Bolsa Avenue/RT-39; Riprap lined trapezoidal from Bolsa Avenue/RT-39 to Ross Lane	Concrete lined rectangular at confluence; Concrete lined trapezoidal from confluence to Ross Street;

**Westminster, East Garden Grove Flood Risk Management Study**

<b>Westminster, East Garden Grove Flood Risk Management Study Maximum Channel Modifications</b>			
<b>Channel</b>	<b>Reach</b>	<b>Existing Conditions</b>	<b>Proposed Modifications</b>
			2 crossings replaced of different sizes
CO6	14	Concrete lined rectangular	Concrete lined rectangular from Ross Street to Asari Lane; Concrete lined rectangular with splash walls (1.5-2') from Asari Lane to Riverbend Drive
CO6	15	Covered concrete conduit	Covered concrete conduit; 1 crossing replaced
CO6	16	Concrete lined rectangular	Concrete lined rectangular, widened to 30'
CO6	17	Earthen and riprap lined trapezoidal	Concrete lined trapezoidal, ~1ft splash walls
CO6	18	Mile Square Park-concrete low flow v-channel	No Action
CO6	19	Riprap lined trapezoidal	Concrete lined trapezoidal

**Westminster, East Garden Grove Flood Risk Management Study**

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### **3.0 Enclosure 3**



**Westminster, East Garden Grove Flood Risk Management Study**

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**DEPARTMENT OF THE ARMY**  
LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
P.O BOX 532711  
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO  
ATTENTION OF:

March 11, 2004

Office of the Chief  
Environmental Resources Branch

Dr. Knox Mellon  
State Historic Preservation Officer  
Office of Historic Preservation  
P.O. Box 942896  
Sacramento, California 94296-0001

Dear Dr. Mellon:

This letter is in regard to the Bolsa Chica Wetlands Restoration Project located in Orange County (COE000501B). The purpose of this submission is to clarify a couple of questions that were asked in your letter dated May 24, 2000 (enclosure 1). These questions were made in response to our letter dated April 21, 2000 (enclosure 2). A subsequent phone call by Mr. Stephen Dibble of our staff was made to Mr. Steven Grantham of your staff in 2000 to discuss these issues.

The impetus for this written response was a letter received by Rincon Consultants, Inc. regarding a pipeline relocation project. The pipeline relocation project is one of the numerous individual activities required to complete the restoration project. It lies within the area of potential effects as delineated in our original submission. Without our knowledge, Rincon Consultants, Inc. submitted a letter to coordinate that feature of the project. That was not necessary as this activity is considered part of the overall project, and has always been part of our Section 106 consultations. It was also not appropriate as they are not a federal agency.

PAR Environmental Services, Inc. conducted thorough archival and oral interview research. Their research was documented in a technical report that was reviewed by your office (enclosure 3, pages 26-27). In addition, a draft and final EIS/EIR was sent out to the public in 2000. No responses were received from any member of the general public in regard to cultural resources issues.

We determined these sites not to be eligible mainly based on their lack of integrity of setting and materials. Since we determined that there is no integrity for these resources, they could not be eligible as individual features or

as districts. You indicated in your letter that these sites are not eligible as districts. However, you questioned whether individual features might be eligible. Our understanding and approach is always to look at individual features such as these, to determine whether they qualify individually, and/or as districts. The investigator in this case evaluated individual features as being significant, prior to taking the step of looking at them as districts. No individual features within these non-eligible districts are NRHP eligible.

I hope this letter clarifies your concerns. If you have any further questions on this project please call Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849. He may also be reached by e-mail at [ddibble@spl.usace.army.mil](mailto:ddibble@spl.usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron O. Allen". The signature is written in a cursive style with a large, sweeping loop at the end.

Dr. Aaron Allen, PhD  
Acting Chief, Regulatory Branch

Enclosures

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

P.O. BOX 942896  
SACRAMENTO, CA 94296-0001  
(916) 653-8824 Fax: (916) 653-9824  
calshpo@ohp.parks.ca.gov  
www.ohp.parks.ca.gov



January 26, 2004

Jamie L. King, Program Manager  
Rincon Consultants, Inc.  
790 East Santa Clara Street  
Ventura, CA 93001

In reply refer to: COE000501B

Re: Section 106 Compliance for the Removal and Relocation of Line 1228, Bolsa Chica Wetlands,  
Orange County, California

Dear Mr. King:

Thank you for your submittal of December 4, 2004, on behalf of the City of Long Beach (CLB) and the Southern California Gas Company (SCG). Rincon Consultants (Rincon) is attempting to consult with me on behalf of these organizations in accordance with 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act. It appears that this consultation continues previous consultation initiated in April of 2000 by the Army Corps of Engineers, Los Angeles District (COE). In their letter of April 21, 2000, (OHP Project #COE000501B) the Corps identified themselves as co-Federal lead for a broad, multi-agency project that would restore the Bolsa Chica Wetlands. At that time, the Corps requested my concurrence "that the proposed project would not involve National Register eligible or listed properties." In my subsequent letter of May 24, 2000, I agreed that three resources identified in the Area of Potential Effects (APE), the Bolsa Chica Gun Club, the Standard Bolsa Lease, and the Signal Lease, did not appear eligible as districts, but questioned whether or not "individual features might be individually eligible" to the National Register of Historic Places (NRHP). At the present time I am not aware of any response from the COE or other agencies in regard to this question.

Rincon's submittal of December 4, 2003, appears to address one component of the Bolsa Chica Wetlands Restoration: the removal and replacement of a 0.9-mile segment of natural gas Pipeline #1228, owned by the CLB, and leased by SCG. The submittal directly quotes the Final EIR/EIS for the project as follows:

The proposed project and all alternatives are expected to have no effect on cultural resources because there are no eligible resources or properties within the project area. Construction activities would be monitored full-time by an archaeologist meeting or exceeding the Secretary of the Interior's standards.

Rincon's submittal also indicates that the following measures will be implemented in order to "comply with SHPO requirements and avoid impacts to buried cultural resources": construction crews will receive cultural resources education prior to initiating work; archaeological monitoring will occur during ground excavation activities; and the steps outlined at §800.13 will be observed in the case of an unanticipated discovery. Finally, the submittal requests my concurrence that "the proposed activity is in compliance with Section 106 of the National Historic Preservation Act."

After reviewing your submittal, I have some comments I would like to share with you. These are detailed below by theme.

**Necessity of Federal Involvement or Delegated Responsibility**

Your submittal does not indicate the involvement of any federal agencies (i.e., COE) in consultation regarding the present component of the undertaking. Section 800.2 explains that Section 106

consultation is undertaken by a (federal) agency official or a State, local or tribal government official who has been delegated legal responsibility for compliance with Section 106. Future consultation for this undertaking should be conducted by the lead federal agency, or should contain documentation that this responsibility has been delegated as described above.

### **Project Description and Area of Potential Effects (APE)**

The submitted materials include project mapping, but do not include documentation of an APE, as defined at 800.16(d). Also, what is the relationship between the APE for the present activities, and the APE that has been previously submitted for the larger undertaking?

### **Historic Property Identification Effort**

While the submitted materials state that the proposed project is expected to have "no effect" on cultural resources (presumably meant to indicate "No Historic Properties Affected", as described at 800.4[d]), it is unclear whether the historic property identification effort required at 800.4(a)-(c) has been completed. In addition to my unanswered question regarding historic-period resources (see first paragraph of this letter), it is unclear if other potential historic properties may be present in the undertaking's APE. For example, the 1998 records search for the project mentions the presence of prehistoric archaeological sites within the APE. Where are these sites located in relation to project components, and what is their NRHP status? Has a comprehensive historic property inventory report been produced for the larger restoration project (i.e., the entire undertaking, rather than individual components)?

### **Conclusion**

I look forward to receiving a response to the comments above from the lead federal agency for the undertaking, or by an organization or agency that has clearly been delegated the responsibility for Section 106 compliance by the lead federal agency. If you have any comments or questions in the meantime, please contact John Sharp, Staff Archaeologist, at (916) 653-2716 or at [jshar@ohp.parks.ca.gov](mailto:jshar@ohp.parks.ca.gov).

Sincerely,



Dr. Knox Mellon  
State Historic Preservation Officer

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

P.O. BOX 942886  
SACRAMENTO, CA 94296-0001  
(916) 653-8624 Fax: (916) 653-9824  
calshpo@ohp.parks.ca.gov



May 24, 2000

Reply to: COE000501B

Robert E. Koplin, P.E., Chief  
Planning Division  
Los Angeles District, Corps of Engineers  
P.O. Box 532711  
LOS ANGELES CA 90053-2325  
Attn: Stephen Dibble

Subject: Bolsa Chica Wetlands Restoration Project, Orange County

Dear Mr. Koplin:

Thank you for consulting me and for conducting compliance activities under Section 106 of the National Historic Preservation Act.

The Los Angeles Corps of Engineers (LACOE) delineated an Area of Potential Effect (APE) that I am in agreement with.

Efforts to identify historic properties previously conducted in what now constitutes the APE resulted in the recordation of the Bolsa Chica Gun Club, the Standard Bolsa Lease, and the Signal Leases. The LACOE has documented and determined that none of the properties are National Register eligible districts. I agree that the properties do not appear eligible as districts. I need to know, however, whether there are individual features that might be individually eligible in the districts? I also need to know if the LACOE has consulted persons who might have an interest in these particular properties?

The LACOE has conducted what appears to be an appropriate level of effort to identify prehistoric archaeological sites. It also has evinced satisfactory consultation with Native American interests.

Steve Grantham of my staff reviewed the LACOE submittal. If you have questions, Steve can be reached at (916) 653-8920 or at [sgran@ohp.parks.ca.gov](mailto:sgran@ohp.parks.ca.gov).

Sincerely,

Daniel Abeyta, Acting  
State Historic Preservation Officer





**DEPARTMENT OF THE ARMY**  
LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 532711  
LOS ANGELES, CALIFORNIA 90053-2325

April 21, 2000

Office of the Chief  
Environmental Resources Branch

Mr. Daniel Abeyta  
Acting State Historic Preservation Officer  
Office of Historic Preservation  
P.O. Box 942896  
Sacramento, California 94296-0001

Dear Mr. Abeyta:

The U.S. Army Corps of Engineers, Los Angeles District, is participating in a multi-agency effort to restore the Bolsa Chica Wetlands in Orange County. On behalf of the Multi-Agency Steering Committee, and as co-Federal lead in the environmental review process, we are proceeding with compliance activities under Section 106 of the National Historic Preservation Act. Previous coordination on determining the area of potential effects was conducted on March 6, 2000 with Mr. Steven Grantham of your staff. By this letter we are requesting that you concur with our determination that the proposed project would not involve National Register eligible, or listed properties.

The proposed Bolsa Chica Wetlands Restoration Project would consist of restoring approximately 880 acres of a degraded wetland in Orange County (enclosure 1). Presently the project consists of the construction of features that would allow the formerly thriving wetland to again function as it historically did. In addition to features being constructed on-shore, the construction of three outlet works would result in the placement of sediment immediately offshore.

Records and literature search and field surveys were conducted by PAR Environmental Services and Petra Resources, Inc. (PARES/PRI) in 1995 (enclosure 2). Their study was for a proposed project by Koll Company, which was not implemented. The area of potential effects (APE) for the present proposed restoration project falls within their survey boundaries. This study also looked at all previous work conducted within their study area.

The results of the survey indicated the presence of CA-ORA-1441 and five isolated prehistoric artifacts (see page 103). As cited in the report by PARES/PRI, a subsequent study by SRS, Inc. determined CA-ORA-1441 to be a naturally occurring shell deposit, not an archeological site. In addition, the five isolated artifacts do not have significant research potential. We have determined both CA-ORA-1441 and the five isolated artifacts to not be eligible for the National Register of Historic Places (NRHP).

Three historic archeological sites, one isolated canal feature, and one isolated artifact are present within the APE. The three historic sites are CA-ORA-78/1442, the Bolsa Chica Hunting Club; the Standard Bolsa Lease; and the Signal Lease.

We have determined all three of these historic sites to not be eligible for the NRHP (see pages 100-102). They no longer retain integrity of materials and setting and, they do not have the potential to provide important information on the history of the area. The isolated canal feature, and historic bottle are also not NRHP eligible.

A description of the project and a copy of the attached report were sent to six groups representing the Gabrielino (enclosure 3). These groups were picked from a list provided by the Native American Heritage Commission. There are no Federally Recognized Tribes associated with the Bolsa Chica project. Responses were obtained from two of the groups, expressing an interest in providing monitoring services. No comments were made in regard to concerns with specific resources. Mr. Samuel H. Dunlap provided a review of the cultural tradition section of the survey report (enclosure 4).

Sediment placement offshore is in a high-energy environment that would have destroyed, or removed any resources that might have once been present. We believe that proposed sediment placement in this area would not affect NRHP resources as a result. Information used in this analysis was obtained from a report prepared by the Corps, *Coast of California, Storm and Tidal Waves Study, South Coast Region, Orange County*.

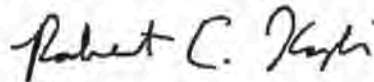
The public is being given an opportunity to review and comment on the project. A draft EIR/EIS is being distributed for comment. Any comments we receive will be addressed in the final EIR/EIS, and as appropriate, with your office.



Based on a review of the enclosed survey report, and responses from the Native American groups, we have determined that the proposed Bolsa Chica Wetlands project will not affect NRHP listed or eligible properties. However, because of the presence of a few isolated artifacts, and sensitivity of similar environmental settings along the southern California coast, monitoring by a qualified archeologist will occur during construction. In the event that previously unknown resources are found, compliance with 36 CFR 800.13 will occur.

Please review the enclosed information. We would appreciate a response at your earliest convenience. If you have any further questions on this project please contact Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849.

Sincerely,

A handwritten signature in black ink, reading "Robert E. Koplin". The signature is written in a cursive style with a large, stylized "K".

Robert E. Koplin, P.E.  
Chief, Planning Division

Enclosures



**DEPARTMENT OF THE ARMY**  
LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 528711  
LOS ANGELES, CALIFORNIA 90052-8711

9

April 21, 2000

Office of the Chief  
Environmental Resources Branch

Mr. Daniel Abeyta  
Acting State Historic Preservation Officer  
Office of Historic Preservation  
P.O. Box 942896  
Sacramento, California 94296-0001

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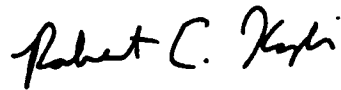
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-3-

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Please review the enclosed information. We would appreciate a response at your earliest convenience. If you have any further questions on this project please contact Mr. Stephen Dibble, Senior Archeologist, at (213) 452-3849.

Sincerely,



Robert E. Koplin, P.E.  
Chief, Planning Division

Enclosures

B-51

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

P.O. BOX 942898  
SACRAMENTO, CA 94298-0001  
(916) 853-8824 Fax: (916) 853-9824  
caishpo@ohp.parks.ca.gov



May 24, 2000

Reply to: COE000501B

Robert E. Koplin, P.E., Chief  
Planning Division  
Los Angeles District, Corps of Engineers  
P.O. Box 532711  
LOS ANGELES CA 90053-2325  
Attn: Stephen Dibble

Subject: Bolsa Chica Wetlands Restoration Project, Orange County

Dear Mr. Koplin:

Thank you for consulting me and for conducting compliance activities under Section 106 of the National Historic Preservation Act.

The Los Angeles Corps of Engineers (LACOE) delineated an Area of Potential Effect (APE) that I am in agreement with.

Efforts to identify historic properties previously conducted in what now constitutes the APE resulted in the recordation of the Bolsa Chica Gun Club, the Standard Bolsa Lease, and the Signal Leases. The LACOE has documented and determined that none of the properties are National Register eligible districts. I agree that the properties do not appear eligible as districts. I need to know, however, whether there are individual features that might be individually eligible in the districts? I also need to know if the LACOE has consulted persons who might have an interest in these particular properties?

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Steve Grantham of my staff reviewed the LACOE submittal. If you have questions, Steve can be reached at (916) 653-8920 or at [sgran@ohp.parks.ca.gov](mailto:sgran@ohp.parks.ca.gov).

Sincerely,

Daniel Abeyta, Acting  
State Historic Preservation Officer

B-52

## **4.0 Enclosure 4**

**Westminster, East Garden Grove Flood Risk Management Study**

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For double-sided printing*

July 7, 2010

Stephen Estes  
Project Manager, Regulatory Division  
Los Angeles District, U.S. Army Corps of Engineers  
915 Wilshire Boulevard  
Los Angeles, California 90017-3401

**VIA EMAIL AND U.S. MAIL**  
**Stephen.M.Estes@usace.army.mil**

**Subject:** Historic Resources Evaluation – East Garden Grove-Wintersburg Channel,  
Huntington Beach, California

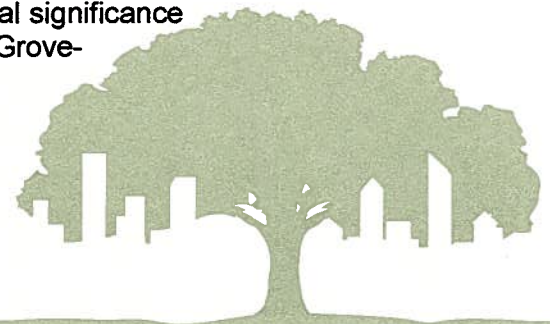
Dear Mr. Estes:

The County of Orange is seeking U.S. Army Corps of Engineers (USACE) authorization to conduct channel improvements to the East Garden Grove-Wintersburg Channel, within the City of Huntington Beach, California. On February 12, 2010 your office submitted a letter to the State Historic Preservation Officer (SHPO) at the Office of Historic Preservation (OHP) in Sacramento in response to the County of Orange's application for permits under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act for the proposed channel improvements.

The USACE letter summarized the results of the cultural resources study, determined that the APE comprises the entire project area and a 100-foot buffer around it, and proposed that neither CA-ORA-78/H (the Bolsa Chica Gun Club) nor the Wintersburg Channel itself are eligible for listing in the National Register of Historic Places (NRHP). On March 4, 2010, the SHPO responded to the USACE Los Angeles District's letter and BonTerra Consulting's cultural resources study for the proposed channel improvements project. BonTerra Consulting received a copy of the comment letter from the County of Orange (OC Public Works) on March 16, 2010.

In summary, the SHPO provided comments regarding three resources within and near the APE, including (1) archaeological site CA-ORA-78/H; (2) the EGGWC; and (3) the Slater Avenue Bridge. The SHPO did not concur with the USACE's determination that both CA-ORA-78/H and the EGGWC are not eligible. Rather, the SHPO requested more recordation data, contextual information, and/or documentation prior to making a determination. The SHPO also requested more information on the Slater Bridge to determine its eligibility for listing. That request resulted in (1) the submittal of previously completed studies that evaluate CA-ORA-78/H as not eligible, and (2) the completion of a historic study to evaluate the significance of the Wintersburg Channel and Slater Avenue Bridge.

This letter accompanies the technical report *Historic Resources Assessment Report Of East Garden Grove – Wintersburg Channel (EGGWC) Huntington Beach, CA*. It consists of the historic investigation that evaluates the federal, state, and local significance and eligibility of the specific segment of the East Garden Grove-Wintersburg Channel and Slater Avenue Bridge.





Mr. Stephen Estes  
July 7, 2010  
Page 2

The historic resource assessment and evaluation was conducted by Pamela Daly, M.S.H.P., Senior Architectural Historian. In order to identify and evaluate the subject property an inspection of the site and existing structures, combined with a review of local and regional historic archives regarding this parcel, were performed.

In summary, while there is ample evidence that the EGGWC (C05) and the entire flood control system created under the Orange County bond act of 1956 is important to the history and settlement of Orange County in the second half of the twentieth century, there is no evidence that the specific segment and associated bridge being investigated as part of this project is eligible for listing under Criteria A/1, B/2, C/3, or D/4 of the National Register of Historic Places and California Register of Historical Resources. Therefore, it appears that the channel and bridge do not qualify as significant resources as they do not meet the criteria necessary for listing in either register.

This report is intended to satisfy SHPO concerns regarding the eligibility of the Wintersburg Channel and/or the Slater Avenue Bridge. The report is complete and ready to be submitted to SHPO.

Please contact Pat Maxon at (714) 444-9199 or [pmaxon@bonterraconsulting.com](mailto:pmaxon@bonterraconsulting.com) if you have any questions.

Sincerely,

BONTERRA CONSULTING



Gary A. Medeiros  
Associate Principal



Patrick O. Maxon, RPA  
Director, Cultural Resources

Attachment: *Historic Resources Assessment Report of East Garden Grove – Wintersburg Channel (EGGWC) Huntington Beach*

# **HISTORIC RESOURCES ASSESSMENT REPORT**

**Of**

**East Garden Grove – Wintersburg Channel (EGGWC)  
Huntington Beach, CA**

Prepared for:  
BonTerra Consulting  
151 Kalmus, Suite E-200  
Costa Mesa, CA 92626

Prepared by  
Pamela Daly, M.S.H.P.  
Daly & Associates  
4486 University Avenue  
Riverside, CA 92501



**June 2010**

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## EXECUTIVE SUMMARY

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This assessment report documents and evaluates the federal, state, and local significance and eligibility of the specific segment of the East Garden Grove-Wintersburg Channel (C05) (EGGWC) and Slater Avenue Bridge in the project area.

The historic resource assessment and evaluation was conducted by Pamela Daly, M.S.H.P., Senior Architectural Historian. In order to identify and evaluate the subject property as a potential historic resource, a multi-step methodology was utilized. An inspection of the site and existing structures, combined with a review of local and regional historic archives regarding this parcel, were performed to document existing conditions and assist in assessing and evaluating the property for significance.

In assessing the subject property's historical significance federal, state, and local criteria were applied. The subject property is not currently listed on either the National Register or the California Register.

Under the National Register or California Register criteria relating to the specific segment of the EGGWC (C05) association with significant historical events that exemplifying broad patterns of our history, the segment of the flood control channel and Slater Avenue Bridge do not qualify as significant resources. While there is ample evidence that the EGGWC (C05) and the entire flood control system created under the Orange County bond act of 1956 is important to the history and settlement of Orange County in the second half of the twentieth century, there is no evidence that the specific segment and associated bridges being investigated as part of this project is eligible for listing under Criteria A/1.

Under the National Register or California Register criteria relating to the specific segment of the EGGWC (C05) association with persons of historic importance, the flood channel and Slater Avenue Bridge do not qualify as significant resources. Research has not revealed any direct association between this segment of the EGGWC (C05) and associated bridge with persons important either regionally or nationally. There is no evidence that the specific segment of the channel or the bridge being investigated as part of this project are eligible for listing under Criteria B/2.

Under the National Register or California Register criteria relating to the distinctive characteristics of a type, period, region, or method of construction, the specific segment of the EGGWC (C05) and the Slater Avenue Bridge are not significant as they do not embody any distinctive style, high artistic design, or method of construction. The flood control channel was constructed by creating a wide conduit made of dirt, with earthen levee walls to direct potentially dangerous storm runoff to the ocean with little danger to the surrounding settlements. The design of the earthen levee walls are being modified in this section due to concerns about the

stability of the walls. The Slater Avenue Bridge associated with this specific segment of the EGGWC (C05) was constructed using a simple concrete-slab design with pre-stressed concrete. The bridge has no decorative elements and has been used simply as utility structure to get from one side of the channel to the other.

In summation, the specific section of the EGGWC (C05) and Slater Avenue Bridge in the project area are not eligible for listing in the National Register or the California Register as a significant historic resources, as they do not meet any of the criteria necessary for listing in the registries.

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## I. INTRODUCTION

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### A. PROJECT DESCRIPTION

The proposed project involves channel improvements to a 9,568-linear foot section of the EGGWC reaching from the Tide Gate (Station 6+34) to just north of Warner Avenue (Station 102+02). The project includes soil-mix columns sandwiched between two parallel sheet pile walls. The dual rows of sheet piles act as construction best management practices (BMP's) for the soil-mix columns. The resulting 3-tiered lines of defense against inundation will replace the existing levees.

The sheet pile installation and soil mix columns limits are from 2,100 feet downstream of Graham Street (approximately Bates Circle) to Warner Avenue on the south levee and from Graham Street to Warner Avenue on the north levee. Upon completion of the sheet pile installation, the County will then excavate the earthen side slopes back to the sheet piles to provide for the 100-year storm water conveyance capacity within this channel reach. Also, Slater Avenue Bridge will be removed as part of the project. The Oil Field Road Bridge and the flood control gates of the Slater Avenue Pump Station will not be affected by the proposed project impacts. The Tide Gates installed in 1960 by the OCFCD, and Warner Avenue Bridge are not within the proposed project area.

The site is reached by traveling just south of Huntington Harbor on the Coast Highway to Warner Avenue. Continue east on Warner Avenue to the intersection with Graham Street. Continue south on Graham Street, crossing over the EGGWC to reach Slater Avenue. This intersection is the western terminus of Slater Avenue for automobiles. Continuing on Slater Avenue on foot, you will reach the EGGWC and the Slater Avenue Bridge.

The subject section of the EGGWC structure appears to have been built in 1959/1960. The proposed channel improvements are to remove the existing earthen levee walls and replace them with dual rows of sheet piles filled with a soil mix to create a column. The project site is bound on the north by vacant land and wetlands, and on the south by densely populated residential neighborhoods and land used for oil drilling.

The EGGWG Channel is within the boundary of Huntington Beach and is maintained by the Orange County Flood Control District in conjunction with the County of Orange Public Works Department. (See Figures 1 and 2.)

This report includes a discussion of the survey methodology used, a brief historic context of the section of the channel being investigated and surrounding area, and formal evaluation of the specific segment of the EGGWC

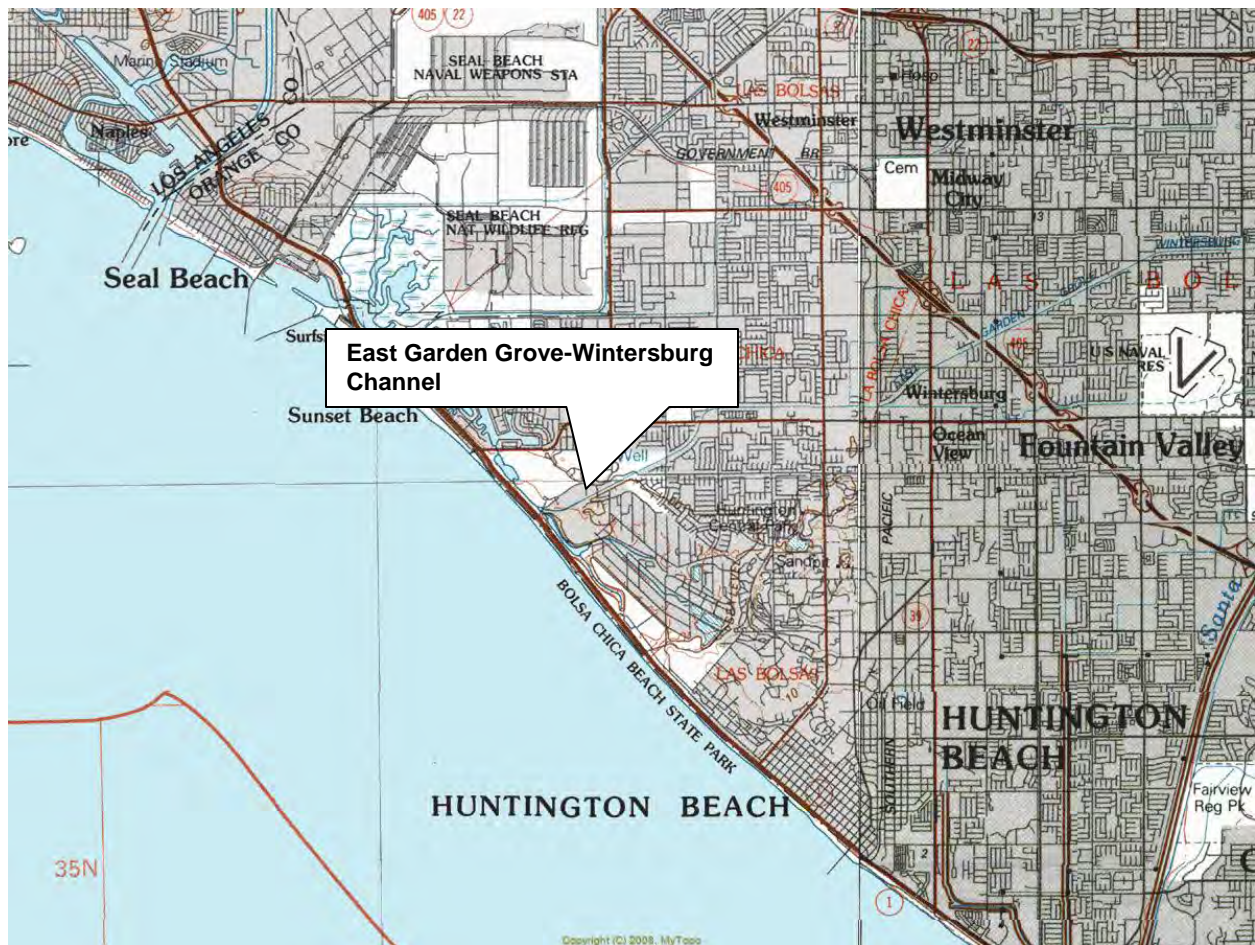


Figure 1: Regional Project Location



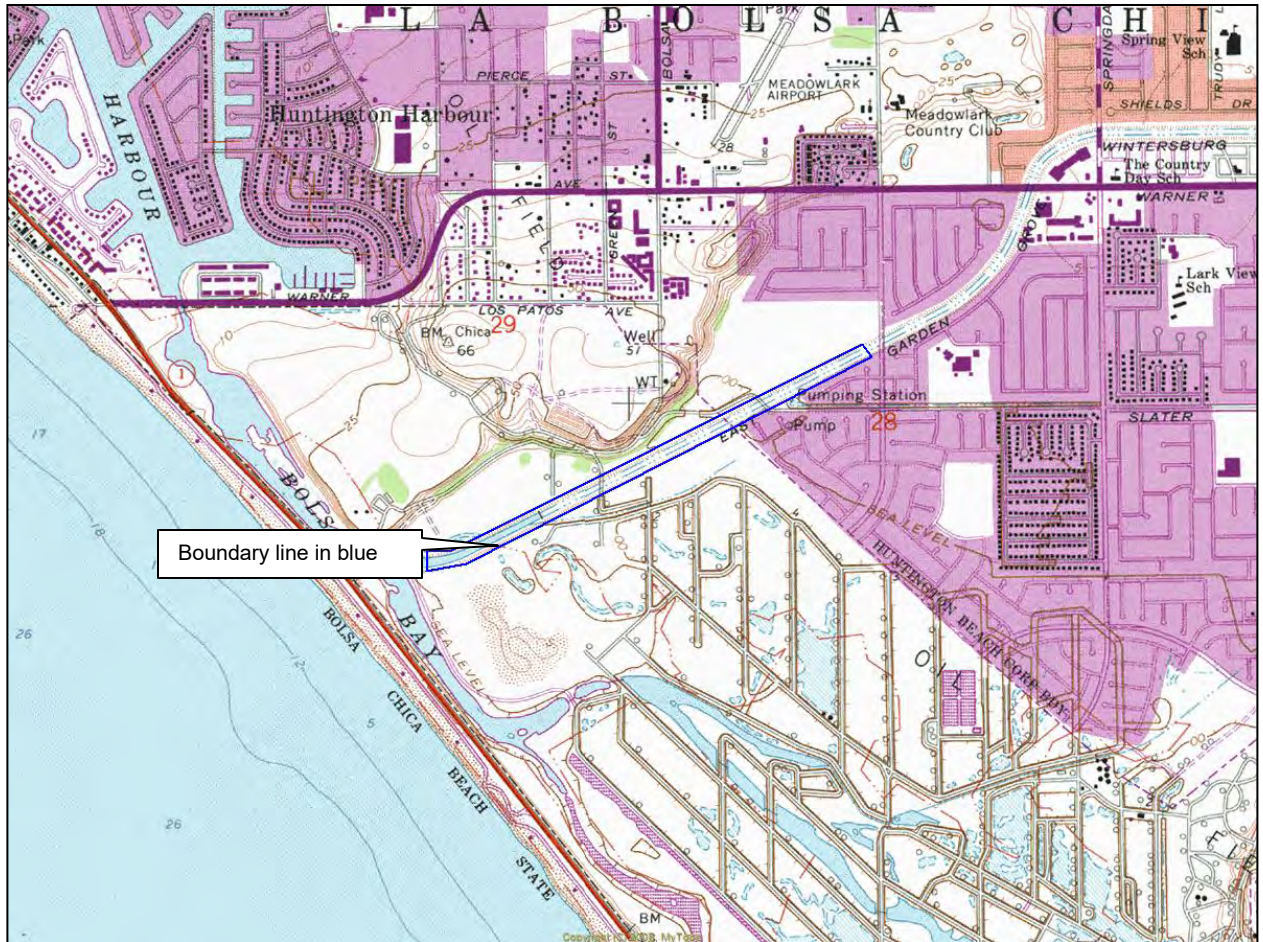
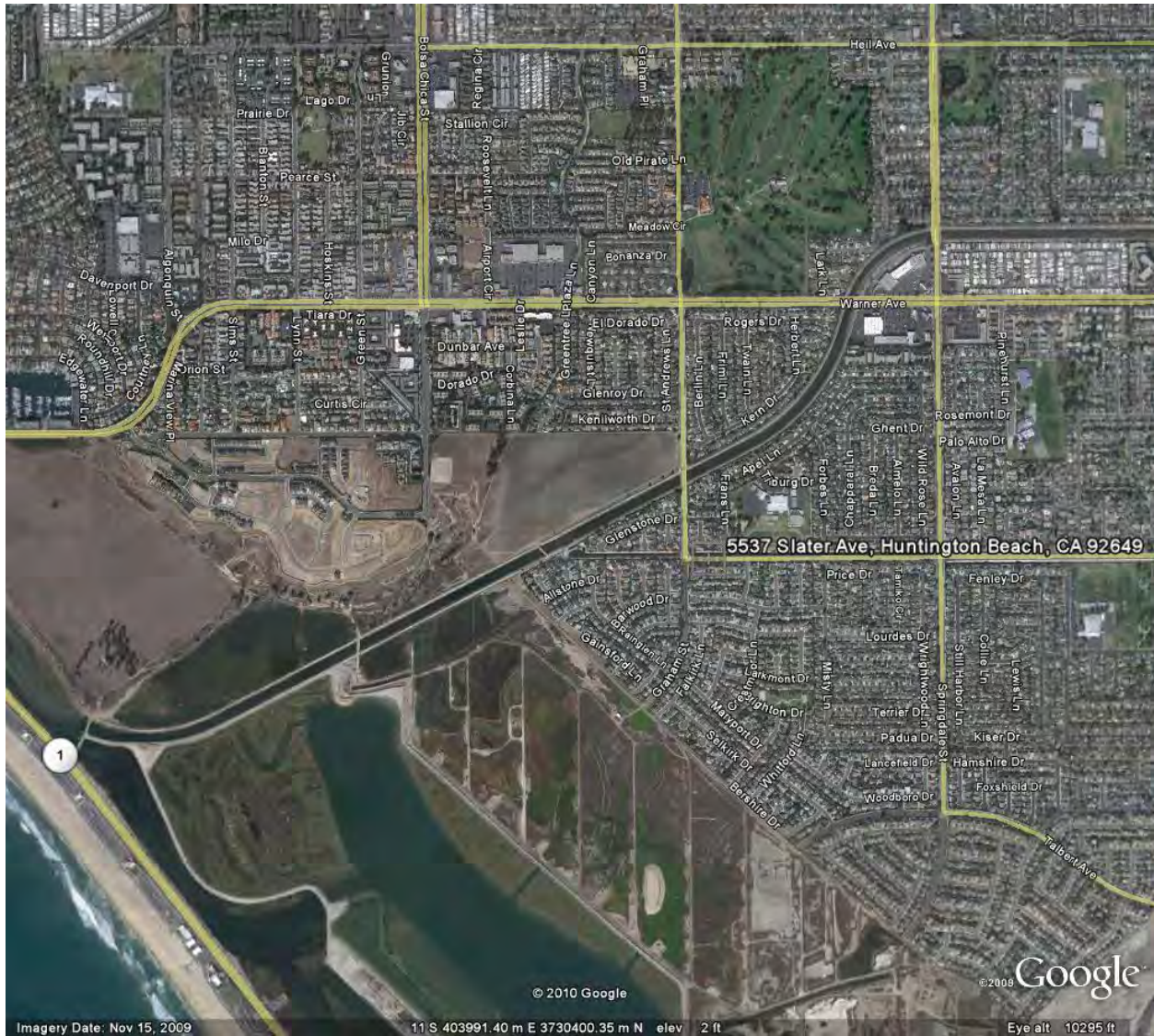


Figure 2: Approximate boundary of the East Garden Grove-Wintersburg Channel Maintenance and Repair Project area.





**Photograph 1: Aerial view of project location.**  
(Source: Google Earth, 2010.)

## **B. BACKGROUND INFORMATION**

The area surrounding this specific segment of the EGGWC has previously been surveyed multiple times by competent professional archaeologists for the investigation and documentation of cultural resources. The archaeological findings have been recorded using California Department of Parks and Recreation Series 523 forms (DPR) for the recordation of cultural resources.

The built-environment structure known as the EGGWC No. C05 has not been previously surveyed by a qualified architectural historian, nor has it been evaluated for eligibility for listing in the National Register of Historic Places, or California Register of Historical Resources.

## **C. METHODOLOGY**

This historic resource assessment and evaluation for this report was conducted by Pamela Daly, M.S.H.P., Senior Architectural Historian. In order to identify and evaluate the subject property as a potential historic resource, a multi-step methodology was utilized. An inspection of the existing structure and associated features, combined with a review of accessible archival sources for this structure, was performed to document existing conditions and assist in assessing and evaluating the property for significance. Photographs were taken of the structure and associated structures and features, including photographs of architectural details or other points of interest, during the pedestrian-level survey.

The National Register of Historic Places (National Register) and the California Register of Historical Resources (California Register) criteria were employed to evaluate the significance of the property. The City of Huntington Beach does not have specific regulations in their municipal code for the preservation, alteration or demolition of historic resources. As such, the City of Huntington Beach uses the California Register criteria to evaluate the significance of built-environment resources over 50 years old. In addition, the following tasks were performed for the study:

The National Register and the California Historical Resources Inventory were searched.

Site-specific research was conducted on the subject property utilizing maps, city directories, newspaper articles, historical photographs, and other published sources.

Background research was performed at local historic archives and through internet resources.

Ordinances, statutes, regulations, bulletins, and technical materials relating to federal, state, and local historic preservation, designation assessment processes, and related programs were reviewed and analyzed.

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## II. REGULATORY FRAMEWORK

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Historic resources fall within the jurisdiction of several levels of government. Federal laws provide the framework for the identification, and in certain instances, protection of historic resources. Additionally, states and local jurisdictions play active roles in the identification, documentation, and protection of such resources within their communities. The National Historic Preservation Act of 1966 as amended (NHPA), and the California Register of Historical Resources (CRHR), are the primary federal, state, and local laws and regulations governing the evaluation and significance of historic resources of national, state, regional, and local importance. A description of these relevant laws and regulations are presented below.

In analyzing the historic significance of the subject property, criteria for designation under federal, and State landmark programs were considered. Additionally, the Office of Historic Preservation (OHP) survey methodology was used to survey and rate the relative significance of the property.

### A. FEDERAL LEVEL

#### 1. National Register of Historic Places

First authorized by the Historic Sites Act of 1935, the National Register was established by the NHPA as “an authoritative guide to be used by Federal, State, and local governments, private groups and citizens to identify the Nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment.”<sup>1</sup> The National Register recognizes properties that are significant at the national, state and local levels.

To be eligible for listing in the National Register, the quality of significance in American history, architecture, archaeology, engineering, or culture must be in a district, site, building, structure, or object that possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:<sup>2</sup>

- A. is associated with events that have made a significant contribution to the broad patterns of our history; or
- B. is associated with the lives of persons significant in our past; or
- C. embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possess high artistic values, or that

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<sup>1</sup> *Code of Federal Regulations (CFR)*, 36 § 60.2.

<sup>2</sup> *Guidelines for Completing National Register Forms, National Register Bulletin 16, U.S. Department of the Interior, National Park Service, September 30, 1986 (“National Register Bulletin 16”). This bulletin contains technical information on comprehensive planning, survey of cultural resources, and registration in the National Register of Historic Places.*

represent a significant and distinguishable entity whose components may lack individual distinction; or

D. yields, or may be likely to yield, information important to prehistory or history.

A property eligible for listing in the National Register must meet one or more of the four criteria (A-D) defined above. In addition, unless the property possesses exceptional significance, it must be at least 50 years old to be eligible for National Register listing.

In addition to meeting the criteria of significance, a property must have integrity. “Integrity is the ability of a property to convey its significance.”<sup>3</sup> According to *National Register Bulletin 15*, within the concept of integrity, the National Register criteria recognize seven aspects or qualities that, in various combinations, define integrity. To retain historic integrity a property will always possess several, and usually most, of these seven aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance.<sup>4</sup> The seven factors that define integrity are location, design, setting, materials, workmanship, feeling, and association. The following is excerpted from *National Register Bulletin 15*, which provides guidance on the interpretation and application of these factors.

- Location is the place where the historic property was constructed or the place where the historic event occurred.<sup>5</sup>
- Design is the combination of elements that create the form, plan, space, structure, and style of the property.<sup>6</sup>
- Setting is the physical environment of a historic property.<sup>7</sup>
- Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.<sup>8</sup>
- Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.<sup>9</sup>

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<sup>3</sup> *National Register Bulletin 15*, page 44.

<sup>4</sup> *Ibid.*

<sup>5</sup> “The relationship between the property and its location is often important to understanding why the property was created or why something happened. The actual location of historic property, complemented by its setting is particularly important in recapturing the sense of historic events and persons. Except in rare cases, the relationship between a property and its historic associations is destroyed if the property is moved.” *Ibid.*

<sup>6</sup> “A property’s design reflects historic functions and technologies as well as aesthetics. It includes such considerations as the structural system; massing; arrangement of spaces; pattern of fenestration; textures and colors of surface materials; type, amount, and style of ornamental detailing; and arrangement and type of plantings in a designed landscape.” *Ibid.*

<sup>7</sup> *National Register Bulletin 15*, page 45.

<sup>8</sup> “The choice and combination of materials reveals the preferences of those who created the property and indicated the availability of particular types of materials and technologies. Indigenous materials are often the focus of regional building traditions and thereby help define an area’s sense of time and place.” *Ibid.*

- Feeling is property's expression of the aesthetic or historic sense of a particular period of time.<sup>10</sup>
- Association is the direct link between an important historic event or person and a historic property.<sup>11</sup>

In assessing a property's integrity, the National Register criteria recognize that properties change over time; therefore, it is not necessary for a property to retain all its historic physical features or characteristics. The property must, however, retain the essential physical features that enable it to convey its historic identity.<sup>12</sup>

For properties that are considered significant under National Register criteria A and B, *National Register Bulletin 15* states that a property that is significant for its historic association is eligible if it retains the essential physical features that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s).<sup>13</sup>

In assessing the integrity of properties that are considered significant under National Register criterion C, National Register Bulletin 15 provides that a property important for illustrating a particular architectural style or construction technique must retain most of the physical features that constitute that style or technique.<sup>14</sup>

The primary effects of listing in the National Register on private property owners of historic buildings is the availability of financial and tax incentives.<sup>15</sup> In addition, for projects that receive federal funding, the Section 106 clearance process must be completed. State and local laws and regulations may apply to properties listed in the National Register. For example, demolition or inappropriate alteration of National Register eligible or listed properties may be subject to the California Environmental Quality Act (CEQA).

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<sup>9</sup> "Workmanship can apply to the property as a whole or to its individual components. It can be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. It can be based on common traditions or innovative period techniques." *Ibid.*

<sup>10</sup> "It results from the presence of physical features that, taken together, convey the property's historic character." *Ibid.*

<sup>11</sup> "A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to the observer. Like feeling, associations require the presence of physical features that convey a property's historic character...Because feeling and association depend on individual perceptions, their retention alone is never sufficient to support eligibility of a property for the National Register." *Ibid.*

<sup>12</sup> *National Register Bulletin 15*, page 46.

<sup>13</sup> *Ibid.*

<sup>14</sup> "A property that has lost some historic materials or details can be eligible if it retains the majority of the features that illustrate its style in terms of the massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation. The property is not eligible, however, if it retains some basic features conveying massing but has lost the majority of features that once characterized its style." *Ibid.*

<sup>15</sup> See 36 CFR 60.2(b) (c).

## **B. STATE LEVEL**

The California Office of Historic Preservation (OHP), as an office of the California Department of Parks and Recreation, implements the policies of the NHPA on a statewide level. The OHP also carries out the duties as set forth in the Public Resources Code (PRC) and maintains the California Historic Resources Inventory. The State Historic Preservation Officer (SHPO) is an appointed official who implements historic preservation programs within the state's jurisdictions.

### **1. California Register of Historical Resources**

Created by Assembly Bill 2881, which was signed into law on September 27, 1992, the CRHR is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change.”<sup>16</sup> The criteria for eligibility for the California Register are based upon National Register criteria.<sup>17</sup> Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register.<sup>18</sup>

The California Register consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The California Register automatically includes the following:

- California properties listed on the National Register of Historic Places and those formally Determined Eligible for the National Register of Historic Places;
- California Registered Historical Landmarks from No. 770 onward;
- Those California Points of Historical Interest that have been evaluated by the OHP and have been recommended to the State Historical Commission for inclusion on the California Register.<sup>19</sup>

Other resources which may be nominated to the California Register include:

- Individual historical resources;
- Historical resources contributing to historic districts;
- Historical resources identified as significant in historical resources surveys with significance ratings of Category 1 through 5;

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<sup>16</sup> *California Public Resources Code § 5024.1(a).*

<sup>17</sup> *California Public Resources Code § 5024.1(b).*

<sup>18</sup> *California Public Resources Code § 5024.1(d).*

<sup>19</sup> *California Public Resources Code § 5024.1(d).*

- Historical resources designated or listed as local landmarks, or designated under any local ordinance, such as a historic preservation overlay zone.<sup>20</sup>

To be eligible for listing in the California Register, a historic resource must be significant at the local, state, or national level under one or more of the following four criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

Additionally, a historic resource eligible for listing in the California Register must meet one or more of the criteria of significance described above and retain enough of its historic character or appearance to be recognizable as a historic resource and to convey the reasons for its significance. Historical resources that have been rehabilitated or restored may be evaluated for listing.<sup>21</sup>

Integrity under the California Register is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. The resource must also be judged with reference to the particular criteria under which it is proposed for eligibility. It is possible that a historic resource may not retain sufficient integrity to meet criteria for listing in the National Register, but it may still be eligible for listing in the California Register.<sup>22</sup>

## **2. California Office of Historical Preservation Survey Methodology**

The evaluation instructions and classification system prescribed by the California Office of Historic Preservation in its Instructions for Recording Historical Resources provide a three-digit evaluation rating code for use in classifying potential historic resources. The first digit indicates one of the following general evaluation categories for use in conducting cultural resources surveys:

1. Listed on the National Register or the California Register;
2. Determined eligible for listing in the National Register or the California Register;
3. Appears eligible for the National Register or the California Register through survey evaluation;

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<sup>20</sup> *California Public Resources Code § 5024.1(e).*

<sup>21</sup> *California Code of Regulations, California Register of Historical Resources (Title 14, Chapter 11.5), Section 4852(c).*

<sup>22</sup> *Ibid.*

4. Appears eligible for the National Register or the California Register through other evaluation;
5. Recognized as Historically Significant by Local Government;
6. Not eligible for any Listing or Designation; and
7. Not evaluated for the National Register or California Register or needs re-evaluation.

The second digit of the evaluation status code is a letter code indicating whether the resource is separately eligible (S), eligible as part of a district (D), or both (B). The third digit is a number that is used to further specify significance and refine the relationship of the property to the National Register and/or California Register. Under this evaluation system, categories 1 through 4 pertain to various levels of National Register eligibility. The California Register, however, may include surveyed resources with evaluation rating codes through level 5. In addition, properties found ineligible for listing in the National Register, California Register, or for designation under a local ordinance are given an evaluation status code of 6.

## **C. LOCAL LEVEL**

### **1. City of Huntington Beach**

As previously stated in this report, the City of Huntington Beach and unincorporated areas of Orange County do not have specific historic resource regulations in their municipal codes. As such, built-environment resources in those areas use the California Register criteria to evaluate the significance of buildings, structures, objects, features and landscapes over 50 years old.



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### III. EVALUATION

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#### A. HISTORIC CONTEXT

##### 1. Rancho Las Bolsas

In 1797, Manuel Nieto was awarded a land grant of 167,000 acres by Governor Jose Figueroa. This large grant became known as Rancho Los Nietos. In 1834, the heirs of Manuel Nieto requested that the land be subdivided and a small “pocket” rancho of 43,000 acres was carved out of it to create Rancho Las Bolsas. As with so many of the Spanish and Mexican held ranchos, the owners went bankrupt during the great drought of 1862-64, and the land fell into the hands of wealthy Californians and land speculators. Rancho Las Bolsas fell into the hands of Abel Stearns who then worked with the Los Angeles and San Bernardino Land Company to promote and sell the land. The little seaside town called Pacific City was connected to greater Los Angeles in 1904 when Henry E. Huntington established a line for the Red Cars of Pacific Electric. The city changed its name to Huntington Beach.

In 1919, the Standard Oil Company leased 500 acres of Bolsa Chica tidal land. The land became one of California’s best producing oil field by 1923. For the next thirty years oil derricks outnumbered human beings in the area until the end of World War II. It was then that the land was converted to use for large housing developments and became a “bedroom” community to support the large industrial activities in Long Beach, Wilmington, and Los Angeles.

##### 2. East Garden Grove –Wintersburg Channel, Facility No. C05

Channel C05 is generally referred to as East Garden Grove-Wintersburg Channel. The 28.37 square mile Westminster Watershed tributary to Channel C-5, consists of approximately 18,156 acres lying within the Lower Santa Ana Flood Plain, easterly of the Santa Ana River, Northerly of Wintersburg Avenue and southeasterly of the communities of Garden Grove and Westminster.<sup>25</sup>

There are five main channels in the Westminster Watershed; EGGWC (C05), Oceanview Channel (C06), Newland Storm Channel (C05S01), Edinger Storm Channel (C05S05), and the Slater Storm Channel which is under the control of the city of Huntington Beach. There are two retarding basins and two pump facilities; Slater Pump Station and Haster Pump Station.

The Newbert River Protection District was organized in 1900 to create a system of ditches and canals in conjunction with the Talbert Drainage District. The Talbert Drainage District converted swamplands in the area one of the state’s most fertile agricultural regions, and harnessed the destructive storm runoff of the Santa Ana River. The Newbert District consisted

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<sup>25</sup> Orange County Flood Control Division. *Engineers Report: East Garden Grove-Wintersburg Channel C-5*. Page 39.

of 28 square miles extending from the Costa Mesa bluffs and Huntington Beach, inland to Garden Grove and the intersection of the Santa Ana River and the Santa Ana Freeway. The Talbert brothers, Tom Sam and Henry, were “among the leaders in both the drainage and river bed projects.”<sup>26</sup>

On June 3, 1956, the Los Angeles Times reported that the “largest bond issue ever proposed in Orange County - \$42,620,000” was going to go before the voters to finance the construction of an extensive flood-control system. The County presented the urgency of the program by telling voters that “it should be started as soon as possible to protect the lives and investments of Orange County residents and to provide for orderly future development within the county.” The bond issue would pay for the construction of ten dams, two retarding basin areas, 46 channels, a storm drain, nine beach outlets and improvement of the San Ana River channel.<sup>27</sup> The article went on to say:

*The phenomenal surge of development in Orange County in recent years has aggravated the flood menace to many communities to the extent that even the very moderate storm which occurred in the season 1951-52 cause damaging floods in large portions of the county. This menace will become more and more acute as industry moves in and farm lands are converted to homesites and industrial areas.*<sup>28</sup>

In 1955, the improvements planned for the channel included the acquisition of rights-of-way, straightening of channel alignment in some reaches, widening or otherwise improving the channel section to accommodate the anticipated flood flows, construction of necessary new bridges or alteration to existing bridges, construction of necessary retarding basins and construction of such access structures for side drainage as may be required.<sup>29</sup> The estimated cost of the work to create Channel C-5 was \$ 3,234,000.<sup>30</sup>

The new East Garden Grove-Wintersburg section of channel in the current project area is described as:

*A strip of land 186 feet in width, the centerline of which begins at a point, said point lying approximately 4000 feet west and approximately 400 feet north of the southeast corner of Section 29, Township 5 South, Range 11 West, S.B.B. & M., continuing from said point of beginning northeasterly to a street crossing at Coast Highway (U.S. 101-A) at a point, said point lying approximately 3740 feet west and approximately 560 feet north of the south east corner of Section 29, Township 5 South, Range 11 West, S.B.B. & M.; thence, northeasterly, easterly and northeasterly to a street crossing a Slater Avenue approximately 4920 feet west of Springdale*

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<sup>26</sup> Los Angeles Times: *River Tested County's Temper*. August 13, 1959.

<sup>27</sup> Los Angeles Times: *County to Vote on Biggest Bond Issue*. June 3, 1956.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.* Page 39.

<sup>30</sup> *Ibid.* Page 42.

*Street; thence, northeasterly to a street crossing at Wintersburg Avenue approximately 550 feet west of Graham Street; thence, northeasterly and easterly crossing Graham Street approximately 270 feet north of Wintersburg Avenue; crossing Springdale Street approximately 340 feet north of Wintersburg Avenue....*<sup>31</sup>

W.H. Stecker Company of Los Angeles was awarded a contract for \$585,571 for the construction of the west section of the Garden Grove-Wintersburg Channel in November of 1959.<sup>32</sup> The section ran from Huntington Beach Boulevard to the tidelands at Bolsa Chica Beach. It was planned that the west section of the Garden Grove-Wintersburg Channel would be completed by late 1961.<sup>33</sup> There were three bridges to be constructed between the tide gates and Wintersburg Avenue; the Oil Field Bridge, Slater Avenue Bridge and Wintersburg Avenue Bridge. (The Warner Avenue Bridge was added after 1972.<sup>34</sup>)

*The EGGWC consists of soft bottom and earthen levees on both banks. The levee tops are largely elevated from the adjacent floodplain. The elevation of the levee top is above +10 feet mean sea level, while the floodplain elevation is approximately at the mean sea level. The channel bottom is very flat throughout the reach with an approximate elevation of -4 feet msl. The leveed channel is part of the Bolsa Chica tidal prism with subdued tides; the tidal range in the channel water depth in the channel varies from 2 to 5 feet. Currently, the southern floodplain is developed to the outside toe of the leveed bank, and a vacant land and a wetland exists along the northern bank.*<sup>35</sup>

Tide gates at the entrance of the channel through the Bolsa Chica wetland had been constructed in the early 1900s to keep saltwater out of the tidal marshes so that they could be used for duck hunting by the local sport club. The original gates were replaced in 1960 and consist of 12 84-inch wide valve gates set in a concrete headwall.<sup>36</sup>

The new tide gates were constructed in 1960 “to control incoming tides, keeping them out of the flood control ditch and permitting the channel’s flood waters to empty into the estuary during heavy rains.”<sup>37</sup> H. George Osborn, the Chief Engineer of the project stated that even though the Garden Grove-Wintersburg Channel wasn’t the first to empty into tidewater, it was the first to require a sophisticated system of controls to operate the tide gates.<sup>38</sup>

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<sup>31</sup> *Ibid.* Page 40.

<sup>32</sup> Los Angeles Times: *Contract Let for Flood Channel.* November 8, 1959.

<sup>33</sup> Los Angeles Times: *Work Progresses on Flood Control.* December 27, 1959.

<sup>34</sup> *Historic Aerial Photographs: Slater Avenue Bridge and EGGWC, 1972.*

<sup>35</sup> WRC Consulting Services, Inc. “A Third Party Opinion Groundwater Impact Evaluation of the East Garden Grove-Wintersburg Channel (C05) Improvements. Page 1.

<sup>36</sup> OCFCD Presentation December 15, 2009.

<sup>37</sup> Los Angeles Times: *Tide Gates Built for \$3.2 Million Channel.* March 20, 1960.

<sup>38</sup> *Ibid.*

The Orange County Flood Control District held dedication ceremonies in August 1960, for the new four-mile western segment of the East Garden Grove-Wintersburg Flood Control Channel that ran from Sunset Beach to Wintersburg Avenue. The completed segment cost \$587,500 and required the excavation 370,000 cubic yards of earth. “Seven reinforced concrete bridges were prefabricated to speed up the job.”<sup>39</sup>

On March 1, 2001, Orange County Branch of the California Society of Civil Engineers determined that the Orange County Flood Control District was a California Historic Civil Engineering Landmark for “excellence in planning, design, construction and operation of flood control facilities in Orange County, California.” The plaque that is located in the lobby of the H. George Osborne Building in Santa Ana also states that the award was also given in “recognition of the vigilant protection of life and property for the citizens of Orange County.”<sup>40</sup>

Even after the EGGWC was finished in 1962, strong storms have caused the concrete liner to fail and the erosion of the earthen levee walls. In January 2008, Orange County Flood Control District (OCFCD) implemented an emergency repair project in the C05 channel with a 45-foot long sheet pile inserting through the northern levee from Graham Street (Station 36+00) to 3800 feet downstream of Graham Street (74+25) of the C05 channel. The sheet pile joint was specified as PZ Interlocks manufactured by Skyline Steel without any type of sealant and was constructed as specified to allow some seepage.<sup>41</sup> The earthen walls on both sides of the north levees were built-up with new dirt.

## **B. HISTORIC RESOURCES IDENTIFIED**

A site visit and pedestrian-level inspection of the historic resources within the project area was performed on May 17, 2010. The EGGWC consists of soft bottom and earthen levees on both banks, except for the section of the north bank between Slater Avenue Bridge and Warner Avenue Bridge. In that section, the north bank has been reinforced with interlocking sheet pile and new earthen walls. (See Photographs 2 and 3.)

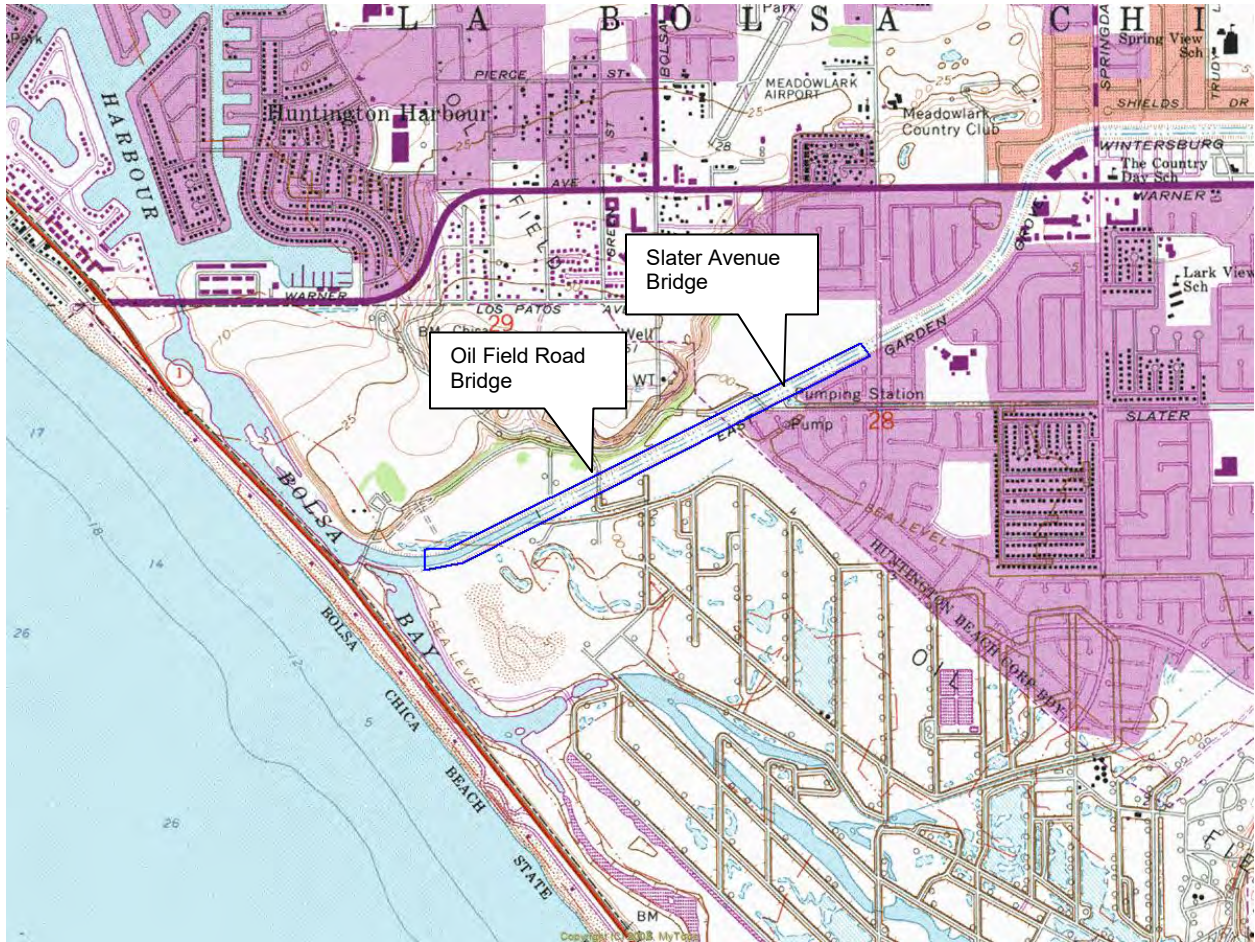
1. East Garden Grove-Wintersburg Channel (C05): The levee tops are largely elevated from the adjacent floodplain. The elevation of the levee top is above +10 feet mean sea level, while the floodplain elevation is approximately at the mean sea level. The channel bottom is very flat throughout the channel in the project area with an approximate elevation of -4 feet msl. The water depth in the channel varies from 2 to 5 feet depending on the cycle of the tide. Currently, vacant land and a wetland exist along the northern bank, and a floodplain is located on the southern slope of the south levee wall. Located in Section VI of this report are the relevant pages from the “As Built” set of drawings for

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<sup>39</sup> Los Angeles Times: *New Channel Opened to Drain Farm Land*. August 18, 1960.

<sup>40</sup> *Orange County Branch of American Society of Civil Engineers Newsletter*, May 2010.

<sup>41</sup> WRC Consulting Services, Inc. “*A Third Party Opinion Groundwater Impact Evaluation of the East Garden Grove-Wintersburg Channel (C05) Improvements*.” Page 1.







**Photograph 2: East Garden Grove-Wintersburg Channel and Oil Field Road Bridge.  
Looking northeast.**



**Photograph 3: EGGWC looking northeast from the Slater Avenue bridge. The north (left) channel wall in this section was repaired with a sheet pile wall. The channel gates to the Slater Avenue Pump Station are on the south (right).**

2. Slater Avenue Bridge: was constructed in 1959/1960 during the effort to build the west section of EGGWC. (See Photographs 4 and 5.) The bridge is a pre-stressed concrete slab measuring 24 feet wide by 140 feet long. It has four spans set on round metal support posts. The bridge roadway has a built-up concrete curb. Attached to the curb are regularly set metal posts with “W” metal siding attached to the post horizontally to form a guardrail barrier. Historic aerial photographs show that the approach and exit from the bridge appear to have been altered from their original configuration. The bridge is only for emergency use and pedestrian traffic. Located in Section VI of this report are the relevant pages from the “As Built” set of drawings for the EGGWC dated September 1959. The detailed drawings on pages 11, 18 and 19 show both the profile and the cross-section drawings of how Slater Avenue Bridge was designed.



**Photograph 4: Slater Avenue Bridge. View looking southeast.**



**Photograph 5: Slater Avenue Bridge. View looking west.**

3. Oil Field Road Bridge: was constructed in 1959/1960 during the effort to build the west section of EGGWC (C05). (See Photographs 6 and 7.) The bridge is a pre-stressed concrete slab measuring 28 feet wide by 150 feet long. It has five spans set on round metal support posts. The bridge roadway has a built-up concrete curb. Attached to the curb are regularly set metal posts with “W” metal siding attached to the post horizontally to form a guardrail barrier. The approach and exit from the bridge appear to still retain their original configuration. The bridge is only for approved use and pedestrian traffic. Located in Section VI of this report are the relevant pages from the “As Built” set of drawings for the EGGWC dated September 1959. The detailed drawings on pages 10, 18 and 19 show both the profile and the cross-section drawings of how Oil Field Road Bridge was designed.





**Photograph 6: Oil Field Road Bridge. View looking north.**



**Photograph 7: Oil Field Road Bridge. View looking east.**

## C. SIGNIFICANCE

The section of EGGWC (C05) and the Slater Avenue Bridge in the project area date from 1959/1960, and were constructed during the phase to build the west section of the EGGWC. The Slater Avenue Bridge is slated for demolition as part of the current project, while the Oil Field Road Bridge and the gates for the Slater Avenue Pump Station will remain in place.

Orange County voters approved the financing of the construction of an extensive flood-control system in 1956. The County presented the urgency of the program by telling voters that the flood control project should be started as soon as possible to protect the lives and investments of Orange County residents and because of the flooding that resulted from the moderate rains of 1951/1952. The bond issue paid for the construction of ten dams, two retarding basin areas, 46 channels, a storm drain, nine beach outlets and improvement of the San Ana River channel for the sum of almost \$43 million dollars. The west segment of EGGWC and the new Tide Gates at the mouth of the channel were completed in early 1960.

In 2001, the Orange County Branch of the California Civil Engineering Society designated the Orange County Flood Control District as Landmark #A01. Contact was made with William E. Lawson, PE, F., ASCE, the History and Heritage Committee Chairperson of the ASCE OC Branch on May 25, 2010, to discuss with him if the landmark status was for the physical attributes of the County's extensive flood control system. Mr. Lawson replied that the designation was to honor the OCFCD as an organization, "not for any specific flood control facilities."<sup>57</sup>

The area surrounding the subject property, which was originally agricultural land, has been almost completely replaced by residential development. The original setting of the EGGCW has changed as more people settled in the Orange County area in the last half of the twentieth century.

In assessing the historical significance of the subject property, federal and state significance criteria were applied. The subject property is not currently listed on either the National Register or the California Register.

Under the National Register or California Register criteria relating to the specific segment of the EGGWC (C05) association with significant historical events that exemplifying broad patterns of our history, the segment of the flood control channel and Slater Avenue Bridge do not qualify as significant resources. While there is ample evidence that the EGGWC (C05) and the entire flood control system created under the Orange County bond act of 1956 is important to the history and settlement of Orange County in the second half of the twentieth century, there is no evidence that the specific segment and associated bridges being investigated as part of this project is eligible for listing under Criteria A/1.

Under the National Register or California Register criteria relating to the specific segment of the EGGWC (C05) association with persons of historic importance, the flood channel

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<sup>57</sup> *Email communication with William E. Lawson, PE, F. ASCE. May 25, 2010.*

and Slater Avenue Bridge do not qualify as significant resources. Research has not revealed any direct association between this segment of the EGGWC (C05) and associated bridge with persons important either regionally or nationally. There is no evidence that the specific segment of the channel or the bridge being investigated as part of this project are eligible for listing under Criteria B/2.

Under the National Register or California Register criteria relating to the distinctive characteristics of a type, period, region, or method of construction, the specific segment of the EGGWC (C05) and the Slater Avenue Bridge are not significant as they do not embody any distinctive style, high artistic design, or method of construction. The flood control channel was constructed by creating a wide conduit made of dirt, with earthen levee walls to direct potentially dangerous storm runoff to the ocean with little danger to the surrounding settlements. The design of the earthen levee walls are being modified in this section due to concerns about the stability of the walls. The Slater Avenue Bridge associated with this specific segment of the EGGWC (C05) was constructed using a simple concrete-slab design with pre-stressed concrete. The bridge has no decorative elements and has been used simply as utility structure to get from one side of the channel to the other.

In summation, the specific section of the EGGWC (C05) and Slater Avenue Bridge in the project area are not eligible for listing in the National Register or the California Register as a significant historic resources, as they do not meet any of the criterions necessary for listing in the registries.

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## IV. BIBLIOGRAPHY

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*Tide Gates Built for \$3.2 Million Channel*, March 20, 1960.

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*New Channel Opened to Drain Farm Land*, August 18, 1960.

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WRC Consulting Services, Inc. *A Third Party Opinion: Groundwater Impact Evaluation of the East Garden Grove-Wintersburg Channel (C05) Improvements*. Prepared for: County of Orange, Public Works, Orange County Flood Control District, 300 N. Flower Street, Santa Ana, CA 92703. 2008.

United States Department of Labor; Occupational Safety & Health Administration. Oil and Gas Well Drilling and Servicing eTool; Glossary of Terms.

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Appendix V.

East Garden Grove-Wintersburg Channel DPR Forms

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State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary #  
HRI #  
Trinomial  
NRHP Status Code

Other Listings  
Review Code

Reviewer

Date

Page 1 of 5

\*Resource Name or #: East Garden Grove-Wintersburg Channel (C05) (EGGWC)

**P1. Other Identifier:**

\*P2. Location: ☐ Not for Publication ☒ Unrestricted

\*a. County: Orange

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\*b. USGS 7.5' Quad: Seal Beach Date: 1965/1981

T ; R ; ¼ of ¼ of Sec ; B.M.

c. Address:

City: Huntington Beach

Zip:

d. UTM: North/East end of project area: Zone: 11; 0404254mE/ 3730504mN (G.P.S.)

South/West end of project area: Zone 11 0402628mE/3729723mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation: 0 feet  
East Garden Grove-Wintersburg Channel between the Tide Gates and Warner Avenue Bridge.

\*P3a. **Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)  
East Garden Grove-Wintersburg Channel (C05): The levee tops are largely elevated from the adjacent floodplain. The elevation of the levee top is above +10 feet mean sea level, while the floodplain elevation is approximately at the mean sea level. The channel bottom is very flat throughout the channel in the project area with an approximate elevation of -4 feet msl. The water depth in the channel varies from 2 to 5 feet depending on the cycle of the tide. Currently, vacant land and a wetland exist along the northern bank, and a floodplain is located on the southern slope of the south levee wall. Since 1959, the levee walls have been assaulted by seasonal rains which caused them to be repair and reformed by the OCFCD. Slater Avenue Bridge: was constructed in 1959/1960 during the effort to build the west section of EGGWC. The bridge is a pre-stressed concrete slab measuring 24 feet wide by 140 feet long. It has four spans set on round metal support posts.

\*P3b. **Resource Attributes:** (List attributes and codes) AH-6 (Water conveyance system), HP-19 (bridge)

\*P4. **Resources Present:** ☐ Building ☒ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5a. Photo or Drawing (Photo required for buildings, structures, and objects.)



P5b. Description of Photo: (View, date, accession #) View looking northeast. May 17, 2010.

\*P6. **Date Constructed/Age and Sources:** ☒ Historic  
☐ Prehistoric ☐ Both  
1959/1960; Orange County Flood Control District "as-built" drawings.

\*P7. **Owner and Address:**  
Orange County Flood Control District  
300 North Flower Street  
Santa Ana, CA 92702

\*P8. **Recorded by:**  
Pamela Daly, M.S.H.P.  
Daly & Associates  
4486 University Avenue  
Riverside, CA 92501

\*P9. **Date Recorded:** June 21, 2010.

\*P10. **Survey Type:** (Describe)  
Section 106 Evaluation

\*P11. **Report Citation:** Daly, Pamela. *Historic Resource Evaluation Report of East Garden Grove-Wintersburg Channel (C05)*, June 2010.

\*Attachments: ☐ NONE ☒ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record  
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record  
☐ Artifact Record ☐ Photograph Record ☐ Other (List):

DPR 523A (1/95)

\*Required information



**BUILDING, STRUCTURE, AND OBJECT RECORD**

Page 2 of 5

\*NRHP Status Code : 6Z

\*Resource Name or # East Garden Grove-Wintersburg Channel (C05) (EGGWC)

B1. Historic Name:

B2. Common Name:

B3. Original Use: flood control channel

B4. Present Use: flood control channel

\*B5. Architectural Style: N/A

\*B6. Construction History: (Construction date, alterations, and date of alterations)

Construction began in the fall of 1959. The County dedicated the completed west section of the EGGWC in August 1960.

\*B7. Moved? ☒No ☐Yes ☐Unknown Date:

Original Location:

\*B8. Related Features:

In this project section are the Oil Field Road Bridge (1959/1960), the Slater Avenue Bridge (1959/1960) and the Warner Avenue Bridge (post 1972). The Tide Gates are at the south/west end of the channel section and the control gates to the Slater Avenue Pump Station (owned by City of Huntington Beach) are just north of the Slater Avenue Bridge.

B9a. Architect: Orange County Flood Control District

b. Builder: W.H.Stecker Company, Los Angeles.

\*B10. Significance: Theme: Flood Control Systems

Area: California

Period of Significance: 1959-1965

Property Type: Water conveyance

Applicable Criteria: NR/CR

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

Orange County voters approved the financing of the construction of an extensive flood-control system in 1956. The County presented the urgency of the program by telling voters that the flood control project should be started as soon as possible to protect the lives and investments of Orange County residents and because of the flooding that resulted from the moderate rains of 1951/1952. The bond issue paid for the construction of ten dams, two retarding basin areas, 46 channels, a storm drain, nine beach outlets and improvement of the San Ana River channel for the sum of almost \$43 million dollars. The west segment of EGGWC and the new Tide Gates at the mouth of the channel were completed in early 1960.

The Orange County Flood Control District held dedication ceremonies in August 1960, for the new four-mile western segment of the East Garden Grove-Wintersburg Flood Control Channel that ran from Sunset Beach to Wintersburg Avenue. The completed segment cost \$587,500 and required the excavation 370,000 cubic yards of earth. "Seven reinforced concrete bridges were prefabricated to speed up the job." (See continuation sheet.)

B11. Additional Resource Attributes: (List attributes and codes) HP 19 – bridge.

\*B12. References:

Orange County Flood Control District document for EGGWC.

B13. Remarks:

(Sketch Map with north arrow required.)

See Location Map

\*B14. Evaluator: Pamela Daly, M.S.H.P.

\*Date of Evaluation: June 21, 2010

(This space reserved for official comments.)

**CONTINUATION SHEET**

Page of

\*Resource Name or # : East Garden Grove-Wintersburg Channel (C05)

\*Recorded by: Pamela Daly, M.S.H.P.

\*Date: June 17, 2010

■ Continuation

☐ Update

B.10: Significance:

Under the National Register or California Register criteria relating to the specific segment of the EGGWC (C05) association with significant historical events that exemplifying broad patterns of our history, the segment of the flood control channel and Slater Avenue Bridge do not qualify as significant resources. While there is ample evidence that the EGGWC (C05) and the entire flood control system created under the Orange County bond act of 1956 is important to the history and settlement of Orange County in the second half of the twentieth century, there is no evidence that the specific segment and associated bridges being investigated as part of this project is eligible for listing under Criteria A/1.

Under the National Register or California Register criteria relating to the specific segment of the EGGWC (C05) association with persons of historic importance, the flood channel and Slater Avenue Bridge do not qualify as significant resources. Research has not revealed any direct association between this segment of the EGGWC (C05) and associated bridge with persons important either regionally or nationally. There is no evidence that the specific segment of the channel or the bridge being investigated as part of this project are eligible for listing under Criteria B/2.

Under the National Register or California Register criteria relating to the distinctive characteristics of a type, period, region, or method of construction, the specific segment of the EGGWC (C05) and the Slater Avenue Bridge are not significant as they do not embody any distinctive style, high artistic design, or method of construction. The flood control channel was constructed by creating a wide conduit made of dirt, with earthen levee walls to direct potentially dangerous storm runoff to the ocean with little danger to the surrounding settlements. The design of the earthen levee walls are being modified in this section due to concerns about the stability of the walls. The Slater Avenue Bridge associated with this specific segment of the EGGWC (C05) was constructed using a simple concrete-slab design with pre-stressed concrete. The bridge has no decorative elements and has been used simply as utility structure to get from one side of the channel to the other.

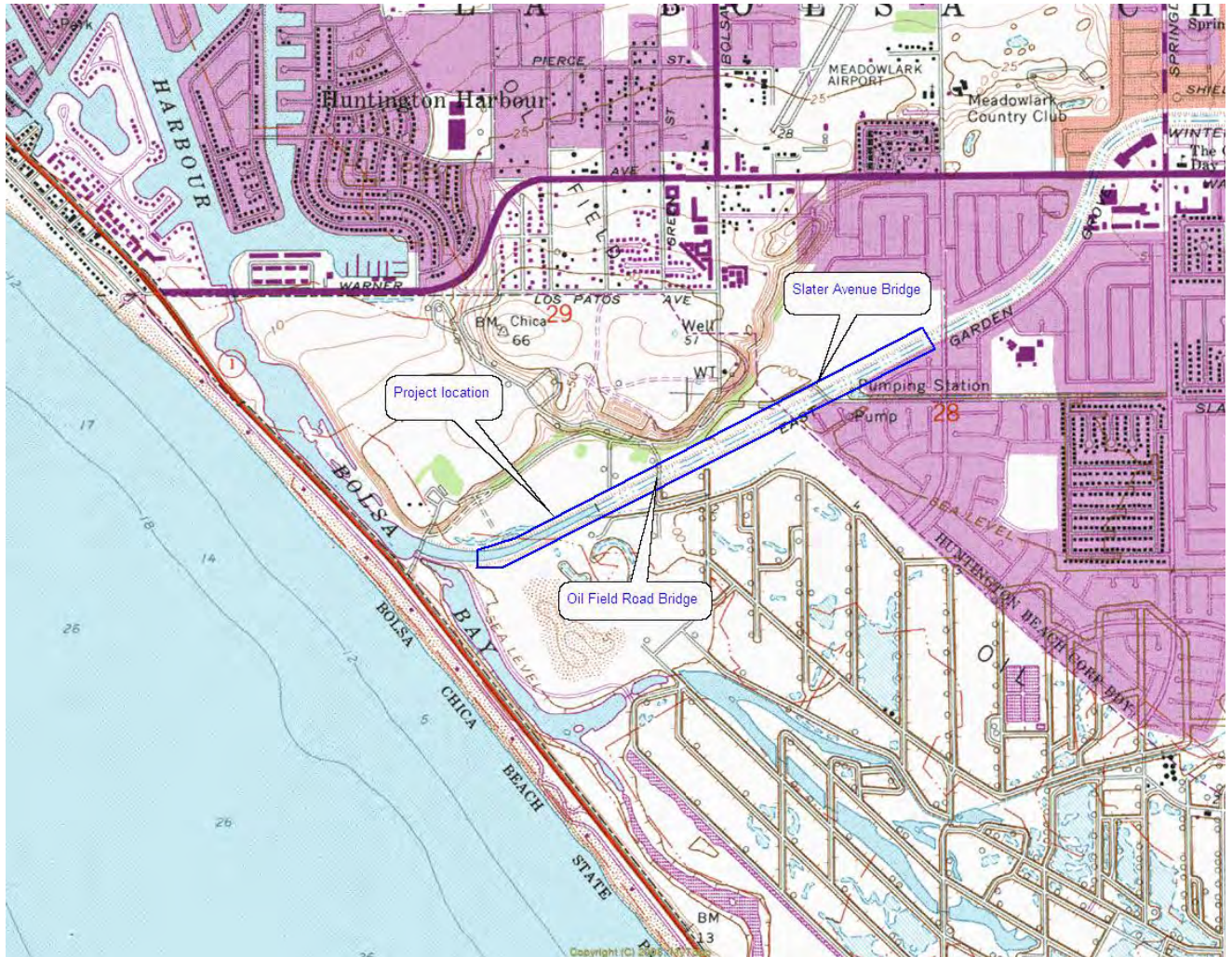


Slater Avenue Bridge – looking west.



Slater Avenue Bridge – looking south.





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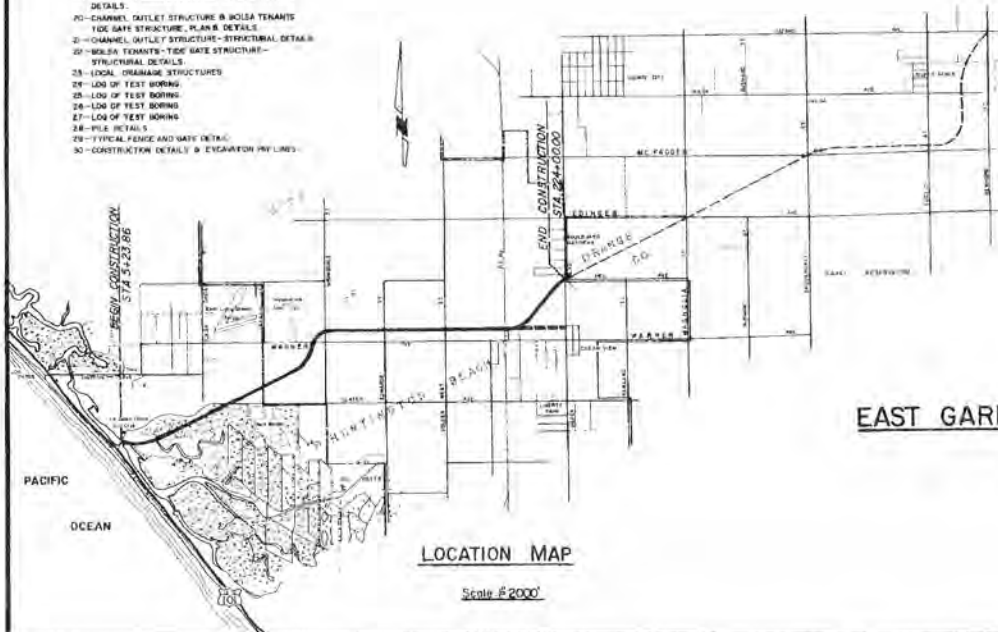
Appendix VI.

East Garden Grove-Wintersburg Channel “As Built” Drawings, 1955

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# INDEX OF DRAWINGS

SHEET NO.	TITLE
1	TITLE SHEET
2	PLAN & PROFILE STA. 49+32.86 TO STA. 49+00.00
3	PLAN & PROFILE STA. 49+00.00 TO STA. 49+100.00
4	PLAN & PROFILE STA. 49+100.00 TO STA. 49+150.00
5	PLAN & PROFILE STA. 49+150.00 TO STA. 49+200.00
6	PLAN & PROFILE STA. 49+200.00 TO STA. 49+250.00
7	SHOULDER ROADBED - PLAN & PROFILE
8	PACIFIC ELECTRIC RY. BRIDGE - STRUCTURAL DETAILS STA. 49+00.00
9	PACIFIC ELECTRIC RY. BRIDGE - STRUCTURAL DETAILS
10	DE. FIELD ROAD BRIDGE - PLAN & PROFILE
11	SLATER AVE. BRIDGE - PLAN & PROFILE
12	WINTERSBURG AVENUE BRIDGE - PLAN & PROFILE
13	SPRINGDALE STREET BRIDGE - PLAN & PROFILE
14	EDWARDS STREET BRIDGE - PLAN & PROFILE
15	GOLDEN WEST STREET BRIDGE - PLAN & PROFILE
16	FARM BRIDGE - PLAN & PROFILE
17	PLAN & PROFILE FARM BRIDGE STA. 179+50.00
18	CONSTRUCTION DETAILS
19	PRESTRESS CONCRETE BRIDGE, SUBSTRUCTURE DETAILS
20	PRESTRESS CONCRETE BRIDGE, SUPERSTRUCTURE DETAILS
21	CHANNEL OUTLET STRUCTURE & BOLSA TENANTS TIDE GATE STRUCTURE - PLAN & DETAILS
22	CHANNEL OUTLET STRUCTURE - STRUCTURAL DETAILS
23	BOLSA TENANTS TIDE GATE STRUCTURE - STRUCTURAL DETAILS
24	LOGS OF TEST BORING
25	LOGS OF TEST BORING
26	LOGS OF TEST BORING
27	LOGS OF TEST BORING
28	PILE DETAILS
29	TYPICAL FENCE AND GATE DETAILS
30	CONSTRUCTION DETAILS & ELEVATION PROFILES



ORANGE COUNTY, CALIFORNIA

VICINITY MAP

1 inch = 10 miles

PLANS FOR  
THE CONSTRUCTION OF

**EAST GARDEN GROVE-WINTERSBURG CHANNEL**

TIDELANDS TO HUNTINGTON BEACH BLVD.

APPROVED: *[Signature]*  
FLOOD CONTROL ENGINEER

APPROVED: *[Signature]*  
CITY ENGINEER

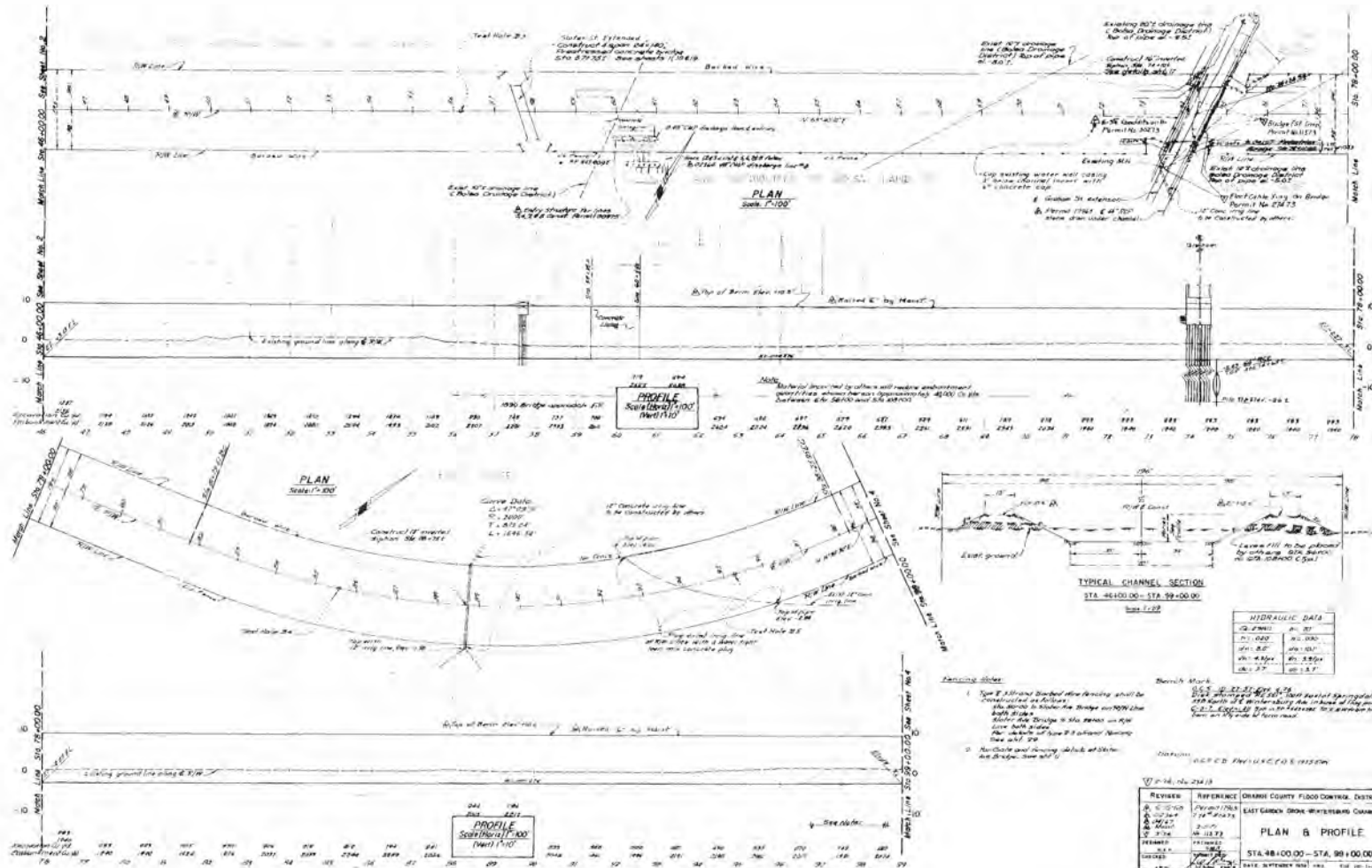
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ORANGE COUNTY FLOOD CONTROL DISTRICT  
SANTA ANA CALIFORNIA

"AS BUILT"

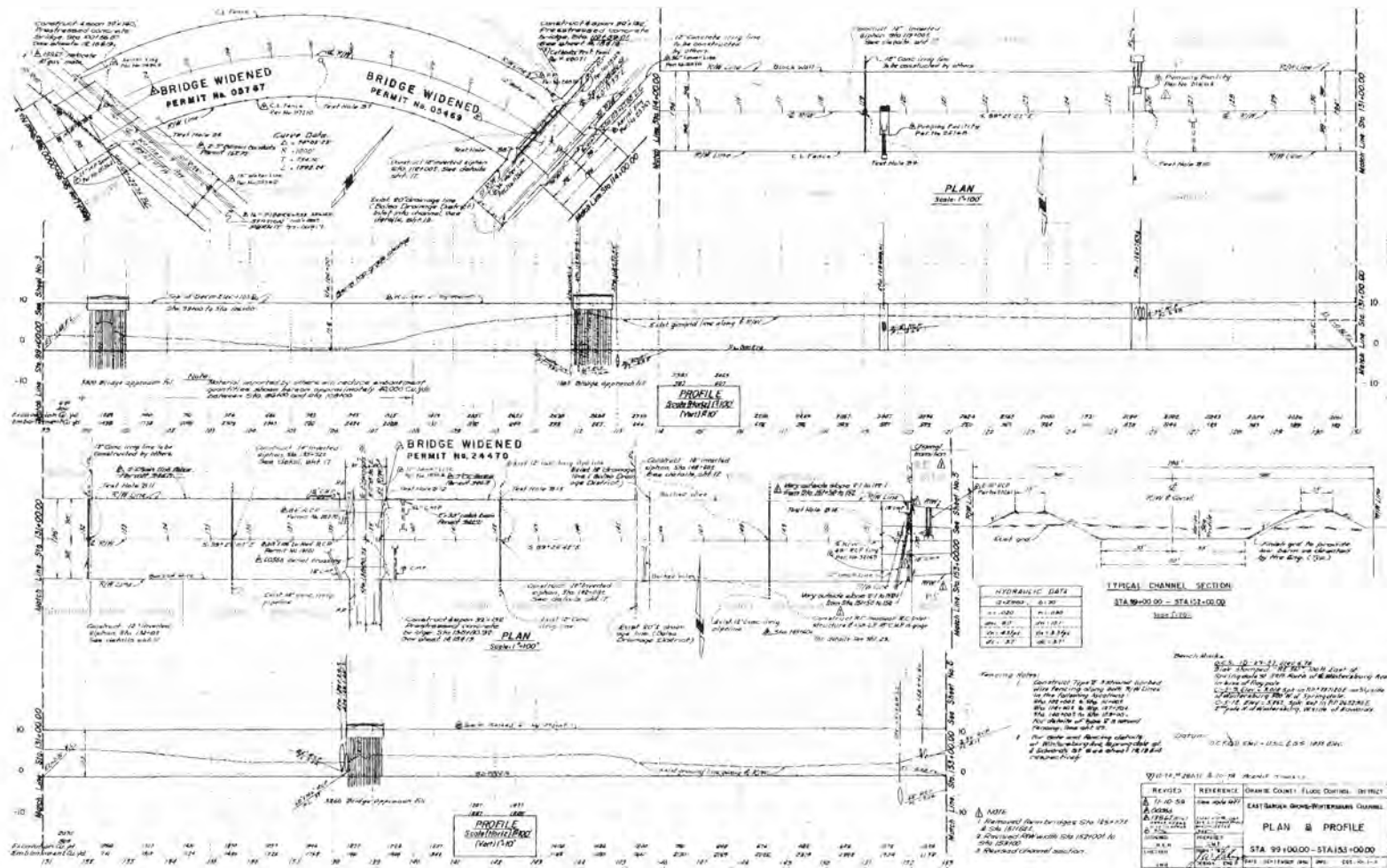
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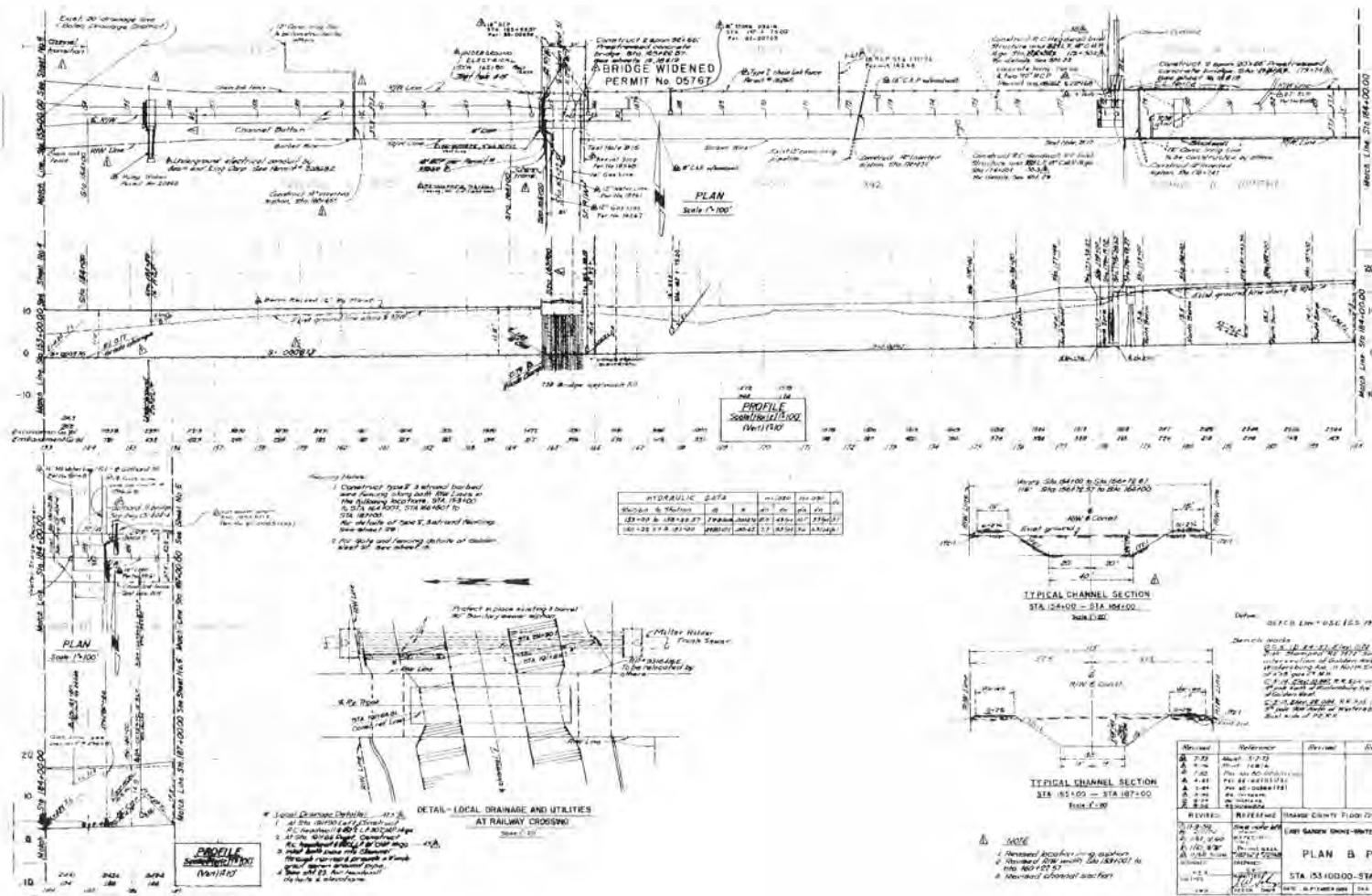
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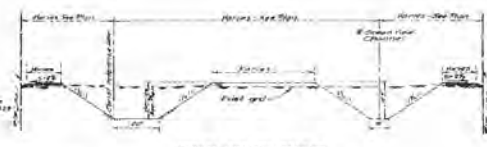
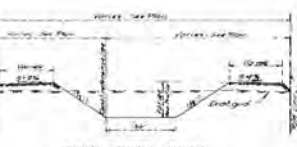
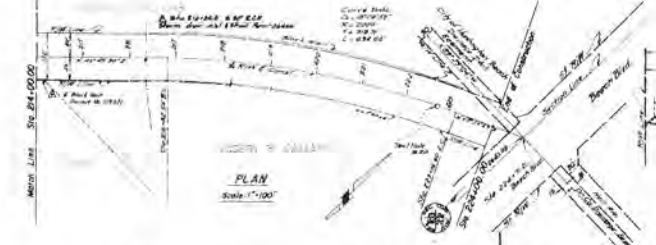
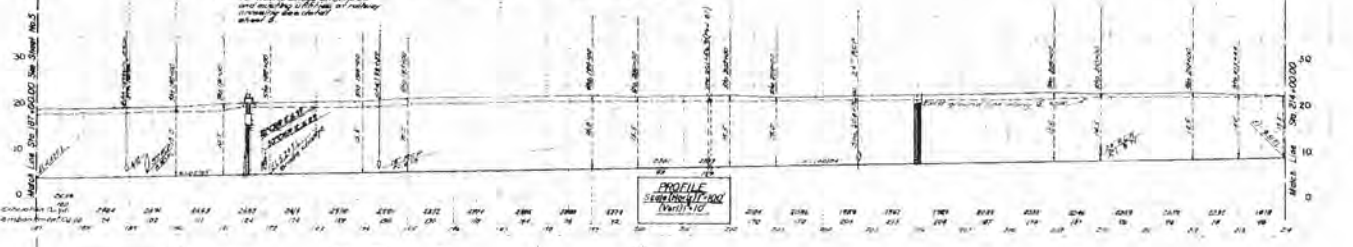
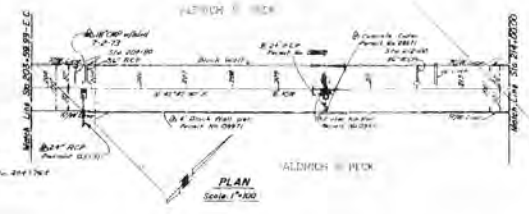
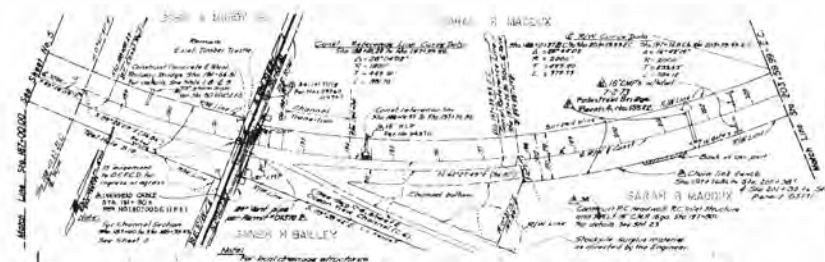






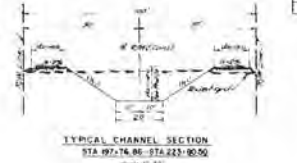




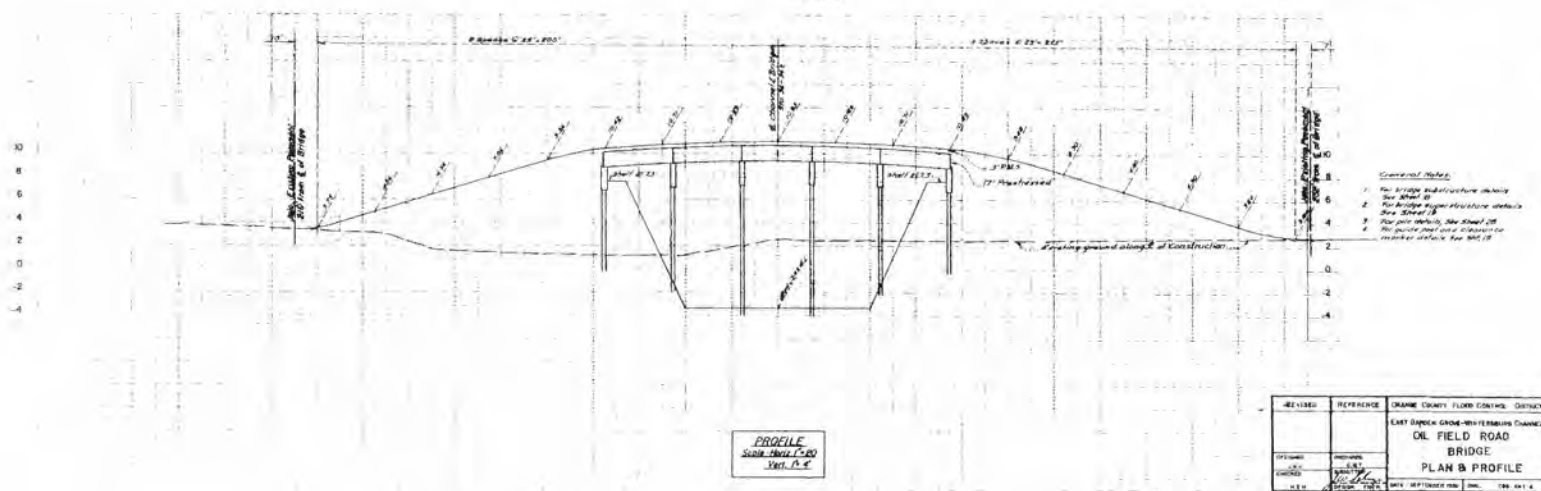
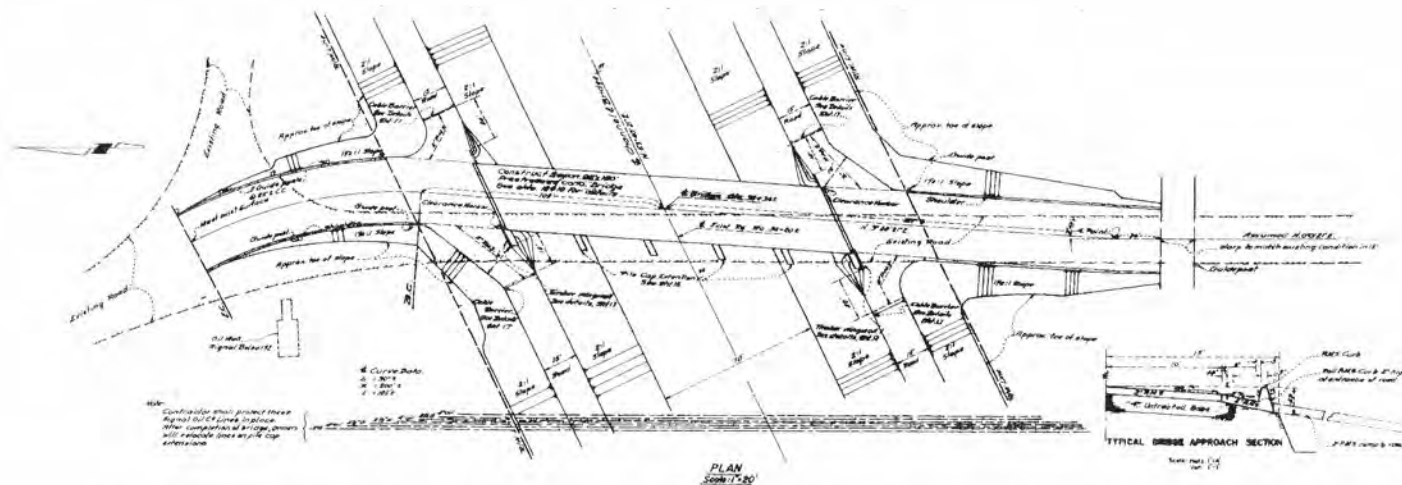


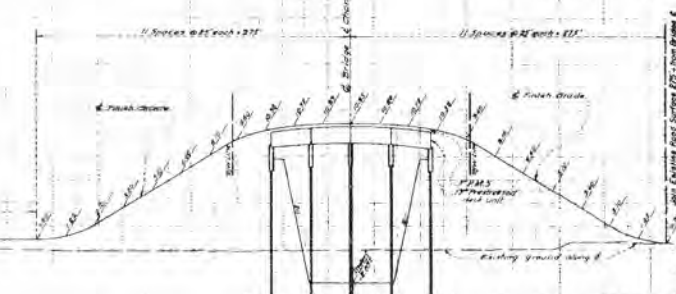
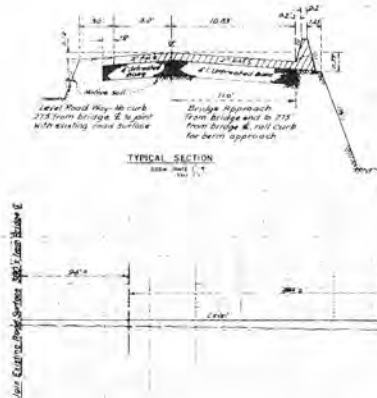
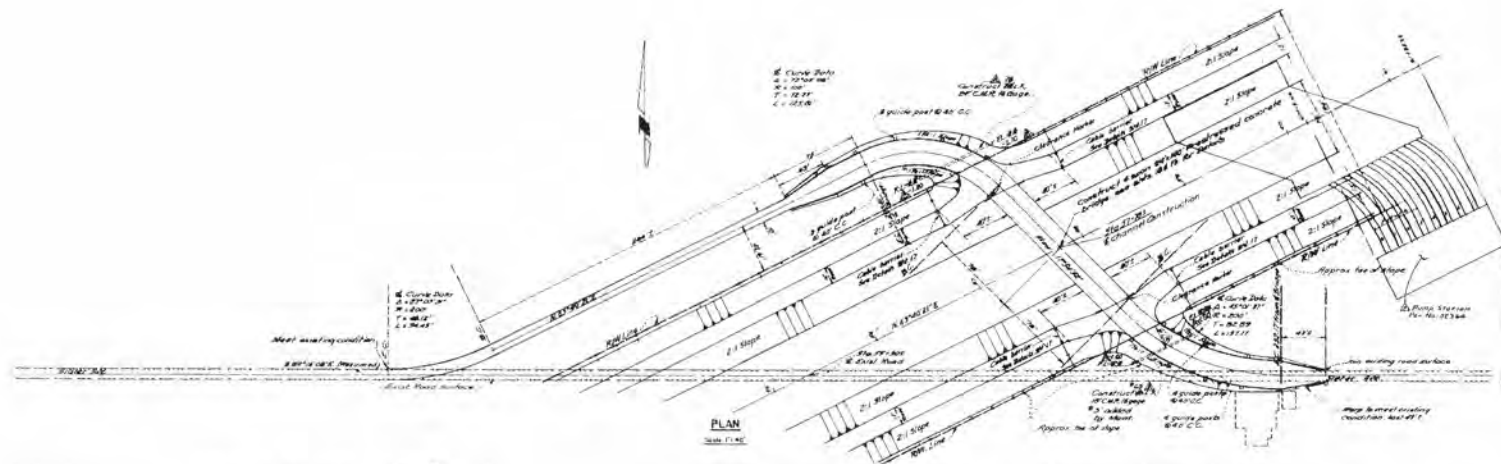
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2	10/1/50	J. H. HARRIS	J. H. HARRIS	J. H. HARRIS

DESIGNED BY: J. H. HARRIS  
CHECKED BY: J. H. HARRIS  
APPROVED BY: J. H. HARRIS



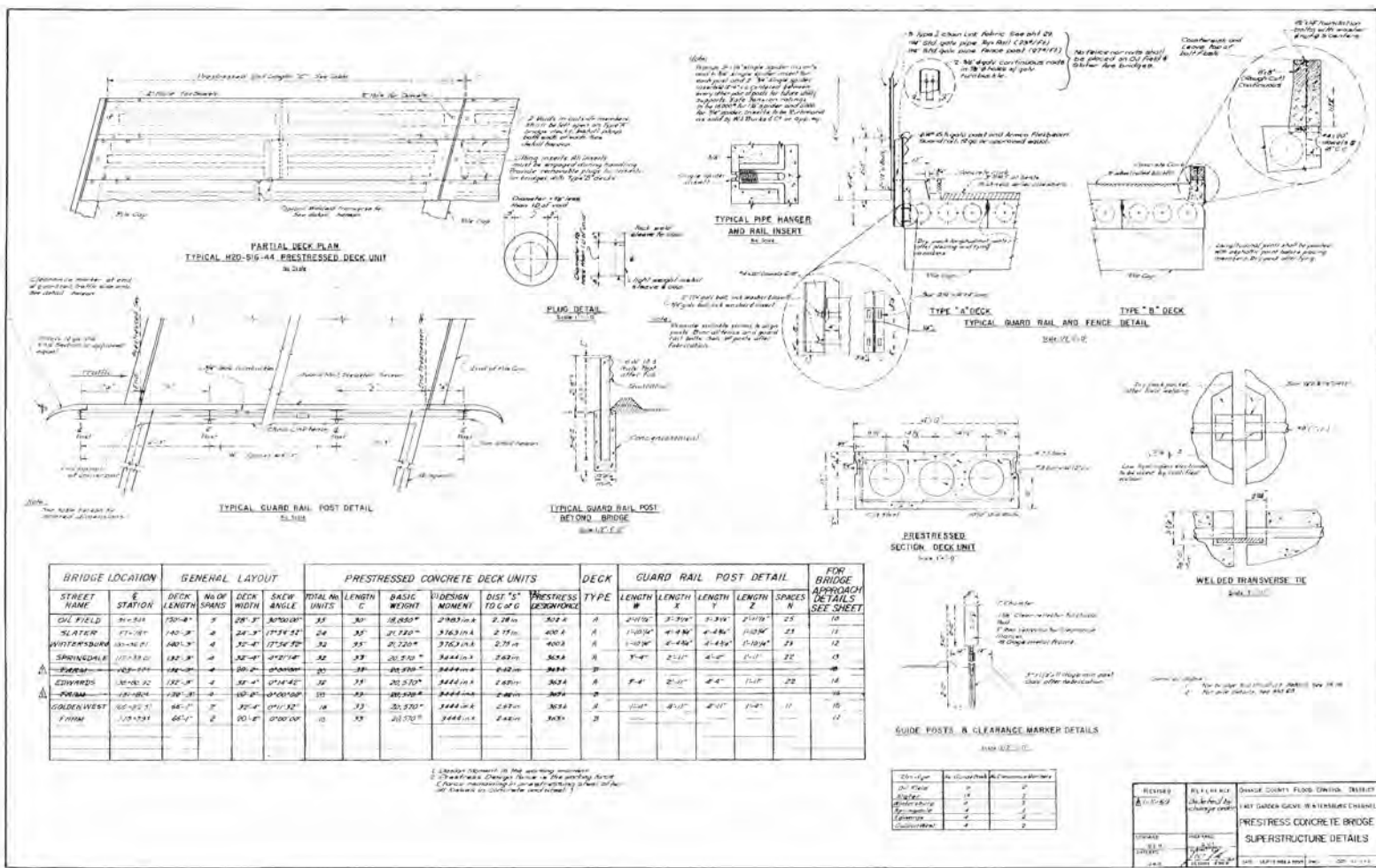
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2	10/1/50	J. H. HARRIS	J. H. HARRIS	J. H. HARRIS





REVISED	REFERENCE	ORANGE COUNTY FLOOD CONTROL DISTRICT
1	See S&W 10	SLATER AVE BRIDGE
2	See S&W 11	PLAN & PROFILE
3	See S&W 12	
4	See S&W 13	
5	See S&W 14	
6	See S&W 15	
7	See S&W 16	
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91	See S&W 100	









**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](mailto:koren.tippet@parks.ca.gov) or Kathleen Forrest, Historian, at (916) 445-7022 or [kathleen.forrest@parks.ca.gov](mailto:kathleen.forrest@parks.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julianne Polanco', with a long horizontal line extending to the right.

Julianne Polanco  
State Historic Preservation Officer

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

1725 23<sup>rd</sup> Street, Suite 100  
SACRAMENTO, CA 95816-7100  
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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](mailto:wsoule@parks.ca.gov); and Tristan Tozer, State Historian, at phone 916-445-7027 and email [ttozer@parks.ca.gov](mailto: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 THE ARMY**  
**LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
**CARLSBAD FIELD OFFICE**  
**5900 LA PLACE CT., SUITE 100**  
**CARLSBAD, CALIFORNIA 92008**

August 2, 2018

Ms. Julianne Polanco  
State Historic Preservation Officer  
ATTN: Jessica Tudor  
Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, California 95816

Dear Ms. Polanco:

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and all applicable regulations, we are requesting your review and comment on the determination of eligibility and effect that issuing a Department of Army permit (Undertaking) would have on cultural resources within the Permit Area and Area of Potential Effects (APE) for the C05 East Garden Grove Wintersburg Channel Widening Project (Corps File No. SPL-2018-00099) (Project). The Project would affect waters of the United States (WOUS); therefore, Orange County Public Works (Applicant) is seeking authorization from the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The proposed project is located in East Garden Grove Wintersburg Channel (EGGWC) within the city of Huntington Beach, Orange County, CA at approximately 33.655163, -117.880930 (Exhibit 1). The proposed project would occur between Warner Avenue and 1,250 feet downstream of Goldenwest Street.

**Description of the Action Considered**

The proposed project would widen the EGGWC from Warner Avenue to 1,250 feet downstream of Goldenwest Street for the purpose of accommodating 100-year flood events. The project would involve 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 sheet pile walls with soil cement (Exhibit 2). Excavators would be used to remove the existing earthen trapezoid sideslopes to expose the vertical sheet piles to channel flows, with the final invert grade elevation being equivalent to the current invert elevation within the channel. Removed soil would be placed in dump trucks and disposed of in uplands off-site.

Temporary cofferdams consisting of sandbags and K-Rail would be placed at the upstream and downstream ends of the project to prevent flows from tidal inundation and urban runoff from reaching the project area. During placement of the coffer dams, downstream flows would be maintained by pumping water received upstream of the project area through PVC pipe around the project area, so that the water outlets downstream of the project area.

Access to the site would be provided by a vehicle access ramp near Gothard Street near the location of the upstream coffer dam. Excavators and other heavy equipment would travel along

the channel from this location to the segment to be widened between 1,250 feet downstream of Goldenwest Street and Warner Avenue.

Note that there are two bridge crossings within the reach of channel to be reconstructed, the Edwards Street Bridge and Springdale Street Bridge. However, neither of these two bridge structures would be altered as part of the proposed project.

The proposed project would result in temporary impacts to approximately 15.21 acres (8,041 linear feet) of non-wetland waters of the United States (Exhibit 3). Widening of the channel would result in a 3.42-acre increase in waters of the United States within the project area.

### **Area of Potential Effects (APE)**

The Corps' Permit Area defines the Corps' extent of federal control and responsibility for the proposed project. The Permit Area is defined as the Corps' jurisdictional footprint (Exhibit 2) and does not include any additional upland buffer areas.

The APE for the proposed project would be equivalent to the Corps' Permit Area.

### **Cultural Resources Inventory**

The cultural assessment provided is titled, "Historic Resources Assessment Report of East Garden Grove-Wintersburg Channel, Huntington Beach, CA," by Bonterra Consulting, dated July 7, 2010 (Enclosure 1).

### **Description of Findings**

One cultural resource, EGGWC between Warner Avenue and 1,250 feet downstream of Goldenwest Street, was identified within the project area. This segment of flood control facility was originally constructed in the late 1950s as part of the larger EGGWC (Facility C05) running between the Pacific Coast Highway and Heil Avenue in Huntington Beach, California. The facility consists of earthen trapezoidal side slopes, with access roads running along the top length of each side slope. The facility was originally created under the Orange County bond act in 1956.

### **Determination of Eligibility**

One cultural resource, EGGWC between Warner Avenue and 1,250 feet downstream of Goldenwest Street, was found to be located within the Corps' Permit Area. The historic assessment from July 2010 evaluated the reach immediately downstream of the subject segment of EGGWC and determined this downstream reach to be not eligible for listing in the NRHP. This determination concluded that although EGGWC as a whole was important to the settlement of Orange County in the second half of the twentieth century, this specific downstream reach did not meet any of the NRHP criteria for eligibility. Specifically, this report concluded that this reach is not associated with significant historical events exemplifying broad patterns of our history (Criterion A), nor is it associated with persons important regionally or nationally

(Criterion B). The report also indicates that the earthen levee walls do not embody any distinctive style, high artistic design, or method of construction (Criterion 3), as they were constructed simply by creating a wide conduit made of dirt.

The segment of EGGWC evaluated for this report was built at the same time and as part of the same original project as the segment immediately upstream now proposed for widening (see Enclosure 2). For this reason, the the Corps believes that this evaluation can reasonably be reapplied to conclude that this upstream segment of EGGWC (between Warner and 1,250 feet downstream of Goldenwest Street) is also not eligible for inclusion in the NRHP.

The SHPO previously provided concurrence that the EGGWC is not eligible for inclusion in the National Register of Historic Places under any criteria in correspondence received by the Corps on October 5, 2010 (Enclosure 3).

### **Determination of Effect**

The proposed project would not disturb any previously undisturbed (native) soils within the permit area. The proposed project would not excavate below the existing baseline of the channel. Soil would only be excavated from the sides of the channel and temporarily stockpiled within the channel invert. The final invert grade elevation would be the same as the existing grade elevation.

Preliminary application of Section 106 Criteria for Identification and Evaluation of Historic Properties (36 CFR 800.4[d]) indicates a finding of "No Historic Properties Affected" for the undertaking on resources listed on or eligible to be listed on the National Register of Historic Places pursuant to Section 106 of the National Historic Preservation Act.

Your review and comment on our determinations of both eligibility and effect are requested. Please provide us with your response within 30 days of receipt of this letter. Please refer to Corps identification number SPL-2018-00099 in any correspondence concerning this project. If you have any questions, please contact Eric Sweeney at 760-602-4837 or via email at Eric.R.Sweeney@usace.army.mil.

Sincerely,

Michelle R. Lynch  
Chief, South Coast Branch  
Regulatory Division

Enclosures:

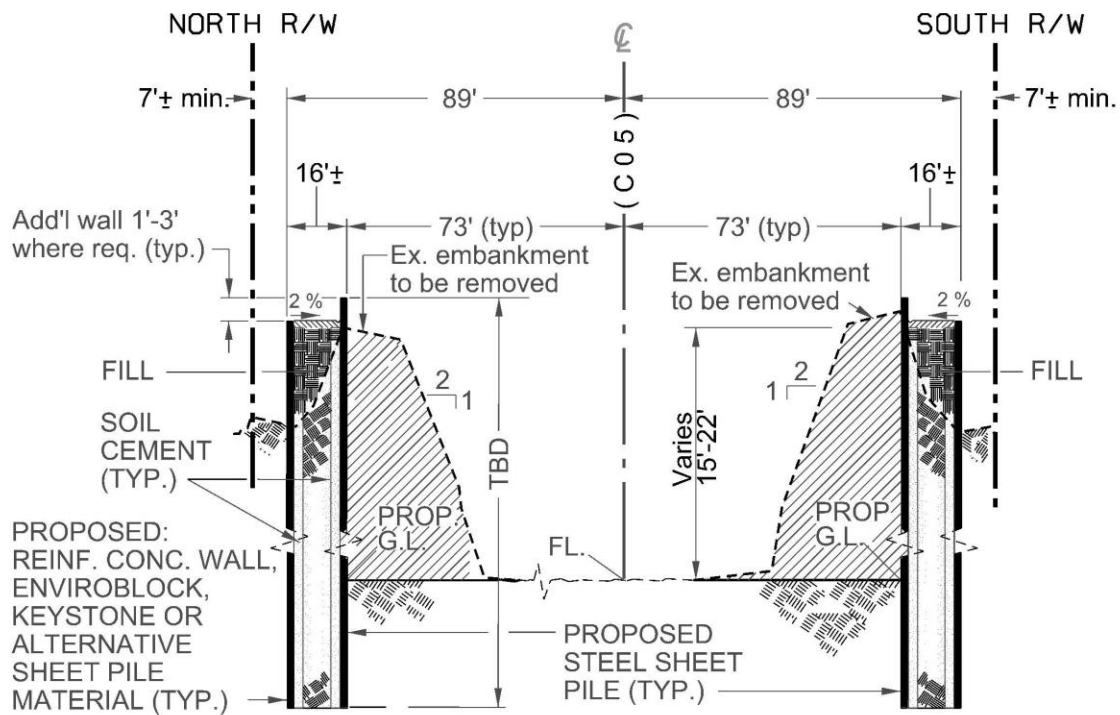
- Enclosure 1 – Report entitled, “Historic Resources Assessment Report of East Garden Grove-Wintersburg Channel, Huntington Beach, CA,” by Bonterra Consulting, dated July 7, 2010.
- Enclosure 2 – Historic as-built drawings, dated September 1959, demonstrating that the previously evaluated segment was part of the same original construction project as the adjacent segment currently proposed for widening.
- Enclosure 3 – SHPO letter providing concurrence that EGGWB is not eligible for the NRHP.



Exhibit 1:



## Exhibit 2:



### TYPICAL SECTION

NTS

WARNER AVE. (STA. 101+56)  
to  
UPSTREAM OF EDWARDS ST. (STA. 151+23)

C05.exhibit.dgn

EAST GARDEN GROVE  
WINTERSBURG CHANNEL  
LEVEE PROTECTION (C05)

PREPARED BY: VH

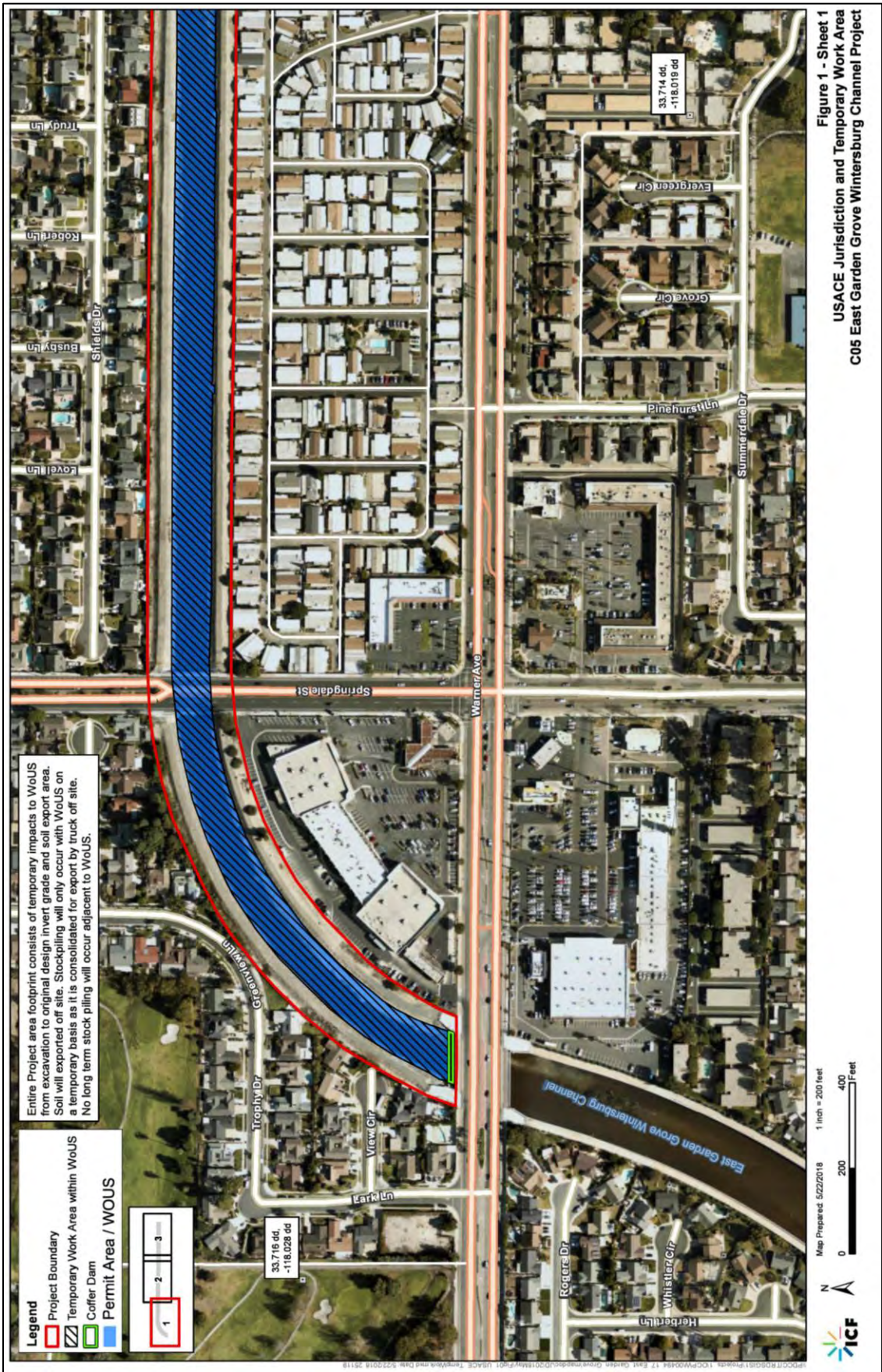
August 6, 2008

County of Orange  
OC Public Works  
Department  
FLOOD CONTROL DESIGN





Exhibit 3:

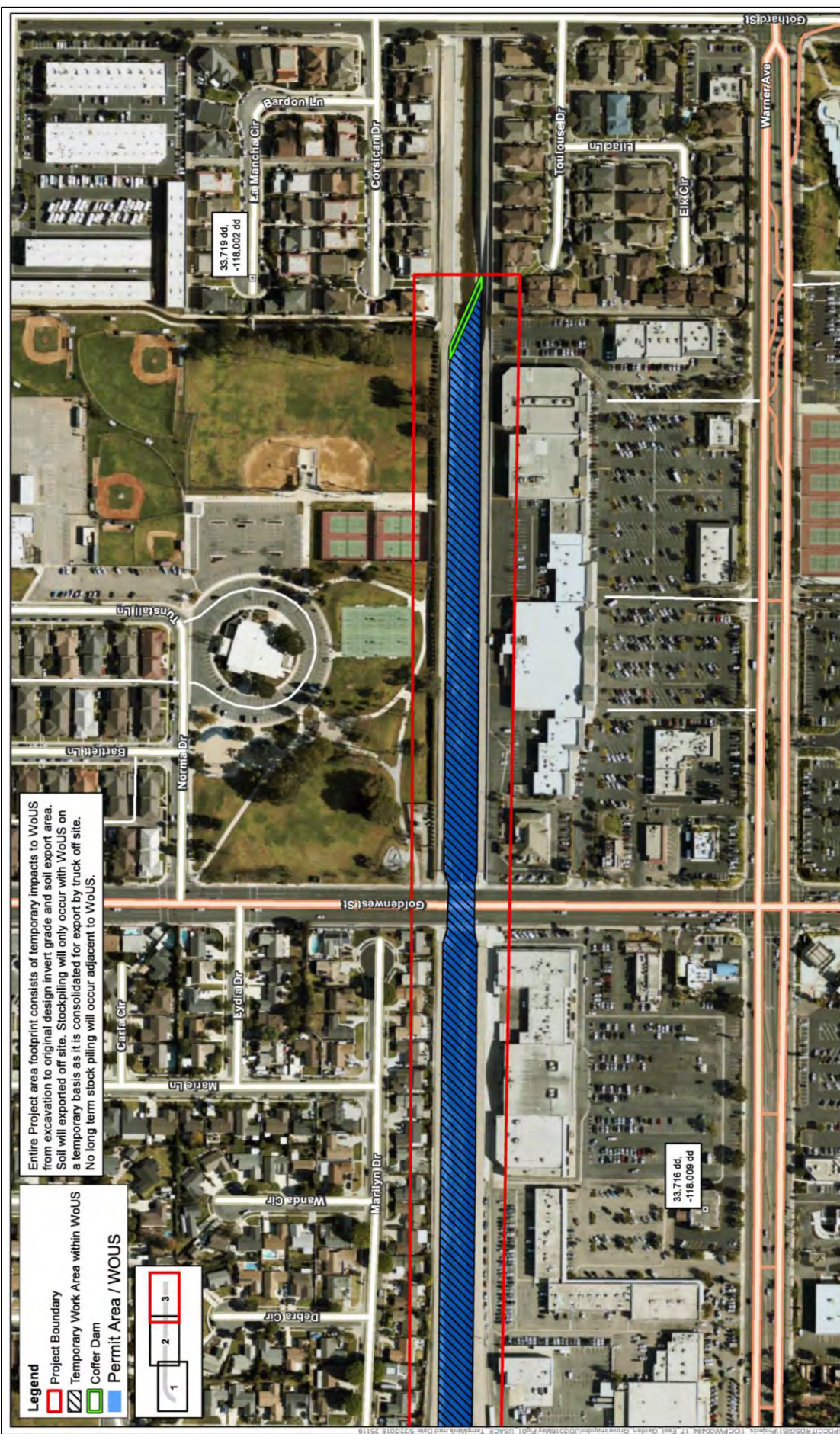






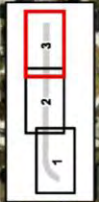
**Figure 1 - Sheet 2**  
**USACE Jurisdiction and Temporary Work Area**  
**C05 East Garden Grove Wintersburg Channel Project**





Entire Project area footprint consists of temporary impacts to WoUS from excavation to original design invert grade and soil export area. Soil will be exported off site. Stockpiling will only occur with WoUS on a temporary basis as it is consolidated for export by truck off site. No long term stock piling will occur adjacent to WoUS.

- Legend**
- Project Boundary
  - Temporary Work Area within WoUS
  - Coffer Dam
  - Permit Area / WoUS



Map Prepared: 5/22/2018

1 inch = 200 feet

0 200 400 Feet

ICF

**Figure 1 - Sheet 3**  
**USACE Jurisdiction and Temporary Work Area**  
**C05 East Garden Grove Wintersburg Channel Project**

## **5.0 Enclosure 5**

**Westminster, East Garden Grove Flood Risk Management Study**

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For double-sided printing*

# **Westminster Flood Control Channel Improvements**

## **Affected Environment: Historic Structures and Buildings**

Prepared by Lauren McCroskey, program manager/senior architectural historian, U.S. Army Corps of Engineers, Technical Center of Expertise, Preservation of Historic Structures and Buildings

December 2019

### **1. Summary**

The preferred project will involve resources fifty years of age, and therefore requires compliance with Section 106 of the National Historic Preservation Act, and obligations to consider effects to properties eligible for listing in the National Register of Historic Places (National Register). This assessment concerns historic built environment resources only, and does not consider potential impacts to archaeological resources or properties of a religious or cultural nature, recommendations for which will be provided in a separate document. A suggested Area of Potential Effect (APE) encompasses the linear resource, and includes crossings and other integrated features built during the original construction era, 1956-1963, as well as several bridges that post-date this period.

Evaluation methods included the review of existing cultural resources data, specifically inventory recordation and National Register evaluation of Orange County bridges; California state recordation forms for historic structures; and historic contexts and documentation of related water conveyance systems in southern California focused in Orange County. Although time constraints did not allow field examination of all contributing channels and features, spot investigation, supported by existing information was adequate for making credible recommendations about the likelihood of the resource's eligibility for listing in the National Register of Historic Places, as well as assessing potential project effects. Recommendations are provided by Lauren McCroskey, program manager/senior architectural historian, U.S. Army Corps of Engineers, Technical Center of Expertise, Preservation of Historic Structures and Buildings.

### **2. National Register Eligibility Recommendation**

In terms of its public benefit and economic infusion, the Westminster Flood Control Channel has been no less impactful than other regional water management systems such as the Los Angeles River, a property identified as eligible for listing in the National Register of Historic



Places (National Register). Existing evaluation guidelines in fact confirm the Channel is a potentially eligible type of historic water conveyance infrastructure.<sup>1</sup> Under the area of significance Conservation, the series of canals embody the themes of flood control and water management supporting vital agricultural and industrial economies, as well as residential infrastructure. Such canals have a symbiotic role with the containment dams that modulate storm water and ensure consistent and metered supplies for downstream communities. When completed by the Orange County Flood Control District, the Channel was a successful governmental remedy that fully realized the county's public water service and conservation goals. Potential National Register eligibility under Criterion A is therefore supported during the period of significance 1953-1963.

The Westminster Flood Control Channel has not been shown to represent the important life work of a recognized individual and is therefore ineligible under Criterion B.<sup>2</sup> From the perspective of engineering, the trapezoidal earthen and concrete lined ditches and associated bridge crossings are ubiquitous and undistinguished structures, and are nearly as prevalent on the southern California landscape as highways and roads. Because the form and engineering design of channels have changed little throughout the past century, the Westminster system does not project characteristics of a property type associated with a particular period, and thereby lacks National Register eligibility under Criterion C.

Apart from eligibility considerations under Criterion A, the resource must also possess essential integrity aspects of location, design, setting, materials, workmanship, feeling, and association. The threshold of integrity for a California water conveyance system is based upon several factors such as, "... the relationship between its current appearance and its appearance during the period of significance. For example, does the resource "Have the significant elements of design, materials, and workmanship been retained? Does the setting still evoke the important qualities of the water system? And does the property retain the feeling and associations needed to convey its significance?"<sup>3</sup>

Notwithstanding clear historical association with the area of significance, Conservation, the system does not meet the majority of essential aspects of integrity. Although the general design (trapezoidal or rectangular profile) remains, materials and workmanship have been altered in places with the application of concrete to previously earthen ditches, and the installation of sheet pile fortifications. The heavily urbanized area through which the canals pass has also dramatically changed the Channel's historic backdrop (setting, feeling, and association), as the

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<sup>1</sup> *WATER CONVEYANCE SYSTEMS IN CALIFORNIA - Historic Context Development and Evaluation Procedures*, prepared jointly by: JRP Historical Consulting Services California Department of Transportation, Davis, CA 95616 Sacramento, CA 95814 December 2000, p. 95.

<sup>2</sup> The work of project engineer, J.P. Lippincott, is more appropriately memorialized in other historic properties such as the LA aqueduct.

<sup>3</sup> *WATER CONVEYANCE SYSTEMS IN CALIFORNIA - Historic Context Development and Evaluation Procedures*, p. 16.

majority of buildings and structures are contemporary and no longer evoke the period of significance.

Perhaps most critically, in a county-wide study and evaluation of bridges fifty years of age, the Channel's crossings were determined not eligible for listing in the National Register. As originally conceived and built, these bridges were significant contributing resources of the linear historic district. Their ineligibility compromises a major portion of the Channel's historic fabric and presentation, and further diminishes the overall integrity of the resource. Therefore, due to a loss of essential aspects of integrity – materials, design, setting, feeling, association – the Westminster Flood Control Channel is recommended not eligible for listing in the National Register of Historic Places.

Finally, this non-eligibility recommendation is consistent with the findings of a 2010 National Register evaluation of one section of the Westminster Flood Control Channel, the East Garden Grove-Wintersburg Channel (EGGWC). The assessment for which the California State Historic Preservation Officer concurred, found the EGGWC portion of the overall system not eligible for listing in the National Register of Historic Places.<sup>4</sup>

### **3. Historic Context: Flood Control in Orange County**

The themes of water management and conservation are inseparable to the story of greater Los Angeles in the twentieth century. In spite of its reputation as an arid region, southern California has always been menaced by periodic floods from heavy rains and rapid winter snowmelt in the San Gabriel Mountains. However generous the water volumes they carry, storms historically offered little benefit to those living in the region, as water rushed on to the porous flood plain where it quickly disappeared underground. With no means of retention little water was available during droughts. Cattle raising in what is now Orange County persisted only until the mid-nineteenth century, until repeated dry years stressed herds and pushed the industry away.<sup>5</sup>

Water conservation measures such as weirs and earthen and rock lined ditches had first been implemented near Orange County in the mid-eighteenth century, mostly at the base of the mountains where run-off was most precipitous. Spanish missionaries and rancho owners applied European principles of irrigation and water management, decreeing that no one individual had full right to a stream's flow. The cooperative approach, also practiced by German

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<sup>4</sup> Pamela Daly, *Historic Resources Assessment Report of East Garden Grove – Wintersburg Channel (EGGWC) Huntington Beach, CA*. Daly and Associates, Riverside, California: June 2010.

<sup>5</sup> Shawn Dewane, *A History of the Orange County Water District*, Orange County, California.

settlers around present day Anaheim, eventually died away as commercial enterprise monetized the precious resource shed by high elevations.<sup>6</sup>

Nineteenth century efforts to capture and control water left a tangible physical record on the landscape. State of California historic property records for Orange County include four recorded structures or systems dating from 1922 to 1945, as well as the Bee Canyon Wash Canal/Ditch built in 1945 and determined eligible in 1991. Tributaries feeding the Santa Ana River such as San Antonio Creek attracted corporate investment, including small hydroelectric plants and retention dams managed by private companies, evidence for which survive in isolated structures and foundation remnants.

As fragile canyon ecosystems became degraded from mining operations and other commercial activity, environmental organizations sought control over the output and quality of upland water. The San Antonio Water Company (SAWC) established in 1882 and the Pomona Valley Protective Association (PVPA) created in 1909, were strong advocates for natural resource conservation. In spite of their often conflicting goals and methods, as well as mutual law suits, these entities created a foundation for future county government management of water resources.<sup>7</sup> The public desire for a true governmental system of water management was complicated by the onset of World War I, as national funding priorities were briefly realigned.<sup>8</sup>

From the late 1800s through the 1940s, Orange County and the rest of southern California grew steadily mostly on the backs of citrus and oil, and eventually men returning from World War I entered the work force and built new lives. Oil fields discovered near Huntington Beach, offered attractive employment, creating new wealth and a major shipping industry along the coast south of Los Angeles at Huntington Beach. The influx of new workers and the spread of vast lemon and orange groves on to the flood plain stressed the area's limited water supply.

The problem of damaging floods continued to threaten the young economies and drought conditions from over-committed wells endangered commercial and agricultural growth. Major flooding of orchard crops in 1916 and again in 1927 was especially devastating to an industry valued at over \$28 million, as well as to a burgeoning population with acres of new tract homes. Although some water conservation projects had been built near the mountains in the late nineteenth and early twentieth century, they offered little dependable protection and no reliable water supply for distant downstream communities.

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<sup>6</sup> Ibid. pp. 5-8.

<sup>7</sup> Lauren McCroskey, *San Antonio Dam National Register Evaluation*, U.S. Army Corps of Engineers, Los Angeles District, September 2019.

<sup>8</sup> For example, Los Angeles County voters passed a \$4,450,000 bond issue in 1917, federal sales for which were delayed by entrance of the United States into the War.

With a watershed totaling 100 miles, the Santa Ana River drains 2,050 square miles, including mountains, foothills, and hills. Only 854 square miles lie on the valley floor, where gravels, sands, and silts, create a porous surface that historically absorbed much of the water. A state engineer's report prepared in December 1928 observed that 43% of storm run-off issuing from the mountains was discharged by the Santa Ana River. Remaining waters trickling out on to the flood plain seeped underground and were tapped by wells for crop irrigation and personal use. While water districts struggled to meet inland demand, high volumes of "waste" water escaped to the Pacific Ocean. The 1928 report detailed numerous proposals for flood containment dams, dikes, and canals to be constructed in Los Angeles, Orange, and Riverside counties, with the cautionary note that successful implementation would depend upon local funding support.<sup>9</sup>

A government foundation for flood management in Orange County was established in 1927 with the creation of the Orange County Flood Control District (OCFCD). Organization of the OCFCD was based upon a 1925 study by renowned hydraulic engineer, Joseph P. Lippincott, whose distinguished career included his appointment in 1906 as chief engineer of the Los Angeles "aqueduct project."<sup>10</sup> Overseen by the County Board of Supervisors, the newly formed OCFCD championed construction of a Santa Ana River dam to capture and control escaping storm water and protect life and property.

The citrus and oil industries would supply the impetus to tackle the county's flood problem, but a series of costly floods was needed to seal the necessary political capital to build new infrastructure. Momentum for a dam on the Santa Ana River faltered briefly in 1929 with defeat of authorizing legislation, until the disastrous 1938 flood reinvigorated the project. That year, heavy rainfall sent the Los Angeles and San Gabriel Rivers over their banks, killing more than 100 people and driving construction of southern California's most iconic concrete floodway, the Los Angeles River Channel. In the waning years of the Depression the District's first project was finally completed, the Prado Dam of 1939.

Even as the economic malaise of the Depression years subsided, the onset of World War II once again redirected national revenues for flood control measures previously approved under the Flood Control Act of 1936 authorizing the Los Angeles Drainage Area projects, as well as Orange County's Santa Ana River project of nine flood control measures. Only two containment projects were funded during this period, the Brea and Fullerton dams, completed by the War Department in 1940 and 1941, respectively. With a nationwide population boom following

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<sup>9</sup> Post, William S. *Bulletin No. 19 – Santa Ana Investigation, Flood Control and Conservation*. Department of Public Works, Division of Engineers and Irrigation, Sacramento, California: December, 1928.

<sup>10</sup> Sonya Ytuarte Nasser, *A Brief History of the Orange County Flood Control District*, American Society of Civil Engineers, Los Angeles Section, Orange County Branch, History and Heritage Committee: January 2000, pp. 11-12.

World War II, residential development was vigorous in southern California, sprouting vast acres of housing that placed even greater demand on Orange County's existing water facilities.<sup>11</sup>

Shifting land use priorities in the 1950s forever changed the region. Where citrus had dominated the landscape, new neighborhoods claimed former orchard lands, creating major suburban enclaves to house the expanding population base. Adequate water supplies remained a challenge and even moderate storms proved highly damaging to residential property. While the earlier Brea and Fullerton dams of the 1940s caught run off, additional lateral conveyance was still needed to meet expanding residential and agricultural demand. In response, the OCFCD in 1955 sponsored an engineering study to explore additional flood control provisions in the county. The following year, the county's largest ever municipal bond was approved by voters to finance ten dams, two containment basins, numerous diversion channels, and other upgrades to the Santa Ana River channel. Ambitious in scope and funding - \$42,620,000 – the projects were sold as an investment in a county clearly headed for robust development. The infusion of construction dollars and labor was used to acquire rights-of-way, build new canal sections, straighten and widen existing alignments, build or alter bridges crossing over the channel, and create containment basins.<sup>12</sup>

When completed in the early 1960s, the Westminster Flood Control Channel was comprised by a total of four segments or contributing canals: Bolsa Chica, Westminster, East Garden Grove-Wintersburg, and Ocean View. Like previous water management endeavors, the Channel and its associated reaches was designed to further maximize the fragile watershed and unite previous flood control efforts once and for all. After completion of all canals in the 1960s, the Channel was augmented by the San Antonio Dam (1960) as well as by the associated San Antonio and Chino Creek channels - all of which ultimately joined the Santa Ana River to replenish the Prado Dam reservoir.

#### **4. Affected Resources**

Consistent with other open canals built in southern California during the mid-twentieth century, the Westminster Flood Control Channel system is composed of both trapezoidal and rectangular box conduits, and includes culverts, and bridge crossings for vehicles, pedestrians, and railroads. Channels are earthen or concrete and crossings are simple pre-stressed concrete slab types carried by round concrete columns, and have built-up concrete curbs and regularly set metal posts with horizontal guardrail barriers. The Channel itself measures approximately 48 feet wide at the base with height averaging 10.5 feet. Overall materials and characteristics

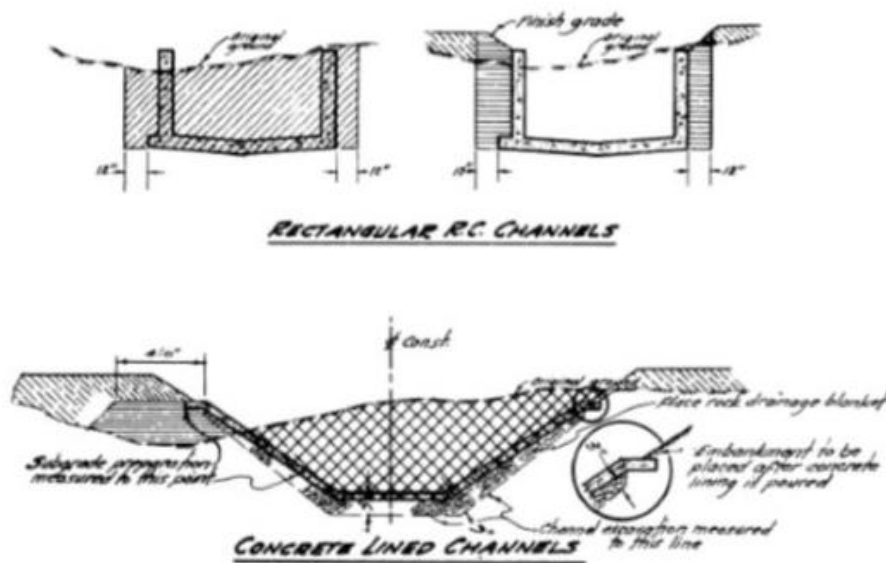
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<sup>11</sup> *East Garden Grove-Wintersburg Channel Historic Resources Assessment Report*, p. 3.

<sup>12</sup> Sonya Ytuarte Nasser, *A Brief History of the Orange County Flood Control District*, American Society of Civil Engineers, Los Angeles Section, Orange County Branch, History and Heritage Committee: January 2000.

are: concrete channels, riprap-lined trapezoidal channels, concrete-lined trapezoidal channels, earthen levees, and steel sheet pile. Metal gates for manipulating flows and tidal effects are located where the project enters the Pacific Ocean.

Of the crossings to be affected by the current project – bridges, overpasses – most were built just prior to, or during the years of original project completion, 1956-1963. Orange County records show that most all of these have been “modified,” mostly due to widening and/or seismic reinforcement.<sup>13</sup> Actions proposed by the current project include both Minimum



**Figure 1.** Cross sections of rectangular reinforced concrete and trapezoidal concrete lined channels. (Source: Garden Grove-Wintersburg Channel drawings, U.S. Army Corps of Engineers, Los Angeles District)

Modification, defined as, 1) Nonstructural – flood warning system, removal of flow impediments; 2) In-Channel Modifications – lining channels with concrete; and 3) Downstream Modifications – reconstructing a tide gate. Maximum Modifications will involve, 1) Nonstructural - flood warning system, removal of flow impediments; 2) In-Channel Modifications – altering channel geometry, new floodwalls, 3) Upstream Modifications – diversion bypass channels; and 4) Downstream Modifications – replacing or constructing some tide gates that no longer function effectively and allow seepage of salt water into fresh water areas.

<sup>13</sup> Project spreadsheet of channel modifications prepared by the U.S. Army Corps of Engineers, Los Angeles District, 2018.

One addition to the system will occur at the end of the Bolsa Chica Channel, where a 2,500 foot long, 3-foot tall concrete floodwall would be built along PCH at Outer Bolsa Bay to reduce the impact of flooding from C05/C06 on traffic. The visual effects of this wall are negligible in view of the non-eligibility of the overall resource. However, potential effects to archaeological resources or properties of a religious or cultural nature should be considered.

Notwithstanding existing alterations and those proposed for the current project, a 2000 National Register evaluation of bridges by Orange County and recorded by CalTrans concluded no structures in the Westminster system are eligible for listing in the National Register, though six identified as part of the Corps' project do not have a record of evaluation.<sup>14</sup> Four additional bridges not identified as part of the Corps' project were evaluated not eligible.

Because of their abundance within the system, the crossings originally played a critical role in the Channel as contributing resources. However, their lack of integrity/non-eligibility significantly compromises the potential eligibility of the overall linear resource; and none possess historical or engineering-design value to meet individual eligibility requirements.

The table below lists crossings within the APE that will be affected by the project, most all of which were evaluated in the 2000 CalTrans bridge study as not eligible. Because Channel 05 (East Garden Grove-Wintersburg) has already been recommended not eligible, associated crossings are also considered not eligible as they have no ability to contribute to a significant resource and do not merit independent eligibility for historical or engineering reasons. Due to major alteration evident in contemporary decking and concrete side rails, one crossing not previously recorded (oil field bridge\*) no longer constitutes a historic property.

**Figure 2. Affected Crossings in Project APE**

<b>Canal</b>	<b>Reach</b>	<b>CalTrans No.</b>	<b>Location</b>	<b>Year</b>	<b>NR Eligibility</b>
N/A	N/A	55C0417	Warner Avenue	1981	Not eligible
C04	20	55C0456	McFadden Avenue	1963	Not eligible
C04	20	55C0074	Bolsa Avenue	1963	Not eligible
C04	20	55C0457M	Edwards Street	1965	Not eligible
C04	21	55C0547	Chestnut Street	1974	Not eligible
C04	21	55C0546	Hoover Street	1974	Not eligible
C04	21	55 0282	SR39 (Beach Boulevard)	1954	Not eligible
C04	22	55C0545	Newland Street	1978	Not eligible
C05	1	55C0109	Warner Avenue	1960	Not eligible
C05		---	Oil field bridge*	1959	Not eligible

<sup>14</sup> CalTrans. *California State - Structure Maintenance and Investigations, Historical Significance. Local Agency Bridges for Orange County.* March 2019.

C05	1	55C0428	Springdale Street	1960	Not eligible
C05	1	55C0432	Edwards Street	1960	Not eligible
C05	2	55C0134	Golden West Street	1959	Not eligible
C05	3	55 0281	SR39 (Beach Boulevard)	1961	Not eligible
C05	4	55C0427	Magnolia Street	1961	Not eligible
C05	4	55C0424	Bushard Street	1961	Not eligible
C05	5	55C0093	Brookhurst Street	1960	Not eligible
C05	5	55C0426	Ward Street	1961	Not eligible
C05	5	55C0429	Deming Street	1961	Not eligible
C05	5	55C0100	Euclid Avenue	1960	Not eligible
C05	6	55C0447	5th Street	1950	Not eligible
C05	7	55C0446M	Hazard Avenue	1950	Not eligible

## 5. Sources

CalTrans. *California State - Structure Maintenance and Investigations, Historical Significance. Local Agency Bridges for Orange County. March 2019.*

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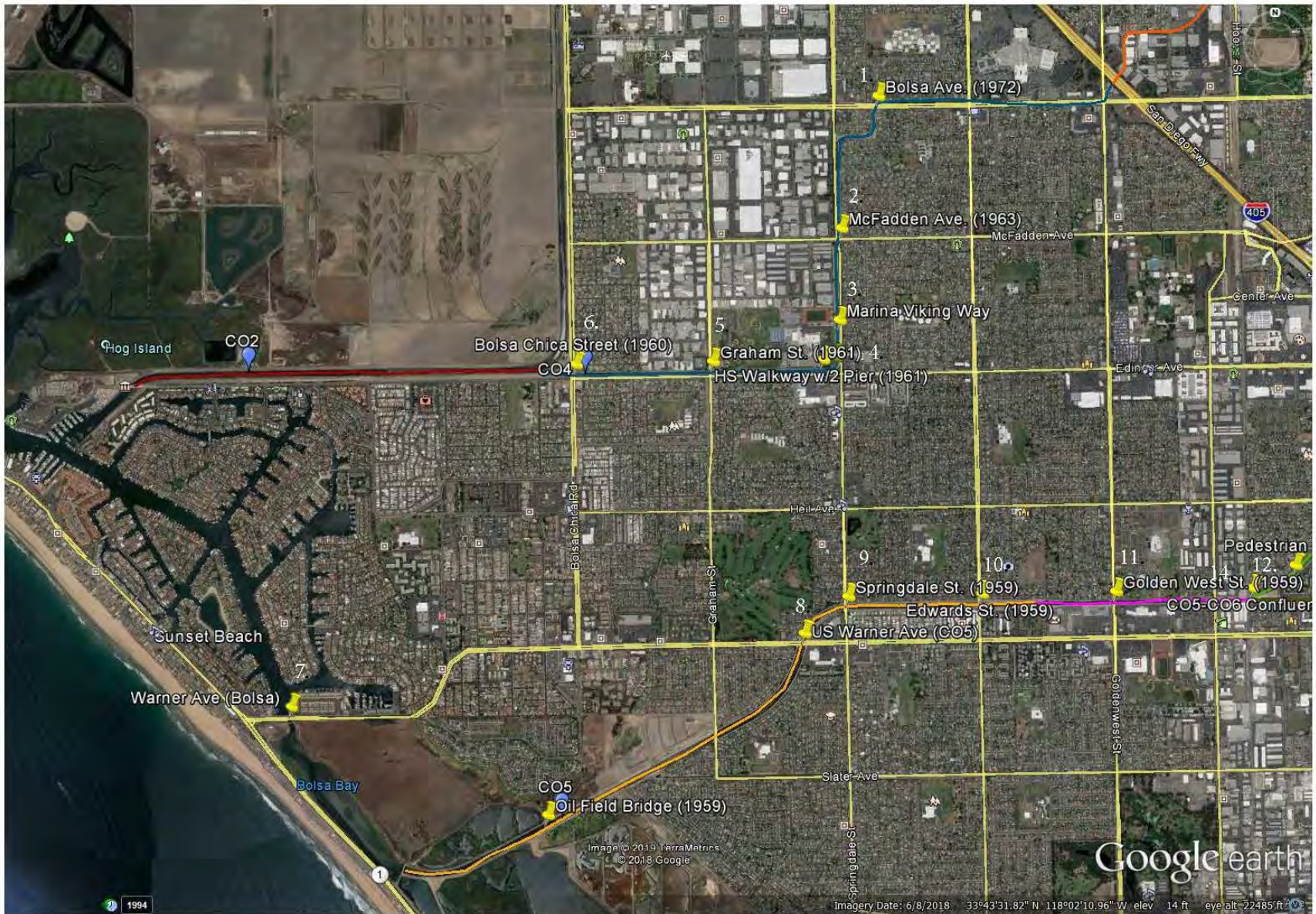
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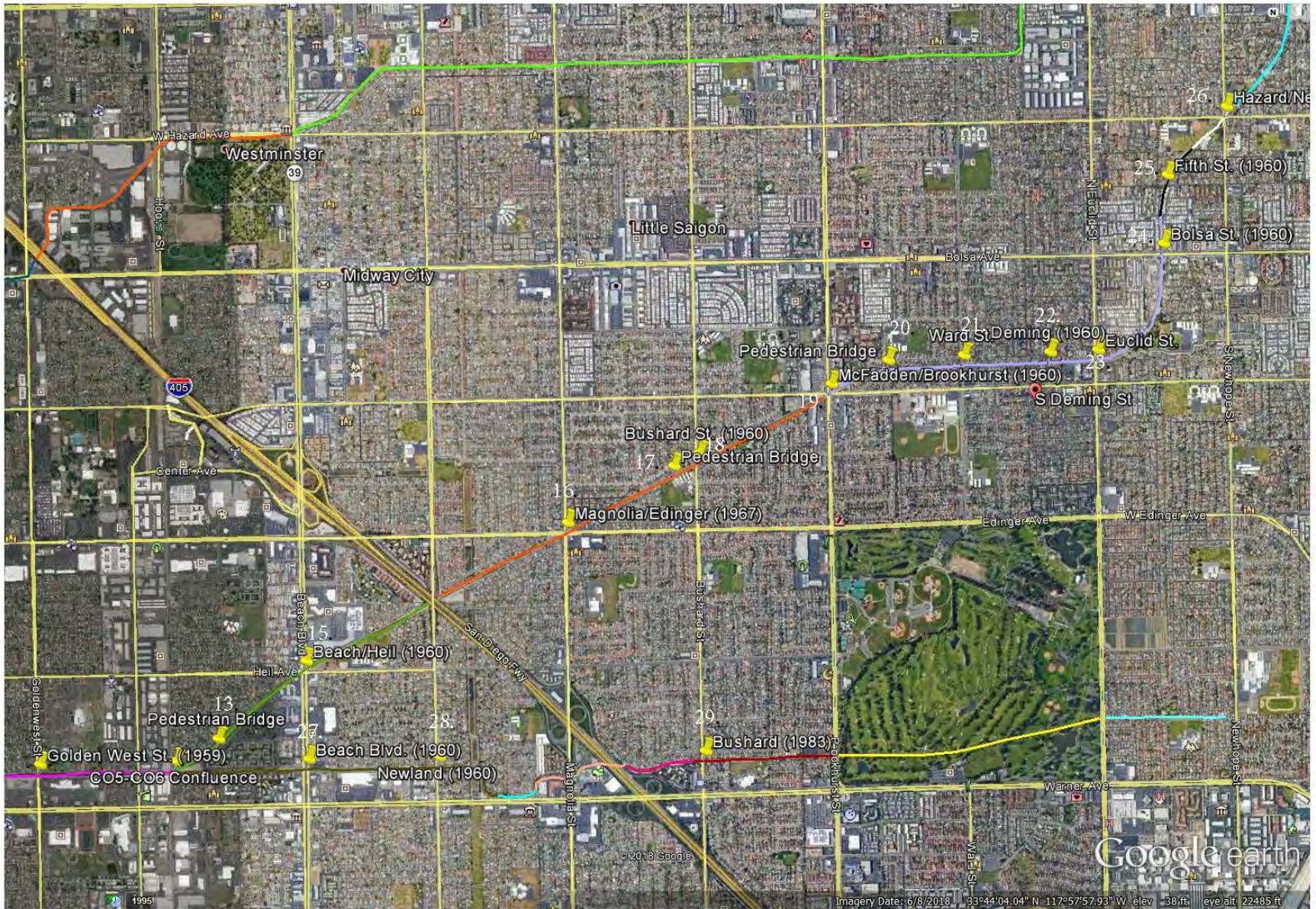
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## **APPENDIX A: Aerial Maps of Channels and Associated Crossings**









## **6.0 Enclosure 6**

## **Westminster, East Garden Grove Flood Risk Management Study**

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## Westminster, East Garden Grove Flood Risk Management Study

### Native American Concerns

Scoping letters were sent to 26 federally recognized Native American tribal nations in the local area on November 30, 2017 for comments regarding the study; a complete list of tribes is found in Section 6.3. Negative responses were received from the following tribes as not being affiliated with the area, deferring to more local tribes, or similar responses. No other responses were received.

- Augustine Band of Cahuilla Indians
- Jamul Indian Village of the Kumeyaay Nation
- Pala Band of Mission Indians
- San Manuel Band of Mission Indians
- Twenty-Nine Palms Band of Mission Indians

The Gabrieleño Band of Mission Indians – Kizh Nation (Kizh Nation) requested consultation per California Assembly Bill 52. A summary of consultation with the Kizh Nation as an interested party under Section 106 with the Corps and with Orange County under AB 52 is summarized below.

### Summary of Native American Consultation

The OCPW initiated consultation on November 21, 2018 and sent letters to tribal nations identified in *Appendix K – Coordination* to the main report. OCPW received a request from the Kizh Nation on November 30, 2018. On December 10, 2018, OCPW responded to the Kizh Nation request and asked when the Kizh Nation representatives would like to schedule a consultation appointment. The consultation conference call was held on March 20, 2019. Following the consultation conference call in March 2019, USACE Los Angeles District Archaeologist, Meg McDonald, and Kizh Nation Tribal Chairman Andrew Salas and Tribal Biologist Matthew Teutimez discussed the project via a teleconference meeting on July 24, 2019 at 3:00 p.m. In addition to discussion about avoidance of sacred sites and culturally sensitive areas, items discussed included:

- Monitoring of all construction areas.
- Noted that there used to be a lot of wetlands in Westminster and Huntington Beach, and some homesites. Mr. Salas has some information from a Garden Grove project that he can share.
- No need to monitor in channels where construction is not taking place.
- Relevant references for village locations in the area.
- Tribal participation in drafting agreement documents and monitoring/discovery plan(s).