



# PUBLIC NOTICE

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

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## APPLICATION FOR PERMIT RE-ISSUANCE PROTECTIVE SAND BERM AT CARPINTERIA CITY BEACH

**Public Notice/Application No.:** SPL-2014-00508-CLH

**Project:** Protective Sand Berm at Carpinteria City Beach

**Comment Period:** September 15, 2014 through October 15, 2014

**Project Manager:** Crystal L.M. Huerta (805) 585-2143 [crystal.huerta@usace.army.mil](mailto:crystal.huerta@usace.army.mil)

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### **Applicant and Contact**

Matthew Roberts

Director, Parks and Recreation

5775 Carpinteria Avenue

Carpinteria, California 93013

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### **Location**

The proposed project is located at Carpinteria City Beach, extending from Ash Avenue on the west to Linden Avenue on the east in the city of Carpinteria, Santa Barbara County, California.

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**Activity:** The City of Carpinteria, Department of Parks and Recreation (City) proposes to temporarily impact 1.74 acres of waters of the U.S. by erecting a 1,400-foot-long seasonal sand berm parallel to the coastline to protect existing infrastructure in the city of Carpinteria from ocean wave damage. The berm would be constructed of native material pushed from below the mean high water mark along the beach. The City would conduct berm maintenance activities as needed during the winter storm season to repair damaged portions of the berm. The berm would not be constructed prior to November 1 each year and would be demolished no later than April 15 each year. Once demolished, the sand would be spread evenly along the beach to restore its pre-project contours. The City has used seasonal sand berms in the past as a means to prevent flooding from winter storms. Berm activities would be conducted only between November 1 and April 15 of each year. The Corps of Engineers has previously authorized construction of a seasonal protective sand berm (File no. SPL-1991-5072600-JWM). For more information see page 3 of this notice.

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Interested parties are hereby notified that the Los Angeles District is proposing to reissue a Department of the Army permit for the activity described herein. Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 403) and Section 10 of the River and Harbors Act of 1899 (33 U.S. C.).

Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division-Ventura Field Office  
ATTN: CESPL-RG-2014-00508-CLH  
2151 Alessandro Dr., Suite 110  
Ventura, California 93001

Alternatively, comments can be sent electronically to: [crystal.huerta@usace.army.mil](mailto:crystal.huerta@usace.army.mil) .

The mission of the Corps' Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps Regulatory Division evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

## **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

### **Preliminary Review of Selected Factors**

**EIS Determination**- A preliminary determination has been made that an environmental impact statement is not required for the proposed re-issuance of this permit.

**Water Quality**- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. The applicant has applied for a 401 Certification from the Central Coast Regional Board that is currently pending.

**Coastal Zone Management**- The applicant has certified that the proposed activity would comply with and would be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. The District Engineer hereby requests the California Coastal Commission's concurrence or non-concurrence. The applicant has an existing Coastal Development Permit (CDP) that expires May 25, 2015. The applicant would apply for an additional CDP in early 2015.

**Essential Fish Habitat**- Essential Fish Habitat (EFH) as defined by the Magnuson-Stevens Fishery Conservation and Management Act does not occur within the project area.

**Cultural Resources**- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and she is otherwise unaware of the presence of such resources.

**Endangered Species**- The threatened snowy plover (*Charadrius alexandrinus nivosus*) may occasionally forage along the tide line of the proposed project. All project activities as proposed would be subject to plover monitoring. The California least tern (*Sterna antillarum browni*) does not nest on or near the proposed project site and prefers to feed offshore waters. Preliminary determinations indicate that the proposed activity would not affect these federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

**Public Hearing**- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposal. Requests for a public hearing shall state with particularity the reasons for holding a public hearing.

**Proposed Activity for Which a Permit is Required-** The City proposes to erect a 1,400-foot-long by 50-foot-wide temporary winter protective sand berm at Carpinteria City Beach no sooner than November 1<sup>st</sup> of each Year. Initial construction would last 2-3 days and would occur during low tide. The sand berms dimensions would be no larger than 1,400 feet long, 50 feet wide and approximately 17 feet high with the entire berm remaining above mean higher high water (+5.8 MSL). No export of import of sand is proposed. The beach would remain sloped and restored to its pre-construction condition no later than April 15<sup>th</sup> of each year. Beach restoration activities are anticipated to take 1-2 days. Public access is proposed to be restricted for only the time the earth moving equipment is operating. The City would close the beach in the immediate area where the machinery is operating which could result in a portion of the beach closed for five days during the berms construction and about five days when the berm is being leveled. The berm is built to a lower level at the public access points and a more gradual slope is provided so that the public can access the top of the berm as it is commonly used as a promenade unless berm erosion occurs making it too precarious.

**Basic Project Purpose:** The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary. However, the basic project purpose for the proposed project is flood protection and is water dependent.

**Overall Project Purpose:** The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to provide seasonal flood protection for the existing infrastructure bordering Carpinteria City Beach.

#### **Proposed Special Conditions:**

1. The applicant shall not initiate construction of the berm prior to November 1 of any year without first obtaining written consent from the Corps.
2. The applicant shall completely flatten the berm and restore the beach to its pre-project conditions and contours no later than April 15 of each year.
3. The applicant shall have a qualified biologist survey the beach for western snowy plover (*Charadrius alexandrinus nivosus*) within the proposed area and its vicinity prior to initiating berm construction, maintenance, and de-construction activities, as well as conduct spot checks throughout the work period. Additionally the applicant shall have a qualified biologist survey the beach for California grunion (*Leuresthes tenuis*) during maintenance, and de-construction activities if proposed during or after predicted grunion runs as determined by The California Department of Fish and Wildlife. If the biologist finds grunion eggs, the permittee shall not disturb the spawning grounds, waiting until the eggs have hatched and young have migrated before flattening the berm in the affected areas. The applicant shall submit the survey results to the Corps within 7 days after the berm has been flattened.

4. If berm deconstruction occurs during grunion spawning season, the Permittee shall notify the Corps, National Marine Fisheries Service, and the California Department of Fish and Wildlife to discuss additional measures necessary to minimize impacts to the species.
5. An annual summary of biological survey results shall be submitted May 1 of each year.
6. The applicant shall not import outside sand or other material for the construction of the berm without written consent from the Corps. If the applicant proposes to import such material, the City shall complete physical and chemical compatibility tests on the material proposed for import and submit a report, along with a request for a letter of consent, to the Corps at least 30 days prior to the desired date of use.
7. During berm demolition activities, the applicant shall ensure that sand berm materials are spread evenly along the beach for the entire 1,400-foot length of the berm, and that the amount of material pushed into the swash zone is minimized to prevent turbidity.
6. The applicant shall relocate forage material (e.g. seaweed, woody debris), if present, by raking it down to the eastern end of the project site and scattering it prior to the annual construction and removal of the berm.
7. The work area shall be demarcated with construction fencing, surveyor tape, flags or other appropriate means for the benefit of equipment operators. Equipment operators shall be instructed to remain within the demarcated work area.
8. The applicant shall use existing access routes, staging, and storage areas.
9. All mechanized equipment shall be checked for leaks daily prior to initiation of berm activities. Leaking equipment shall not be used for the project until all leaks have been repaired and or remediated. Mechanized equipment shall not be stored, fueled, or maintained on the beach. The applicant shall prepare a spill response plan and have materials available on-site for containment and cleanup.
10. The applicant shall notify the Corps of the date and commencement of operations and the date of completion of operations at least five days prior to such completion.
11. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S. as defined by 33C.F.R. Part 329.
12. The applicant shall discharge only clean construction materials suitable for use in the oceanic environment. The Permittee shall ensure no debris, soil, silt, sand, sawdust, rubbish, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the U.S. Upon completion of the project authorized herein, any and all excess material or debris shall be completely removed from the work area and disposed of in an appropriate upland site.

For additional information please call Crystal L.M. Huerta of my staff at 805-585-2143 or via e-mail at [crystal.huerta@usace.army.mil](mailto:crystal.huerta@usace.army.mil) . This public notice is issued by the Chief, Regulatory Division.



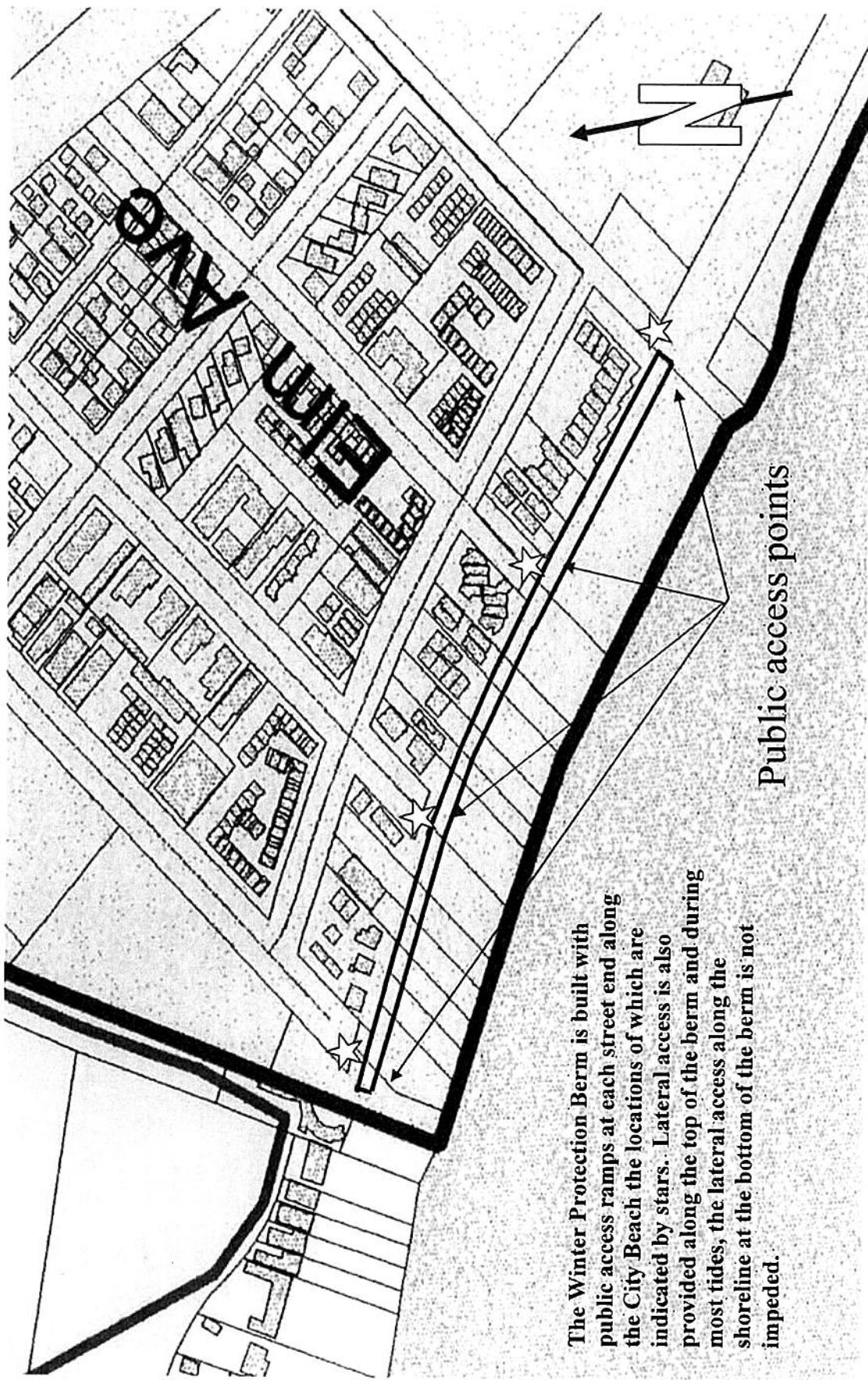
*Regulatory Program Goals:*

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

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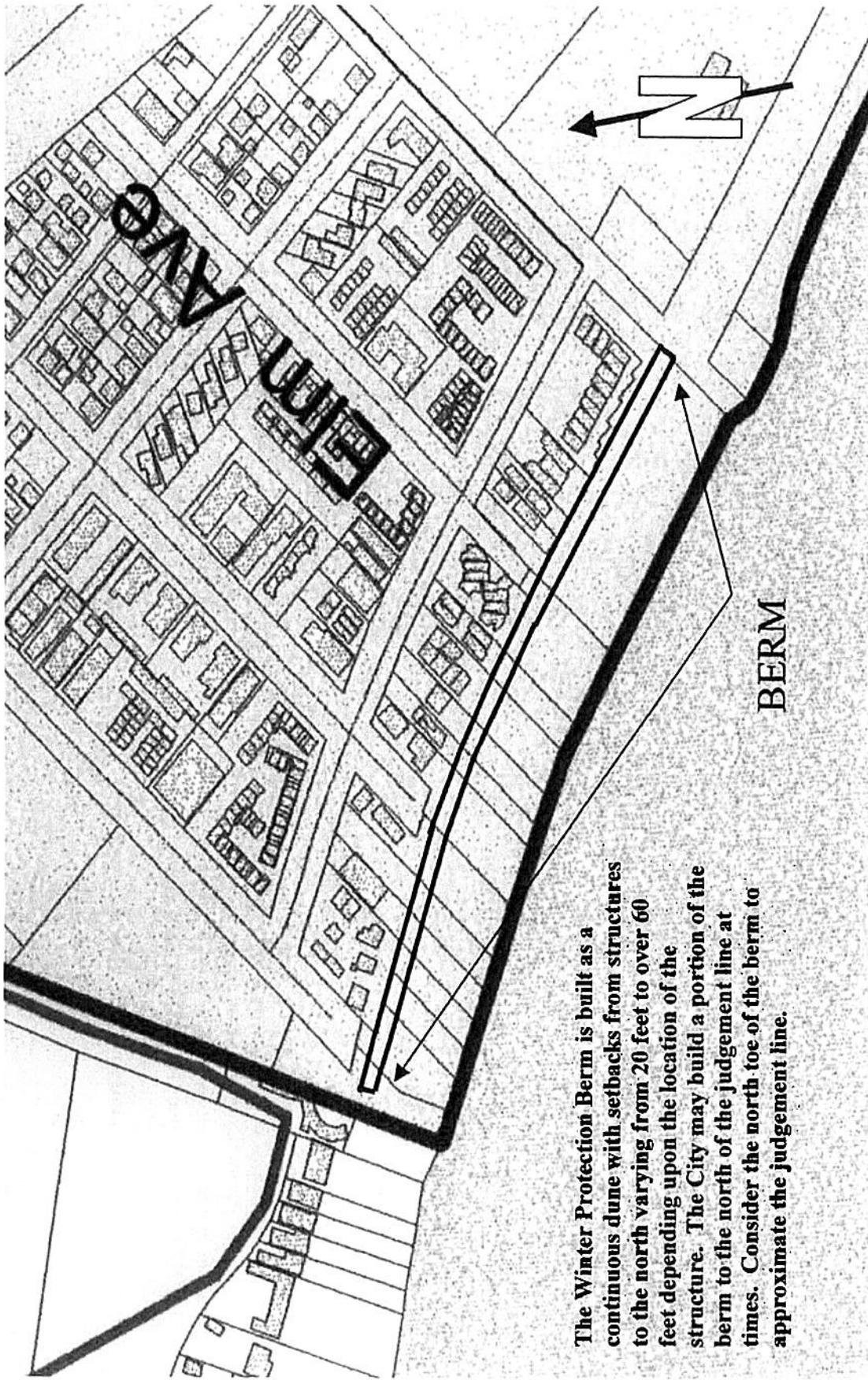
**U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT  
LOS ANGELES DISTRICT, ARMY CORPS OF ENGINEERS**

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Ventura, California 93001  
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The Winter Protection Berm is built with public access ramps at each street end along the City Beach the locations of which are indicated by stars. Lateral access is also provided along the top of the berm and during most tides, the lateral access along the shoreline at the bottom of the berm is not impeded.

#### Public access points



The Winter Protection Berm is built as a continuous dune with setbacks from structures to the north varying from 20 feet to over 60 feet depending upon the location of the structure. The City may build a portion of the berm to the north of the judgement line at times. Consider the north toe of the berm to approximate the judgement line.