PUBLIC NOTICE

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-2008-00812-RRS
Comment Period: 09/18/2008 through 10/6/2008
Project Manager: Robert Smith; 760-602-4831; Robert.R.Smith@usace.army.mil

Applicant
Clay Philips
CA Department of Parks and Recreation
301 Caspian Way
Imperial Beach, California 91932

Contact
Brian Leslie
(619) 220-6050
Moffat & Nichol
1660 Hotel Circle North, Suite 200
San Diego, California 92108

Location
Tijuana River National Estuarine Research Reserve, San Diego County, California
(at: latitude: 32º 33'07.73" N longitude: 117º 07'37.94" W)

Activity

The California Department of Parks and Recreation (CDPR), in cooperation with the California Coastal Conservancy, California Coastal Sediment Management Workgroup (CSMW), the Cities of Imperial Beach and San Diego, the Tijuana River National Estuarine Research Reserve (TRNERR), and the Southwest Wetlands Interpretive Association (SWIA) are proposing to implement a Sediment Fate and Transport Study ("Science Study") within Border Field State Park (BFSP) at the TRNERR. The proposed project description includes the study of three phases of using excavated material (up to 60,000 cubic yards) from Goat Canyon Sediment Basin to be placed on BFSP beach south of the Tijuana River. Phase I includes 10,000 cubic yards of an existing stockpile already excavated from Goat Canyon Sediment Basin to be hauled to the BFSP beach on October 20, 2008, Phase II includes 10,000 cubic yards to be hauled from the stockpile to the same beach on December 1, 2008, Phase III includes the new excavation of up to 40,000 cubic yards of the basin that will then be placed on the BFSP beach. All material to be placed on the beach shall be placed in the near shore in the tidal wash zone.

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 of 1972 (33 U.S.C. 1344).

Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division - San Diego Field Office
ATTN: CESPL-CO—200800812-RRS
6010 Hidden Valley Road, Suite 105
Carlsbad, California 92011-4213

Alternatively, comments can be sent electronically to: robert.r.smith@usace.army.mil

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 230) as required by Section 404 (b)(1) of the Clean Water Act.

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

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- 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. This project is located within the coastal zone and preliminary review indicates that it will not significantly affect coastal zone resources. A final determination of whether this project affects coastal zone resources will be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice.
Prior to permit issuance, the Coastal Zone Management Act requires that any applicant requesting an individual permit under Section 404 provide proof of consistency to the Corps.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and the presence of historic resources beneath and around Monument Road is uncertain. A historic study, including a map and literature review, is proposed as part of the project in order to mitigate potential impacts to resources under Monument Road. The study would define the precise locations of historic World War-II buildings that lie beneath and around Monument Road. The Corps shall complete its responsibilities under Section 106 of the National Historic Preservation Act.

Endangered Species-

The California brown pelican, light-footed clapper rail, California gnatcatcher, and Western Snowy Plover, are federally listed threatened or endangered species that occur in the vicinity of the project area. In addition, the U.S. Fish and Wildlife Service have designated western snowy plover Critical Habitat in the area proposed for sediment placement along BFSP beach. All project construction activities would be prohibited from an area within 400 yards of the slough mouth and monitored by a qualified western snowy plover biologist to protect the highest quality over-wintering roost area of this sensitive bird species. The project currently allows approximately 860 yards of distance between this area and the northern end of the sediment deposition zone. Such measures would reduce project impacts to these species to less than significant.

The Corps has coordinated with the U.S. Fish & Wildlife Service (USFWS) regarding this project and has determined that the proposed project could potentially affect a Federally listed endangered species and an informal Endangered Species Act Section 7 consultation with the USFWS is necessary. The Corps has determined that the project will result in a May Effect determination under Section 7 of the ESA; however, the USFWS has determined that the potential project impacts are adequately mitigated and has issued a letter completing the informal Section 7 consultation dated August 15, 2008 which states that the project shall not likely adversely affect listed species as long as certain conditions are implemented which the Corps shall implement.

Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) – Essential Fish Habitat (EFH) – The Corps must coordinate with the National Marine Fisheries Service (NOAA) for EFH impacts. The predicted project impacts would not be expected to have a substantial adverse impact on EFH or federally managed fisheries in California waters. This determination is based on an EFH assessment which was conducted for the proposed project by Merkel & Associates (May 2008). The study found that due to the temporary and low impact nature of the proposed project, the project would not adversely affect EFH for coastal pelagic or Pacific groundfish species.

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

Proposed Activity for Which a Permit is Required

Fill of Waters of U.S.- The proposed activity will directly fill inter-tidal waters of the U.S., except as sand is redistributed across the site, some temporary fill may occur, on approximately 3.6 acres of inter-tidal portions of the Pacific Ocean at Border Field State Park beach. The receiver site footprint for the inter-tidal area would be approximately 60 feet in width for a length of 2,600 feet in the inter-tidal zone (below Mean High Tide Line) (see attached figures). The elevations of the beach nourishment project range from below the Mean High Water (MHW) elevation of 4.86 ft. MSL to below MHW. Some stockpiling or berming of sand may occur above the MHW.

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. The purpose of the project is to provide scientific data regarding the transport and fate of fine-grained sediment within the Silver Strand littoral cell, provide an environmentally sound and economical approach toward future restoration activities within the TRNERR, and may also provide incidental beach nourishment benefits for Border Field State Beach. The basic project purpose is beach nourishment which 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 is to perform beach nourishment at the mouth of the Tijuana River, San Diego County, CA.

Resource Agency Project Requirements:

California State Lands Commission – A Lease of State Lands application was filed with State Lands Commission and a letter of permission was granted to the California Department of Parks and Recreation.

Additional Project Information

The Corps and EPA have reviewed the latest Sampling and Analysis Plan (SAP) for the project dated August 2008 for the stockpiled material (20,000 cubic yards) and the Corps and EPA have approved this material suitable for beach nourishment. The material remaining in Goat Basin is proposed to be excavated and the material is to be tested by the applicant per a revised approved SAP prior to beach nourishment; if the material is not suitable for beach nourishment then the material shall be disposed to an upland site and not used for beach nourishment. The Corps is processing a separate permit action for the O&M of Goat basin.

The Tijuana River to the north of the Science Study sediment placement area contributes approximately 90,000 cubic yards of sediment annually to the ocean environment (Farnsworth and

Warrick 2008). Beach nourishment projects are typically limited to utilizing sediment with less than 20 percent fines (silt and clay), unless additional information demonstrates that such placement would not result in environmental degradation. However, much of the coastal sediment available for opportunistic beach nourishment does not meet the 80 to 20 percent (coarse to fine sediment ratio) USEPA guideline and is disposed of on land (e.g., landfills, construction fill) instead of being reused to replenish the sand supply of local beaches. The beaches in and near Imperial Beach have undergone severe erosion and are in need of restoration and an ongoing maintenance program to protect their function and habitat (TRNERR 2007). For the TRNERR and BFSP, ongoing disposal of sediment from the Goat Canyon sediment basins represents both a financial burden and a loss of sediment from the natural offshore system. Additionally, haulage to distant disposal sites contributes to traffic congestion, local air pollution and the carbon footprint of the protective activities.

The purpose of the Science Study is to reevaluate whether USEPA's 80 to 20 percent guideline is appropriately protective or overly conservative in the context of the TRNERR. CSMW is interested in determining whether sediment sources with a percentage of fines higher than 20 percent can be beneficially reused to address coastal erosion as part of regional sediment management. This study would provide the physical data needed to assess the extent and duration of both turbidity and sedimentation when sediment with greater than 20 percent fines is used for beach nourishment. The Science Study would be independently conducted by recognized coastal experts and the findings made available for use in other projects.

In addition to providing data that could help reevaluate existing guidelines, the project could potentially have incidental beach nourishment benefits, incrementally supplementing the beach and dune barrier system between the TRNERR and the ocean. Current models predict that these barrier dunes could be breached by the year 2045 if a proposed large-scale wetland dune restoration plan is not undertaken resulting in eventual loss of a tidally functional estuary (Tierra Environmental Services, Inc. 2007).

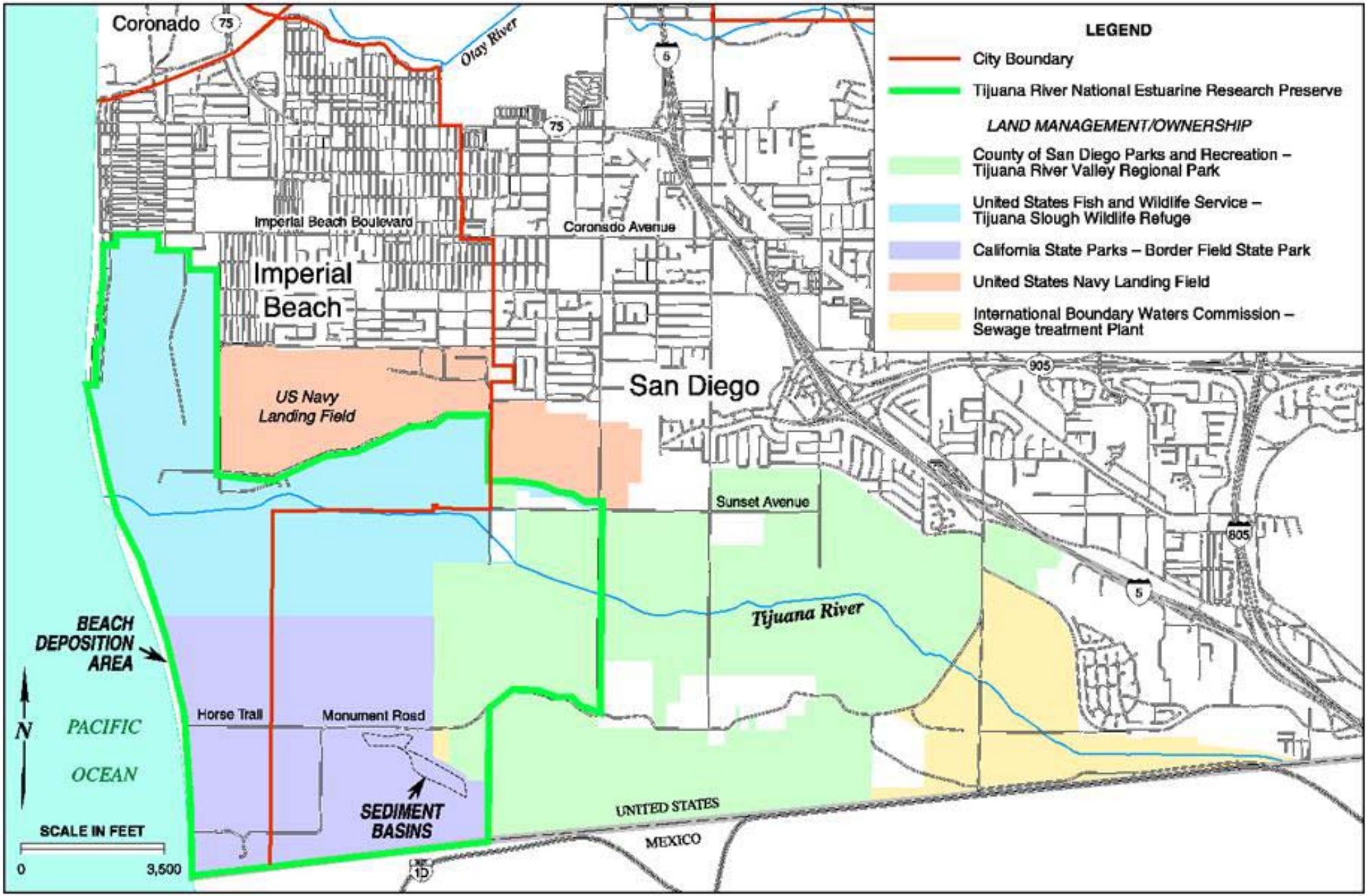
Previous Fill of Waters of the U.S. – As part of the RBSP in 2001, SANDAG placed approximately 120,000 cy of sand from an offshore borrow site onto Imperial Beach just north of the Tijuana River mouth. This receiver site and project have been studied extensively to monitor the effects of these projects and have since found no significant negative biological or physical effects.

Proposed Special Conditions

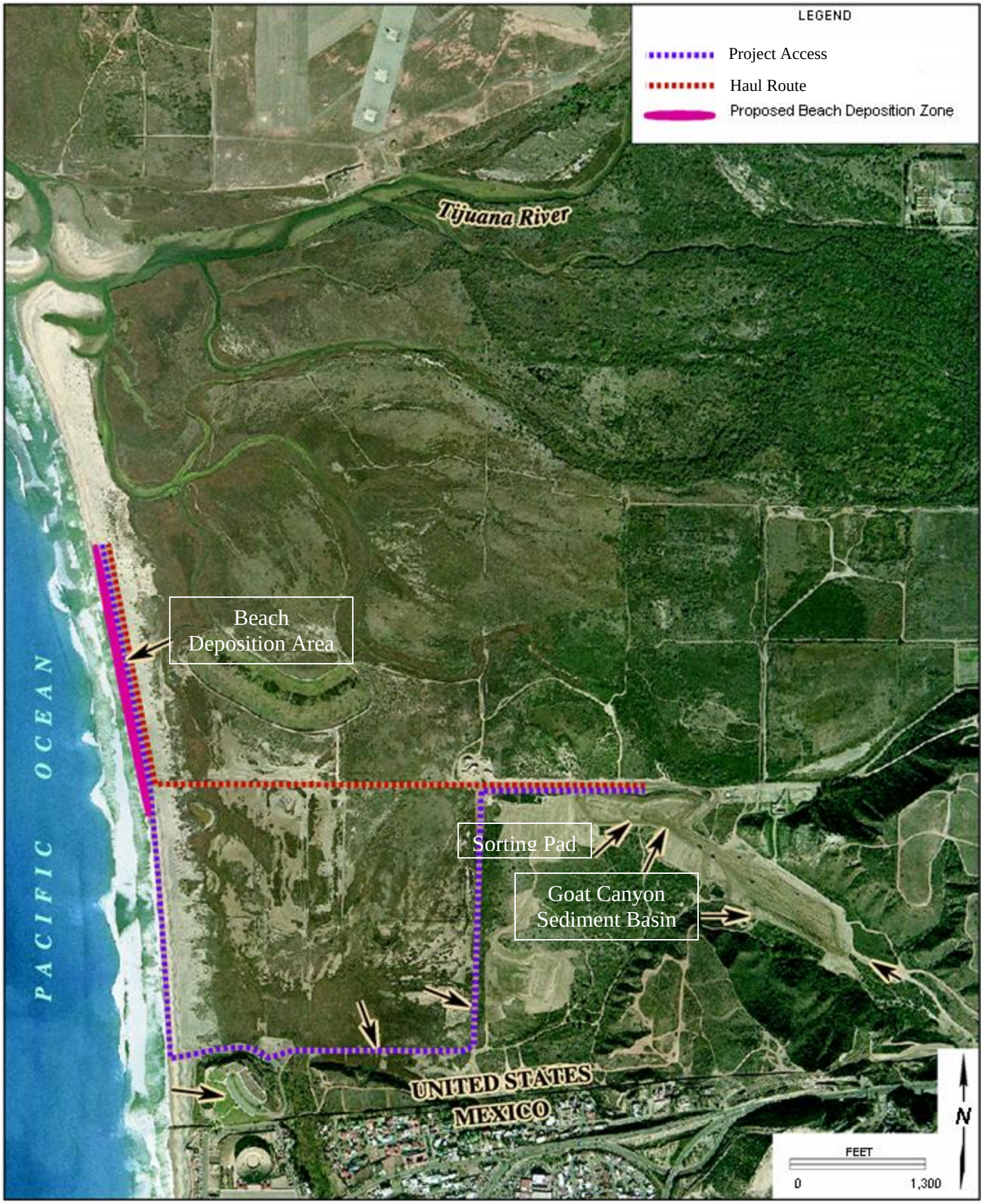
None proposed at this time.

For additional information please call Robert Revo Smith Jr. P.E. of my staff at (760) 602-4831. This public notice is issued by the Chief, Regulatory Division.

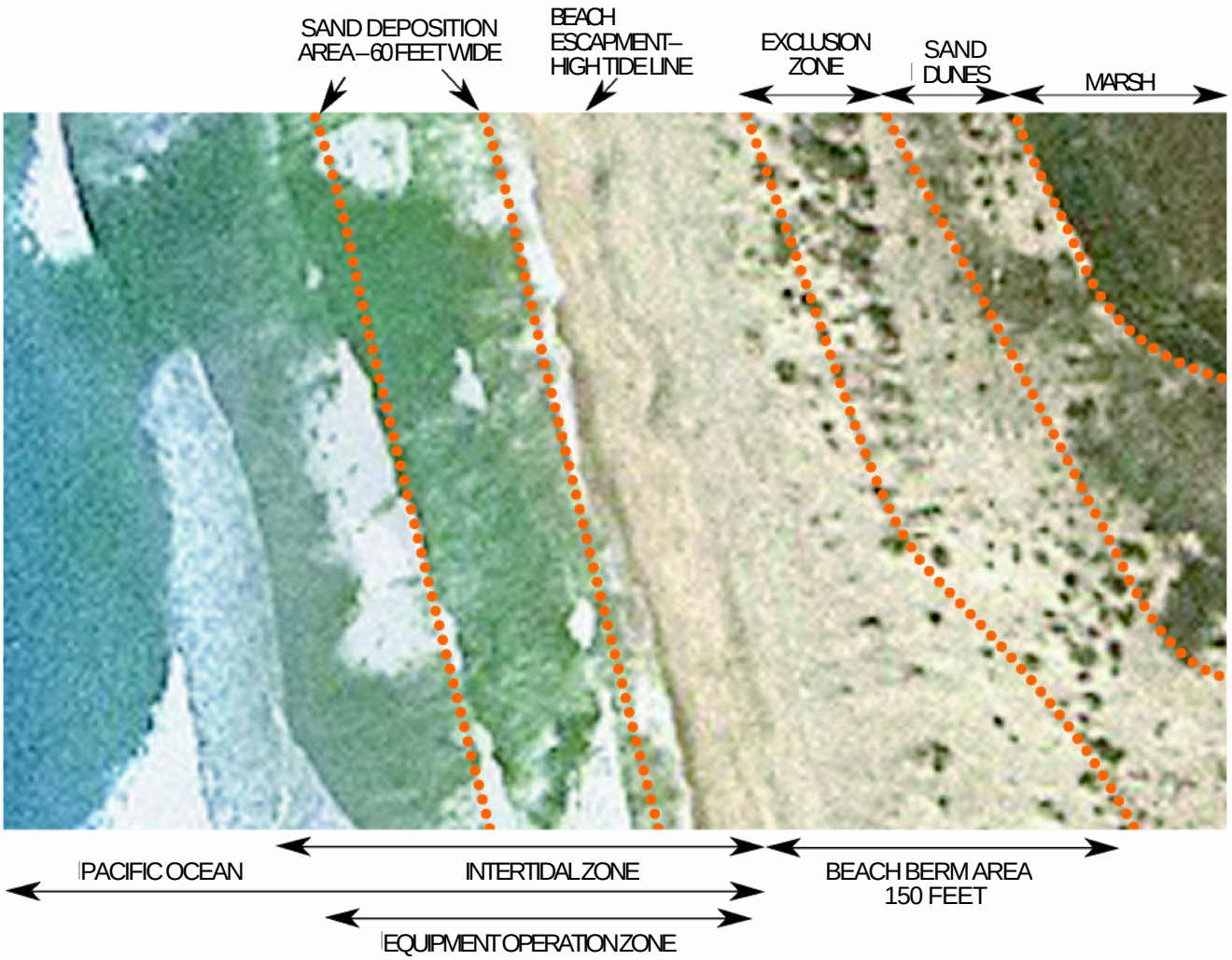
Tijuana Estuary Sediment Fate and Transport Study
Figure 1: Vicinity Map



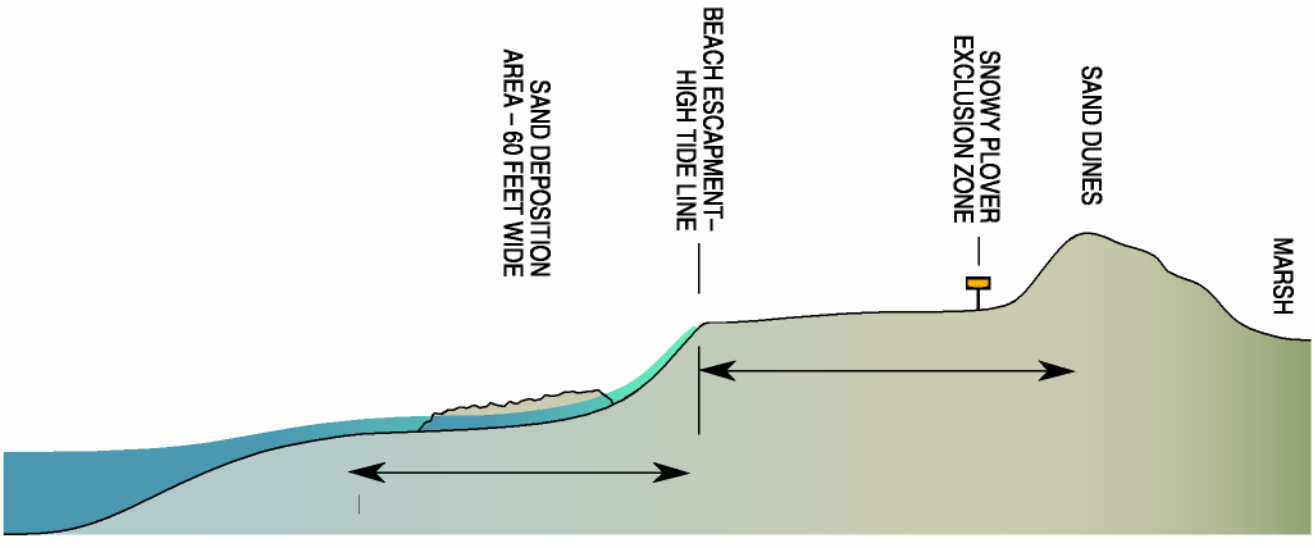
Tijuana Estuary Sediment Fate and Transport Study
Figure 2: Jurisdictional Boundaries - Management Responsibility



Tijuana Estuary Sediment Fate and Transport Study
Figure 3: Site Plan



Note: Beach width is variable; aerial photograph is for illustrative purposes only.



Tijuana Estuary Sediment Fate and Transport Study
Figure 4: Beach Deposition AreaCross-section and Plan View