



# PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT

BUILDING STRONG®

## APPLICATION FOR PERMIT Monarch Beach Storm Drain Outflow Management Plan

**Public Notice/Application No.:** SPL-2011-00141-JPL

**Project:** Monarch Beach Storm Drain Outflow Management Plan

**Comment Period:** May 1, 2014 through June 1, 2014

**Project Manager:** Jason Lambert; 213-452-3361; [Jason.P.Lambert@usace.army.mil](mailto:Jason.P.Lambert@usace.army.mil)

---

### Applicant

Chad Christensen  
Washington Holdings  
10866 Wilshire Boulevard, Suite 820  
Los Angeles, California 90024

### Contact

Art Homrighausen  
LSA Associates, Inc.  
20 Executive Park, Suite 200  
Irvine, California 92614

### Location

The proposed activity would occur at the Salt Creek outlet within the City of Dana Point, Orange County, California (at: 33.4814775909271, -117.724615334297) (See attached Figures 1-4).

### Activity

The proposed Monarch Beach Management Plan (MBMP) would relocate sand deposits from in front of the Salt Creek outlet to an adjacent area above the high tide line, and maintain emergency access to the beach by preventing erosion at the base of the beach access ramp and importing sand from a commercial source when necessary to reestablish emergency access. Up to 0.3 acre of waters of the United States would be temporarily impacted during each maintenance cycle.

---

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that support the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

Los Angeles District, Corps of Engineers  
915 Wilshire Boulevard, Suite 930  
Los Angeles, California 90017

Alternatively, comments can be sent electronically to: [Jason.P.Lambert@usace.army.mil](mailto:Jason.P.Lambert@usace.army.mil).

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

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

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

### **Evaluation Factors**

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

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

## **Preliminary Review of Selected Factors**

**EIS Determination**- A preliminary determination has been made 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**- 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.

**Essential Fish Habitat**- Preliminary determinations indicate the proposed activity may adversely affect Essential Fish Habitat (EFH). Pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Los Angeles District hereby requests initiation of EFH consultation for the proposed project. This notice initiates the EFH consultation requirements of the Act. In order to comply with the Magnuson-Stevens Fishery Conservation and Management Act (MSA), pursuant to 50 CFR 600.920(e)(3), the following information is provided:

1. Description of the proposed action: see project description on page 1 of this public notice.
2. On site inspection information: see baseline information on page 4 of this public notice.
3. Analysis of the potential adverse effects on EFH: Within the project site, spawning habitat for the California grunion (*Leuresthes tenuis*) is found. However, the applicant has proposed to avoid all impacts below the high tide line (HTL), reducing the likelihood for any potential impacts to the grunion habitat.
4. Proposed minimization, conservation, or mitigation measures: As the applicant has proposed to avoid all impacts to waters below the HTL, impacts to EFH for the grunion would be reduced to the maximum extent practicable.
5. Conclusions regarding effects of the proposed project on EFH: Based on the project description provided by the applicant, the Corps has determined that the proposed project would not result in direct impact to EFH habitat as impacts below the HTL would be avoided. However, it is possible that the proposed project could result in indirect impacts associated with increased turbidity during sand relocation operations. These impacts would be reduced to the maximum extent practicable with the utilization of best management practices.

Therefore, it is the District Engineer's initial determination the proposed activity may adversely affect but would not have a substantial adverse impact on EFH or federally managed fisheries in

California waters. A final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NOAA Fisheries. If the District Engineer does not receive written comments (regular mail or e-mail) within the 30-day notification period, she will assume concurrence by NOAA Fisheries with the proposed mitigation measures.

**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**- Preliminary determinations indicate that the proposed activity would not affect 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 application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

**Basic Project Purpose**- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). The basic project purpose is maintaining local beach access through sediment management, which is not a water-dependent activity.

**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 predictable beach and emergency access within the Monarch Beach project site, the reduction of beach erosion, and the prevention of occasional high bacteria levels within Monarch Beach as a result of on-site ponding.

### **Additional Project Information**

**Baseline information**- Monarch Beach is an approximately 1,000 foot (ft) long stretch of sandy beach located north of Salt Creek Beach in Dana Point. At the southern reach of Monarch Beach is the Salt Creek outlet structure, which drains runoff water from Dana Point onto Monarch Beach. Salt Creek is part of the greater San Juan Hydrologic Unit and is the main tributary of the local coastal watershed. The Salt Creek watershed is predominantly developed and includes areas in the Cities of Laguna Niguel and Dana Point. The Creek originates in the City of Laguna Niguel and flows beneath Marina Hills Drive, Niguel Road, Pacific Island Drive, and Pacific Coast Highway. Upon reaching Monarch Beach, runoff from the outlet first gathers in a fresh-to-brackish scour pond and then flows across the beach and into the Pacific Ocean. The Salt Creek Outlet scour pond is bound by riprap on three sides, around which grows predominantly non-native, ornamental vegetation.

The proposed project area is within and directly adjacent to the Monarch Bay Club property. It is bounded by the limits of the property to the south, the HTL to the west, and the coastal bluffs to the

north and east. The overall topography of the site consists of beach sand gently sloping downward from the base of the coastal bluffs westward to the Pacific Ocean. The elevation of sand on the beach is typically no higher than approximately 10 ft above sea level. Wrack (kelp) often collects on the upper beach after a high tide. There is little to no on-site native vegetation. Waters of the U.S. on the project site, associated with the Salt Creek outlet, consist of up to 0.3 acre (approximately 250 lf) of non-wetland waters.

Project description- The Applicant proposes to implement the MBMP, which aims to reduce beach erosion, maintain emergency access to the beach, and improve water quality for beach visitors by using equipment to remove and recontour sand deposits from the Salt Creek outlet. The Applicant also proposes to relocate kelp/wrack to another location on the beach, which is not anticipated to be a Corps-regulated activity. Proposed management activities requiring a Corps permit are as follows: (1) using mechanized equipment to relocate sand deposits from in front of the Salt Creek outlet (Area A) to an adjacent area above the high tide line (HTL; Area B); and (2) maintaining emergency access to the beach by preventing erosion at the base of the beach access ramp and placing imported sand on the beach when necessary to reestablish emergency access.

The MBMP proposes to maintain Salt Creek's flow directly westward to the ocean by removing sand deposits from Area A and placing them in Area B (Figure 2). According to the proposal, excavation of sand within Area A (0.26 acre) would not exceed 835 cubic yards (cy) and would not be deeper than 2 feet (ft) compared to the adjacent beach elevation. The sand relocated from Area A to Area B (0.2 ac) would not be placed in a manner that would exceed a height of 3 ft relative to the adjacent beach elevation (Figure 3).

As part of the MBMP, the Applicant proposes to relocate wrack from areas above the HTL that receive frequent beach visitor use to areas above the HTL at the northern or southern end of Monarch Beach that receive less frequent visitation and recreational use (Figures 2 and 3). The Corps anticipates that this wrack relocation activity would not result in a discharge of dredged or fill material within our geographic jurisdiction.

Proposed Mitigation- The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

**Avoidance:** In order to avoid impacts to waters of the U.S., the Applicant has proposed that no mechanized equipment would be operated below the HTL, and that Salt Creek outlet maintenance would be conducted only during low tide, and relocated sand deposits would be placed above the HTL. Prior to the beginning of each Salt Creek outlet maintenance event, all personnel would be educated on the permit requirements, pollution prevention measures, and spill response procedures. The Applicant's implementation of BMPs would control erosion and sedimentation from impacting coastal waters and will prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activities.

Special precautions, avoidance measures, and seasonal restrictions (outlined in the MBMP and herein) to avoid impacts to wildlife and species of concern (e.g., western snowy plover and California gull) will be enforced. A qualified biologist or other appropriately trained personnel will conduct surveys of all wildlife utilizing Monarch Beach and the Salt Creek outfall pond immediately prior to any maintenance activity in order to monitor the direct impacts of the MBMP on wildlife. If necessary to

prevent impacts (e.g., to ground nesting birds), the monitor will halt, postpone, or modify the work as necessary to avoid such impacts.

Avoidance measures for species of concern include the following:

- In order to avoid flocks of western snowy plovers, known to occur in the Monarch Beach area, a qualified biologist will survey for and document any presence of this species during the breeding and nesting season (March 1 to September 30). If any western snowy plovers are present during this time, no excavation, construction, reconstruction, maintenance, or removal activities will occur within 300 ft of any nesting or breeding areas for this species until subsequent monitoring indicates that the nesting or breeding snowy plovers are no longer present.
- Although no work or mechanized equipment would enter California grunion active spawning areas, the MBMP includes a grunion avoidance protocol that would minimize the possibility of impact to grunion. Specifically, any minor maintenance that is necessary during grunion spawning season (March through August) would only occur on the day before the first date of a predicted run series, per direction from the RWQCB.

Minimization: Sand would only be moved when necessary to maintain the design conditions. The Applicant has designed the proposed project in order to minimize the impacts to waters of the U.S. to the maximum extent possible.

Compensation: The Applicant has not proposed compensatory mitigation given the avoidance measures proposed for implementation.

### **Proposed Special Conditions**

No Special Conditions are proposed at this time.

For additional information, please contact Jason Lambert of my staff at 213-452-3361 or via e-mail at [Jason.P.Lambert@usace.army.mil](mailto:Jason.P.Lambert@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.

---

**U.S. ARMY CORPS OF ENGINEERS**  
**LOS ANGELES DISTRICT**  
**915 WILSHIRE BOULEVARD, SUITE 930**  
**LOS ANGELES, CALIFORNIA 90017**  
[WWW.SPL.USACE.ARMY.MIL](http://WWW.SPL.USACE.ARMY.MIL)

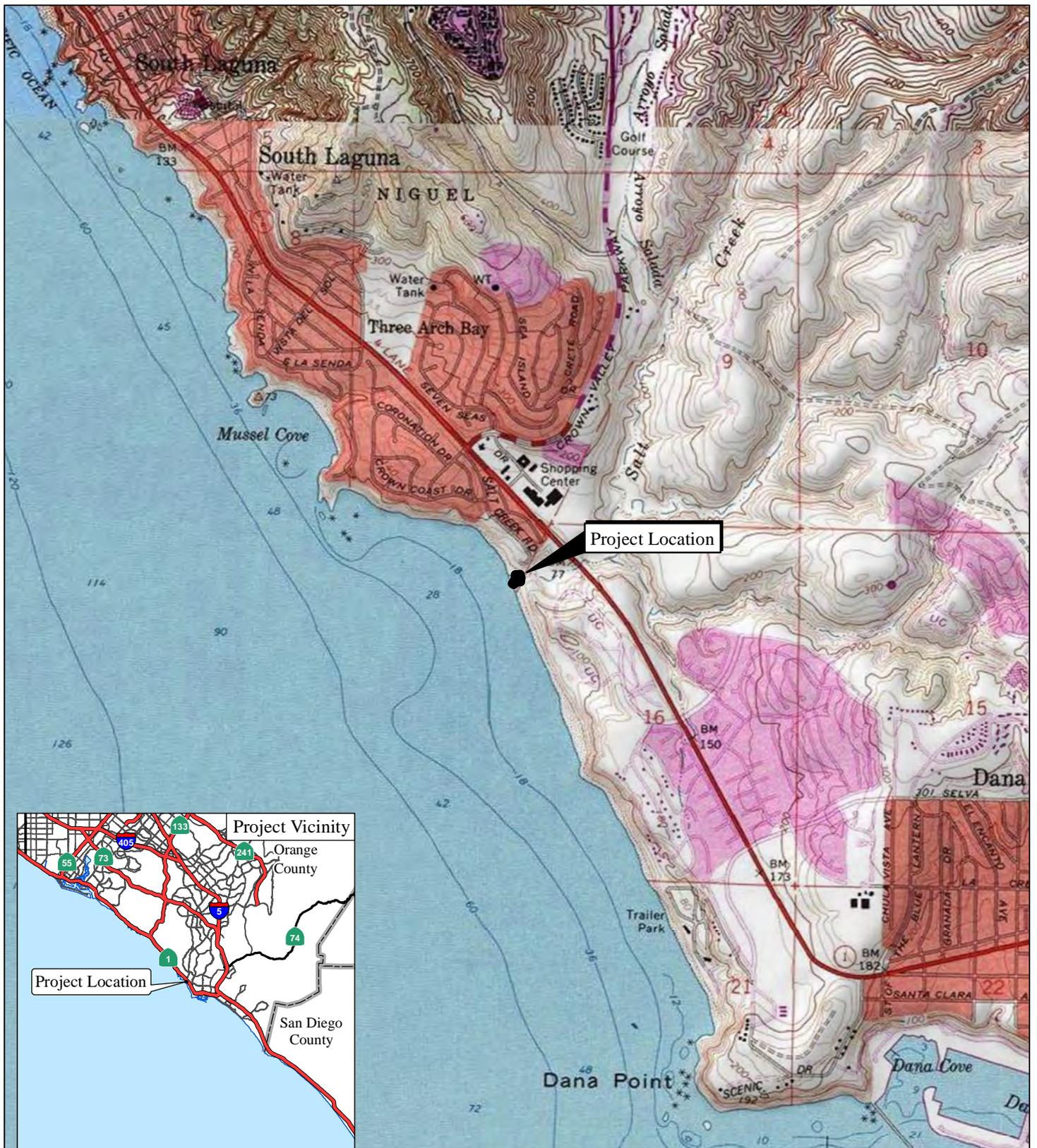


FIGURE 1

**① Staging Area**

All mechanized equipment will be staged, stored, and serviced (e.g., refueled) within the designated staging area, located in the parking area for the Monarch Beach Club. The designated staging area is outside beach and habitat areas in order to minimize impacts to these areas. The equipment stored in the designated staging area will not obstruct public parking or beach access areas. Spill prevention and control measures will be implemented when refueling or servicing the mechanized equipment. No long-term storage of equipment on the site will occur, and no construction materials, debris, or waste will be placed or stored where it may be subject to water, wind, rain, or dispersion.

**② Construction Corridor**

Construction equipment will enter and exit the work area via the construction corridor shown and all construction or maintenance activities will be monitored by a biological monitor or appropriately trained personnel.

**③ Construction Site**

The construction area consists of Areas A and B within the construction corridor. Construction activities will be contained within these boundaries and will be monitored by a qualified biologist or appropriately trained personnel to ensure that Best Management Practices (BMPs) are being implemented.

**④ Location of Construction Fencing**

Temporary construction fencing will be installed, as shown, at the beginning of each day to prevent the public from entering the work area where mechanized equipment will be used during that day. The temporary fencing will consist of caution tape or rope mounted on T-posts or wooden stakes at 10 foot intervals. The fencing will be removed and stored in the designated staging area at the end of each day.

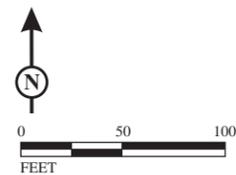


LSA

- Property Limit (APN: 670-151-55)
- Mean High Tide or Mean High Water Line \*
- Typical Observed High Tide Line
- Area A
- Area B
- Wrack Removal Area
- Wrack Placement Area
- Temporary Construction Fencing
- # Photo Point and Direction
- Beach Access

**Footnote:** Details may be revised in the field according to natural conditions, which frequently change.

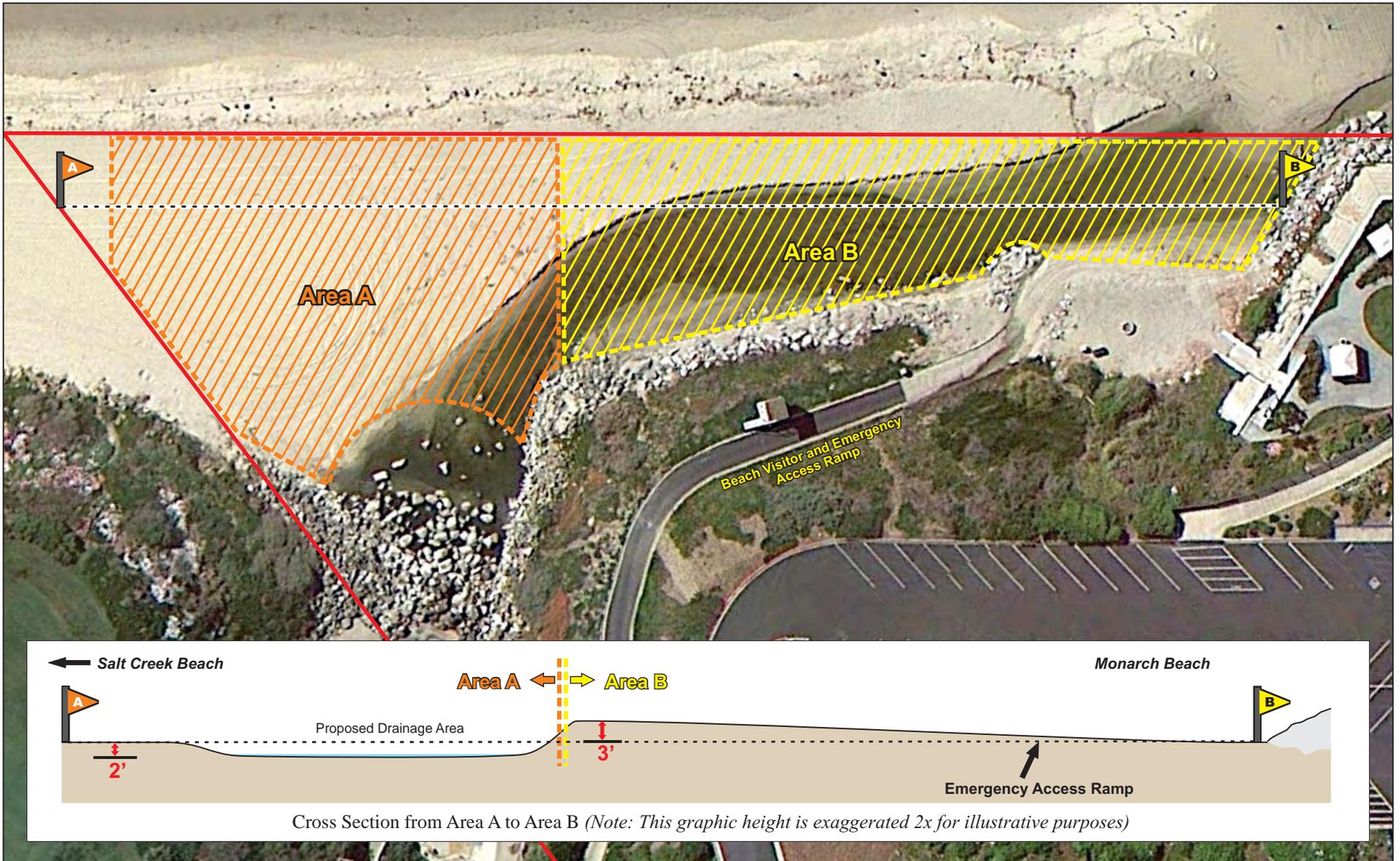
\* Surveyed by Hunsaker & Associates – November 29, 2011. Under California law, the Mean High Tide (MHT or Mean High Water [MHW]) line, is the boundary that separates private property and State property (See California Civil Code §830). In California, the MHT or MHW is determined by taking an 18.6 year average of all high tides. That average for Monarch Beach is determined to be approximately 4.48 ft (Referenced to NAVD88).



SOURCE: Aerial- Google Earth (3/7/2011)

I:\WAH1001\G\MB Management Plan\Wrack Areas\_Site Plan.cdr (10/7/13)

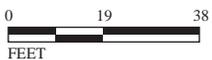
FIGURE 2



Cross Section from Area A to Area B (Note: This graphic height is exaggerated 2x for illustrative purposes)

LSA

-  Area A
-  Area B
-  Section Line Between Area A and Area B
-  Property Limit



SOURCE: Aerial- Google Earth Pro

I:\WAH1001\G\MB Management Plan\Berm Areas A-B\_Xsection.cdr (10/8/13)

FIGURE 3

Monarch Beach Management Plan  
Construction Areas A and B Profile

**1) Staging Area**

All mechanized equipment will be staged, stored, and serviced (e.g., refueled) within the designated staging area, located in the private parking area for the Monarch Beach Club. The designated staging area is outside beach and habitat areas in order to minimize impacts to these areas. The equipment stored in the designated staging area will not obstruct public parking or beach access areas. Spill prevention and control measures will be implemented when refueling or servicing the mechanized equipment. No long-term storage of equipment on the site would occur, and no construction materials, debris, or waste will be placed or stored where it may be subject to water, wind, rain, or dispersion.

**2) Construction Corridor**

Construction equipment will enter and exit the work area via the construction corridor shown and all construction or maintenance activities will be monitored by a biological monitor or appropriately trained personnel.

**3) Construction Site**

The construction area indicates where the berm and channel construction will take place. Construction activities will be contained within these boundaries and will be monitored by a qualified biologist or appropriately trained personnel to ensure that Best Management Practices (BMPs) are being implemented.

**4) Location of Construction Fencing**

Temporary construction fencing will be installed, as shown, at the beginning of each day to prevent the public from entering the work area where mechanized equipment will be used during that day. The temporary fencing will consist of orange construction fencing mounted on T-posts at 10 foot intervals. The fencing will be removed and stored in the designated staging area at the end of each day.



LSA



SOURCE: Aerial- Google Earth

- |  |                       |  |                                    |  |                                      |
|--|-----------------------|--|------------------------------------|--|--------------------------------------|
|  | Property Limit        |  | High Tide Line, Observed Fall 2011 |  | Location of Future Berm if Necessary |
|  | Construction Corridor |  | Mean High Water Line               |  | Photo Point and Direction            |
|  | Construction Site     |  | Temporary Construction Fencing     |  |                                      |
|  | Existing Natural Berm |  | Proposed Berm                      |  |                                      |

**Footnote:** Construction details may be revised in the field according to natural conditions, which frequently change.

FIGURE 4

Monarch Beach Berm and Channel Project  
Site Plan with Photo Points