



# PUBLIC NOTICE

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

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**APPLICATION FOR PERMIT  
Bel-Air Bay Club Seasonal Sand Berm**

**Public Notice/Application No.:** SPL-2019-00507-GLH

**Project:** Bel-Air Bay Club Seasonal Sand Berm

**Comment Period:** September 24, 2019 through October 24, 2019

**Project Manager:** Jerry Hidalgo; (805) 585-2145; [Gerardo.L.Hidalgo@usace.army.mil](mailto:Gerardo.L.Hidalgo@usace.army.mil)

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**Applicant**

Christopher McGranahan  
Bel-Air Bay Club  
16801 Pacific Coast Highway  
Pacific Palisades, California 90272

**Contact**

Tonia McMahon  
Moffatt & Nichol  
4225 East Conant Street  
Long Beach, California 90808

**Location**

Pacific Ocean near the city of Santa Monica, Los Angeles County, CA (34.038753, -118.545777).

**Activity**

To construct a seasonal sand berm in front of the central portion of the Bel-Air Bay Club (BABC) between the upcoast and downcoast groins in advance of forecasted high tide or combined high tide and swell conditions (see attached drawings). For more information see Additional Project Information section below.

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Interested parties are hereby notified 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 supports 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 and Section 10 of the Rivers and Harbors Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
ATTN: Jerry Hidalgo  
60 South California Street, Suite 201  
Ventura, California 93001-2598

Alternatively, comments can be sent electronically to: [Gerardo.L.Hidalgo@usace.army.mil](mailto:Gerardo.L.Hidalgo@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 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 any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

**Coastal Zone Management**- The applicant has certified the proposed activity would comply with and would be conducted in a manner 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 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**- The Corps of Engineers preliminary determination indicates the proposed activity may temporarily affect EFH and federally managed species in the Finfish, Krill, Pacific Groundfish and Coastal Pelagics Fishery Management Plans. Due to the temporary impacts associated with the project and the proposed avoidance and minimization measures, the Corps has preliminarily determined there would be no adverse effect on EFH. Consultation under the Magnuson-Stevens Fishery Conservation and Management Act is requested via this public notification.

**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 he is otherwise unaware of the presence of such resources.

**Endangered Species**- Preliminary determinations indicate 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). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary.

**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 protection against flooding and property damage from high tides and combined high tide/swell ocean conditions.

### **Additional Project Information**

Baseline information- During high tide events at the BABC, waves have traversed the beach and reached BABC facilities causing damage and debris build-up. In response to this flooding threat, BABC staff have historically constructed a low sand berm between the upcoast and downcoast groins in advance of forecasted high tide events. It is estimated that protective berm building has been occurring since approximately 1983 and takes place between seven and fifteen times per year, dependent on ocean tide and swell conditions. Historically this low sand berm has been constructed above the high tide line, outside of Corps jurisdiction. However due to the deterioration of the two groins along the BABC property sediment accretion has diminished over the years. Consequently, the BABC is seeking a five year authorization such that the BABC can continue to build this protective berm by borrowing sand from below the high tide line, when flood risk is high, i.e., when high tide or combined moderate/high tide and swell conditions are forecast.

Construction of temporary sand berms is both authorized and contemplated by a lease between BABC and the State Lands Commission (CSLC) related to BABC's maintenance of the public beach fronting its property. BABC has previously been granted approvals from the Corps for temporary berm construction at the site under Regional General Permit (RGP) 63 – Repair and Protection Activities in Emergency Situations.

Project description- Due to the need to protect the BABC against inundation, BABC proposes to construct a temporary sand berm in front of the central portion of the BABC between the upcoast and downcoast groin in advance of forecasted high tide or combined high tide and swell conditions. To construct the berm, a small to medium tractor would push sand from the wetted zone below the high tide line landward up the beach to form a low berm. Running the berm between the upcoast and downcoast groins allows the groins to provide flank protection to both ends of the berm and reduces the potential for wave run up to wrap around the berm and reach the BABC lanai. The berm would measure approximately 430' in length and rise to a varying height of 8' to 15' above existing grade (+15' to +22' MLLW), with a footprint of approximately 13,140 square feet. The height of the berm would be dependent on the severity of the high tide and/or surf event. Sand would be removed from the borrow zone below the high tide line to a maximum depth of 1.5 ft below ground surface. The berm would be installed in advance of forecasted +6' tides. The berm would also be installed in advance of forecasted +5' tides when such tides coincide with swell heights of 2' or higher as forecasted for the Santa Monica tide station (No. 9410840). Following the end of the high tide event, the tractor would push the mounded sand seaward, returning it to its original location, and the beach would be returned to pre-berm construction grade.

The construction of the temporary berm would result in temporary impacts to approximately 0.25 acre of waters of the U.S. Impacted areas within the Corps' jurisdiction include a 0.23-acre area between Groins C and B, and a 0.02-acre area east of Groin B, for a total impacted area of 0.25 acre. The attached figures and plans show the jurisdictional limits and impact area.

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:** As part of the 404(b)(1) alternatives analysis, the applicant will present alternatives to their preferred design that avoid and/or reduce Corps jurisdictional impacts.

**Minimization:** A flagger would be on site during berm construction and removal and would accompany the tractor to ensure all beach users maintain a safe distance from operating machinery. No overnight storage of equipment or materials would occur on the sandy beach. Neither would construction materials or debris be stored where they could potentially be subject to wave erosion and dispersion. Sand placement activities would occur at times of low tide such that machinery does not enter the water.

**Compensation:** No compensatory mitigation is proposed because all impacts are temporary and waters would be restored to pre-disturbance conditions following completion of the activity.

### **Proposed Special Conditions**

Permit Special Conditions have not been developed at this time. However, the final permit will include Special Conditions to ensure minimal effects, protect the public interest and ensure compliance with applicable environmental regulations.

For additional information please call Jerry Hidalgo of my staff at (805) 585-2145 or via e-mail at [Gerardo.L.Hidalgo@usace.army.mil](mailto:Gerardo.L.Hidalgo@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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**DEPARTMENT OF THE ARMY**  
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