



# PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT

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## APPLICATION FOR PERMIT Port of San Diego Kellogg Beach Nourishment

**Public Notice/Application No.:** SPL-2019-00589-RRS

**Project:** Port of San Diego Water Resource Development Act (WRDA) action - Kellogg Beach Nourishment Project

**Comment Period:** September 17, 2019 through October 18, 2019

**Project Manager:** Robert Smith; (760) 602-4831; [Robert.R.Smith@usace.army.mil](mailto:Robert.R.Smith@usace.army.mil)

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### **Applicant**

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### **Contact**

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### **Location**

The project is located along northern San Diego Bay on the Kellogg beach shoreline within the city San Diego and the sand replenishment activities are between Kellogg Street and Lawrence Street, located along the southwestern shoreline of the Shelter Island Yacht Basin, in San Diego County, CA (at: Latitude: 32.7092 N, Longitude -117.237 W).

### **Activity**

To perform beach nourishment activities at Kellogg Beach near La Playa beach, annually under a five year permit, using upland sand sources from a commercial sand source (per the Inland Testing Manual (ITM) requirements) that shall restore the southwestern shoreline of the Shelter Island Yacht Basin near Lawrence Street in San Diego Bay with imported sand from an upland commercial source. Work consists of minor grading and fill to a depth of -2 ft. and annual placement of 2,200 cubic yards along 300 ft. of eroded beach. Material will be washed and cleaned and placed by land based equipment, including spreading and wheel compacting and minor grading. Work will occur during low tide. Corps has issued a previous permit under Corps permit nos. 2005-01537-RRS in association with Port of San Diego WRDA action - Kellogg Beach (see attached drawings) that expired. 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: Robert Smith  
Carlsbad Field Office  
5900 La Place Ct., Suite 100  
Carlsbad, CA 92008

Alternatively, comments can be sent electronically to: [Robert.R.Smith@usace.army.mil](mailto:Robert.R.Smith@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 Port of San Diego Master Plan and the State Coastal Zone Management Program and existing Port of San Diego Coastal Development permit. 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. This project is located inside the coastal zone and preliminary review indicates it would affect coastal zone resources. After a review of the comments received on this public notice and in consultation with the Port of San Diego, the Corps will make a final determination of whether this project affects coastal zone resources after review of the comments received on this Public Notice.

**Essential Fish Habitat**- Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project. The Corps of Engineers preliminary determination indicates the proposed activity would adversely affect EFH. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) will be required. The Corps of Engineers preliminary determination indicates the proposed activity may adversely affect EFH. Pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Los Angeles District will comply with the EFH consultation requirements of the Act (via an EFH consultation with NMFS).

In order to comply with the Magnuson-Stevens Fishery Conservation and Management Act (MSA), pursuant to 50 CFR 600.920(e)(3), I am providing, enclosing, or otherwise identifying the following information:

1. Description of the proposed action: See project description on page 6 of this public notice.
2. On-site inspection information: See baseline information on page 5 and 6 of this public notice. There are several EFH species of concern that occur within the San Diego Bay and near the project area that are managed under two Fisheries Management Plans (FMPs), the Coastal Pelagic Species FMP and the Pacific Coast Groundfish FMP. The species managed under these plans and found in San Diego Bay include the Northern Anchovy (*Engraulis mordax*), Pacific Sardine (*Sardinops sagax caerulea*), English Sole (*Parophrys vetulus*), Pacific Mackerel (*Scomber japonicus*), Jack Mackerel (*Trachurus symmetricus*), California Scorpionfish (*Scorpaena guttata*), Leopard Shark (*Triakis semifasciata*), Soupfin Shark (*Galeorhinus galeus*), Spiny Dogfish (*Squalus acanthias*), Cabezon (*Scorpaenichthys marmoratus*), and Grass Rockfish (*Sebastes rastrelliger*). All eleven of the described fish species managed under the Coastal Pelagic Species FMP and Pacific Coast Groundfish FMP have populations that vary seasonally in the Bay. Bay-wide surveys have been performed by the Biology Department at California State University, Northridge in 1994 through 1999 and 2006 and by the Vantuna Research Group of Occidental College in April and July of 2008, 2012, 2015, and 2016 for the Port and US Navy.
3. Analysis of the potential adverse effects on EFH: The proposed project may have adverse but not substantial impacts to EFH managed species and may be consistent with the General Concurrence for EFH for bank stabilization. Pursuant to 50 CFR 600.910(a), an "adverse effect" on EFH is defined as any impact that reduces the quality and/or quantity of EFH. Factors that were considered in the analysis included the duration, frequency, intensity, and spatial extent of the impact; the sensitivity/vulnerability of the habitat; the habitat functions that might be altered by the impact; and the timing of the impact relative to when the species or life stages may use or need the habitat. Potential impacts to managed fish species are expected to be minimal and temporary. Impacts from the project will be minimal for pelagic fish.
4. Proposed minimization, conservation, or mitigation measures: Best management practices such as spill controls, fueling constraints, and monitoring shall occur if needed. Historical surveys have indicated the presence of eelgrass approximately 40 feet offshore of the Kellogg Beach shoreline, outside of the project area and no impacts are projected to occur. To ensure that this resource is protected, a pre- and post-construction eelgrass survey will be completed in accordance with the California Eelgrass Mitigation Plan (CEMP). Historical surveys have found no *Caulerpa taxifolia* present in the San Diego Bay. Pursuant to pre-construction protocols, a *Caulerpa taxifolia* survey will be completed before starting any construction for the proposed project.
5. Conclusions regarding effects of the proposed project on EFH: The Corps will be consulting under EFH procedures with NMFS via email at a later date during the permit process. Therefore, it is my initial determination the proposed activity may adversely affect the Coastal Pelagic and Pacific Groundfish species but not have a substantial adverse impact on EFH or federally managed fisheries in California waters. My final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NOAA Fisheries.

**Cultural Resources-** The latest version of the National Register of Historic Places has been consulted and the project area 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. The area has been previously disturbed by past beach nourishment and dredging activities and there is little likelihood that there are any impacts to cultural resources within the Area of Potential Effect (APE) and project area.

**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. The project will avoid the California least tern nesting season from April 1<sup>st</sup> to September 1<sup>st</sup>. The project will not have any impacts to the federally-listed as endangered Green Sea Turtle (GST, *Chelonia mydas*) as GST have historically been present in south San Diego Bay and not in the project area. All applicable best management practices (BMPs) will be implemented to avoid impacts to existing GST habitat in the vicinity of the project such as spill prevention, erosion controls, and fueling measures that will minimize impacts to GST habitat. Also visual water quality monitoring for turbidity and limiting work to low tide will be conducted during sand placement to ensure the project has no adverse impacts on existing GST habitat. The Port will have monitors for GST but none are expected.

**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). 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. The basic project purpose for the proposed project is beach nourishment. The project 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 perform beach nourishment at Kellogg Beach with suitable sand within the Shelter Island Yacht Basin, in San Diego Bay, CA.

### **Additional Project Information**

**Baseline information-**Kellogg Beach is an existing shoreline with high recreational use within northern San Diego bay. The existing project was largely a maintenance beach nourishment project that is described in the 1979 Final Impact Report entitled the La Playa Beach Restoration project that was prepared by the Port and then built. The beach is regularly subjected to scouring and erosion due to wind, wave and tidal actions from the bay. The Port completed sand replenishment projects in this area in 1984, 1989, 1998, 2006, and most recently in 2009. The sand replenishment efforts in 2006 and 2009 were approved via a permit issued by the Corps on November 16, 2005 for a five-year

beach nourishment program to replenish eroded portions of Kellogg Beach utilizing clean, commercially sourced sand that expired. The sand sources for these previous projects were deemed suitable when compliance with the ITM was required and the existing shoreline ranges from 0 ft. MLLW to 5 ft. MLLW and consists of sandy beach with existing rock gravel adjacent to residential developments and a constructed rock groin west of the area. No eelgrass or wetlands are within the project area. The sand sources for the work are located at upland quarries that may be adjacent to rivers that have or will be tested for adequate compliance with the ITM and are inland from the project area. Also insofar as the fish and avian ground fish species are comparatively uncommon in the project area. Only one English Sole was recorded in the five years of collected data prior to 1999, none recorded in 2005 or 2008, and eight were collected in the North Bay in 2012, and none were recorded in surveys in 2015. Due to its rarity within the Bay, project impacts on this species are not probable. Additionally, California Scorpionfish are rare compared to other species and primarily observed on reefs; therefore, California Scorpionfish are not likely to be impacted by this project. Lastly, Leopard Sharks, Soupfin Sharks, Spiny Dogfish, Cabezon, and Grass Rockfish were not observed in 2015 or 2016 collections. Shorebirds are present in the area and include sea gulls, sand pipers, and pelicans.

Project description- The proposed project includes minor grading/recontouring/stockpiling and fill activities associated with sand replenishment at the Kellogg Beach shoreline. No dredging of the bay is proposed at this time and sand sources are to come from sites that have been or will be tested per the ITM. Sand will be truck-hauled and stockpiled or directly placed by land-based equipment, including spreading and wheel compacting with minor grading to the surrounding area. Allowing for mobilization and demobilization time and barring tidal constraints, the sand replenishment activities should be completed within fourteen (14) days following commencement. Sand will be sourced from a known upland provider or adjacent area and will be clean and washed prior to arrival. As well, the Port will provide the upland sand source and characteristics of the sand source, including grain size and laboratory analyses for Corps and EPA approval, prior to each iteration of sand replenishment. Visual water quality monitoring for turbidity will be conducted during all sand placement activities, and all necessary construction BMPs will be implemented to avoid impacts to the San Diego Bay.

The proposed project consists of annual sand replenishment efforts including minor grading activities and the placement of approximately 2,200 cubic yards of clean, washed sand along approximately up to 300' of shoreline north and south of Lawrence Street. Sand placement is expected to occur to an approximate depth of -2 feet (see attached drawings for sections and details). The volume of sand is based upon the topography of the shoreline in that area of the bay. Sand replenishment efforts in the years following the initial placement may require less volume of sand, or no sand, and will be evaluated on an annual basis.

Prior to commencement of sand replenishment activities every year, the Port will identify an appropriate source of clean, washed sand of appropriate size and composition. Samples will be submitted for laboratory analysis in accordance with guidelines described in the ITM and results will be provided to Corps and EPA for evaluation. The Port has completed gradation and analytical testing of source samples collected in anticipation of the first implementation of sand placement activities. Results are included with this application for your review. Initial sand replenishment is anticipated to commence in early spring 2020. Sand will be placed by land-based equipment, including spreading and wheel compacting with minor grading to the surrounding area. Allowing for mobilization and demobilization time and barring tidal constraints, the sand replenishment activities should be completed within fourteen (14) days following commencement. Sand will be sourced from a known provider and will be clean and washed prior to arrival. The Port will provide sand source and characteristics, including grain size and laboratory analyses, for approval.

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:** The project is largely a maintenance beach nourishment project that is described in the 1979 Final Impact Report entitled the La Playa Beach Restoration project which includes recontouring and grading to an existing beach.

**Minimization:** A pre and post construction survey will be done in accordance with the California Eelgrass Mitigation Policy (CEMP) along with monitoring of work to protect the eelgrass approximately 40 ft. offshore. All work will be done at low tide and the construction schedule will be coordinated to avoid extreme tides and waves. Also visual monitoring will be done during sand placement work to ensure work is curtailed if there is an exceedance of turbidity levels. Also the minimization measures of the Section 401 water quality certification shall be implemented.

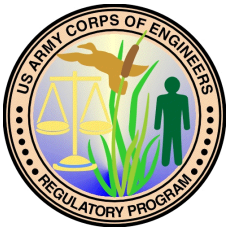
**Compensation:** The Port is not proposing any compensatory mitigation as there is no eelgrass or wetlands impacts so no mitigation for any special aquatic sites is needed.

### **Proposed Special Conditions**

The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects:

No special conditions are proposed at this time.

For additional information please call Robert Smith of my staff at (760) 602-4831 or via e-mail at [Robert.R.Smith@usace.army.mil](mailto:Robert.R.Smith@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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# Sand Replenishment at Kellogg beach – Plans





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