



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT RE-ISSUANCE PROTECTIVE SAND BERM AT LEADBETTER BEACH

Public Notice/Application No.: SPL-2014-00356-CLH

Project: Protective sand berm at Leadbetter Beach

Comment Period: June 26, 2014 through July 26, 2014

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

Applicant and Contact

Karl Treiberg
City of Santa Barbara, Waterfront Department
132 Harbor Way, Suite A
Santa Barbara, California 93109

Location

The proposed project is located within the Santa Barbara Harbor at Leadbetter Beach within the city and county of Santa Barbara, California (Lat: 34.40269, Long:-119.69684).

Activity: The City has used seasonal sand berms in the past as a means to prevent flooding from winter storms. Construction of seasonal protective sand berms have been previously authorized under SPL-2004-01460-JCM. The City of Santa Barbara Waterfront Department (City) proposes to temporarily impact 1.8 acres of waters of the U.S. by erecting a 950-foot-long seasonal sand berm along Leadbetter Beach to protect existing infrastructure in the Santa Barbara Harbor Commercial Area. The berm would be 24 feet wide at the base and 10 feet tall, and constructed of native material pushed from below the mean high water mark along the beach. The City would maintain the berm as needed during the winter storm season. Construction and maintenance would occur after October 31 and would be demolished not later than April 15 each year. When demolished, the sand would be spread evenly along the beach. For more information see page 3 of this notice.

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-2014-00356-CLH
2151 Alessandro Dr., Suite 110
Ventura, California 93001

Alternatively, comments can be sent electronically to: 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 applied for a Coastal Development Permit (CDP) that is currently pending.

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 he is otherwise unaware of the presence of such resources.

Endangered Species - The threatened snowy plover 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 (*Sternula antillarum browni*) does not nest on or near the proposed project site and feeds in offshore waters. Preliminary determinations indicate that the proposed activity would not affect these federally listed endangered or threatened species. 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 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 protective sand berm adjacent to the Harbor Facilities Maintenance Yard, Harbor Marine Works and Santa Barbara Yacht club parking lot no sooner than November 1 of each Year. Initial construction would last 2-3 days and would occur during low tide. The sand berm dimensions would be no larger than 950 feet long, 24 feet wide and approximately 7 feet high with the entire berm remaining above mean higher high water. Beach sand used to construct the protective berm would be taken from the surf zone. The beach would remain sloped and restored to its pre-construction condition no later than April 15 of each year. Beach restoration activities are anticipated to take 1-2 days.

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 Leadbetter Beach.

Proposed Special Conditions

1. The applicant shall not initiate construction of the berm prior to November 1 of any year.
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 from the breakwater to the west end of Leadbetter Beach for grunion eggs immediately prior to berm demolition activities. If the biologist finds grunion eggs, the permittee shall wait until the eggs have hatched and young have migrated before flattening the berm. The applicant shall submit the survey results to the Corps within 7 days after the berm has been flattened.
4. 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.
5. During berm demolition activities, the applicant shall ensure that sand berm materials are spread evenly along the beach for the entire 950-foot length of the berm, and that the amount of material pushed into the swash zone is minimized.

6. 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.
7. Equipment access to the project site shall be via existing roads and access ramps.
8. 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.
9. The applicant shall ensure that all vehicle and equipment maintenance, staging, storage, and fueling occurs only in designated upland areas. The applicant shall ensure that all runoff from these maintenance areas is prevented from entering waters of the U.S.
10. The applicant understands and agrees that if future operations by the U.S. require the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or an authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the applicant shall be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.
11. 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.

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. This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

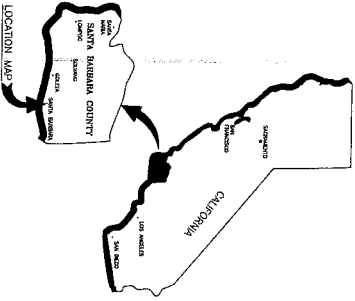
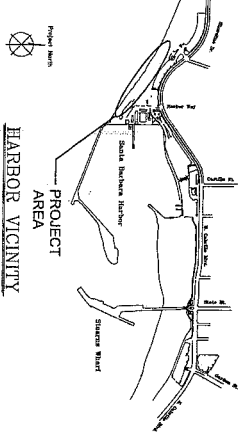
- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

PROJECT INFORMATION

A.P.N. 045-250-012
 ZONE PARKS
 LATITUDE 34° 24' 11"
 LONGITUDE 119° 41' 37"

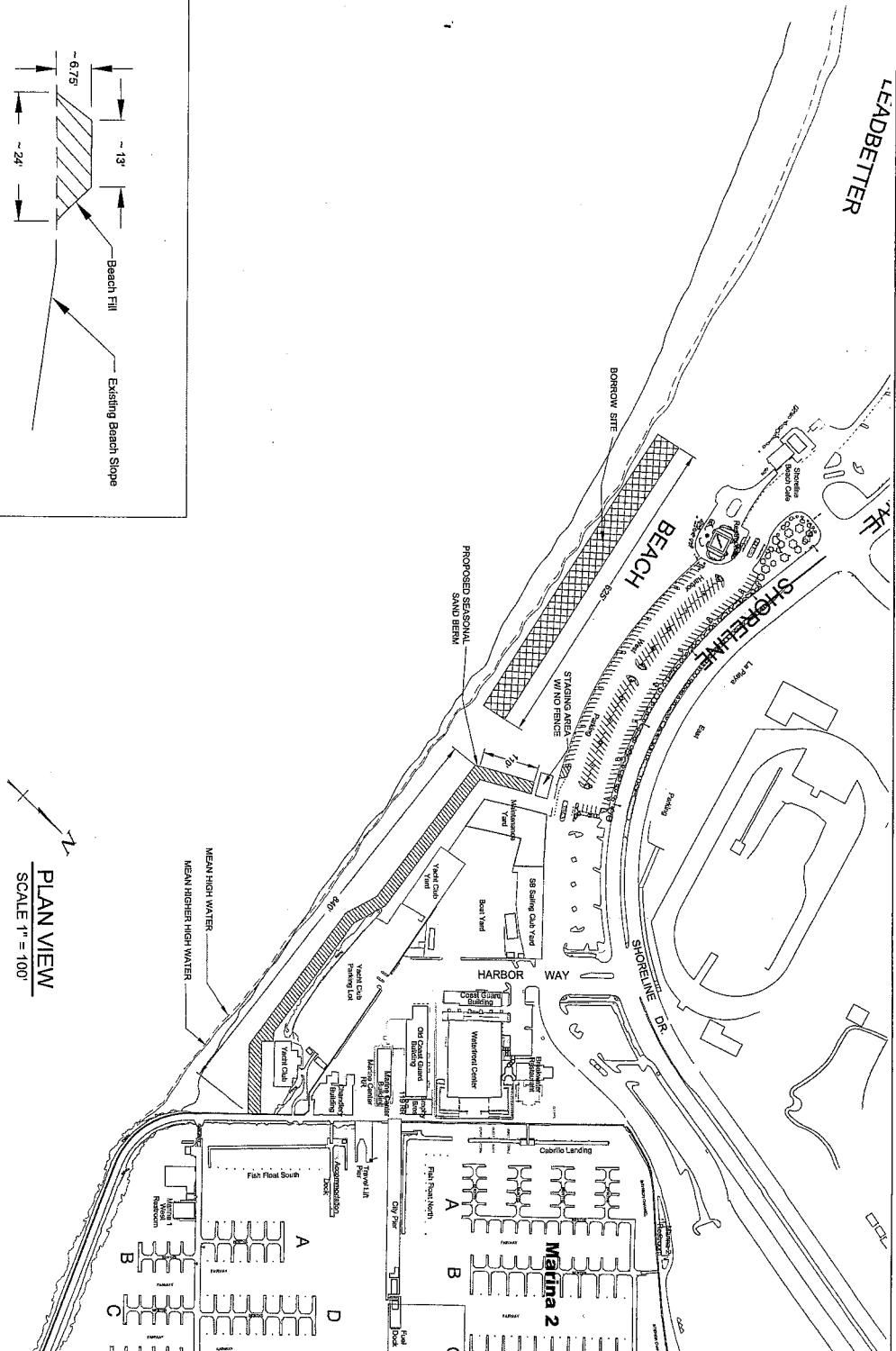
PROTECTIVE BERM SIZE

LENGTH 950 FEET
 WIDTH 24 FEET
 HEIGHT 6.75 FEET
 GRADING 8,550 C.Y. (CUT & FILL COMBINED)

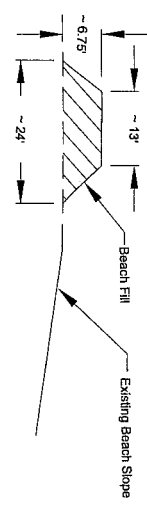


DESIGNED BY	T. LAWLER
CHECKED BY	J. GARDY
DATE	1/29/04
APPROVED BY	
REVISIONS	

LEADBETTER



TYPICAL CROSS SECTION
 SCALE 1" = 10"



PLAN VIEW
 SCALE 1" = 100"

Sand Berm
 Leadbetter Beach
 Santa Barbara California

CITY OF SANTA BARBARA
 WATERFRONT DEPARTMENT - FACILITIES DIVISION

SCALE: Meled	INC. NO.	BB24
FACTOR: 1	SHT. 1	OF 1 SHT.
HOR. 1	DESK NO.	6101-013

City of Santa Barbara Planning & Development Department
 PROJECT: Santa Barbara Harbor
 SHEET: SB 11
 DATE: 1/29/04
 DRAWN BY: T. Lawler
 CHECKED BY: J. Gardy
 APPROVED BY: [Signature]

RECEIVED
 APR 17 2004
 CITY OF SANTA BARBARA
 PLANNING DIVISION