



PUBLIC NOTICE

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

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**APPLICATION FOR PERMIT
City of Oceanside Opportunistic Beach Fill Program (OBFP)**

Public Notice/Application No.: SPL-2014-00271-RRS

Project: City of Oceanside Opportunistic Beach Fill Program (OBFP)

Comment Period: 09/11/2014 through 10/12/2014

Project Manager: Robert Smith; 760-602-4831; Robert.R.Smith@usace.army.mil

Applicant

Marisa Lundstedt
(760) 435-3535
City of Oceanside Development Services Dept
300 N. Coast Highway
Oceanside, California 92054

Contact

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

Location

The Southern Placement site is at Oceanside beach from Forster Street to 5,000 feet south (to Kelly St.) and the Northern Placement site is at Oceanside beach from Seagaze Dr. to Pine St., San Diego County, California
(at: latitude: 33.188776 degrees N longitude: -117.380462 degrees W)

Activity

The City of Oceanside is proposing to renew and amend the existing permit for the Opportunistic Beach Restoration Program (OBFP) for five years to capitalize on opportunities to obtain beach-quality sand from upland or dredging projects in the region for placement on Oceanside Beach. The South Oceanside Beach site (per the attached drawings) includes both the Southern Surfzone placement site that extends from Forster Street to a distance of 5,000 ft. south to Kelly St. along with the Beach Berm Placement site from Oceanside Blvd. to a point 1,600 ft. south to Loma Alta Creek. If material is suitable for dry beach or surf zone placement in the form of a beach berm, then material will be placed from Oceanside Boulevard to just north of Loma Alta Creek (1,600 feet). The Northern Placement site (per the attached drawings) includes both the Surfzone and Beach Berm placement sites for a length of 1,600 ft. from Seagaze Dr. to Pine St for all material suitable for dry beach or surf zone placement. The material placed on the beach in the form of a berm and in the surf zone will provide erosion control, recreational benefits, and habitat enhancement. Total temporary and permanent impacts to waters of the U.S. to tidal waters are for the Northern Placement site (Surfzone – 1.8 acres, Beach Berm - 6.0 acres) and the Southern Placement site (Surfzone – 5.7 acres, Beach Berm – 11.0 acres) to 24.5 acres.

The program proposes a maximum of 150,000 cy/yr with 25% or less fines. This volume includes up to 50,000 cy/yr with up to 40% fines. However, no more than 150,000 cy is proposed for any given

year. The placement site is very near the location of the SANDAG Regional Beach RBSP I and II footprint in Oceanside. Two placement designs are proposed: beach berm and low tide mound placement in the surf zone (see figures enclosed). It is proposed to start the program with relatively small projects (5,000 to 20,000 cy) for each of the first two years, followed by monitoring.

The Department proposes to capitalize on opportunities to obtain beach-quality sand from upland construction projects when it comes available by obtaining one permit from each permitting agency for an extended period of time (5 years) for beach placement, without having to reapply for individual permits for each placement operation. The sand material would be deposited at a specific location along Oceanside's beach if it was determined to be beach-compatible, rather than having the developer dispose of it at an inland site. The program would be monitored over time so that it may be modified, with agency consent, to maintain minimal environmental impacts while maximizing nourishment of the littoral cell. 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 Branch - San Diego Field Office
ATTN: CESPL-RG-SD-2014-00271-RRS
5900 La Place Ct., Suite 100
Carlsbad, California 92008

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. The applicant had previously obtained an Order for General Waste Discharge Requirements in 1996 for the proposed project under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board for the expired permit.

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 there is no known historical resources at the beach pilot project or stockpile sites. Therefore, no adverse change in the significance of a historical resource would occur. The Corps shall complete its responsibilities under Section 106 of the National Historic Preservation Act.

Endangered Species- Although grunion are not listed as threatened or endangered, a monitoring program is designed to minimize impacts to this managed fish species with monitoring of the beach if sand replenishment were to occur during the spawning season. This potential impact would be reduced to less than significant through the monitoring program.

The Corps has not coordinated with the U.S. Fish and Wildlife Service regarding this project and has determined that a no may effect determination under Section 7 of the Endangered Species Act is relevant for any potential impacts to the Federally listed as endangered least tern or western snowy plover.

Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) – Essential Fish Habitat (EFH) – An EFH assessment was conducted for the proposed project by Merkel & Associates (May 2014). Due to the temporary and low impact nature of the proposed project, it is concluded that the project will not adversely affect EFH for coastal pelagic or Pacific groundfish species but the Corps welcomes comments from NMFS on our determination.

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, a maximum of approximately 7.5 acres of waters of the United States of the Pacific Ocean at Oceanside beach, may receive some sand. The receiver site footprint for the surf zone area would be approximately 50 ft. in width for a length of 1600 to 5000 feet in the surf zone at approximately +1-foot Mean Lower Low Water (MLLW) elevation or lower dependant on time of placement (see attached figures). The receiver site footprint for beach berm placement is proposed to be within a surface layer with the finished surface elevation of +12 feet MLLW with a width of within 163 feet and a length of no more than 1,600 to 3,200 feet. These footprints are within the area established for previous beach replenishment projects in this location from the RBSP I and RBSP II projects, Corps Oceanside harbor dredging project, and other projects.

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 basic project purpose for the proposed project is to provide ongoing beach nourishment to Oceanside beach.

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 capitalize on opportunities to obtain beach-quality sand from construction, development, or dredging projects in the region when it becomes available for nourishment in the City Oceanside, CA. Approval of the CEQA document and subsequent receipt of permits would allow quick and efficient placement of material as it comes available in the next 5 years. This efficiency makes opportunistic material a viable sand source.

Resource Agency Project Requirements:

California State Lands Commission – A lease consistency was done with State Lands Commission and a letter of permission was granted to the Department of Fish and Game.

Additional Project Information

The proposed project presents a valuable opportunity to provide additional sediment to City of Oceanside beaches that are located in the Oceanside Littoral Cell. This Cell experiences a net southerly sediment transport at rates ranging between approximately 0 to 550,000 cy per year, with the average being approximately 250,000 cy per year. The receiver site consists mostly of sand deposited during the annual Oceanside Harbor dredging and San Diego Association of Governments (SANDAG) RBSP in 2001 and 2012.

The proposed program would utilize methodology outlined within the Sand Compatibility Opportunistic Use Program (SCOUP) Plan (Moffatt & Nichol 2005) to determine the physical (grain-size) and chemical compatibility of future source material for beach nourishment per the Inland Testing Manual (ITM). Any material not meeting these predetermined standards would be rejected. Criteria for determining suitable beach sand include that the material:

- Cannot be suspected of containing hazardous chemicals based on EPA Tier I assessment;

- Must be free of trash and debris based on visual inspection;
- Must reasonably match the color of natural beach sand after exposure to the marine environment;
- Must be less than 10 percent manufactured sand;
- Must be a minimum of 55 percent sand, optimally 75 percent sand or greater; and
- Must not form a hardpan after placement.

The rate of sand placement on the beach is also proposed to replicate nature as closely as possible. Natural sediment delivery to the coast occurs during the wet season (fall and winter); therefore, as much as 100 percent of the beach fill volume (150,000 cy/yr with less than 25 percent fines) is proposed to occur in the fall and winter seasons (September through March). No more than one-third of sand material (50,000 cy/yr with less than 25 percent fines) would be placed on the beach in spring and summer months (April through September). This season has the highest beach usage for recreation but is also the most active construction season. All of the less-than-optimum sand would have to be placed in the fall/winter seasons due to the anticipated turbidity plume to be generated.

The City of Oceanside shall implement a public safety and access program consisting of signs and flagging in the project area to ensure that the public on foot, as well as beach maintenance vehicles, emergency vehicles, and personnel on foot have safe access to and along the beach during the replenishment operations.

The two beach fill designs for the Oceanside project include (1) beach berm for optimum sands (less than 15 percent fines content), (2) placement below the mean high tide line for less-than-optimum sands (15 to 45 percent).

There would be no significant impacts to water quality and the applicant will secure a Section 401 water quality certification/Waste Discharge Requirements or waiver thereof from the San Diego Regional Water Quality Control Board.

Previous Fill of Waters of the U.S. – As part of the RBSP I project in 2001 and RBSP II project in 2012, SANDAG placed approximately 420,000 cy of sand from the offshore S05/S06 borrow site onto the proposed receiver sites on and near the OBRP areas. In addition, the site area receives sand annually as part of the Corps Oceanside Harbor maintenance dredging. 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 from the beach nourishment projects.

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.



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.

**DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS**

Carlsbad Field Office
5900 La Place Ct., Suite 100
Carlsbad, CA 92008

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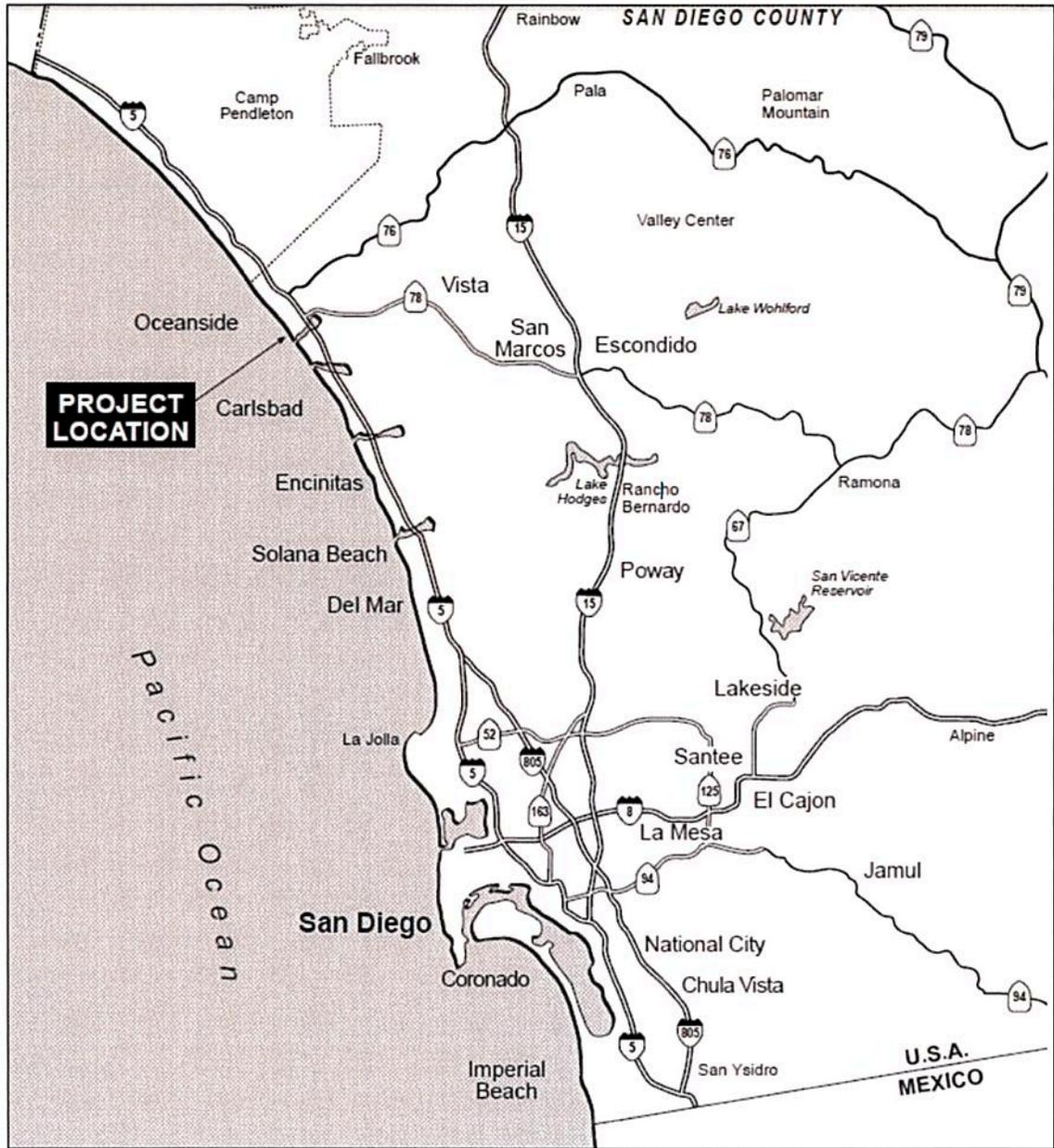


Figure 1. Vicinity Map

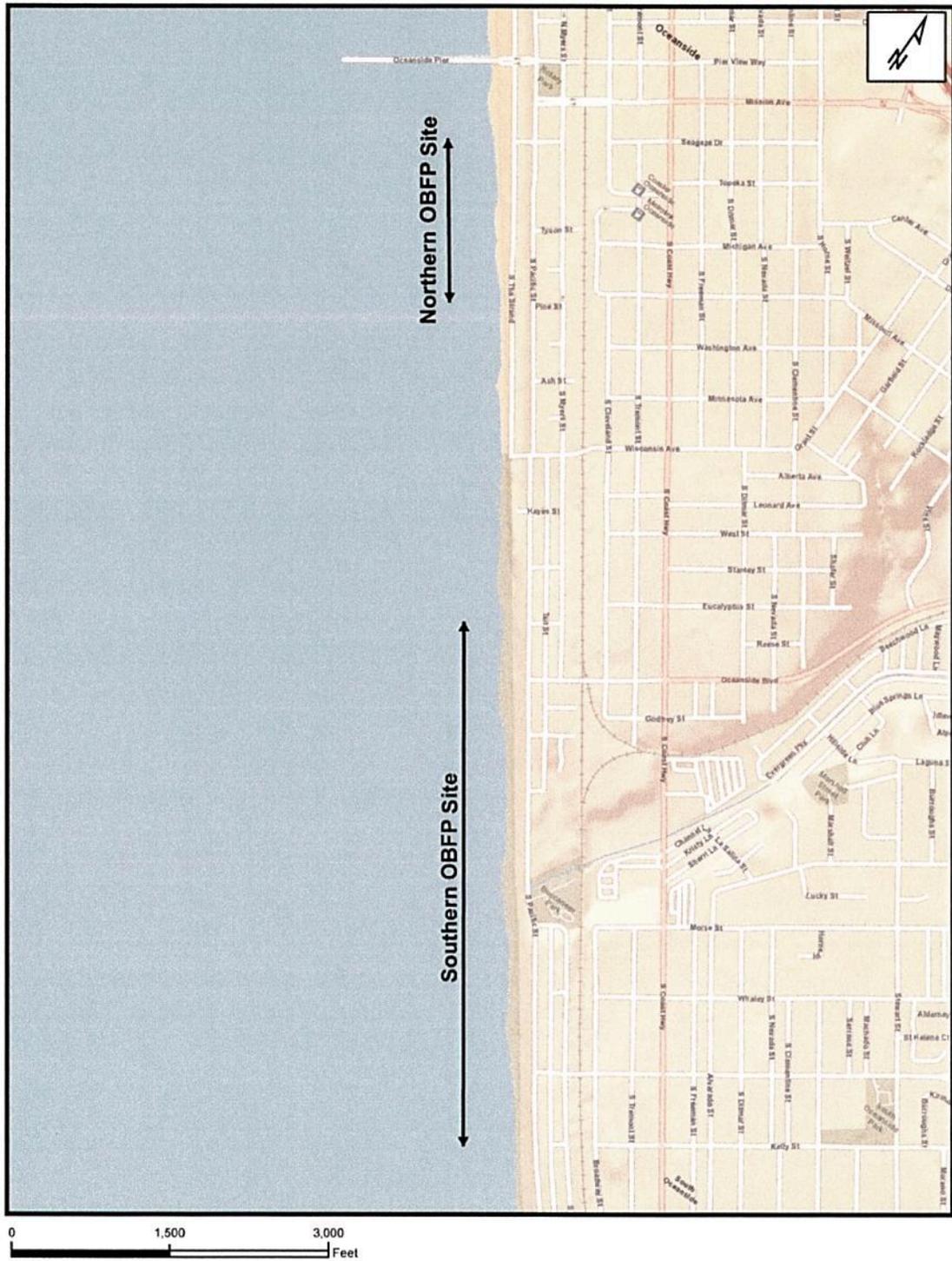


Figure 2. Project Location Map

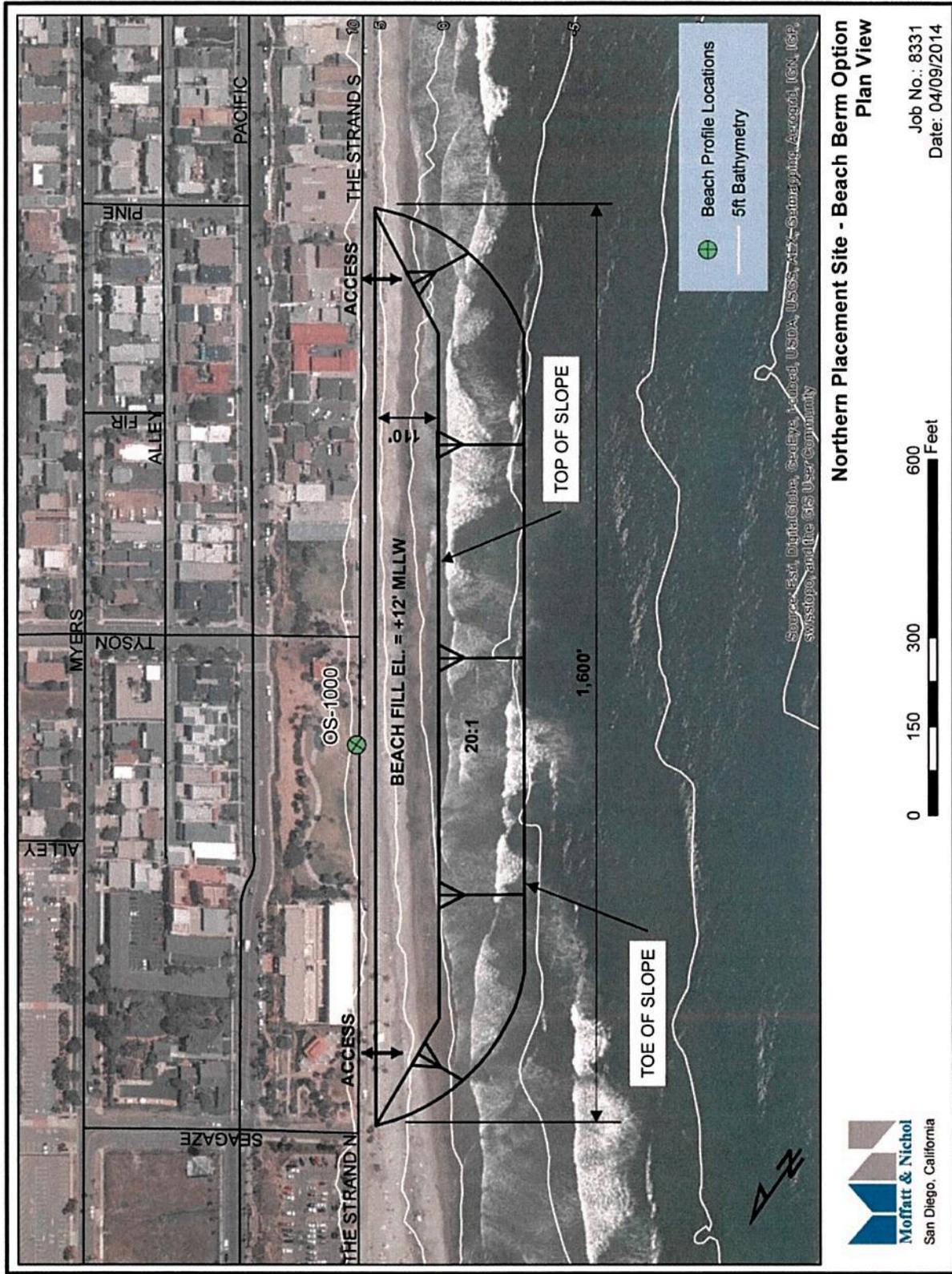


Figure 3. Northern Placement Site Beach Berm Option - Plan View

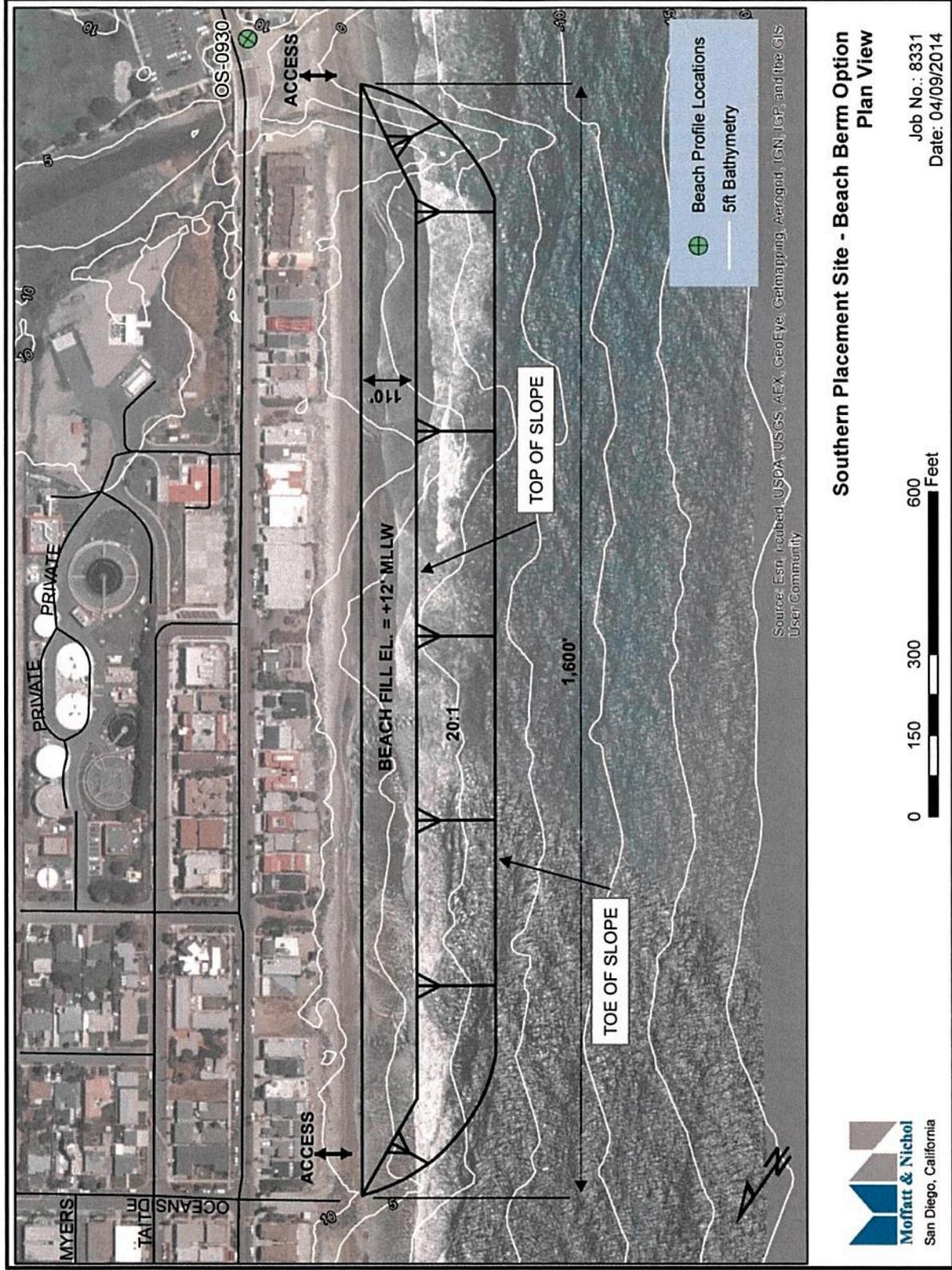
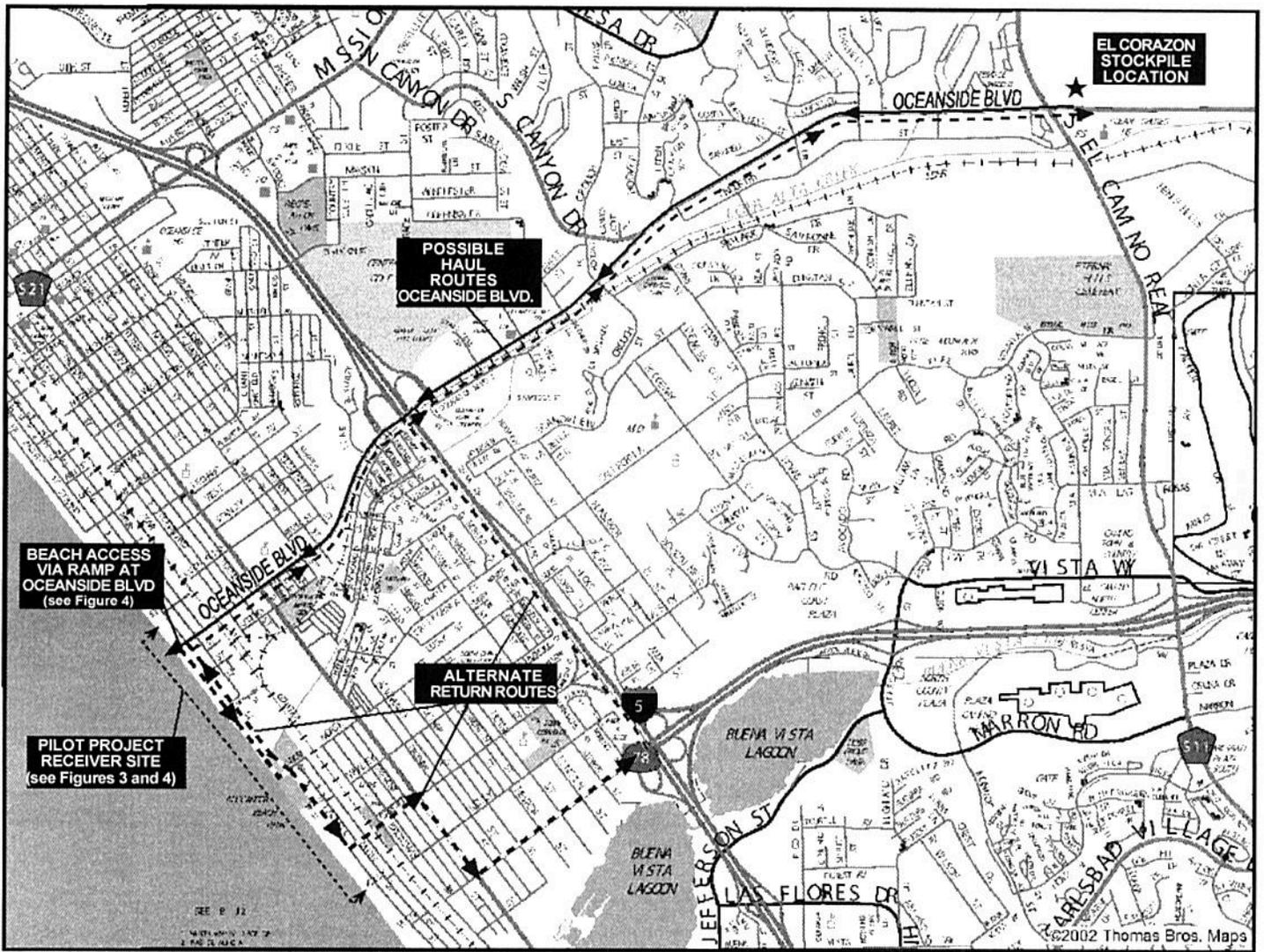


Figure 4. Southern Placement Site Beach Berm Option - Plan View



Proposed Project Features
Figure 5

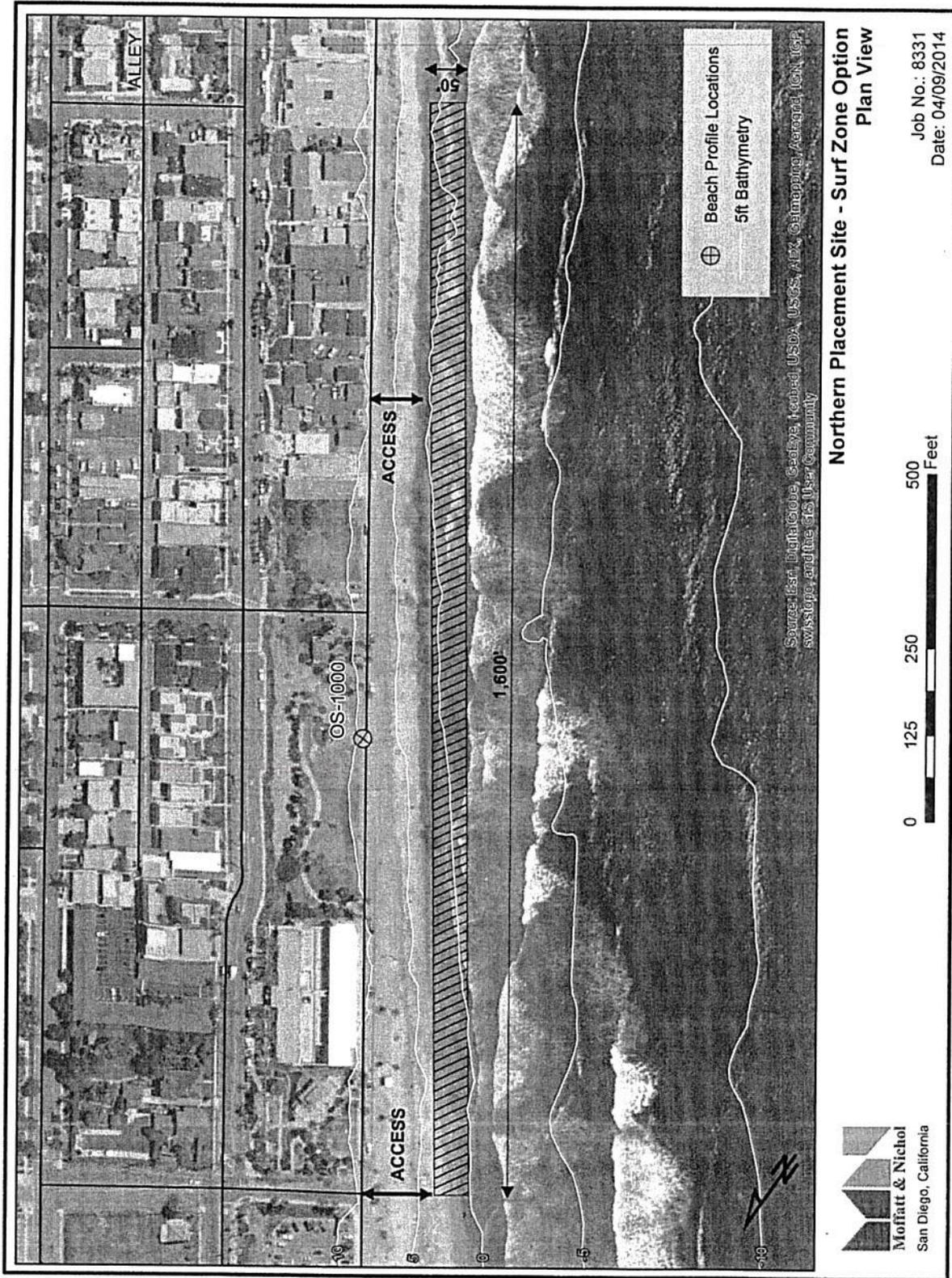


Figure 6. Northern Placement Site Surfzone Placement Option - Plan View

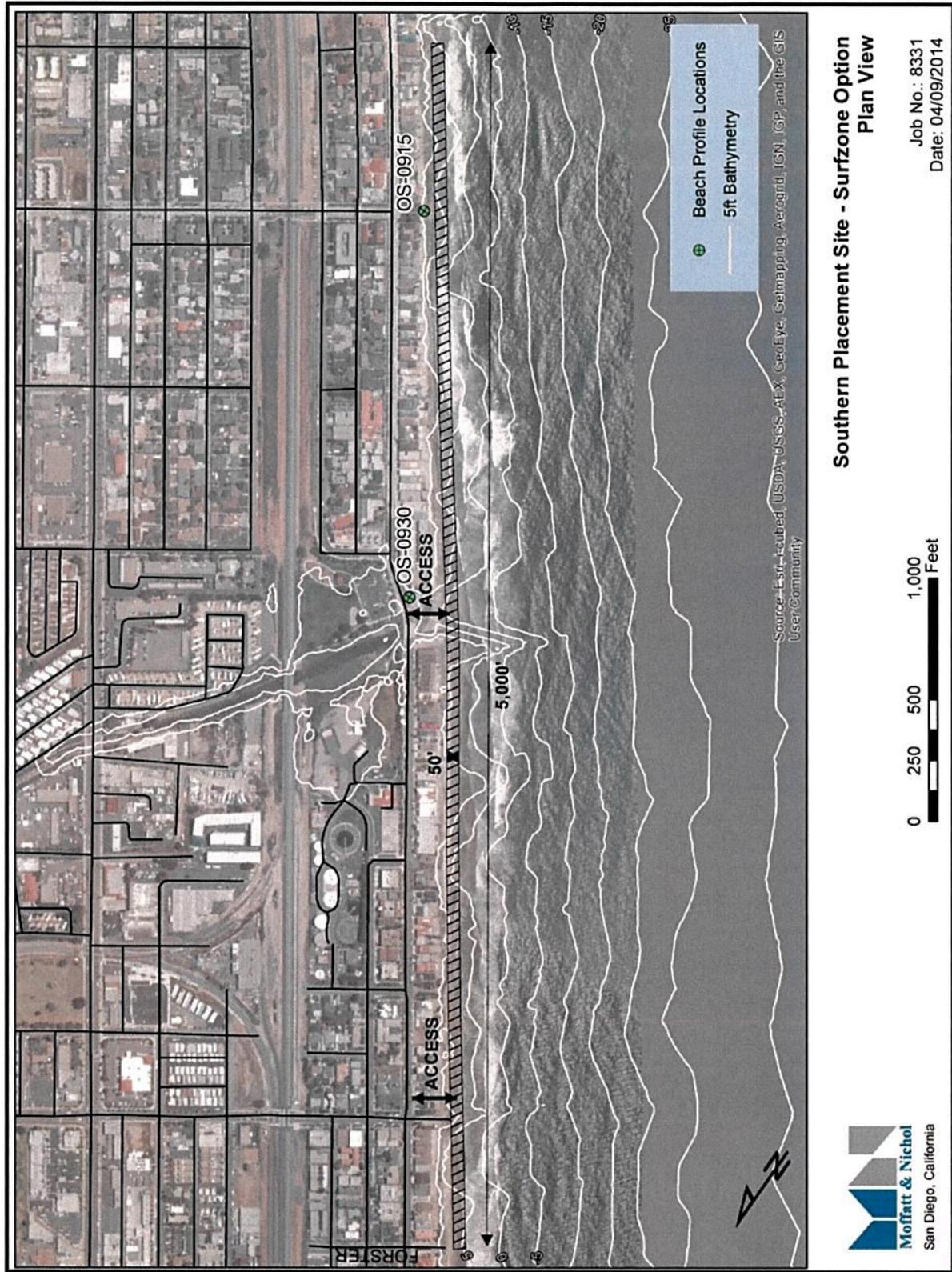


Figure 7. Southern Placement Site Surfzone Placement Option - Plan View