

16 June 1980

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16210

Navigable Waters of the US; Seventh Street Channel (La Paleta Creek); National City, CA

oan

Via: o

Ref: (a) Your memo 16594/pf;oan/215-80 of 4 JUN 80
(b) COMDTINST 16210.1A

1. The information contained in reference (a) has been contrasted with charts and maps of the area. Additionally reference was made to Datums-San Diego Area (enclosure 1) in order to determine the extent of the tidal effect in the area of the San Diego and Arizona Eastern (SD & AE) railroad crossing over the Seventh Street Channel in National City, CA.

2. Reference (a) indicated that the creek bed elevation at the SD & AE crossing is approximately 1 foot above mean sea level (MSL). Enclosure (1) shows that MSL is slightly less than 3 feet above mean low low water, the datum for the chart soundings in San Diego. It would appear that the mean high water averages 1.9 feet above MSL in San Diego. The mean tide level at National City is slightly higher than at the other reference stations in the San Diego area. Therefore based on the mean high water average of 1.9 feet above the MSL Seventh Street Channel would be tidally influenced at the SD & AE crossing.

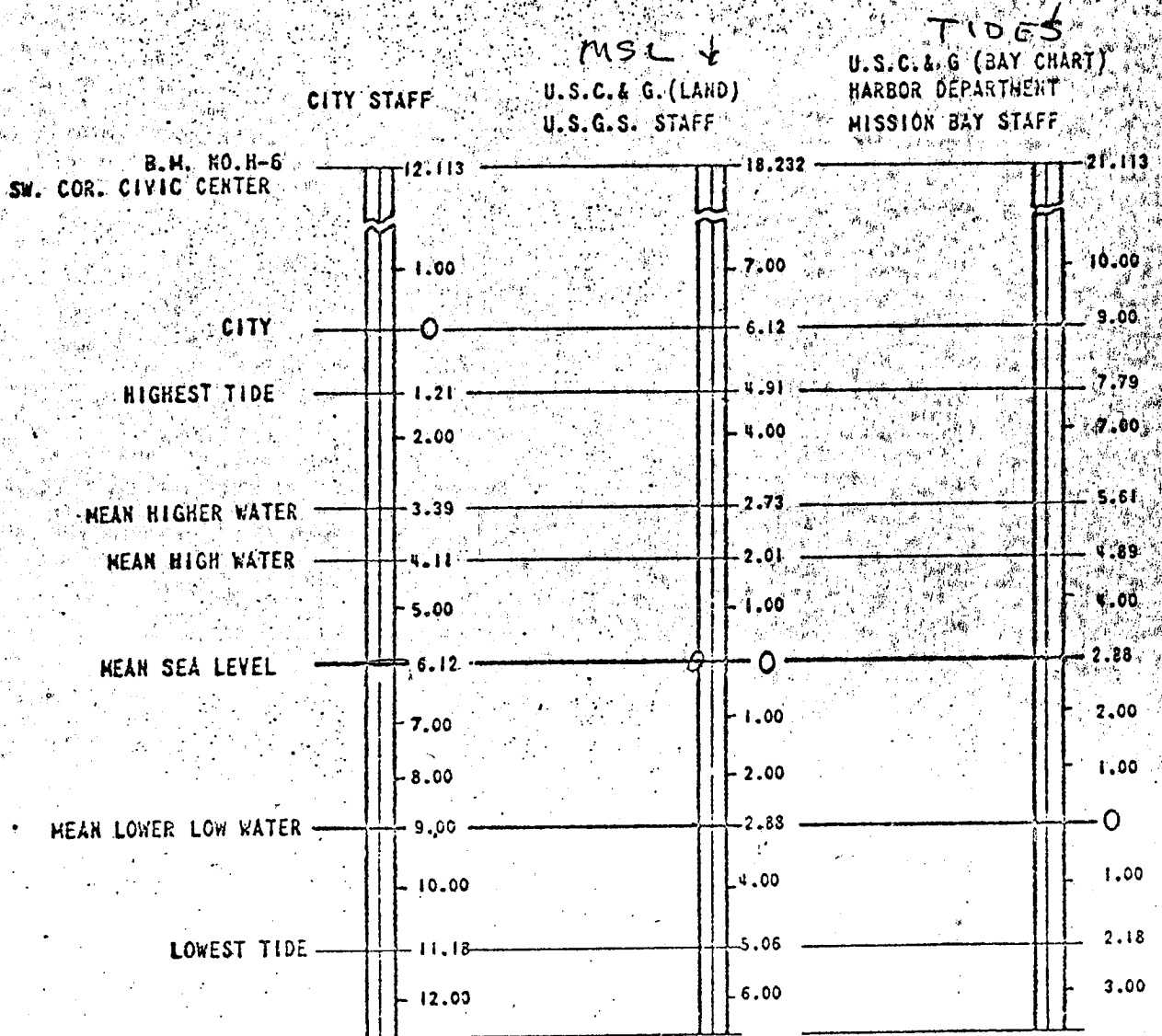
3. Seventh Street Channel is in my opinion navigable waters of the United States because it is tidally influenced. The extent of its navigability inland beyond the SD & AE crossing has not been determined.

4. A record of this opinion will be maintained by the legal officer in accordance with reference (b).

R. N. ROUSSEL
Acting

Encl: San Diego Datums

REVISIONS				APPROVALS	
DESCRIPTION	BY	APPROVED	DATE	ENGINEERING DEPARTMENT	
FROM 510-EB	RWD		6-1-60	WATER DEPARTMENT	<i>[Signature]</i> 3/1/60
				PUBLIC WORKS DEPARTMENT	<i>[Signature]</i> 3/1/60
				HARBOR DEPARTMENT	<i>[Signature]</i> 3/1/60
				CITY ATTORNEY	<i>[Signature]</i> 3/1/60



LEGEND

- U. S. C. & G. = UNITED STATES COAST & GEODETIC SURVEY
- U.S.G.S. = " " GEOLOGICAL SURVEY
- HARBOR DEPARTMENT = CITY OF SAN DIEGO HARBOR
- MISSION BAY = CITY OF SAN DIEGO MISSION BAY DEVELOPMENT
- CITY = CITY OF SAN DIEGO TOPO SHEETS & GENERAL CONSTRUCTION
- MEAN HIGH WATER = MEAN OF ALL HIGH WATERS IN SAN DIEGO BAY
- MEAN HIGHER WATER = MEAN OF ALL HIGHER WATER IN SAN DIEGO BAY, BAY CHARTS AND TOPOGRAPHY UP TO THE MEAN HIGH TIDE LINE BASED ON ZERO AT THE MEAN LOWER LOW WATER.

SOURCE

DATA BASED ON LETTER FROM J.C. BOSE, CAPT. SUPERVISOR, S.W. DISTRICT, USCGC SURVEY TO A.K. FOGG, CITY ENGINEER, CITY OF SAN DIEGO, DATED JUNE 15, 1955 U.S.C. & G. "SEA LEVEL DATUM OF 1929".

SPECIFICATION REFERENCE	CITY OF SAN DIEGO STANDARD DRAWING	SCALE
	DATUMS — SAN DIEGO AREA	DRAWING NO.

Memorandum

16594/PF

Ser: oan/215-80

DATE: 4 June 1980

SUBJECT: Navigability of Seventh Street Channel (La Paleta Creek);
determination of

FROM: Chief, Aids to Navigation Branch

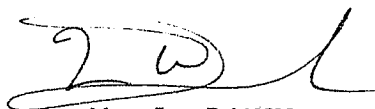
TO: District Legal Officer

Via: Chief, Operations Division *Wojnar*

1. The Metropolitan Transit Development Board (MTDB) of San Diego proposes to construct a sixteen-mile light rail transit system from Centre City, San Diego to San Ysidro, CA. The transit route crosses Seventh Street Channel at the San Diego and Arizona Eastern (SD&AE) railroad crossing in National City, CA. The waterway is locally known as the Seventh Street Channel or the Seventh Street Slough. Historically, the waterway is listed as La Paleta Creek. MTDB has asked if a Coast Guard Bridge Permit is required for a replacement bridge at the Seventh Street SD&AE Crossing.

2. The enclosed findings, photographs, excerpt from the Tide Tables, and chartlet are provided for your information.

3. It appears that Seventh Street Channel at the proposed crossing is tidally influenced and navigable for purposes of Bridge Administration. Your concurrence is requested as soon as practicable.



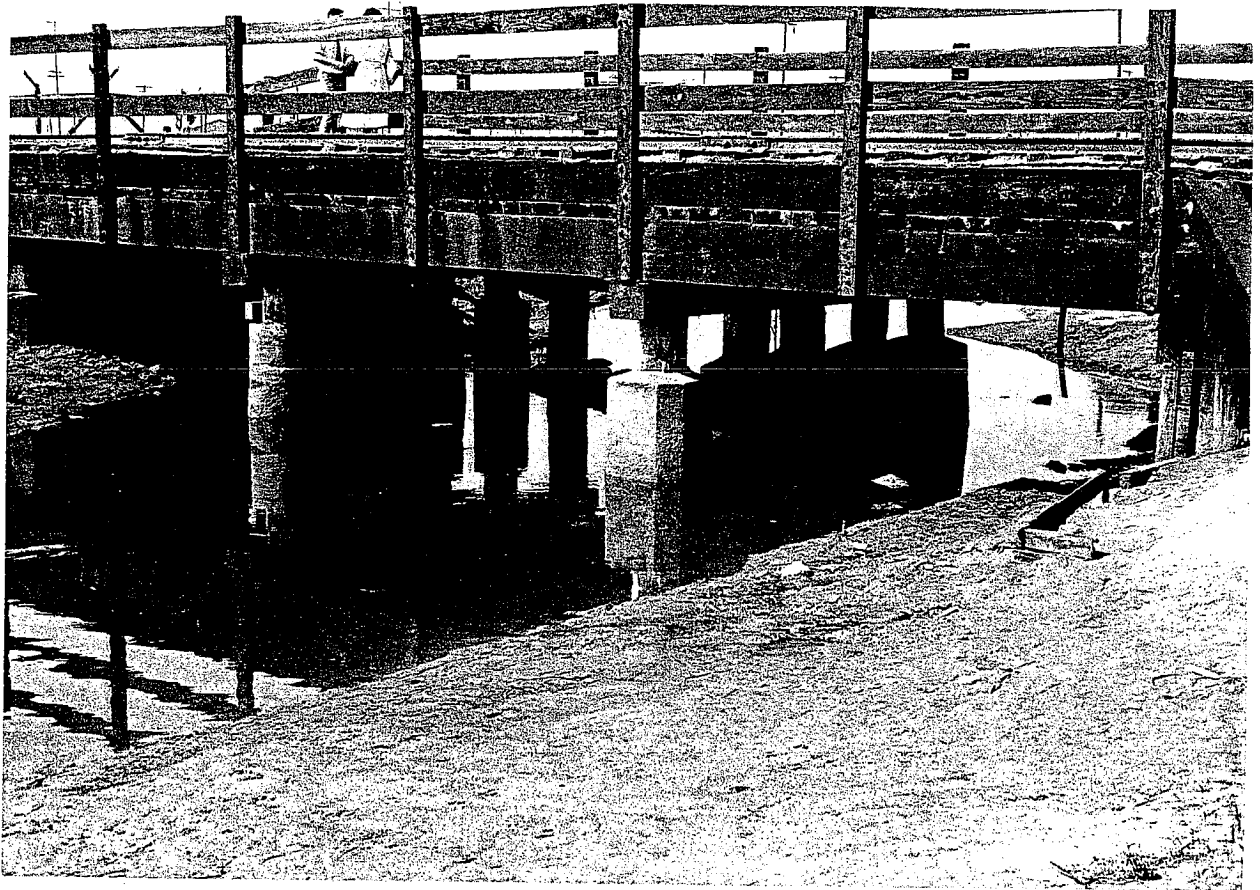
M. J. DANKO

Encl: (1) Findings of Fact
(2) Portion of National City Topographic Map
(3) Photographs of Seventh Street Channel
(4) Excerpt from Tide Table
(5) Department of the Army Public Notice 29 Nov 1972

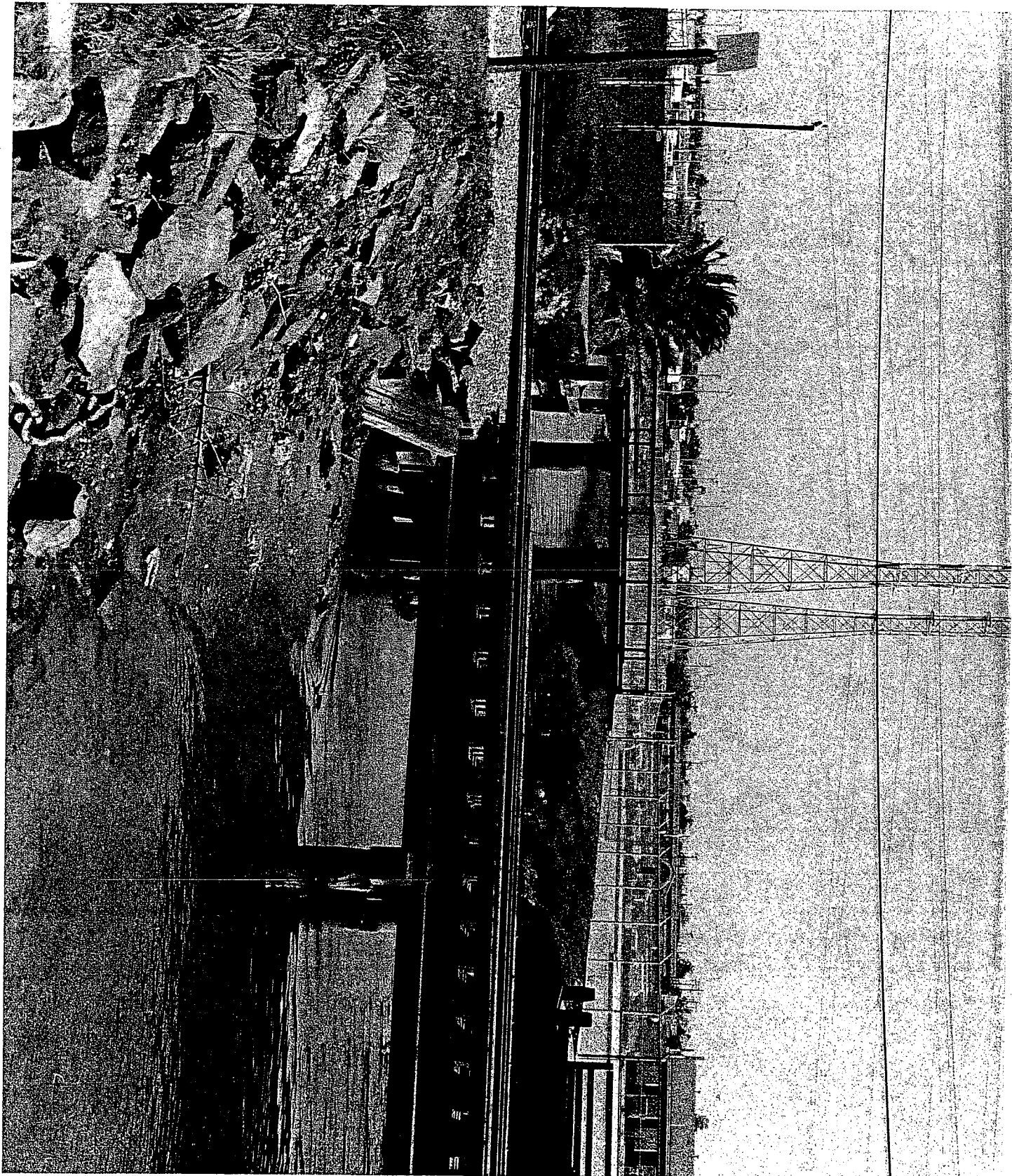
FINDINGS OF FACT

SEVENTH STREET CHANNEL (LA PALETA CREEK)

1. The Seventh Street Channel is located in National City, south San Diego County, California. The Channel is approximately 700 feet north of Eighth Street and extends 1,000 feet inland from its mouth in Lower San Diego Bay. The SD&AE Crossing is 900 feet upstream. Creek bed elevation is approximately 1 foot above mean sea level (MSL) at the bridge crossing.
2. A telephone interview with Mr. Don Newberry, an engineer for the City of National City, revealed the following information:
 - a. The headwaters of Seventh Street Channel rise out of the foothills in southeastern San Diego. Several unnamed creeks drain into Seventh Street Channel during the rainy season. Seventh Street Channel is mostly dry to intermittent except during the spring rainy season.
 - b. Seventh Street Channel enters National City at Division Street and passes through Navy property to empty into Lower San Diego Bay at Seventh Street in National City. The channel drains a large area of south San Diego.
3. Mr. Terry Fielding, Civil Engineer for the Naval Station, San Diego, said that there is approximately 1 to 2 feet of water at the South Harbor Drive Crossing of Seventh Street Channel at extreme low tide. South Harbor Drive is about 500 feet downstream from the San Diego Arizona Eastern crossing. Mr. Fielding also advised that silting from this year's flood run-off has resulted in little or no water at the SD&AE Railroad Crossing.
4. The latest navigational chart of San Diego Bay indicates 13 feet of water at the mouth of Seventh Street Channel at Mean Lower Low Water.
5. There are 4 low-level bridges downstream from the SD&AE bridge crossing.
6. There is no commercial or recreational boating on Seventh Street Channel. Navy ships anchor at the mouth.
7. There is no known history of commerce on the waterway.
8. In 1946 and 1947 the Navy dredged the mouth of Seventh Street Channel. A quay wall was constructed and rip rap placed on the banks of the waterway within the Naval Station.
9. There are no known projects or plans for alteration or improvement of the Seventh Street Channel.
10. Enclosure (5) contains the U.S. Army Corps of Engineer public notice concerning navigable waters, from the Mexican border to Cape San Martin, as established by the River and Harbor Act of 1899.

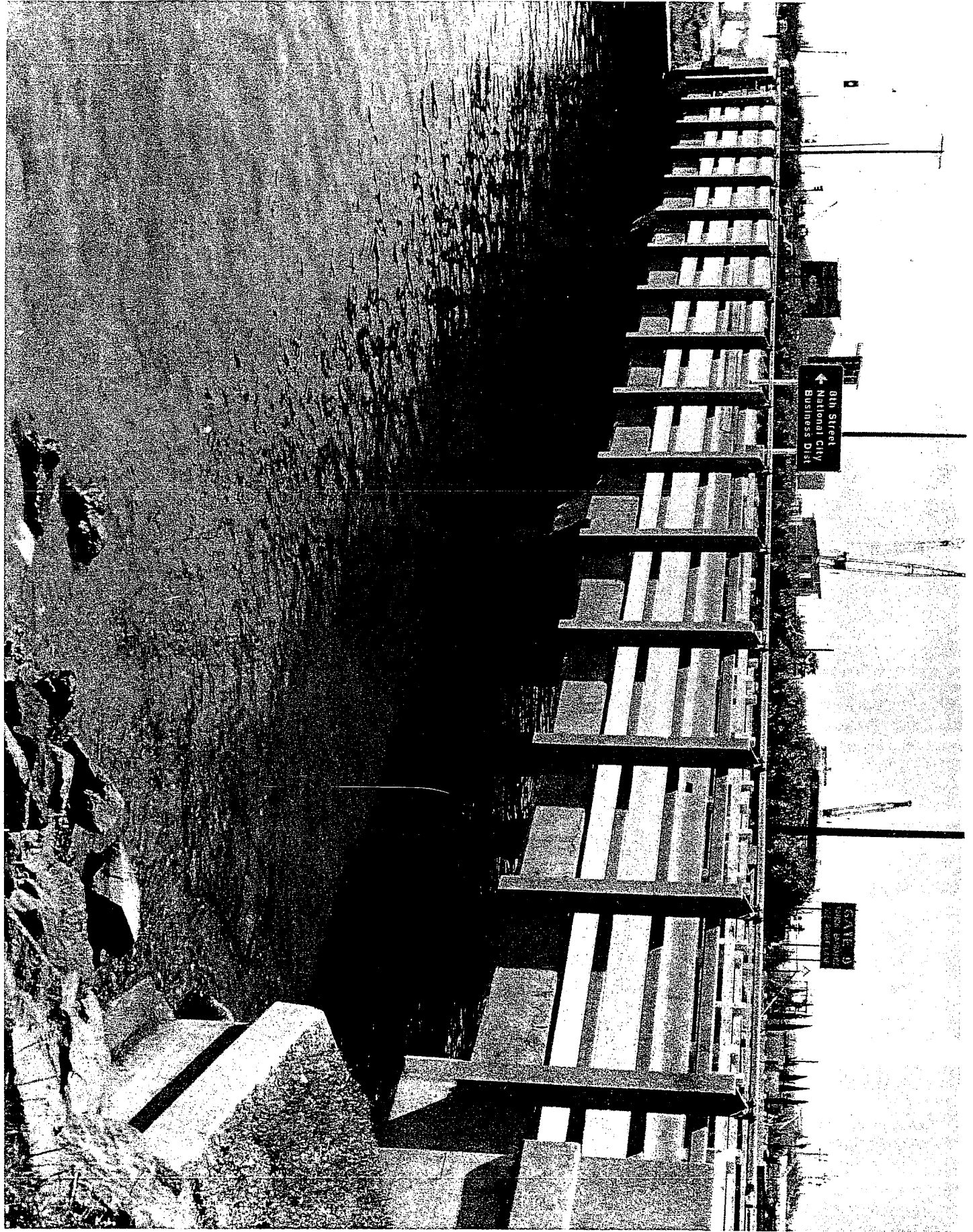


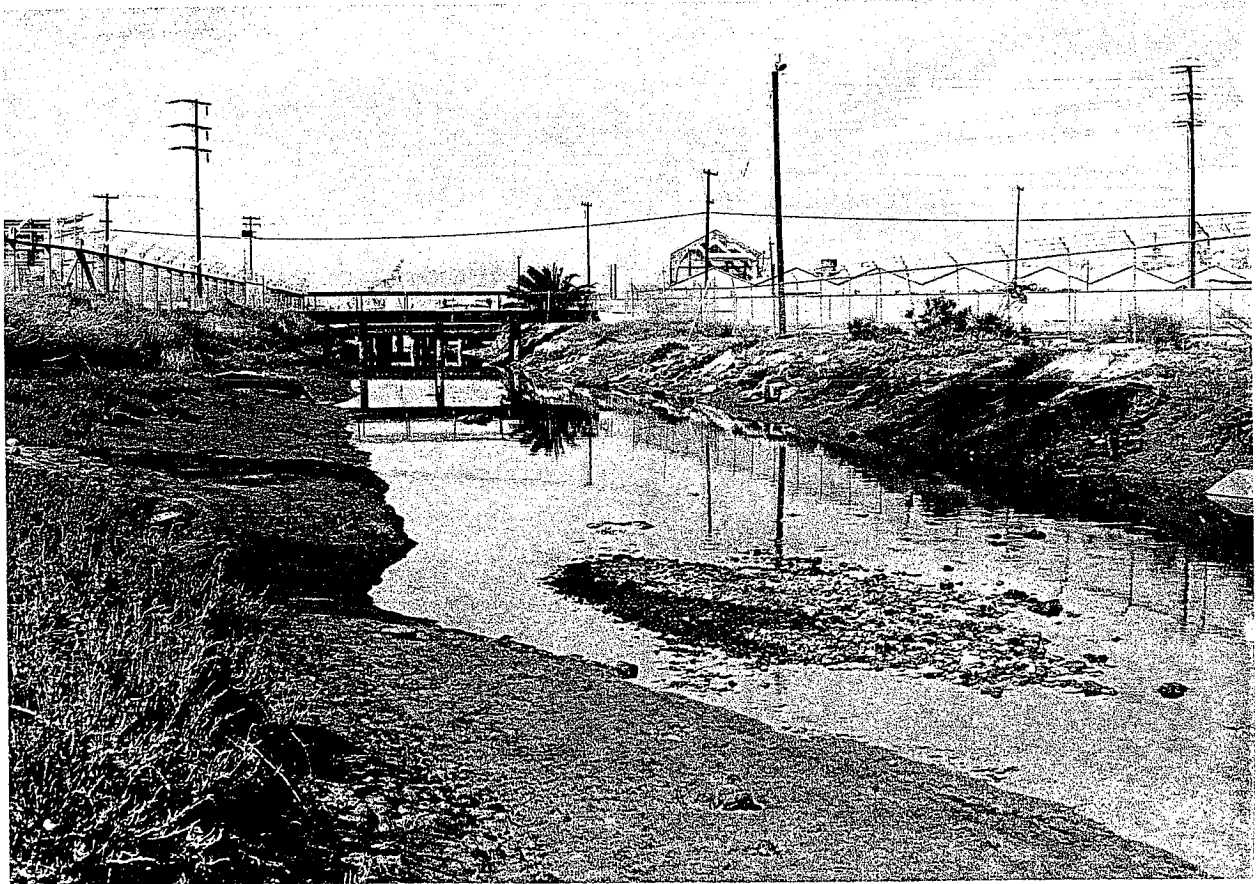
PROPOSED REPLACEMENT BRIDGE (SD & AE)
AT SEVENTH STREET CHANNEL



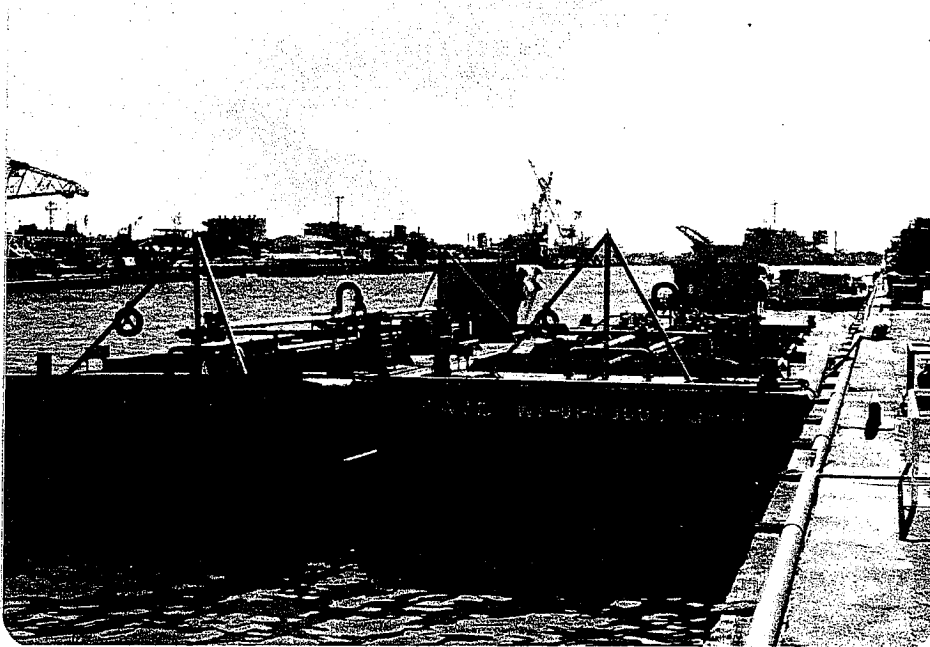
ATSF RAILROAD BRIDGE LOOKING UPSTREAM

SOUTH HARBOR DRIVE BRIDGE OVER SEVENTH STREET CHANNEL

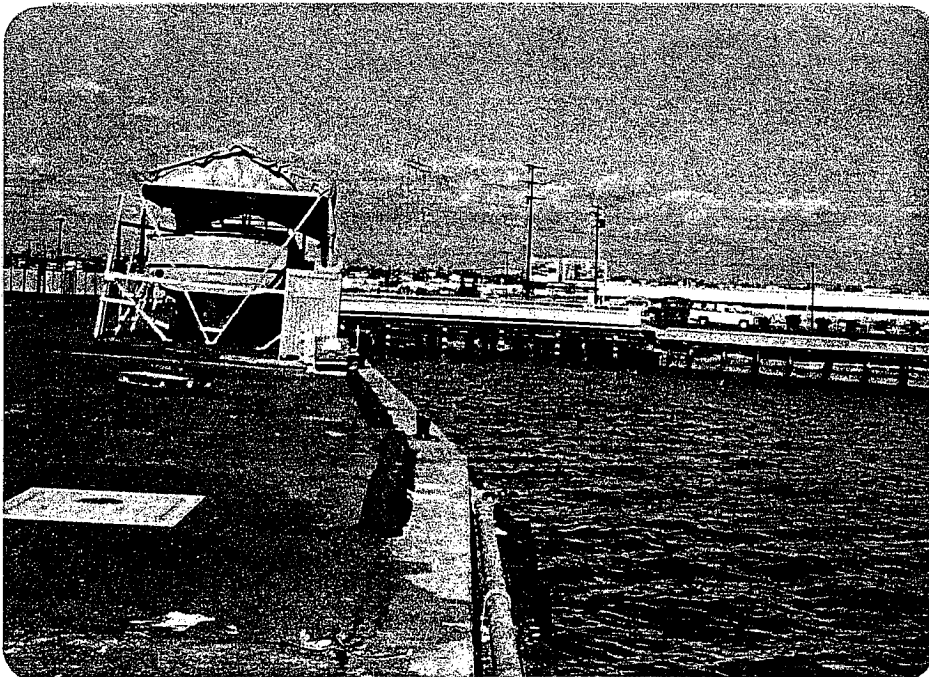




LOOKING DOWNSTREAM FROM SD&AE BRIDGE
AT SEVENTH STREET CHANNEL



AT MOUTH OF SEVENTH STREET CHANNEL
LOOKING SEAWARD



SEVENTH STREET CHANNEL LOOKING UPSTREAM
SOUTH HARBOR DRIVE IN BACKGROUND