

MEMORANDUM

U. S. Department
of Transportation

United States
Coast Guard

Subject: NAVIGABILITY OF SANTA CLARA RIVER AT MILE 8.42

Date: JUN 3 1987
16591/Y2

From: District Legal Officer

Reply to: (dl), x210
Attn. of: LCDR Brooks

To: Chief, Aids to Navigation Branch

Ref: (a) Your Memo 16590, Ser. oan 203-87, of 20 May 87
(b) My Memo of 29 Nov 72

1. Reference (a) requested comments concerning the navigability of the Santa Clara River at mile 8.42 above the mouth of the river. The California Department of Transportation (CALTRANS) has circulated a draft Environmental Impact Report/Impact Statement for the replacement of the State Route (SR) 118 bridge over the Santa Clara River in Ventura County, California. For the reasons discussed below, I find that the subject waterway is not part of the navigable waters of the United States, and, thus, no Coast Guard jurisdiction exists for purposes of bridge administration.

2. In reference (b), the District Legal Officer determined that the Santa Clara river was not navigable between miles 2.2 and 3.3, at an elevation of between 26 and 38 feet above mean sea level. At mile 8.42, the Santa Clara river is 106 feet above mean sea level and has water in its bed only during major floods. No commercial shipping has ever existed on the Santa Clara river and there is no known use of the river for navigational purposes.

3. For the reasons discussed in reference (b), the Santa Clara River at mile 8.42 is not, has not been, and will not reasonably be, susceptible for use in navigation. It is my opinion, therefore, that the waterway in question is not a navigable waterway of the United States.

S. E. BURTON

Chief, Aids to Navigation Branch

✓
VENTURA
COUNTY
29 November 1972

Legal Officer

Navigability of Santa Clara River between mile 2.2 and 3.3; determination of

REF: (a) Your memo 3271/PF of 21 Nov 72, ser: oan 471-72
(b) COMDTINST 3271.2

1. Reference (a), received 29 November 1972, requested comments concerning the navigability of the Santa Clara River, in accordance with reference (b). I find that the subject waterway is not part of the navigable waters of the United States, and, thus, there is no Coast Guard jurisdiction over the waterway for purposes of bridge administration.

2. A stream is navigable if (1) it presently is being used or is suitable for use in navigation, or (2) it has been used or was suitable for use in the past, or (3) it could be made suitable for use in the future by reasonable improvements. Rochester Gas and Electric Corp. v. F.P.C., 344 E2d 594 (2d Cir. 1965). There is no doubt that there is no present and there has been no past use of the Santa Clara River for navigation. The question of navigability, therefore, focuses on "susceptibility" (past, present, or future) for use in navigation. Obstructions, such as the sandbars in this case, will not alone serve to rule out navigability. U. S. v. Utah, 283 U. S. 64 (1931). But, the presence of the sandbars at the mouth combined with other factors, such as the dryness, bed foliage, contour, and remoteness, compel the conclusion that the Santa Clara River, between miles 2.2 and 3.3, is not, has not been, and will not reasonably be, susceptible for use in navigation.

R. A. APPELBAUM

UNITED STATES GOVERNMENT

Memorandum

TO : District Legal Officer

DATE: 3271/PF
21 November 1972
Ser: oan 471-72

FROM : Chief, Aids to Navigation Branch

SUBJECT: Navigability of Santa Clara River between mile 2.2 and 3.3;
determination of

REF : (a) Commandant Instruction 3271.2

1. The County of Ventura is planning to construct a bridge over the Santa Clara River between river mile 2.2 and 3.3. The Federal Highway Administration has required the County to obtain a statement from the Coast Guard indicating Coast Guard interest in the proposed bridge as part of an environmental impact statement.

2. I am of the opinion that the waters in question are not navigable waters of the United States based on the findings of fact enclosed. I request your comments in accordance with reference (a) as soon as practicable.


B. D. LOVERN

- Encls: (1) Findings of Fact
(2) County of Ventura letter dated 6 October 1972
(3) a. Photo - Sand Bar at mouth of river (looking NW)
b. Photo - Harbor Blvd. Bridge (looking N)
c. Photo - Santa Clara River (looking NE from mile 2.5)
d. Photo - Santa Clara River (looking W from mile 2.5)
(4) Santa Clara River Flood Areas
(5) High Water Profiles
(6) River Cross Section @ mile 2.96



FINDINGS OF FACT

1. The Santa Clara River originates on the northern slope of the San Gabriel Mountains in Los Angeles County. Its mouth is at the Pacific Ocean approximately 4 miles southeast of Ventura, California. The river drains an area of 1,605 square miles with a watershed which is about 80 miles long and 25 miles wide. About half of the watershed is in Ventura County; about half is in Los Angeles County; with small portions in Kern and Santa Barbara Counties. The Santa Clara River flows generally westward from its source to the City of Fillmore; thence, southwestward to the ocean. There are no significant tributaries to the Santa Clara River below approximately mile 10.
2. The longshore current of the Southern California Coast creates a sand bar which blocks the mouth of the Santa Clara River. Salt water occasionally breaches the sand bar and mixes with fresh river water forming an estuary which reaches approximately .5 miles inland to the Harbor Boulevard Bridge. The estuary is located within the McGrath State Beach. During the dry season, the river is relatively dry above the Harbor Boulevard Bridge.
3. Between river mile 2.2 and river mile 3.3, the river bed ranges from about 26 feet above mean sea level to 38 feet above mean sea level as indicated in enclosure (5). The Flood Plain in this area is approximately 8000 feet wide and is sparsely developed. The riverbed is densely foliated.
4. Past, present and future navigation on the Santa Clara River may be described as follows:
 - a. There is no history of commercial shipping on the Santa Clara River. There is also no known present day use of this river for navigational purposes.
 - b. The sand bar at the mouth of the river blocks the entry of vessels at all times except during major flooding when the sand bar is breached. At these times a hazardous condition exists making entry to vessels extremely difficult or impossible.
 - c. The State of California prohibits boating on the estuary at the mouth of the Santa Clara River since the estuary is located within the McGrath State Beach and is of ecological significance.
 - d. There is ordinarily little water on the Santa Clara River between river mile 2.2 and mile 3.3. There is not sufficient water for navigation except during major floods. The Corps of Engineers has determined that during an "Intermediate Regional Flood," a flood which will occur approximately once every one hundred years, the water depth between mile 2.2 and 3.3 would reach about 12 feet with a water velocity of about 4 knots. This condition would exist.

for only a couple of days. During such floods water conditions would preclude nearly all navigation.

e. There have been eight major floods on the Santa Clara River since 1932.

f. There are no improvements along any part of this waterway for the purpose of navigation.

g. There is no future potential for navigation on this waterway.

5. The Harbor Boulevard Bridge at approximately mile .5 is the only bridge crossing downstream of river mile 3.3. This bridge is a fixed two-lane highway bridge with 26 spans providing a total length of 1,790 feet. Low steel of the bridge is 20 feet above the riverbed. Each span provides about 65 feet of horizontal clearance between piles. The crest elevation of an "Intermediate Regional Flood" under this bridge would be about 15 feet.

6. The U.S. Army Corps of Engineers has conducted a study of the Santa Clara River for flood control purposes. The report of the study did not include plans for the solution of the flood problem but was provided as information for future study and planning. The Corps of Engineers has also constructed a levy on the south side of the river from river mile 9.4 to mile 4.6. The levy has subsequently been extended by the City of Oxnard to approximately mile 4.0.

7. The Corps of Engineers has not made a determination of navigability for this waterway but has indicated during informal conversations that they would probably not consider the Santa Clara River to be navigable and certainly not that portion of the river above the Harbor Boulevard Bridge.

DEPARTMENT OF PUBLIC WORKS
county of ventura

Director
A. P. Stokes

October 6, 1972

Deputy Directors
D. A. Betlach
Roads & Surveyor
E. D. Shinavar
Field Operations
J. B. Quinn
Flood Control & Drainage
H. P. Nilmeier
Water & Sanitation
T. M. Morgan
Special Projects
D. B. Perry
Management Services

Principal Staff Engineer
C. R. Handy

Commander, (O.A.N.)
11th Coast Guard District
19 Pine Avenue
Long Beach, CA 90802

Attention: ENF Doering

Subject: VICTORIA AVENUE BRIDGE ACROSS THE SANTA
CLARA RIVER

Dear ENF Doering:

16 NOV 72 TELECON w/ MARSH
3 4 The County of Ventura is planning to construct a bridge across the Santa Clara River at approximately river mile 4. The Federal Highway Administration is requiring the County to obtain a statement from the U.S. Coast Guard indicating their interest in the proposed bridge as part of an environmental impact statement. Attached is a map showing the location of the proposed bridge.

It would appear that since the elevation of the river channel at the river crossing is 40 feet above mean sea level and the river is normally dry that Coast Guard interest would be minimal at best.

Since this is a prerequisite condition for proceeding with a public hearing on the design of the project early receipt of your comments on this request would be appreciated.

Very truly yours,

A. P. Stokes
Director

SGM:nt

Attachment

AIDS TO NAVIGATION
BRANCH

Date Received:

OCT 11 1972

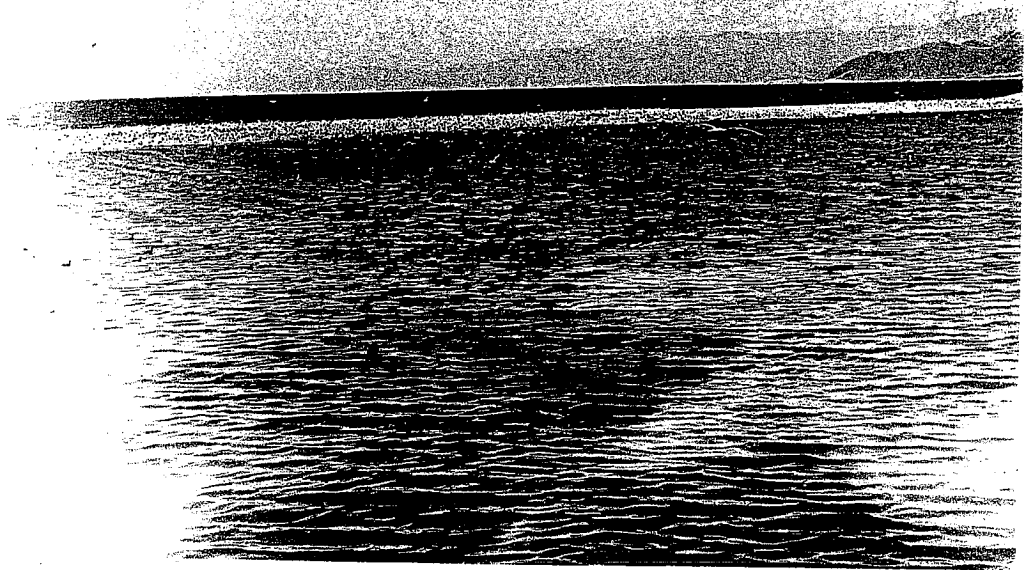
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CHIEF		✓		✓
ASST. CHIEF				
BRIDGES/PA				
NAV/CHARTING				
CLERK-STENO				

Take 'er away, ENF Doering!

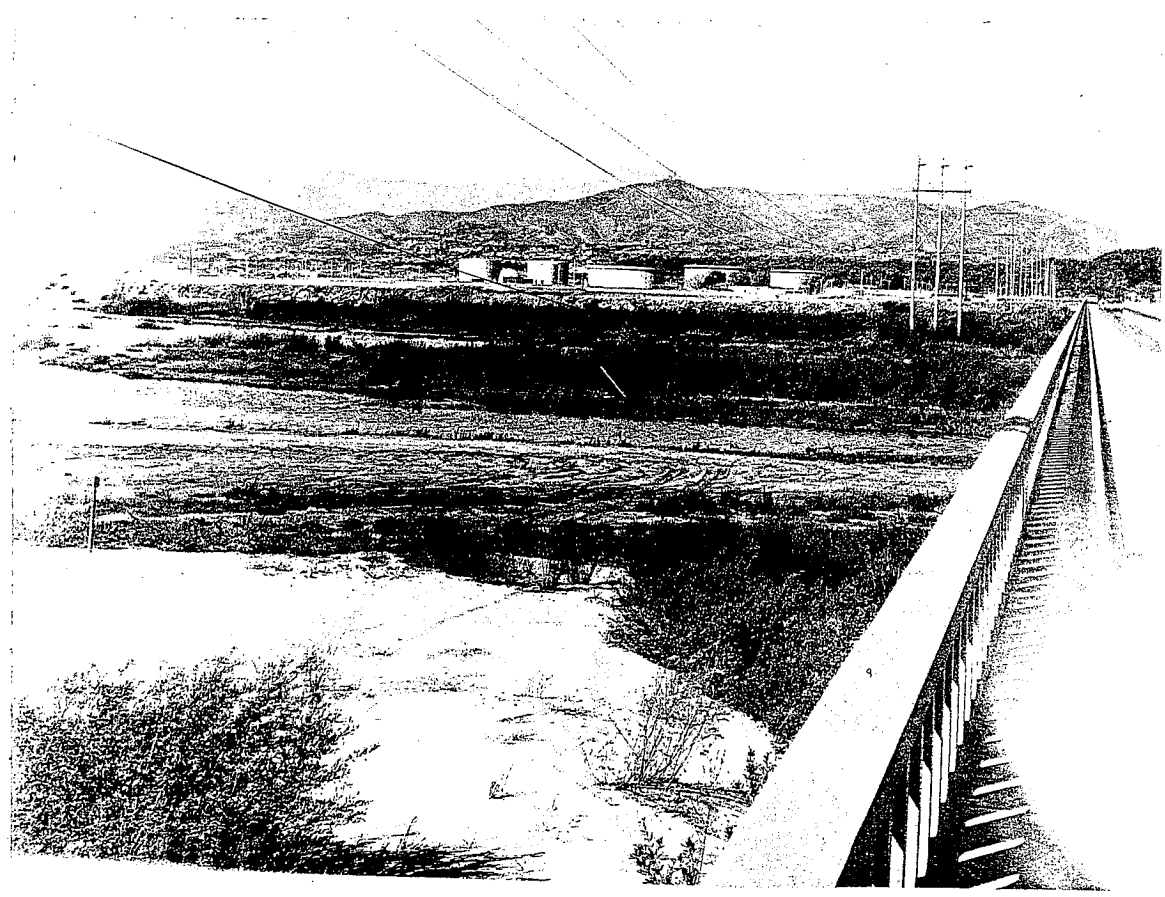
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END (2)

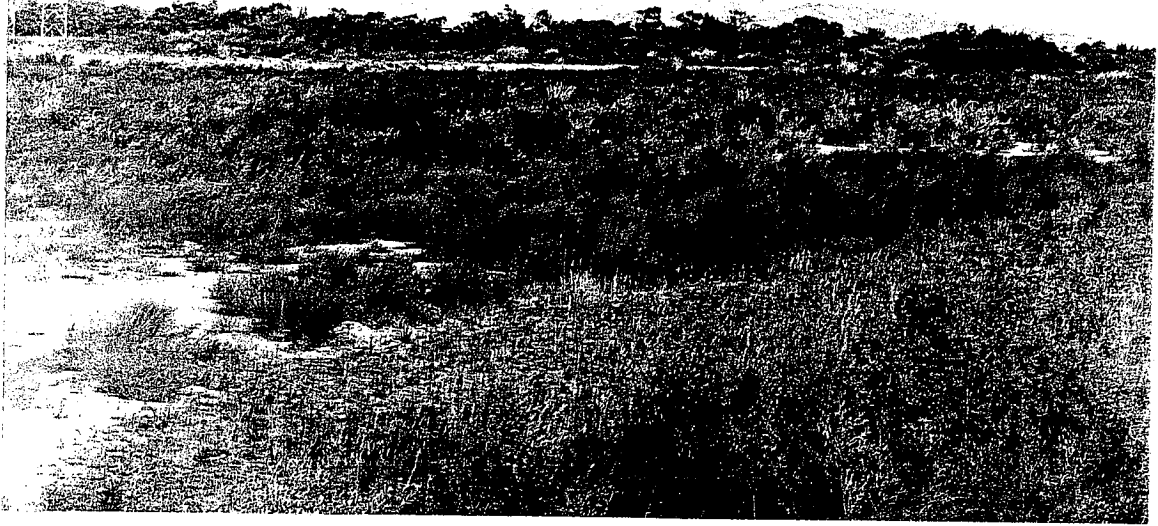
MR. GORDON MARSH
PROJECT MANAGER
(805) 648-6131 x 2059



ENCL (3a)



ENCL (3b)



ENCL (3c)



ENCL (3d)