PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS **BUILDING STRONG®**
LOS ANGELES DISTRICT

APPLICATION FOR PERMIT
Old Mission Dam
Maintenance Project
Regional General Permit

Public Notice/Application No.: SPL-2012-00440-PJB
Project: City of San Diego Park and Recreation/Old Mission Dam
Comment Period: February 1, 2013 through March 1, 2013
Project Manager: Peggy Bartels; 760-602-4832; Peggy.J.Bartels@usace.army.mil

Applicant
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Location
Old Mission Dam (OMD) is located at the head of Mission Gorge on the San Diego River, south of Kumeyaay Lake (also known as Hollins Lake), within the Mission Trails Regional Park (MTRP) in the northeastern portion of the City of San Diego, County of San Diego, California (Figures 1 and 2).

Activity
The City has submitted an application for a five year permit for implementation of the OMD Maintenance Plan for preservation of the OMD structure that would consist of periodic excavation of sediment and vegetation maintenance within approximately 0.38-acre Maintenance Area of waters of the United States (U.S.), (Figure 3). Maintenance activities include annual trimming of vegetation, applying herbicide to vegetation and excavation of up to approximately 1,000 cubic yards of sediment deposition behind the OMD. Maintenance activities would occur only outside of breeding periods for federally listed endangered and threatened species. Additionally, excavation would occur only when there is at least 2 feet of sediment accumulation within the OMD Maintenance Area from the existing maintenance baseline elevation. Authorization of the OMD Maintenance Plan is proposed through a Regional General Permit (RGP) that will allow for authorization for this activity over a five year period. For more information please see pages 3-7 of this notice and attached Figures 1-3.

Interested parties are hereby notified that 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 support 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 (CWA).

Comments should be mailed to:

LOS ANGELES DISTRICT, ARMY CORPS OF ENGINEERS
Peggy Bartels
San Diego Field Office
6010 Hidden Valley Road, Suite 105
Carlsbad, California 92011

Alternatively, comments can be sent electronically to: Peggy.J.Bartels@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 waters of the U.S., 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 excavation, 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 excavated 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 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 (CWA), from the California Regional Water Quality Control Board (RWQCB) – San Diego Region. Section 401 of the CWA requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps prior to permit issuance. A single-event excavationproject was initiated in October 2007 authorized under NWP 31 (File No. 200501545-TCD) and a Section 401 water quality certification was previously issued in 2007 (02C-014). An application for a new Section 401 water quality certification has been submitted to RWQCB and was deemed complete on December 7, 2012. The RWQCB has not issued the certification or requested additional information within the statutory time limits and RWQCB staff have confirmed that the certification has been granted by default.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates that it would not affect coastal zone resources. After a review of the comments received on this public notice and in consultation with the California Coastal Commission, the Corps will make a final determination of whether this project affects coastal zone.

Essential Fish Habitat- Preliminary determinations indicate the proposed activity would not affect Essential Fish Habitat. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required for this project.

Cultural Resources- OMD is listed on the National Register of Historic Places (National Register Number 66000225) and the California Historic Landmark List [CA-SDI-203/SDM-W-1757 (Mission Dam) and CA-SDI-203/SDM-W-1758 (Mission Flume)]. Completed in 1817, this cobblestone and cement dam was one of the first major irrigation-engineering projects on the Pacific Coast and measures 220-feet-long and 13-feet-thick.

No artifacts or features were recorded during the monitoring programs conducted for previous excavation projects (1988 and 2007). The most archaeologically sensitive area is the northern end of the dam where the connection to the flume system is located, and therefore access is to be

achieved from the south. The removal of sediment deposition behind the OMD is designed to maintain the OMD structure for its historical significance.

As part of the section 404 process, the Corps is required to evaluate all cultural and historic resources within the Corps' scope of analysis in the Maintenance Area. The Corps will consult with the California State Historic Preservation Officer (SHPO) and the California Native American Heritage Commission as required and complete its responsibilities under Section 106 of the National Historic Preservation Act.

Endangered Species- Formal consultation under Section 7 of the Endangered Species Act of 1973, as amended, was initiated by the Corps in 2007 for the federally listed endangered least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and federally listed threatened California gnatcatcher (*Polioptila californica californica*), and federally listed endangered plant San Diego ambrosia (*Ambrosia pumila*). Additionally, the project site lies within critical habitat for least Bell's vireo, southwest willow flycatcher and San Diego ambrosia.

The initial conversion of the project footprint from various wetland habitat types to open water and disturbed habitat was evaluated in the context of designated critical habitat for least Bell's vireo in the 2007 Biological Opinion (BO) (FWS-SDG-2811.4).

The proposed ongoing maintenance excavation would be conducted in accordance with conservation measures outlined in the 2007 BO. Due to the lack of any new impacts not previously analyzed, lack of suitable habitat for these four species within the project area, including portions which are designated as critical habitat (no primary constituent elements; PCE), preliminary determinations by the Corps indicate that the proposed project activities will not effect federally-listed endangered or threatened species or their critical habitat. Additionally, excavation and vegetation trimming activities will be conducted outside of the breeding season, there is a lack of suitable habitat for these species within the project area, and there are no primary constituent elements within the project area.

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). The basic project purpose for the proposed project is to excavate and remove sediment for historical preservation of the OMD. The basic project purpose 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 excavate sediment behind an historical dam to protect its structural integrity and to remove the sediment to an approved landfill.

Additional Project Information

Baseline information- A total of 0.38 acres of waters of the U.S., not including wetlands are proposed to be periodically maintained under the RGP. Table 1 indicates the type of habitats that are present on the project site. Of 0.85 acre waters of the U.S and 0.90 acres of wetlands, up to 0.52 acres of waters of the U.S. would be impacted under the RGP for the next five years.

Table 1. Habitats of the Proposed Project Site.

Habitats	Wetlands of the U.S. (Acre)	Waters of the U.S. (Acre)	Temporary Impacts to Wetlands of the U.S. (Acre)	Temporary Impacts to Waters of the U.S. (Acre)	Linear Feet of Impacts	Types of Fill/ Excavation/ Diversion
Open Water	0	0.73	0	0.395	245	Earthen check dam placement and excavation of silt and sand
Southern Willow Scrub	0.896	0	0	0	0	-
Unvegetated Mud	0.004	0	0.004	0	15	Sandbag/ gravel bag check dam placements
Unvegetated Channel	0	0.12	0	0.12	350	Diversion channel/ steel trench plates
Total	**0.90**	**0.85**	**0.004**	**0.515**	**610**	**-**

Project description- Specifically, the proposed project, the OMD Maintenance Plan, includes interrelated components as described below that will be implemented for a period of five years.

Vegetation Removal. Annual vegetation removal will be conducted by hand within the maintenance footprint so as to not disturb the sediment. Herbicide spraying and/or trimming of vegetation will also occur by hand. Access to the vegetation removal area will be via existing roads and footpaths. Herbicides may be used to treat re-growth to maintain open water conditions. Herbicides will be approved by the U.S. Environmental Protection Agency (EPA) and the Department of Agriculture (USDA) for use in wetlands and will be applied by a state-licensed contractor holding a Qualified Applicator's License (QAL). Vegetation cuttings and trimmings will be removed to an approved landfill as proposed, which does not constitute a discharge of dredge or fill material regulated under Section 404 of the CWA, and therefore this component of the project is not subject to regulation by the Corps/RWQCB.

Excavation. Each excavation activity would consist of two phases: Phase I involves the excavation of the main channel located on the northern side of the site, and Phase II entails diversion of the southern secondary flow channel (Figure 3). During work activities, seasonal low stream flows in the diversion channel would be redirected to avoid the Maintenance Area with the placement of temporary diversion check dams consisting of gravel-bags, sand-bags and an earthen berm.

The areas where sand/silt is expected to be removed would be graded to a maximum depth of 5 feet in the center of the channel as defined by the previously approved project construction drawings. During project implementation, the entire limit of work would be fenced with bright yellow rope attached to metal “T” posts. All fencing material will be removed from the site at completion of each maintenance event. Gravel/sand bags would be placed at the low point of the dam located on the south side and fitted with a water overflow pipe to create a detention basin in order to prevent any suspended excavated material from exiting the project footprint (Figure 3).

Once the dikes are in place, excavation would start at the dam and work upstream to the temporary dike (limit of excavation). All sand/silt will be removed from within the excavation boundaries up to 10 feet from the dam structure. No excavation equipment or trucks would be allowed to work within 10 feet of the dam at any time in order to prevent potential damage to the dam structure. All material within 10 feet of the dam will be removed using hand tools under the observation of an archaeologist. Phase I would take between 2 to 4 weeks to complete and Phase II would take 2 to 4 weeks to complete.

Staging Areas. Equipment staging and material stockpiling would occur at the Bushy Hill staging site (Figure 3). This site was used as the staging area for excavation completed in 2008 and is a designated parking area for park users. It consists of compacted soil and is bounded by a peeler log fence that separates the parking area from adjacent vegetation. Public parking will be closed for the duration of the active excavation, material processing, haul off, and demobilization. During this period, public parking will be restricted to the existing parking lot at OMD, along Father Junipero Serra Trail (FJST), and the overflow/day use parking at Kumeyaay Campground.

Excavated material would be stockpiled at the staging area to reduce the moisture content of the soil prior to haul-off and disposal. All stockpiled materials would be contained by silt fence until disposal at an approved landfill. Additionally, a temporary detention basin would be established at the staging area to collect any free water that might run off the excavated material while it is stockpiled. This would allow sediment to settle out before the water leaves the staging area; any runoff water from the staging area would drain into the detention basin. Silt fencing bordering the staging areas and the detention basin would be removed once all excavated material has been removed from the site.

Access Routes. Site access for excavation equipment would occur through the FJST in its current width and configuration. An existing unpaved internal park road would be use as an access route. In order to gain access to the main channel, a temporary equipment crossing over the secondary channel would be constructed from steel trench plates, which would be removed after Phase I excavation is completed. Construction access for the main channel is located within disturbed wetlands between the main and secondary channels. This area is within the vegetation management area but may need to be grubbed prior to construction.

Proposed Mitigation– The applicant’s 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 mitigation as proposed by the applicant is summarized below:

The initial 2008 vegetation clearing and excavation project required the implementation of 1.52 acres of mitigation. This mitigation is currently in its first of a 5 year of maintenance and monitoring

period. No additional mitigation is proposed for work activities conducted under this RGP for the next five years.

The off-site mitigation is located on the San Diego River at the downstream edge of the City of San Diego Metropolitan Wastewater Department pilot arundo removal project. The area is located within designated least Bell's vireo critical habitat. There is little public access to the site because the mitigation site is bounded by the golf course facility on the north and State Route 52 on the south.

The off-site portion of the proposed mitigation program involves restoration of wetland functions and values where dense stands of giant reed dominate the riparian zone of the San Diego River channel. Removal of exotic species was followed by the installation of native seed, container plants, and cuttings to restore the native wetland functions and values that previously typified the San Diego River in this area.

Proposed Special Conditions

No special conditions are proposed at this time.

For additional information please call Peggy Bartels at 760-602-4832 or via e-mail at Peggy.J.Bartels@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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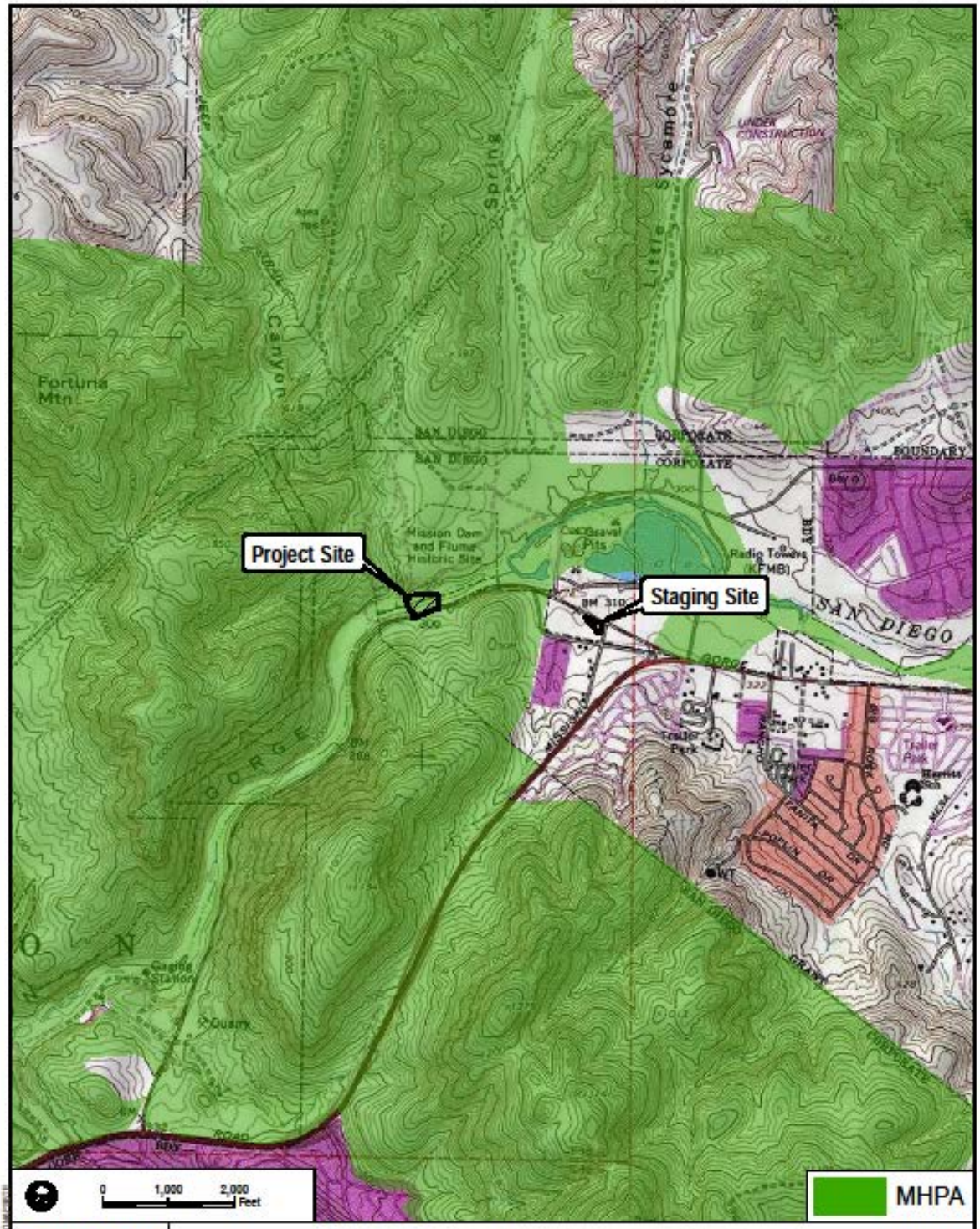
FIGURE 1
Regional Map

Old Mission Dam - Joint Permit Application



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SOURCE: USGS 7.5-Minute Series La Mesa Quadrangle, SanGIS 2011

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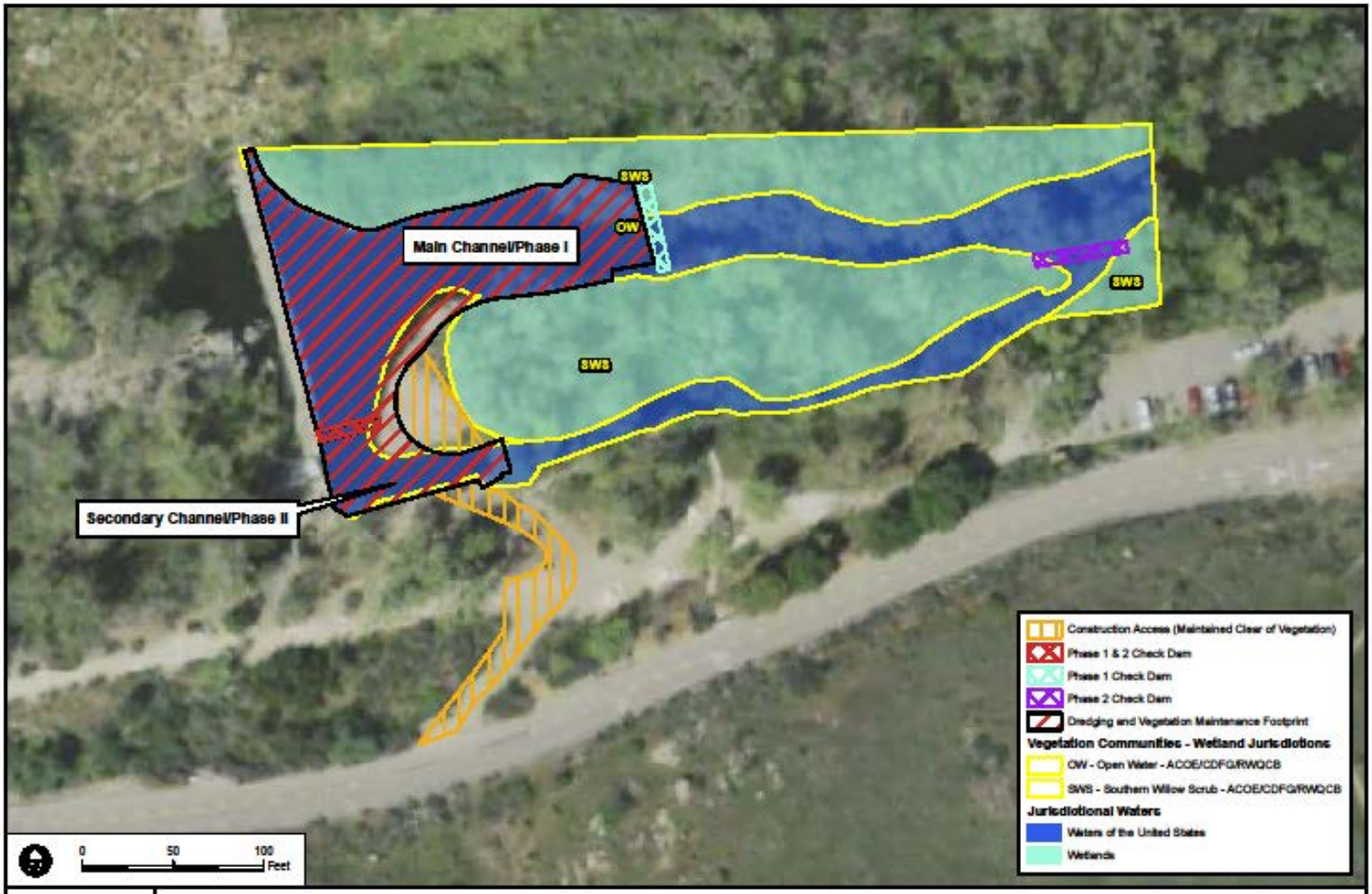
FIGURE 2
Vicinity Map

Old Mission Dam - Joint Permit Application



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SOURCE: DigitalGlobe, 2008

FIGURE 3

Site Plan

Old Mission Dam - Joint Permit Application