



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
SAN DIEGO FIELD OFFICE
16885 WEST BERNARDO DRIVE, SUITE 300A
SAN DIEGO, CALIFORNIA 92127

REPLY TO
ATTENTION OF:

February 6, 2003

Office of the Chief
Regulatory Branch

City of San Diego Environmental Services Department
Attention: Gina Castro
Biologist
9601 Ridgeway Ct. Ste. 210
San Diego, California 92116

Dear Ms. Castro:

The U.S. Army Corps of Engineers is aware of recent and ongoing efforts by the City of San Diego and other Federal, State, and local agencies, organizations, and individuals to restore sustainable riparian habitat and flow regimes to the Tijuana River Valley (TJRV). The work is currently proposed and envisioned in an area that was filled years ago without required permits from the regulatory agencies, including the Corps of Engineers. Currently, much of the area is occupied by horse corrals.

In September 2002, I attended a meeting at the Tijuana River Valley Park Ranger Station on Monument Road, in San Diego. The meeting was held to discuss parameters and alternatives for restoring the Tijuana River Valley at and near the Brown property, where the main focus of the restoration efforts is currently being considered. It is our understanding that the unauthorized fill activities took place at the Brown property over several years, most notably following flooding in the winter of 1980. We also understand that, pursuant to an enforcement order, the City of San Diego has the authority to remove the approximately 16,000 cubic yards of unpermitted fill material placed by Ms. Brown or her predecessors.

Although the Corps does not have an avenue for contributing funds, equipment, or other assistance for performing this work, we do fully support the City's efforts in concept. It is likely that a Corps permit will be necessary to complete portions or all of the activities involved in restoring the TJRV. We will continue to work with you and support these efforts in whatever capacity in which we are able.

A Corps of Engineers permit is required for the discharge of dredged or fill material into,

including any redeposit of dredged material within, "waters of the United States" and adjacent wetlands pursuant to Section 404 of the Clean Water Act of 1972. Examples include, but are not limited to,

1. creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;
2. mechanized landclearing, grading which involves filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the United States;
3. allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the United States;
4. placing pilings when such placement has or would have the effect of a discharge of fill material.

Enclosed you will find a permit application form and a pamphlet that describes our regulatory program. If you have any questions, please call me at (858) 674-5386, or email me at terrence.dean@usace.army.mil. Please refer to this letter and 200300181-TCD in your reply.

Sincerely,

Terry Dean
Project Manager

Enclosures