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Date: April 21, 2009

To: Mayor & City Council


From: Patrick H. West
City Manager


Subject: Response to Request
U.S. Army Corps of Engineers
to Order a Delineation Study
for Potential Swap Property for
City Yard

Comments: Information related
to Agenda Item R-18 on April
21, 2009 Council Agenda



Date: April 21, 2009

To: Patrick H. West, City Manager 

From: Craig Beck, Director of Development Services 

For: Honorable Mayor and Members of the City Council

Subject: Response to Request U.S. Army Corps of Engineers to Order a Delineation Study for Potential Swap Property for City Yard

This is in response to the attached memo from Councilwoman Schipske requesting City staff to request that the U.S. Army Corps of Engineers (Army Corps) order a delineation study of the potential swap property for the City public service yard.

On April 13, 2009, the Army Corps responded to a community complaint about the unpermitted grading at the Loynes/Studebaker property. A representative from the Army Corps met on-site with the property owner, a biological consultant (retained by the owner), and staff from the Department of Development Services. The Army Corps requested that the owner conduct a delineation study to determine if the site is a wetland and thus under the jurisdiction of the Army Corps. The owner agreed to conduct the study.

Criteria for determining the existence of a wetland vary between the Army Corps and California Coastal Commission. Generally, indications include (1) the presence of wetland vegetation, (2) hydric soils (where soil oxygen is limited due to water saturation), and (3) hydrology (the presence of water at or above the soil surface for a sufficient period of the year that influences the plant types and soils that occur in the area). All three criteria must be met in order for the site to be recognized as wetlands under the jurisdiction of the Army Corps. The Coastal Commission has a higher standard of review for wetlands delineation.

A suggestion was made that the Army Corps require Mr. Dean to conduct a delineation study on the property south of Second Street, the area involved in the swap with the City. While a delineation study prepared under the Army Corps standard may be of interest, it is the Coastal Commission standard that the City and Coastal Commission will use to determine if wetlands exist. Therefore, preparing a delineation study under the criteria of the Army Corps may not provide a thorough wetlands assessment. In addition, the Army Corps does not have authority to require Mr. Dean to conduct such a study. As with the Loynes/Studebaker site, if Mr. Hitchcock denied the Army Corps' request, they had no way to require it be conducted. Typically, delineation studies are done in connection with development proposals in ecologically

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sensitive areas to determine potential impacts, or in the case of the Loynes/Studebaker site, in response to illegal activity taking place.

For further information, please contact Craig Beck, Director of Development Services, at ext. 8-6428.

CB: DB:jw
P:\Planning\TFF Memos\TFF Army Corps delineationV4.doc

Attachment: Memo from Councilwoman Schipske

CC: Suzanne Frick, Assistant City Manager
Reginald I. Harrison, Deputy City Manager
Michael Mais, Assistant City Attorney



City of Long Beach
Working Together to Serve

Office of Gerrie Schipske
Councilwoman, Fifth District
Memorandum

Date: April 16, 2009

To: Pat West, City Manager

From: Councilwoman Gerrie Schipske, Fifth District

Subject: **Request to Ask US Army Corps of Engineers to Order a Wetlands Delineation Study of Property South of Second Street Proposed to Be Swapped for City Public Service Yard**

The Press Telegram today published an article entitled "Public Wants More Action on Wetlands" about the property located on Loynes and Studebaker Road and stated "Here's some more mixed news for wetlands advocates – the Army Corps of Engineers is going to require a delineation study at the site to determine the ecological significance, Beck said Wednesday. That study could find that the site is all untouchable wetlands, or open the way for development."

I would first like to know who requested this action from the U.S. Army Corps of Engineers as it is my understanding this federal agency only responds to a governmental request from a member of Congress or another level of government.

I would also like to know why the City of Long Beach has not requested that the US Army Corps of Engineers require a delineation study of the property at Second and Pacific Coast Highway which is the subject of a property swap for the City Public Service Yard, in light of the fact the current owner of the property will not allow the City to conduct a delineation study until we own such property.

Therefore, I am requesting that the City of Long Beach make the request of the U.S. Army Corps of Engineers that a delineation study of the property located south of Second Street owned by LCW, LLC., be ordered to determine whether or not "that the site is all untouchable wetlands."