



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

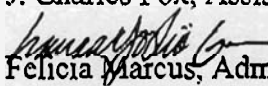
OFFICE OF THE
REGIONAL ADMINISTRATOR

SENT BY FACSIMILE

SEP 30 1998

MEMORANDUM

TO: J. Charles Fox, Assistant Administrator, Office of Water

FROM: 
Felicia Marcus, Administrator, Region IX

RE: REQUEST REVIEW OF THE DEPARTMENT OF ARMY, LOS ANGELES
DISTRICT PERMIT #97-00190-ES, SPECTRUM V PROJECT

I am writing to request that you seek review by the Assistant Secretary of the Army (Civil Works) of the proposed Department of Army Permit #97-00190-ES. This request for higher review is in response to the Corps' Notice of Intent to Issue the permit for a proposed industrial site in Orange County, California and pursuant to the Clean Water Act Section 404(q) Memorandum of Agreement (MOA) Between the Environmental Protection Agency and the Department of the Army, Part IV, paragraph 3(d)(2).

Our decision that this permit warrants elevation is based on the following unresolved concerns: complete elimination of the biologic, biogeochemical and hydrogeochemical functions of Serrano Creek including the loss of the sole remaining wildlife corridor linkage between the foothills and the coastal areas in Orange County; significant and cumulative degradation to the San Diego Creek watershed and the Newport Bay Estuary; and the uncertainty of the proposed mitigation plan for San Diego Creek. In addition, we are confident that a practicable alternative is available which would address our concerns.

To date, we have been unable to reach an acceptable solution at the regional level. We have been working closely with your staff on this issue and will continue to do so as we proceed to the next stage of the MOA elevation process. We are also continuing to discuss this issue with the Corps District office, Division office, and the project applicant in the hope that we can resolve this matter.

If you have any questions, please contact me at (415) 744-1001 or have your staff contact Catherine Kuhlman at (415) 744-2001. Thank you.