



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR REGIONAL GENERAL PERMIT NO. 85 (RGP)

Coronado Cays Home Owners Association
Boat Dock Removal and Replacement Project

Public Notice/Application No.: SPL-2008-00645-DJH

Comment Period: July 30, 2014 through August 30, 2014

Project Manager: Debra Henry; 760-602-4841; Debra.J.Henry@usace.army.mil

Applicant

Nick Arthur
Coronado Cays Homeowners Association
(HOA)
505 Grande Caribe Causeway
Coronado, California 92118
619-423-4353

Contact

Jacquelyn Chung
Swift Slip Dock and Pier Builders, Inc.
2027 Placentia Avenue
Costa Mesa, California 92627
949-631-3121

Location

The proposed project site is located in the Coronado Cays Home Owners Association Community Marina (Cays Marina) in San Diego Bay, California (Latitude 32.624802 and Longitude -117.130496) (Figures 1 and 2).

Activity

The proposed project includes routine maintenance and replacement work of existing docks, pilings, gangways, associated infrastructure as described in the Coronado Cays Homeowners Association (Cays HOA) Boat Dock Removal and Replacement Project. Individual property owners may have an increase in coverage; however, the Cays HOA will maintain an overall net zero increase in shading coverage. The duration of the Regional General Permit Number 85 (RGP 85) is for 5 years.

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). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 10. Comments should be mailed to:

LOS ANGELES DISTRICT, CORPS OF ENGINEERS
CARLSBAD FIELD OFFICE
5900 LA PLACE CT., SUITE 100
CARLSBAD, CALIFORNIA 92008

Alternatively, comments can be sent electronically to: Debra.J.Henry@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 Nation's waters, 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 dredging, 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 dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 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, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- The applicant has certified that the proposed activities within the leased area from the City of Coronado complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. The District Engineer hereby requests the California Coastal Commission's concurrence or non-concurrence. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. This project is within the coastal zone and the preliminary review indicates that it will affect coastal zone resources. A final determination of whether this project affects coastal zone resources will be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice

Cultural Resources- The Cays was constructed over a previous city burn dump site, adjacent to mudflats and salt marsh in 1968. The latest version of the National Register of Historic Places (NRHP) has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. There are no previous documented cultural resources that would be impacted by the activities proposed under RGP 85.

Endangered Species- Preliminary determinations indicate that the proposed activity may affect but not likely to adversely effect federally-listed endangered or threatened species, or their critical habitat. Therefore, informal consultation under Section 7 of the Endangered Species Act is required at this time to ensure there will be no adverse effects to California least tern (*Sterna antillarum browni*), Western snowy plover (*Charadrius alexandrinus*) or the green sea turtle (*Chelonia mydas*).

Navigation- The activities proposed would involve the replacement of existing docks with only minimal expansions in size authorized. The replacement docks would be offloaded into the water via crane. A work boat will be used to push the dock to the work site. A barge would be used to transport and install piles. The Corps anticipates only minimal impacts to navigation within the vicinity of each individual dock replacement.

Caulerpa taxifolia & Eelgrass Survey- Some eelgrass has been mapped within the area under management of the Cays HOA. Proposed dock replacement projects that would likely result in shading impacts to eelgrass will be authorized by the proposed RGP 85; however, applicants will have to minimize their impacts by reducing shading effects. Applicants applying to use the RGP

will be required to include a *Caulerpa taxifolia* and eelgrass survey with their initial submittal. Project sites that contain eelgrass will also be required to perform a post-construction eelgrass survey to ensure that eelgrass has not been impacted during construction.

Essential Fish Habitat (EFH) – This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson Stevens Fishery Conservation and Management Act. The project area is located in an area utilized by six species of fish managed by the National Oceanic and Atmospheric Administration Fisheries (NOAA) under two Fisheries Management Plans (FMPs)--the Coastal Pelagics and Pacific Groundfish Management Plans. Four of the six fish are managed under the Coastal Pelagics FMP represented in San Diego Bay include northern anchovy, Pacific sardine, Pacific mackerel, and jack mackerel. Two of the six species managed under the Pacific Groundfish FMP and found in San Diego Bay include the California scorpionfish and the English sole.

Initial determinations indicate that impacts to EFH or federally managed fisheries in California waters resulting from the proposed actions would be temporary and minimal due to the best management practices proposed by the applicant. The applicant proposes to install silt curtains during removal and installation of piles to prevent turbidity from migrating outside of the construction site. Additionally, the proposed RGP 85 would only authorize projects that resulted in an overall net zero increase in shading coverage due to construction methods, materials or compliance with Americans with Disabilities Act Standards.

Consultation for the replacement, modification, maintenance and associated indirect activities of existing docks, pilings, gangways, and associated infrastructure under RGP 85, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA), would be conducted under the Programmatic EFH Consultation (dated September 28, 2012) between the Corps and NOAA.

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. The basic project purpose for the proposed project is to replace existing boat docks and pilings which are water dependent but since this permit action is a Regional General Permit therefore no alternatives analyses is required.

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 create a streamline process for authorizing the replacement of individual docks within the Coronado Cays HOA, Coronado CA but since this permit action is a Regional General Permit therefore no alternatives analyses are required.

Additional Project Information

Existing Conditions- The Coronado Cays has 10 separate communities with their own distinctive architecture. The variety of facilities available to the residents include private beaches, tennis courts, athletic fields, a local yacht club and one of the largest parks in the city of Coronado. Most homeowners have their own boat slip to park their boat directly behind their home. These slips have direct access to San Diego Bay and the open ocean. Between 2009 and 2014, as a result of permitting 24 projects under RGP 85, there was a decrease in shading by 2,287 square feet.

Proposed Mitigation-

Avoidance: The proposed RGP will only authorize the replacement of docks resulting in a decrease, no net change, or slight increases in shading due to construction methods, materials or compliance with Americans with Disabilities Act Standards, such that the overall change in shading is a net zero increase.

Minimization: Projects that would have shading impacts to eelgrass would be authorized by RGP 85. A boat dock size can only increase if there are shading credits available at the time of the proposed dock project. The applicant proposes to install silt curtains during removal and installation of piles to prevent turbidity from migrating outside of the construction site.

Compensation: Due to the avoidance and minimization measures proposed by the applicant, no compensatory mitigation is proposed.

RGP 85 is for routine maintenance and replacement work of docks, pilings, gangways, and associated infrastructure as described in the Cays HOA Boat Dock Removal and Replacement Project. Project includes like-for-like repair and/or replacement of docks, piles, fenders, floats, or other infrastructure components, subject to the terms of conditions of this RGP 85. In general, up to 30 docks will be replaced over a five-year period.

The Corps will determine the eligibility and qualifications of the individual dock replacements under this RGP based on each annual pre-construction notice and report submitted by the applicant. This RGP only applies to those activities covered under Section 10 of the Rivers and Harbors Act. In addition, it only applies to those individual docks under the lease to the City of Coronado and not the Unified Port of San Diego. A 401 certification was provided by the California Regional Water Quality Control Board [(CRWQCR) (October 21, 2013)]. The applicant shall avoid impacts to EFH by constructing smaller docks and banking those shading credits when practicable. No dredging is authorized pursuant to RGP 85.

Proposed Special Conditions

None are proposed at this time.

For additional information please call Debra Henry of my staff at 760-602-4841 or via e-mail at Debra.J.Henry@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



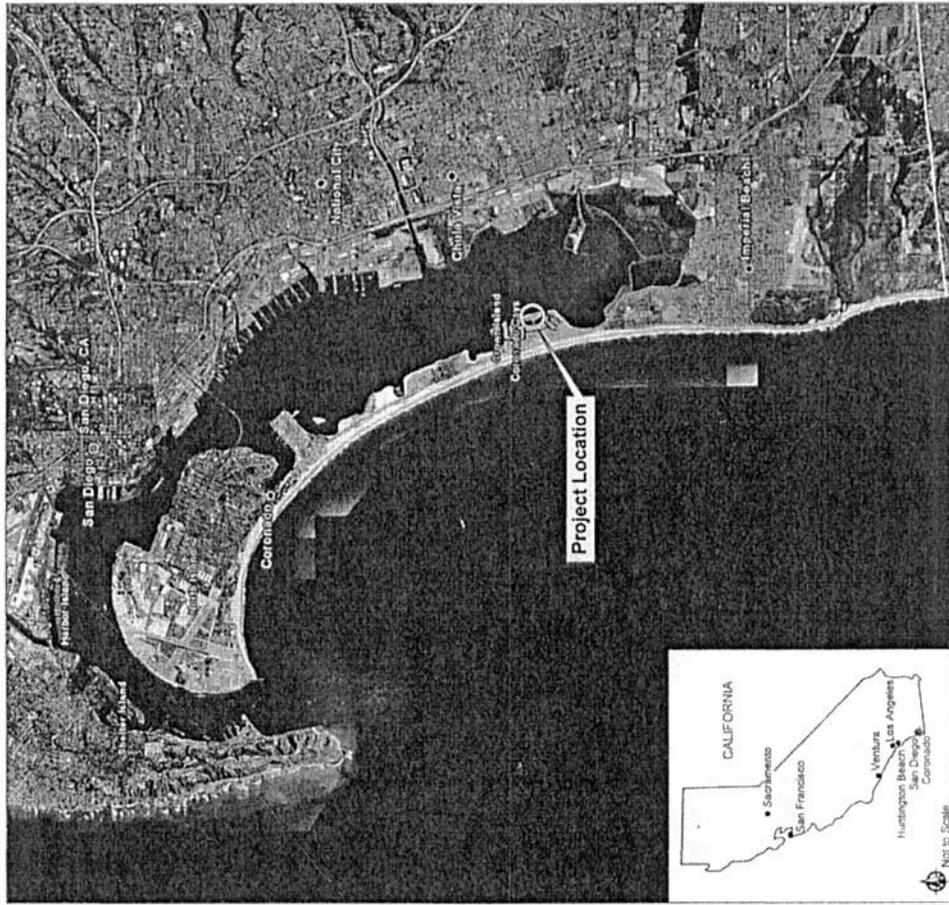
Regulatory Program Goals:

- 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.

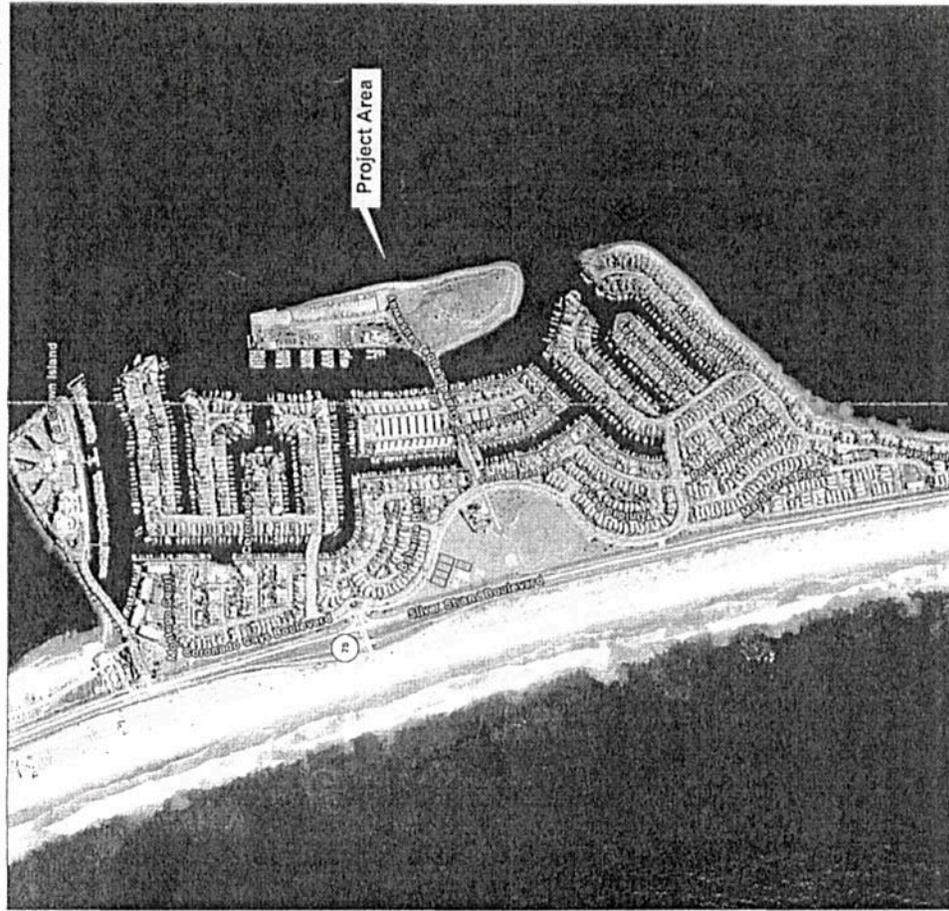
U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT

Los Angeles District, Corps of Engineers
Regulatory Division, Carlsbad Field Office
5900 La Place Ct., Suite 100
Carlsbad, CA 92008

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Location Map
 0 3.5
 Scale in Miles



Project Area
 0 1,800
 Scale in Feet



Not to Scale

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Figure 1
 Location Map and Project Area
 Coronado Cays Boat Dock Removal and Replacement

SPH-2008-645

