



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT Chace Park Boat Dock Replacement

Public Notice/Application No.: SPL-2011-01173-GS

Project: Burton Chace Park Boat Dock Replacement

Comment Period: June 13, 2012 through July 20, 2012

Project Manager: Gerardo Salas; 213-452-3417; Gerardo.Salas@usace.army.mil

Applicant

County of Los Angeles
Department of Beaches & Harbors
13837 Fiji Way
Marina Del Rey, California 90292

Contact

Paul Wong
County of Los Angeles
13837 Fiji Way
Marina Del Rey, California 90292

Location

The Project is located in the Marina del Rey Harbor, within the City of Marina del Rey, Los Angeles County, California (33.977420° N, -118.444376° W), as shown on enclosed figures.

Activity

To replace existing aging marina structures composed of concrete guide piles, floating docks, and gangways. The project would replace the existing 90,193 square foot floating docks (330 lease slips, 47 transient slips, 212 14-inch dia. pilings) with a new system consisting of 103,005 square feet of floating docks (253 lease slips, 44 transient slips, 1 dock to store up to 162 personal watercrafts such as dinghies, kayaks and rowing shells, 153 pilings of predominantly 14-inch pilings, with a few 20-inch pilings at Parcel EE). The project also proposes to add one 10-foot x 150-foot boarding float to the existing small boat launching infrastructure. The new marinas would accommodate a wide range of boats, from 22 feet to 60 feet and over in length, and would be contained within the existing footprint of docks G200-G2600 and H100-700 (see attached figures). There would be an increase of 12,812 square feet (0.29 acre) of surface area coverage of the new dock system. This is the result of the replacement of a 14-slip boat berthing to a larger, rectangular dock for storing and launching of personal watercrafts, such as dinghies, kayaks, and rowing shells, and the requirement of current codes that have changed since the marinas were originally constructed in 1960's and 1970's. This includes compliance with current California Department of Boating and Waterways (DBAW) guidelines and American with Disability Act (ADA) standards and requirements pertaining to minimum sizes for dock, gangway, and walkway dimensions. New vessel wastewater pump out systems would be incorporated into the overall project design for boater convenience and to improve marina water quality, along with upgraded firefighting, water, electrical and lighting systems. The marina structures have been designed to occupy the minimum surface area consistent with current marina design standards while minimizing loss of slips. Construction of the new marina would be completed in phases with only a portion of the marina out of service at any one time. Boaters using the existing facility would have the opportunity to move to other available slips within the marina during

construction at individual docks. Actual construction time for the proposed project is expected to last for approximately two years. For more information see page 3 of this notice.

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 10. Comments should be mailed to:

GERARDO SALAS
LOS ANGELES DISTRICT CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

Alternatively, comments can be sent electronically to: Gerardo.Salas@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 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, 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 activity would comply with and would be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. 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. The District Engineer hereby requests the California Coastal Commission's concurrence or non-concurrence.

Essential Fish Habitat- Preliminary determinations indicate the proposed activity may adversely affect essential Fish Habitat. Pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Los Angeles District hereby requests initiation of EFH consultation for the proposed project. This notice initiates the EFH consultation requirements of the Act (via abbreviated consultation). In order to comply with the Magnuson-Stevens Fishery Conservation and Management Act (MSA), pursuant to 50 CFR 600.920(e)(3), I am providing, enclosing, or otherwise identifying the following information:

1. Description of the proposed action: see project description on page 5 of this public notice.
2. On site inspection information: An Eelgrass and Caulerpa Taxifolia survey and report was completed on April 25, 2012, by Coastal Resources Management, Inc. The survey was performed using standard underwater line transect survey techniques and methods identified in the Southern California Eelgrass Mitigation Policy (National Marine Fisheries Service, 1991, as amended) and the

Caulerpa Survey and Control Protocol (National Marine Fisheries Service, 2008). Upon conclusion of the survey, the marine biologist from Coastal Resources Management has concluded neither Eelgrass nor *Caulerpa* is present at the project area. Four coastal pelagic species, the Northern Anchovy (*Engraulis mordax*), Pacific Sardine (*Sardinops sagax*), Jack Mackerel (*Scomber japonicus*), and Pacific Mackerel (*Trachurus symmetricus*) could potentially occur in the waters offshore of Marina del Rey and may occur in the harbor. Six groundfish species may also occur in the waters of Marina del Rey: California Scorpionfish (*Scorpaena guttata*), Vermillion Rockfish (*Sebastes miniatus*), Calico Rockfish (*Sebastes dallii*), California Skate (*Raja inornata*), Spiny Dogfish (*Squalus acanthias*), and Leopard Shark (*Triakis semifasciata*). However, there were no sighting of them at the project area. There is no occurrence of Steelhead in the waters of Marina del Rey.

3. Analysis of the potential adverse effects on EFH: Overall, the project may result in temporary, minimal impacts to essential fish habitat (EFH) due to turbidity generated during pile removal and installation. The net increase in surface area that would result from the proposed dock system is approximately 12,812 square feet (0.29 acre). The increase is primarily due to the ADA-compliant gangways and headwalks, which would be situated over the existing rock revetment rather than over soft bottom substratum. Although the conversion of the 14-slip motorboat berthing dock at Parcel 77 to a non-motorized personal watercraft use does contribute to minor increase in water surface coverage, the non-motorized use removes from the environment the turbidity and water column disturbances traditionally associated with motorboat operations and would have an overall net benefit to EFH despite the additional shading.

4. Proposed minimization, conservation, or mitigation measures: Potential project impacts would be reduced to minimal levels through the use of silt curtains and booms during the appropriate phases of construction. Also, the new installation of multiple vessel wastewater pump out systems, including in-slip pump out connections for larger vessels, is expected to improve marina water quality. The head dump to be constructed at the launch ramp area would provide a resource for small vessels to conveniently dispose of their wastewater and prevent the same from polluting the marina water.

5. Conclusions regarding effects of the proposed project on EFH: Since the proposed project would entail pile removal and/or installation, the Corps has determined the project may adversely affect EFH. However, since the project area is situated within a currently existing marina footprint and a number of BMPs would be implemented to avoid and reduce impacts to the marine environment, any potential adverse effects on EFH or federally managed fisheries in California would not be substantial. Therefore, it is my initial determination the proposed activity may adversely affect **but would not** have a substantial adverse impact on EFH or federally managed fisheries in California waters. My final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NOAA Fisheries. If I do not receive written comments (regular mail or e-mail) within the 30-day notification period, I will assume concurrence by NOAA Fisheries **that no mitigation measures are necessary**.

Cultural Resources- The South Central Coastal Information Center, C.S.U.F, Dept. of Anthropology (April 3, 2012), concluded the proposed project "will have no impacts to cultural resources." The latest version of the National Register of Historic Places 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.

Endangered Species- Preliminary determinations indicate the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. The nearest known nesting location for the California least tern is approximately one mile away at the northernmost portion of Dockweiler State Beach. Least Terns feed on small fish occurring near the surface of the water. Construction activity such as pile driving may cause turbidity in the water and affect the Least

Tern's ability to forage. Additionally, pile driving generates noise in the water column that can disturb fish and other species normally present upon which the Least Terns would feed. Therefore, no pile driving would be performed during the Least Tern nesting and foraging period, April 1 through September 1 of each year. Furthermore, the nearest Western Snowy Plover habitat is located on the southerly portion of Dockweiler State Beach, more than 3 miles south of the project area. Finally, Best Management Practices (BMPs) such as the use of silt curtains and booms would be implemented to mitigate temporary construction-related effects. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

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). The basic project purpose for the proposed project is maintenance. The project 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 replace existing boat docks and incorporate utility upgrades in compliance with current design and code requirements.

Additional Project Information

Baseline information- The project area is currently occupied by an existing marina, consisting of a 90,193-square-foot floating dock system, with 330 for-lease slips, 47 transient and special purpose slips, and 212 pilings.

The mix of slip lengths of the existing for-lease marina are as follows: 177 slips in 21'-25' range; 104 slips in 26'-30' range; 41 slips in 31'-35' range; 6 slips 36'-40' range; 1 slip in 41'-45' range; and, 1 slip in 46'-50' range.

The new slip mix for the for-lease marina, as approved by the California Coastal Commission on November 3, 2011, is as follows: 6 slips in $\leq 20'$ range; 92 slips in 21'-25' range; 82 slips in 26'-30' range; 30 slips in 31'-35' range; 30 slips in 36'-40' range; 9 slips in 41'-45' range; 1 slip in 46'-50' range; and, 3 slips in $\geq 51'$ category. The existing marinas were originally constructed in the 1960's and 1970's and are now deteriorated and not meeting current standard and design requirements. The 212 existing pilings are 14 inches in diameter and cover 227 square feet of the harbor bottom.

Project description- This project is to replace the existing marina structures located within Parcels 44 (portion), 47, EE, and 48, and replace the partially demolished dock system at Parcel 77 with a new 40-foot by 485-foot concrete dock for storage and launch of personal watercraft. The proposed project would also add one 10-foot x 50-foot boarding float to the existing small boat launch infrastructure location within Parcel 49R. All the docks, except for the 150-foot boarding float, would be contained within their existing footprints. The proposed project entails replacement of an aging

marina structure composed of concrete piles, floating docks, concrete platforms, and gangways. The marina structures have been designed to occupy the minimum surface area consistent with current marina design standards and requirements. The proposed project consists of the following activities:

- The existing dock would be disassembled in the water and floated to either Marina del Rey Parcel 49 (Launch Ramp) or Parcel 53 (Boat Yard). The disassembled dock materials would be hauled out of the water, temporarily staged and dried, and loaded onto trucks for transport to the designated upland disposal site outside the coastal zone.
- Guide pile removal and installation would include use of a pile-driving barge, which would include pile-driving equipment and act as the staging area for pile driving.
- Removed piles would be hauled out of the water, temporarily staged on the pile-driving barge, barged to either the Launch Ramp or Boat Yard, offloaded and temporarily staged, and then loaded onto trucks for transport to the designated disposal site.
- New guide piles would be delivered by trucks to either the Launch Ramp or the project site. The new piles would be offloaded, temporarily staged, loaded onto the pile-driving barge, and barged to the property for installation. The 153 new pilings include 137 14-inch pilings and 19 20-inch pilings. The proposed bottom coverage for the new work would be 188 square feet. This represents a reduction in harbor bottom coverage of 39 square feet.
- New dock materials would be offloaded, temporarily staged, hauled into the water, and floated and/or barged to the property and assembled in the water.

Construction of the new project would be completed in phases with only a portion of the marina out of service at any one time. Phase 1 pertains to replacement of the transient docks at Parcels EE and 48 (Docks H-100 through H-500). Phase 2 replaces the docks at Anchorage 47, which includes Parcel 47 and a portion of Parcel 44 (Docks G-200 to G-2600). The rest of the project would be scheduled as funds become available. During Phase 1, about half of the docks would be removed for construction at a given time. During Phase 2, only about one-third of the docks would be removed for construction at a given time. Phasing of construction would lengthen construction time and increase project cost but would minimize temporary displacement of boaters. Boaters using the existing facility would have the opportunity to move to other available slips within the marina during construction at individual docks. Other available relocation options within Marina del Rey include dry dock facilities and other available slips at other marinas found throughout Marina del Rey. Construction of Phase 1 is expected to last for approximately 7 months. Installation of Phase 2 docks would take a total of approximately 9 months.

Proposed Mitigation– The 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 proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: The applicant has designed the replacement marinas to be contained within the current marina boundaries and yet still achieve current standard and design requirements and utilities upgrades. The addition of one boarding float at the existing boat launch area, which is already highly disturbed, will have very minimum impact and is consistent with the purpose for which the marina is created.

Minimization: The applicant has proposed a number of general and specific construction-related BMPs, as follows:

General BMPs:

- Floating debris would be removed from the water and disposed of properly.
- All construction activities shall occur within the designated project footprint, except for the new boarding float, which will be added to the existing boat launch infrastructure.

Water Quality BMPs:

- Silt curtains or similar devices would be used and debris booms installed around each construction location in the water to minimize sediment in the water column and prevent floating debris from dispersing.
- During construction, the contractor would be required to implement the water quality monitoring program required by the Regional Water Quality Control Board (RWQCB) and to comply with the permit conditions imposed by the Corps of Engineers, the RWQCB, and the California Coastal Commission (CCC).
- A Water Quality Monitoring Plan (WQMP) would be submitted by the contractor for approval by the CCC prior to construction. The WQMP would be designed to monitor conditions in accordance California Coastal Commission permit requirements.
- A Spill Prevention, Control, and Countermeasures (SPCC) Plan would be submitted by the contractor for approval prior to construction. The contractor will be required to follow the SPCC which would require, among other things, following established refueling, spill containment and countermeasures, and good housekeeping procedures.

Pile Driving BMPs:

- The least damaging alternative would be used for installation of piles and any other activity that would disturb benthic sediments.
- Based on the determination of the project engineer, the replacement piles would be jetted or hammered into place as appropriate.
- Silt curtains would be employed during pile replacement activities.

EFH, Endangered Species Act, and Marine Mammal Protection Act BMPs:

- To avoid impacts on the California Least Terns during nesting and foraging season, no pile driving activity that may generate noise or turbidity shall occur during the period between April 1 and August 31 of any year.
- Operators of construction equipment and all other project workers shall not harass any marine mammals, waterfowl, or fish in the project area.

Compensation: The applicant has not proposed any compensatory mitigation as the proposed project is for the replacement of an existing marina within the same footprint. Furthermore, the new boarding float is for a public benefit and would have very little impact on the aquatic environment. Moreover, the proposed installation of multiple new vessel wastewater pump out systems, including in-slip pump outs for larger vessels, and a portable head dump (i.e. receptacle for boaters waste water) at the launch ramp are anticipated to improve marina water quality.

Proposed Special Conditions

None is proposed at this time.

For additional information please call Gerardo Salas of my staff at 213-452-3417 or via e-mail at Gerardo.Salas@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



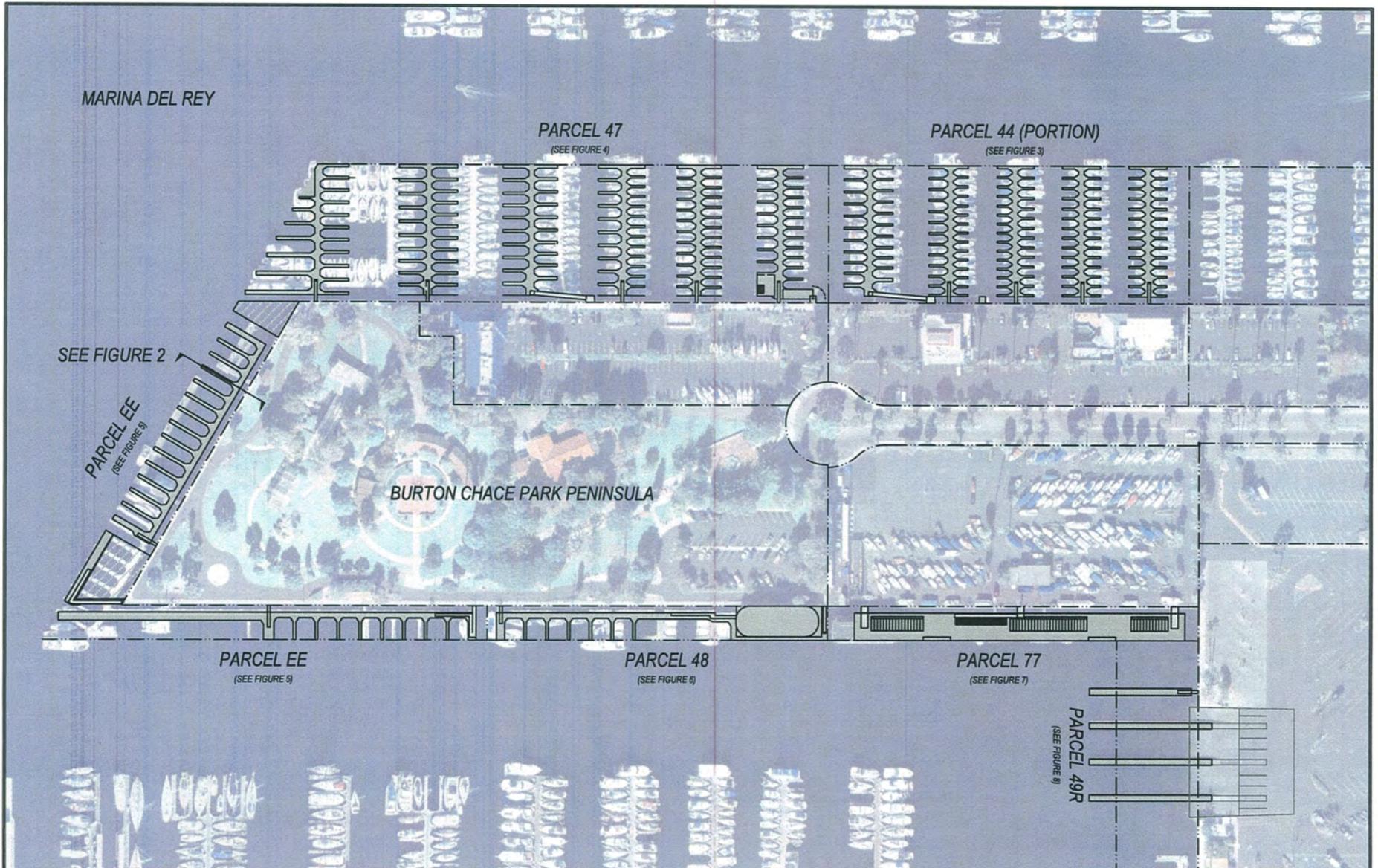
Regulatory Program Goals:

- 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
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

WWW.SPL.USACE.ARMY.MIL

PROJECT PLAN



NOBLE
CONSULTANTS, INC.



SCALE: 1" = 200'

FIGURE 1

TYPICAL SECTION (FOR PARCELS 44 (PORTION), 47, EE, 48, 77 & 49R)

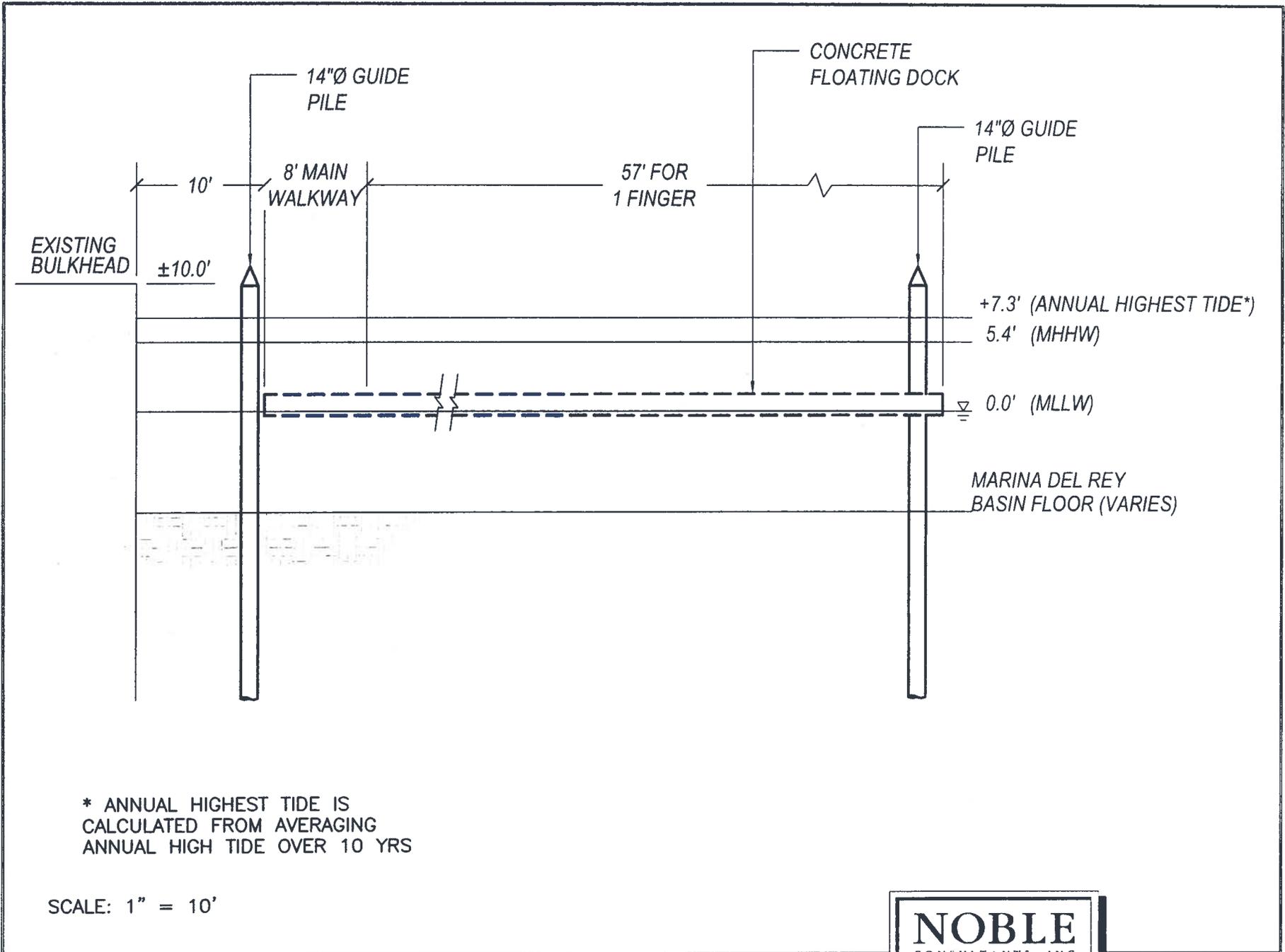
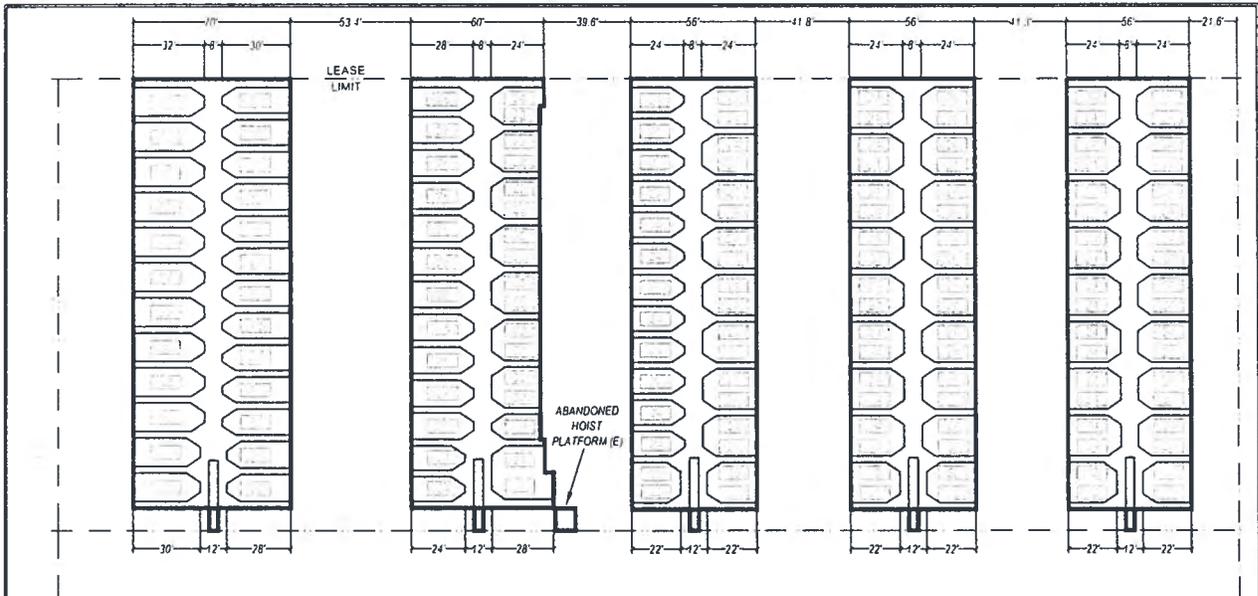
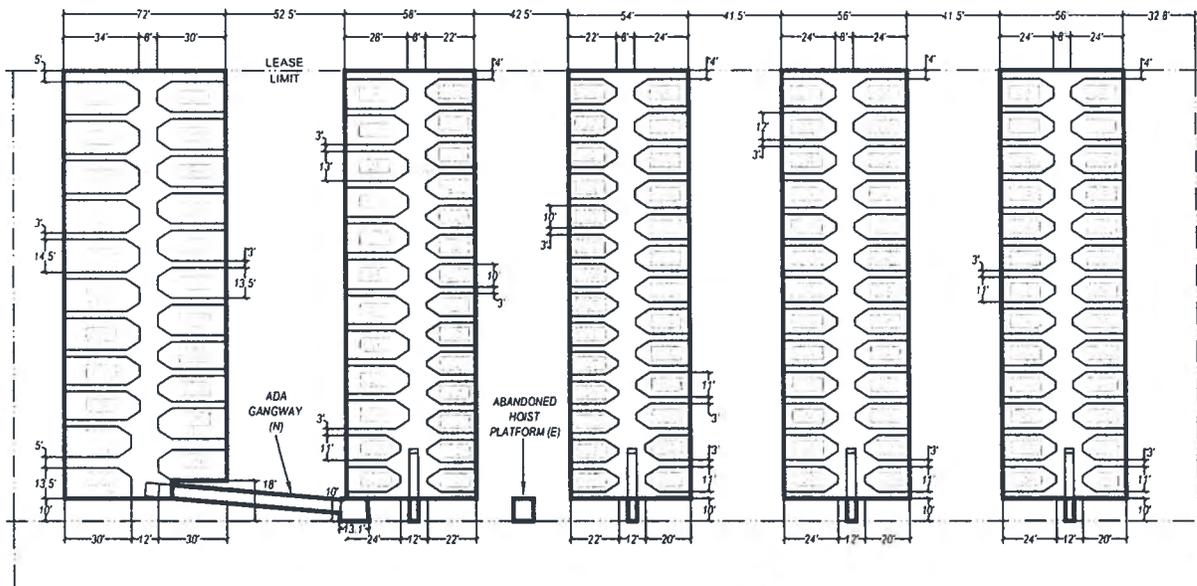


FIGURE 2

PARCEL 44 (PORTION) WATER COVERAGE, MARINA DEL REY



EXISTING LAYOUT



PROPOSED LAYOUT

Shading Area	Existing Layout	Proposed Layout
Dock Area	19690 sf (0.452 ac)	21945 sf (0.504 ac)
Gangway Over-water Coverage & Platforms	281 sf (0.006 ac)	817 sf (0.019 ac)
Vessel Coverage (75% of slip)	27620 sf (0.634 ac)	25127 sf (0.577 ac)
Total Shading Area	47591 sf (1.092 ac)	47889 sf (1.099 ac)

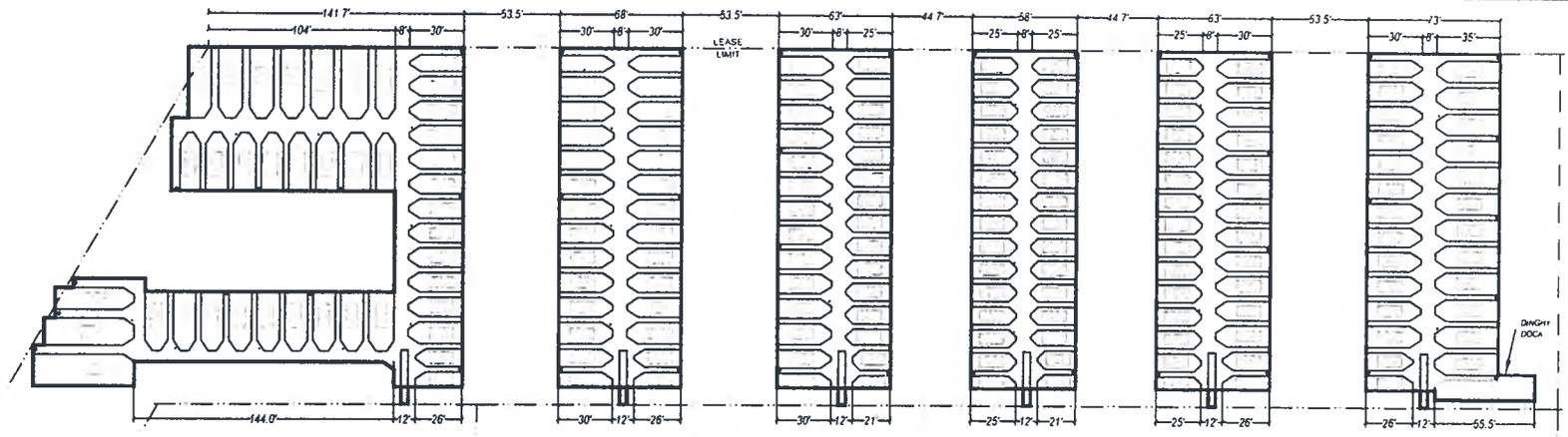
NET SHADING CHANGE = 298 sf (0.007 ac)



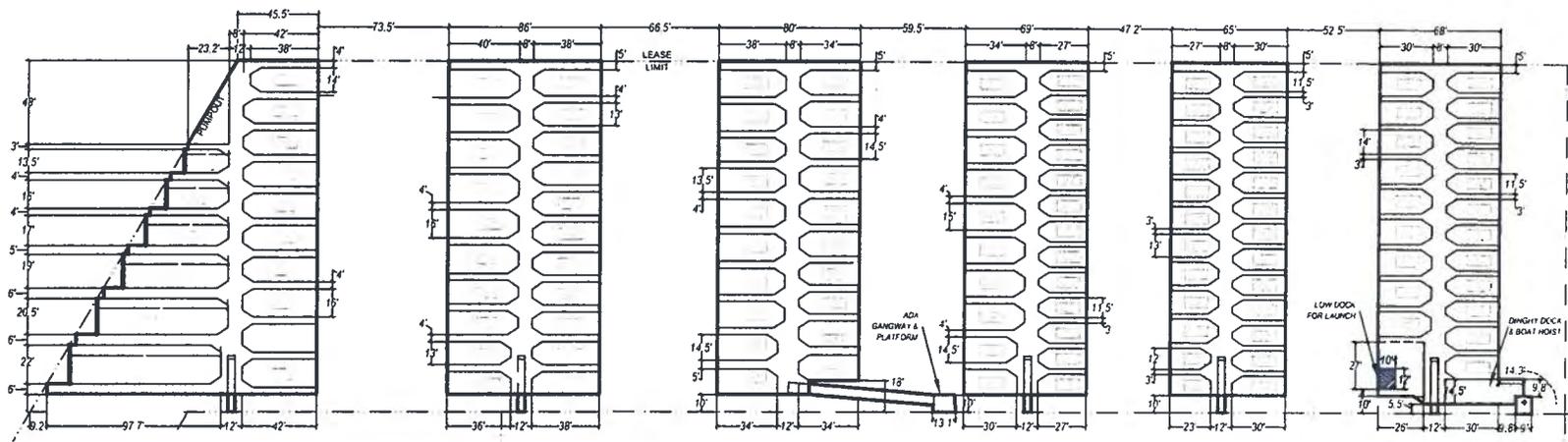
SCALE: 1" = 80'

FIGURE 3

PARCEL 47 WATER COVERAGE, MARINA DEL REY



EXISTING LAYOUT



PROPOSED LAYOUT

Shading Area	Existing Layout	Proposed Layout
Dock Area	33006 sf (0.758 ac)	32034 sf (0.735 ac)
Gangway Over-water Coverage & Platforms	229 sf (0.005 ac)	820 sf (0.019 ac)
Vessel Coverage (75% of slip)	41036 sf (0.942 ac)	42367 sf (0.973 ac)
Total Shading Area	74271 sf (1.705 ac)	75221 sf (1.727 ac)

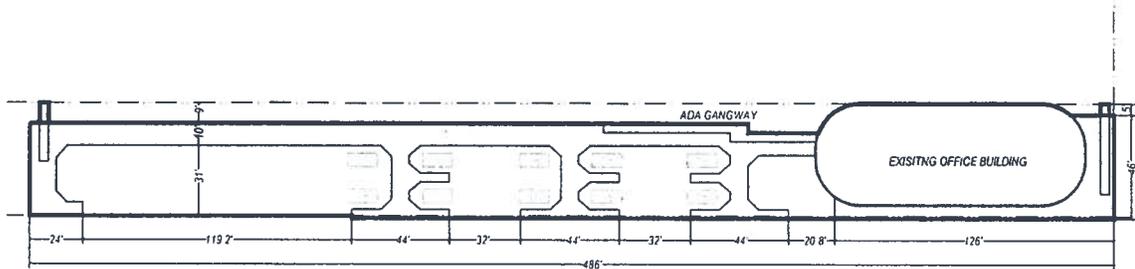
NET SHADING CHANGE = 950 sf (0.022 ac)



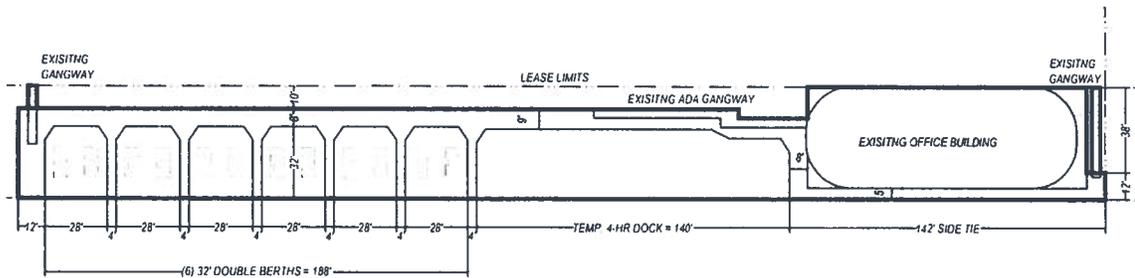
SCALE: 1" = 100'

FIGURE 4

PARCEL 48 WATER COVERAGE, MARINA DEL REY



EXISTING LAYOUT



PROPOSED LAYOUT

Shading Area	Existing Layout	Proposed Layout
Dock Area	7002 sf (0.161 ac)	5789 sf (0.133 ac)
Office Building	5123 sf (0.118 ac)	5123 sf (0.118 ac)
Gangway Over-water Coverage & Platforms	56 sf (0.001 ac)	192 sf (0.004 ac)
Vessel Coverage (75% of slip)	6773 sf (0.155 ac)	7069 sf (0.162 ac)
Total Shading Area	18954 sf (0.435 ac)	18173 sf (0.417 ac)

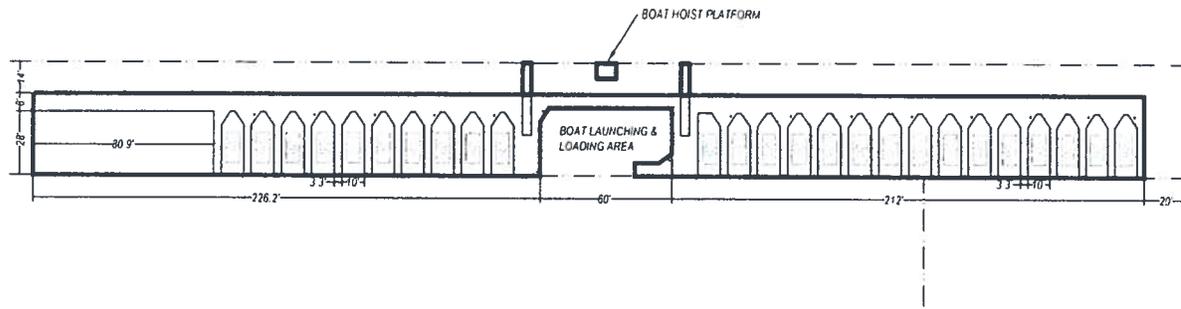
NET SHADING CHANGE = -781 sf (0.018 ac)



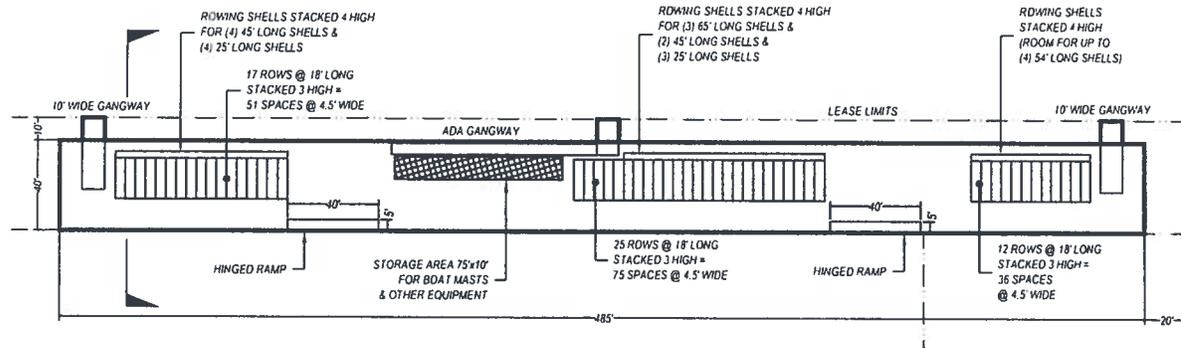
SCALE: 1" = 80'

FIGURE 6

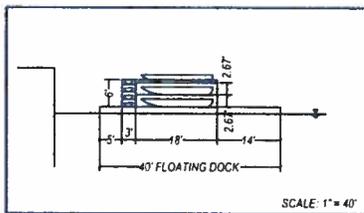
PARCEL 77 WATER COVERAGE, MARINA DEL REY



EXISTING LAYOUT



PROPOSED LAYOUT



Shading Area	Existing Layout	Proposed Layout
Dock Area	7585 sf (0.174 ac)	19400 sf (0.445 ac)
Gangway Over-water Coverage & Platforms	175 sf (0.004 ac)	200 sf (0.005 ac)
Vessel Coverage (75% of slip)	6507 sf (0.150 ac)	0 sf (0.000 ac)
Total Shading Area	14267 sf (0.328 ac)	19600 sf (0.450 ac)

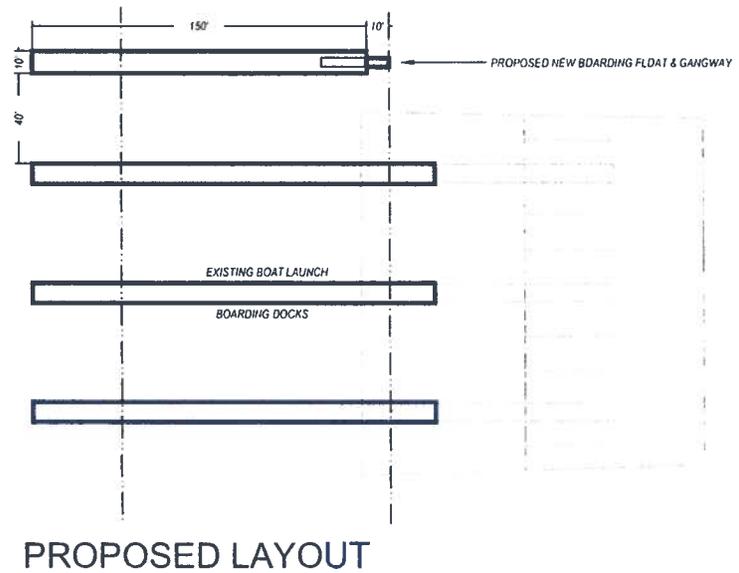
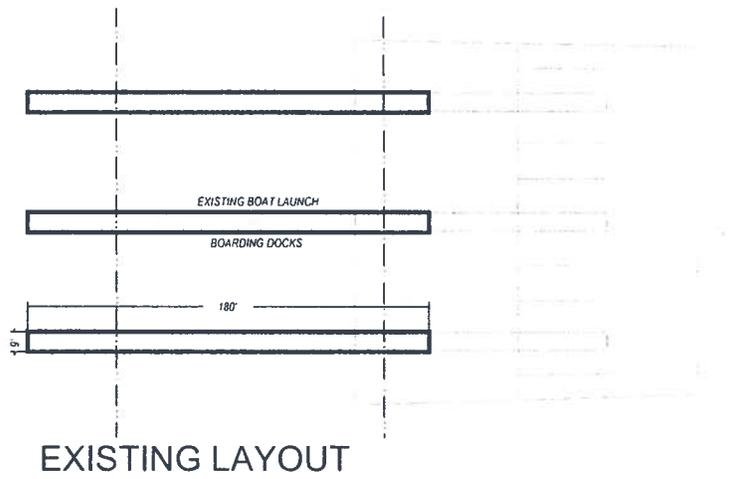
NET SHADING CHANGE = 5333 sf (0.122 ac)



SCALE: 1" = 80'

FIGURE 7

PARCEL 49R WATER COVERAGE, MARINA DEL REY



Shading Area	Existing Layout	Proposed Layout
Dock Area	4860 sf (0.112 ac)	6360 sf (0.146 ac)
Gangway Over-water Coverage & Platforms	0 sf (0.000 ac)	40 sf (0.001 ac)
Total Shading Area	4860 sf (0.112 ac)	6400 sf (0.147 ac)

NET SHADING CHANGE = 1540 sf (0.035 ac)



SCALE: 1" = 80'

FIGURE 8