PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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APPLICATION FOR PERMIT
San Diego Yacht Club Maintenance Dredging Project

Public Notice/Application No.: SPL-2015-00213-RRS
Project: San Diego Yacht Club (SDYC) Maintenance Dredging Project
Comment Period: September 26, 2016 through October 27, 2016
Project Manager: Robert Smith; 760-602-4831; Robert.R.Smith@usace.army.mil

Applicant
Terry Anglin
General Manager
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San Diego Yacht Club
1011 Anchorage Lane
San Diego, California 92106

Contact
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Merkel & Associates, Inc.
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Location

The proposed San Diego Yacht Club (SDYC) Maintenance Dredging Project site is located on and adjacent to San Diego Bay at the San Diego Yacht Club marina at 1011 Anchorage Lane within the Shelter Island Yacht Basin (Latitude: 32°43.13' N, Longitude: 117°13.66' W) within the Port of San Diego (Figure 1). Dredge material would be disposed of at the LA-5 Ocean Dredge Material Disposal Site (LA-5 ODMDS) (Latitude: 32°36.83' N, Longitude: 117°20.67' W) with nearshore nourishment reuse of sandy material at the Imperial Beach nourishment area within Port jurisdiction (Latitude: 32°34.40' N, Longitude: 117°8.30 W). Two discrete dredging areas are included in the work area. These include areas around the A-B Dock at the east side of the SDYC marina and areas around I-Dock at the west side of the SDYC marina (Figure 2)

Activity

The proposed work includes maintenance dredging of navigable waters in and adjacent to the San Diego Yacht Club marina within the Port of San Diego with dredged material disposal at two sites including ocean disposal at the LA-5 ODMDS and nearshore disposal at Imperial Beach. Dredge material would be removed by scow for ocean disposal at LA-5. Dredging would be conducted by clam shell dredging, or small hydraulic cutter head dredge and impact 87,000 square ft. of impacts. Work would include removal of up to 11,299 cubic yards (cy) of material that has been tested under an approved sampling and analysis plan, with up to 9,999 cy of material determined suitable for ocean disposal and up to 1,300 cy suitable for beneficial reuse and nearshore disposal within Port jurisdictional waters located offshore of Imperial Beach. The project would provide for dredging to an eight foot project design depth below the surface (with a two foot allowable overdepth) at A/B dock and for an 11 foot depth for the I-dock or western shoal below the surface (with a two foot allowable overdepth). Work includes minor debris removal for upland disposal, and the temporary removal of a segment of the marina headwall and A-B and I docks to access sediment accreted under the dock.

The dock would be disconnected from adjacent docks and removed from the dredging footprint by temporarily floating the dock into other portions of the work area. The dock would then be reconnected after dredging is completed. Work also includes minor repair, without footprint modification, of the over water deck structure at the clubhouse to address structural integrity issues of supporting beams. Deck repairs include no in water work. For more information see page 3 of this notice (also see attached drawings). For more information see Additional Information section.

Interested parties are hereby notified 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 supports 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 with special conditions, or denied under Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act, and Section 103 of the Marine Protection, Research and Sanctuaries Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Robert Smith
Carlsbad Field Office
5900 La Place Ct., Suite 100
Carlsbad, CA 92008

Alternatively, comments can be sent electronically to: Robert.R.Smith@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 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 any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality. Section 401 requires 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 the proposed activity would comply with and would be conducted in a manner 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 the project is consistent with the State's Coastal Zone Management Plan which has been obtained from the Port of San Diego (Master Plan Coastal Development Permit) and the Coastal Commission's concurrence for the ocean disposal. After a review of the comments received on this public notice and in consultation with the California Coastal Commission, the Corps will make a final determination of whether this project affects coastal zone resources after review of the comments received on this Public Notice.

Essential Fish Habitat (EFH) - The Corps of Engineers preliminary determination indicates the proposed activity would adversely affect EFH. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is required at this time. The Corps of Engineers preliminary determination indicates the proposed activity may adversely affect EFH. 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 (also via an email with the EFH assessment). 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 6 of this public notice.

2. Onsite inspection information: See baseline information on page 5 of this public notice.

3. Analysis of the potential adverse effects on EFH: Based on the project description and EFH assessment provided by the applicant, the proposed project would result in dredging disturbance of approximately 87,000 square feet of substrate with no eelgrass impacts. Furthermore, the affected substrate would likely consist of soft-bottom sediments, with little or no hard rock substrate affected and no contaminants.

4. Proposed minimization, conservation, or mitigation measures: Small areas of eelgrass are found near the proposed work based on eelgrass surveys done in 2015 and measures have been proposed to avoid impacts to eelgrass through protective measures. Pre-and post-dredging eelgrass surveys will be completed in accordance with the Cal. Eelgrass Mitigation Policy (CEMP). Preconstruction *Caulerpa* surveys will be implemented in accordance with the *Caulerpa* Control Protocol (CCP).

5. Conclusions regarding effects of the proposed project on EFH:

Therefore, it is my initial determination the proposed activity may adversely affect Coastal Pelagic and Pacific Ground fish species that are managed under each respective Fish Management Plan and 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.

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. Due to previous project area dredging and vessel substrate disturbances the Corps has made a determination that there is no potential to disturb any cultural resources.

Endangered Species- Preliminary determinations indicate the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat as no work is proposed during the California least tern season. 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). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary. The basic project purpose for the proposed project is navigation and vessel berthing. 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 provide maintenance dredging and disposal of the dredged material for the San Diego Yacht Club to provide adequate berthing and navigation depths.

Additional Project Information

Baseline Information: The SDYC marina is located in northern San Diego Bay, in San Diego, CA (Figure 1). Over the past several years, sedimentation within the marina has resulted in shallowing of the bay floor and localized shoaling to the extent that vessel grounding has become common for boats berthed in certain portions of the A, B, and I Docks. In addition, the main headwalk dock between the A and B Docks rests on a sediment shoal at low tide. Such grounding of the dock places undue stresses on the dock that will result in structural damage to the dock. Therefore, the SDYC is proposing to conduct maintenance dredging within their leasehold area. The areas of interest include the A-B Dock area located on the eastern portion of the leasehold area and extending slightly to the east of the leasehold, and I Dock area located on the western portion of the leasehold area and extending beyond the leasehold to the west. The entire leasehold and surrounding waters were surveyed a minimum of 100 feet beyond the proposed dredging areas. The marina docks extend from shore to the pierhead line, a maximum of approximately 550 feet (168 meters). The habitat types observed in the survey area included rip-rap shoreline, vertical sheet pile, soft bottom non-vegetated subtidal habitat, subtidal vegetated (eelgrass) habitat, dock piles and floats (Figure 2). The intertidal and shallow subtidal habitat within the SDYC project site consisted of rip-rap shoreline and vertical sheet pile, which extend from supratidal elevations down to shallow subtidal elevations within portions of the marina (Figure 3). Within the intertidal zone hard substrate was predominantly bare, with fine silt covering the rocks at lower elevations (Figure 4).

Within the subtidal depths, a few patches of colonial ascidians (*Botryllus* sp.), sponges (*Leucatta losangelensis*, *Aplysina* sp., *Haliclona* sp.), bryozoans (*Hippodiplosia insculpta*, *Eurystomella* sp.), and native oysters (*Ostrea lurida*) were observed. No fish were observed, although lobsters were observed in the rip-rap.Bare surface mud occurs throughout most of the project area. An intertidal gravelly sand and mud shoal occurs at the end of a municipal storm drain to the west of I Dock at the marina. Few invertebrates were observed on the soft bottom although evidence of burrowing invertebrates, possibly tube dwelling anemones and bivalves, were observed. The only live invertebrates noted were a few solitary burrowing anemones (*Pachycerianthus fimbriatus*). Although only a barred sand bass (*Paralabrax nebulifer*) was observed, other fish species including midshipman (*Porichthys myriaster*), California lizardfish (*Synodus lucioceps*) and round stingray (*Urobatus halleri*) are likely to use this habitat.

No eelgrass was detected within the SDYC leasehold area; however, approximately 6 m^2 of eelgrass was detected to the west of the leasehold, within the I Dock dredge footprint (Figures 2 and 5). This patch had a low density of 61±39.4 turions/m^2 (n=6) and a heavy silt load on the eelgrass leaves. Subsequently, dredging areas were modified to avoid this eelgrass by pulling the dredge limits away from the eelgrass.

Project description- The proposed dredging area, design depths, and estimated dredging volumes are summarized in Table 1 and attached drawings.

Table 1. San Diego Yacht Club Dredging Area, Design Depths, and Estimated Volumes

Location	Area	Project Design Depth	Estimated Volume (Project Depth)	Estimated Volume (with 2 ft overdredge)
A/B Dock	17,027 ft^2	-8 ft MLLW	1,388 yd^3	2,649 yd^3
I Dock	69,972 ft^2	-11 ft MLLW	5,450 yd^3	8,650 yd^3
Total				11,299 yd^3

Notes: ft. – feet; ft^2 – square feet; yd^3 – cubic yards; MLLW datum

The proposed dredging would have only temporary impacts on open water. Construction effects from the dredging would include temporary and localized increases in turbidity and sedimentation, along with lowered dissolved oxygen levels associated with disturbance of anoxic sulfidic sediments. This elevated turbidity could potentially affect the local foraging success of fish-foraging avian species (this will be discussed further below). Many fish species are attracted to elevated turbidity, others may avoid it. Effects are expected to be varied by species and extent of dredging at any given location, however, given the small scale of the dredging project and clean chemistry of the sediments to be dredged, no significant water quality impacts are expected and fish affected by the disturbance of sediment would be only temporarily influenced at a less than significant level. The Corps and EPA concluded the ocean testing manual compliance with an approved Sampling and Analysis Plan (SAPr) approved in January and September 2015 was 11,299 cy was deemed suitable for both nearshore and ocean disposal that provided testing and evaluation of the dredged material disposal to LA-5 with 1,300 cy from the A/B dock that is suitable for nearshore disposal at Imperial Beach and the remainder of 9,999 cy going to the LA-5 ocean disposal site. Since the approval of the SAPr the current volumes have been reduced within the approved SAPr footprint by reduction in dredging beneath the I-dock and adjacent private docks near the I-dock.

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 project avoids any direct impacts to any special aquatic sites such as wetlands or eelgrass that occur in the slough project area or any impacts to the beach or shoreline areas and is a maintenance dredging and ocean and nearshore disposal project. Approximately 6 m^2 of eelgrass was detected to the west of the SDYC leasehold, within the I Dock dredge footprint. To avoid impacts to this resource, the dredging footprint was revised to avoid the eelgrass and a buffer around the eelgrass bed. With the design change that has been made, no impact to eelgrass is expected to occur from the maintenance dredging.

Minimization: Minimization measures include compliance with turbidity monitoring, work cessation if needed due to turbidity exceedances, using equipment that accesses the site from the bay, and avoidance of wetlands and eelgrass areas at the SDYC area during work.

Compensation: Currently no mitigation is proposed due to no identifiable adverse impacts to any wetlands, eelgrass, mud flats, or any listed species. The project will restore tidal exchange to the SDYC project area which will have substantial ecological restoration functional gain and benefits to the entire SDYC area and nearby San Diego bay.

Proposed Special Conditions

None are proposed at this time.

For additional information please call Robert Smith of my staff at 760-602-4831 or via e-mail at Robert.R.Smith@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.

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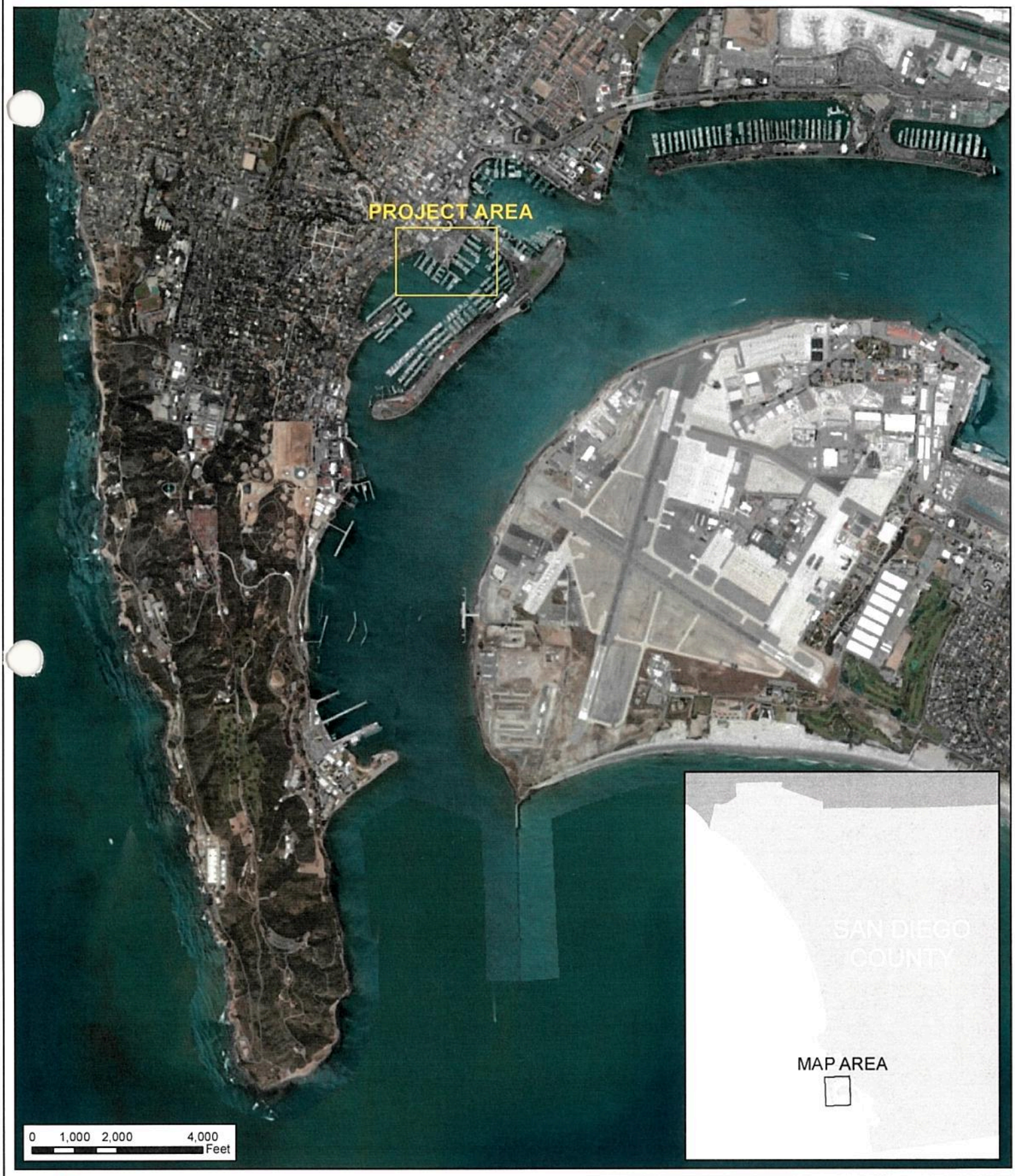

Project Vicinity Map
San Diego Yacht Club Maintenance
Dredging 2015

Figure 1

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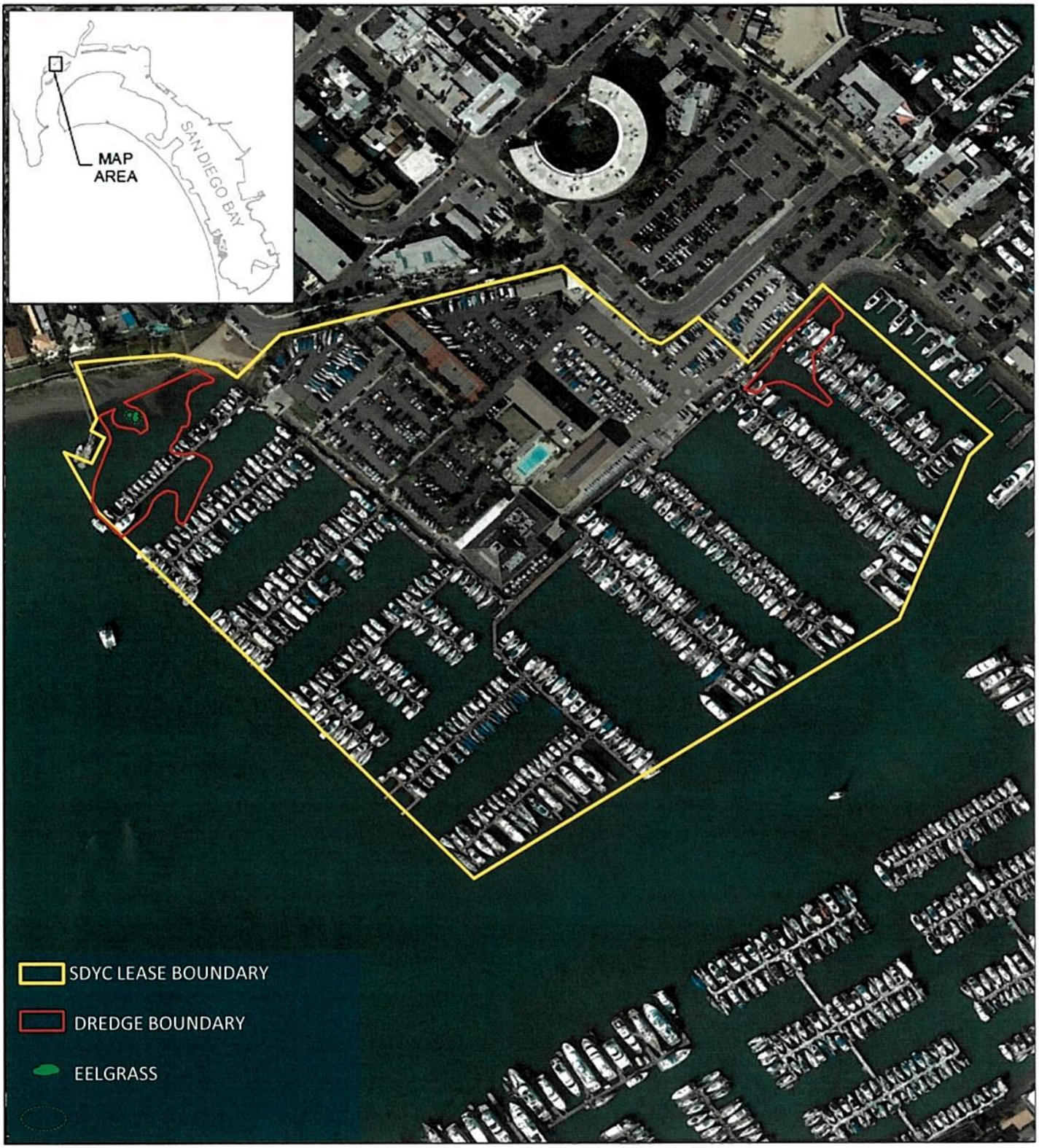

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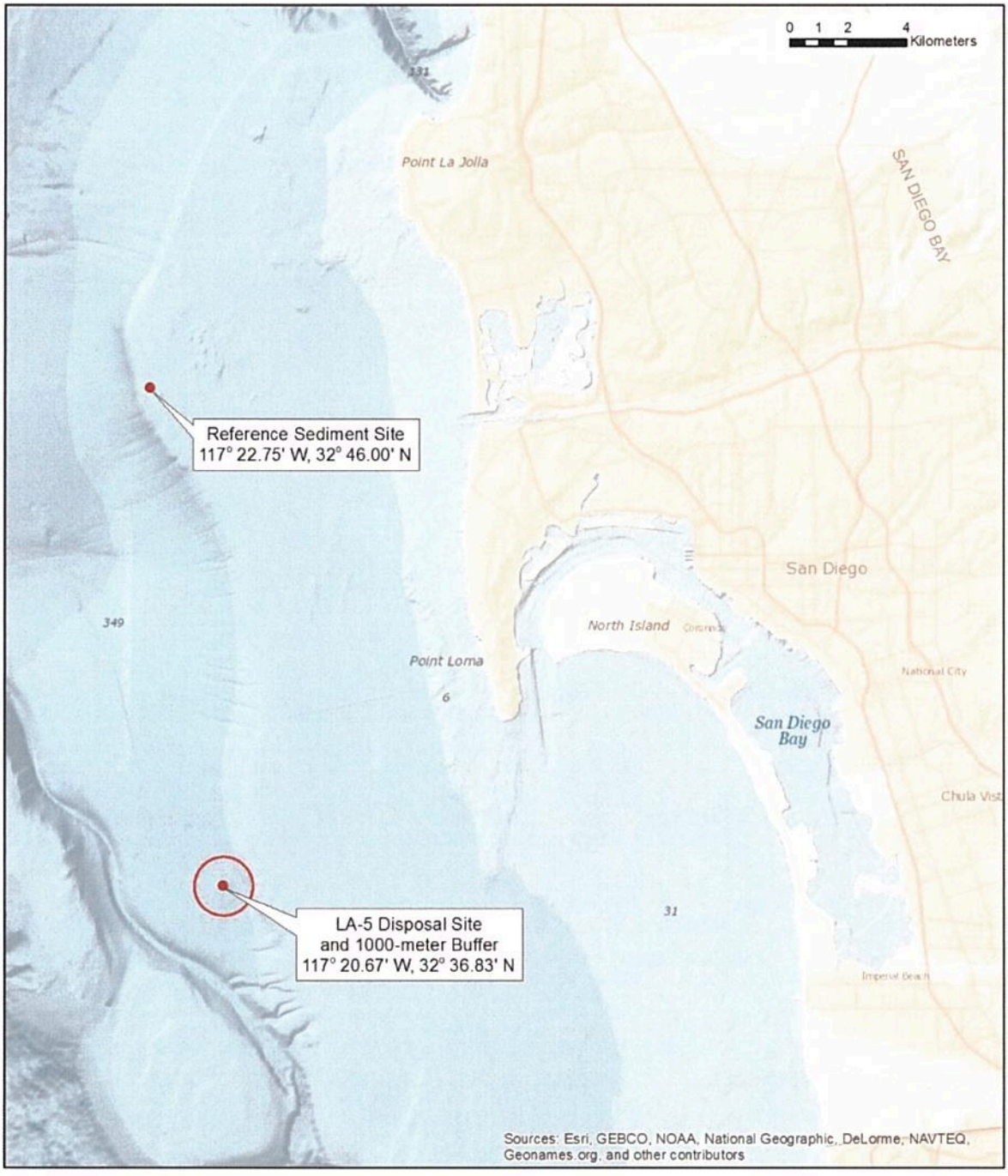
Dredge Footprint
San Diego Yacht Club
Maintenance Dredging 2015

Figure 2

Merkel & Associates, Inc.

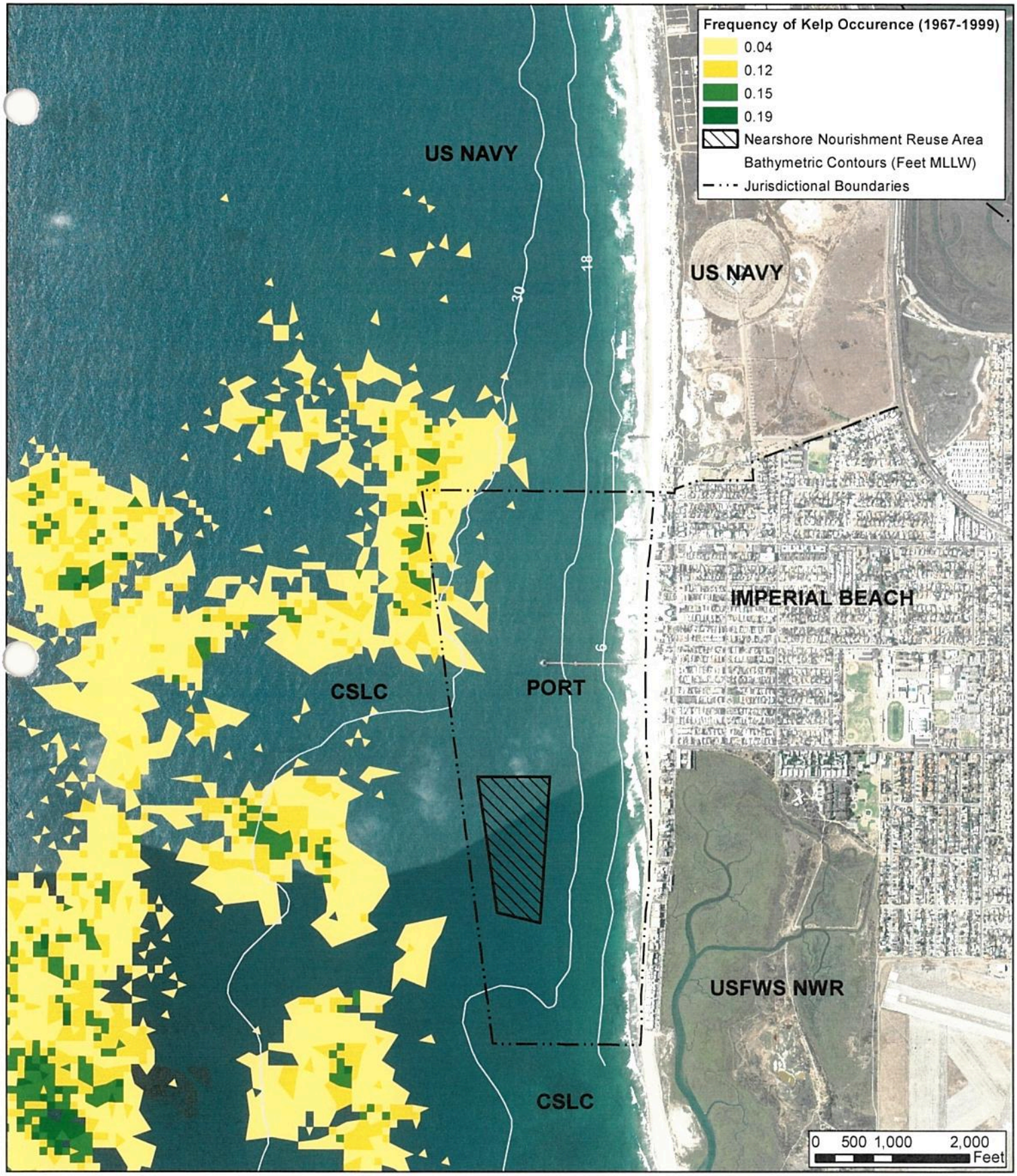
12-048-01

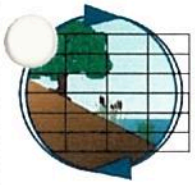


Location of LA-5 ODMDS
San Diego Yacht Club Maintenance
Dredging 2013-2014

Figure 5

Merkel & Associates, Inc.





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Nearshore Dredge Material Beneficial Reuse Areas

San Diego Yacht Club Maintenance Dredging

Figure 4

12-048-01

I Dock Collection Locations - April 2013
San Diego Yacht Club Maintenance
Dredging 2013-2014

Figure 3

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12-048-01

A/B Dock Collection Locations - April 2013
San Diego Yacht Club Maintenance
Dredging 2013-2014

Figure 4

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