



PUBLIC NOTICE

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

BUILDING STRONG®

APPLICATION FOR PERMIT

Scorpion Pier Replacement on Santa Cruz Island

Public Notice/Application No.: SPL-2019-00144-TS

Project: Scorpion Pier Replacement

Comment Period: April 22, 2019 through May 22, 2019

Project Manager: Theresa Stevens, Ph.D.; (805) 585-2146; theresa.stevens@usace.army.mil

Applicant

Sterling Holdorf
Channel Islands National Park
1901 Spinnaker Drive
Ventura, California 93001

Contact

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Anchor QEA, LLC
130 Battery Street, Suite 400
San Francisco, California 94111

Location

The project is located in the Scorpion anchorage within the Pacific Ocean and within Scorpion Creek on the east end of Santa Cruz Island, Channel Islands National Park, Santa Barbara County, California (lat/long: 34.049997222222, -119.556077777778).

Activity

The project would abandon and demolish the existing pier and construct a new pier south of the existing pier in Scorpion Anchorage. The project would create a new pier approach road by placing fill in Scorpion Creek (see attached drawings). For more information, see the Additional Project Information section below.

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, issued with special conditions, or denied under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Comments should be mailed to:

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Theresa Stevens, Ph.D.
60 SOUTH CALIFORNIA STREET, SUITE 201
VENTURA, CALIFORNIA 93001-2598

Alternatively, comments can be sent electronically to: theresa.stevens@usace.army.mil

The mission of the U.S. Army Corps of Engineers (Corps) 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 U.S. Environmental Protection Agency Guidelines (40 Code of Federal Regulations Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps 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 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 (EIS) pursuant to the National

Environmental Policy Act (NEPA). 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 and an environmental impact statement [prepared by the Corps] is not required for the proposed work. The National Park Service (NPS, applicant) is the lead federal agency for NEPA compliance and completed an EIS and Record of Decision (August 14, 2018).

Water Quality. The applicant is required to obtain water quality certification under Section 401 of the Clean Water Act from the California Central Coast Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit to provide proof of water quality certification to the Corps prior to permit issuance. The 401 certification is pending.

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. The California Coastal Commission concurred with the applicant's federal consistency determination on December 15, 2017.

Essential Fish Habitat. The project area is within designated essential fish habitat (EFH) for fisheries species managed by the National Marine Fisheries Service (NMFS) through the Pacific Groundfish Fisheries Management Plan (FMP), and within the Scorpion EFH Conservation Area and Scorpion Habitat Area of Particular Concern. Therefore, pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), EFH consultation for the proposed project is required. The applicant is the lead federal agency and EFH consultation was completed on September 13, 2016.

Marine Mammal Protection Act. At least 33 species of cetaceans have been recorded in the Scorpion State Marine Reserve and Sanctuary, and six species of pinnipeds haulout on Channel Islands beaches and use park waters. These species are protected by the Marine Mammal Protection Act as administered by NMFS. The applicant has concluded that the project would not result in impacts to marine mammals, with NMFS providing concurrence with these findings via a meeting on March 1, 2019. Through consultation with NMFS, the NPS identified and committed to marine mammal avoidance measures, including presence of a biological monitor during construction and soft-start techniques for construction equipment (see the Avoidance and Minimization section below).

Cultural Resources. A number of cultural resources are recorded in and adjacent to the project area. Two recorded archeological sites, CA-SCrI-423 and CA-SCrI-507, are partially within the project area. Both sites are part of the Santa Cruz Island Archeological District and are eligible for listing on the National Register of Historic Places (NRHP) as contributing elements to the district. The project is adjacent to the Caire-Gherini Ranch Historic District, a contributing component of the Santa Cruz Island Ranching District. The Santa Cruz Island Ranching District is also eligible for listing on the NRHP. In January 2017, the NPS signed a Programmatic Agreement (PA) with the State Historic Preservation Officer (SHPO), the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, the Santa Ynez Band of Chumash Mission Indians Elders Council, and the Barbareno/Ventureno Band of Chumash Mission Indians. The agreement documented that the project will have no adverse effects on the Santa Cruz Island Ranching District, and that construction

will be monitored to identify potential adverse effects to archaeological sites CA-SCrI-423 and CA-SCrI-507. If adverse effects are identified, they will be mitigated in accordance with the PA.

Endangered Species. As the lead federal agency responsible for Endangered Species Act compliance, determinations by the NPS indicate the proposed activity would have no effect on federally listed endangered or threatened species, or designated critical habitat. Although the Draft EIS determined that the project may affect, but would not likely to adversely affect, the Santa Cruz Island fox (*Urocyon littoralis*), the species was officially delisted on August 12, 2016, prior to execution of the Record of Decision and no further consultation was required. Further, no other federally listed terrestrial or aquatic species identified in the Final EIS would be affected by the project. These findings were memorialized in the EIS Record of Decision (August 14, 2018).

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.

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 a safe, high-quality, and environmentally responsible pier and landside approach to allow year-round access to Santa Cruz Island at Scorpion Anchorage in a variety of weather conditions for visitors and NPS staff.

Additional Project Information

Baseline Information. The existing pier that provides access to Santa Cruz Island from Scorpion Anchorage is deteriorating and does not meet the NPS requirements for administrative use or safe visitor access. The access road to the current pier location also requires frequent rebuilding, which can result in impacts to archaeologically sensitive areas. The current embarkation process requires passengers to climb—one person at a time, often while carrying heavy cargo—a single unsteady ladder that is not compliant with Architectural Barriers Act (ABA) Accessibility Standards. Strong wave activity or a simple misstep could cause a slip, trip, or fall, and could lead to injuries. Due to the pier design and embarkation process, boats cannot safely approach when tides are low or when wave heights are greater than 1 or 2 feet. Therefore, vessel operators have difficulty docking without risk to individuals, vessels, and the pier itself. Once on the pier, individuals must walk along the narrow, 9-foot-wide deck, which lacks adequate handrails (which are needed to maintain balance during severe wind and wave conditions). Once on land, visitors must traverse the 400-foot-long, rough, coarsely graded gravel access road (which is also not ABA-compliant) to Scorpion Ranch. The road surface is composed primarily of sand, gravel, and rocks up to 10 inches in diameter. All of these issues introduce considerable risk, especially for children, the elderly, and those with disabilities. Harsh

weather, including high winds and adverse swells or surges, exacerbate these issues.

In 2016, emergency repairs were completed to replace the existing pier gangway. Large swells during the 2015-2016 winter damaged the landward pier abutment, and large rocks that had prevented scour around the base of the abutment have been dislodged. An engineering evaluation of the pier determined that the gangway could no longer safely bear any loads. As authorized through emergency permits, the damaged gangway was removed, and a replacement 92-foot-long aluminum gangway was installed on the existing abutments. In addition, the dislodged rocks around the base of the abutment were repositioned. Installation of the replacement gangway was a temporary repair to restore access to the island, and these emergency repairs did not address existing access or maintenance deficiencies.

The existing pier (including the emergency-replacement gangway) and access road significantly weaken the efficiency of NPS operations. The one-person ladder needed for embarkation, for example, lengthens the entire boarding process and increases visitor exposure to adverse weather conditions. The narrow width of the pier also causes delays because it cannot simultaneously accommodate visitors and large cargo (e.g., maintenance vehicles); as such, passenger embarkation must occur separately from many maintenance activities. Additionally, the lack of adequate armoring in the area increases the need for regular and expensive repairs to the eroding access road. The number of visitors to Santa Cruz Island has risen steadily and future visitation levels are anticipated to remain close to maximum capacity. Improvement of the pier and access road is necessary to meet current and future visitor demands.

The existing access road is extremely susceptible to harsh weather conditions and is often washed out by Scorpion Creek when it floods. Maintenance of the existing pier access road currently requires repairing and re-grading several times per year due to wave and storm erosion. As a result of these ground-disturbing activities, sensitive archeological resources may be threatened. Ongoing reconstruction can also impact the environment through air emissions, erosion, and possible inputs of pollutants (e.g., oils, lubricants, and gasoline) to waterways and sensitive habitats. The predicted rise in sea level due to global warming also compromises the effectiveness of the existing pier. Sea level rise has been incorporated into the proposed pier design by considering pier height and by using steel piles which could be raised in the future.

Project Description. The project would construct a longer, wider replacement pier approximately 300 feet south of the existing pier, which is significantly closer to the access road north of Scorpion Creek. Improvements to the existing pier approach roadway would also be constructed. Note that the project would include removal and partial reuse of the existing pier. This removal would occur following construction of the new pier to maintain access to the island during construction (to the extent possible). Once the new pier is completed, the existing pier fender piles, concrete platform, and abutments would be removed and disposed of on the mainland. The existing pier gangway (installed as part of emergency actions in 2016) would be relocated and reused as a component of the existing pier.

The replacement pier would be 18 feet wide and 300 feet long, with a pierhead that is 31 feet by 60 feet. The new pier would accommodate various water depths for safe embarkation, and the operational depth at the offshore end of the pier would be approximately -10.5 feet mean lower low water at the pier end. The north and east sides of the pierhead would be lined with fiberglass fender piles, and the pier could accommodate a mobile crane. To access the pier from the concessioner boats, visitors would use the Americans with Disabilities Act (ADA) compliant gangway and landing aligned parallel to the pier (gangway relocated from existing pier).

The proposed replacement pier would include 73 total permanent piles, comprising 40 steel piles (18 inches in diameter with 22-inch-diameter high-density polyethylene [HDPE] sleeves), 14 steel piles (18 inches in diameter), and 19 fiberglass fender piles (12 inches in diameter). Of the 73 total piles, 63 (all except 10 18-inch steel with 22-inch-diameter HDPE sleeve piles) would be installed below the high tide line in Scorpion Anchorage, and five piles (18-inch steel with 22-inch-diameter HDPE sleeve piles) would be installed below the ordinary high water (OHW) elevation within Scorpion Creek. Five piles would be installed outside of jurisdictional waters, on Scorpion Beach between the anchorage high tide line and Scorpion Creek berm. Upon installation of the support piles, the deck and remaining pier components would be installed.

The pier would be constructed inside out (i.e., within its own footprint). An air-driven rock hammer would be needed to create the borings into volcanic cobbles and hard rock in Scorpion Anchorage. The contractor would position a temporary staging platform to support the pile drilling equipment. This platform would be driven into the softer sediments until sufficient capacity for temporary drilling equipment is obtained for the platform to rest within the cobble layer on the seafloor. Once piles are installed, a crane would advance along the length of the pier, constructing the pier progressively. Temporary bracing and framing would be added before proceeding to the next pile bent. Barges may be used to assist construction where water depths are sufficient.

The seafloor at Scorpion Anchorage comprises beach deposits consisting of sand, gravel, cobble, and boulder underlain by hard volcanic rock. The bedrock is sufficiently hard enough to preclude any conventional drilling or pile driving, including H-piles with driving shoes. To construct a replacement pier, holes or sockets for the piles would need to be created in the bedrock with a down-the-hole rock hammer drill. An air-driven rock hammer would be needed to create the borings into the hard volcanic rock in the project area. Waste materials from the pile drilling process would be extracted, contained, and treated. Wastewater would be filtered and treated and discharged back to the ocean. Rock waste and other solid debris would be transported off site by the contractor and disposed of in an appropriate location. There would be no use of drilling muds. Only sediment, rock debris, and seawater are expected byproducts of this operation. After sockets are drilled, piles would be placed in the sockets in a pipe casing. Grout would then be placed in the socket to anchor the piles in place and the casing would be subsequently removed or cut off just below grade. For the nearshore portion of the pier, pile installation may be performed with drilling equipment placed on the beach, as opposed to from the pier itself.

The drilling equipment would be powered by diesel-powered air compressors located in the upland or floating barge. The contractor would surround the compressors with a noise wall or shroud to shield visitors, Park Service staff, and biota from the noise from these compressors.

A relatively short section of existing approach roadway (approximately 155 feet long) would be widened and raised 2 to 3 feet higher than the current access road to keep it above extreme wave heights and to join it with the elevated pier. The approach roadway improvements would be constructed of quarry-run rock, rock riprap, and a standard crushed aggregate base (CAB). A layer of rock riprap over geotextile filter fabric would be placed between the quarry run rock and CAB on the improved roadway slopes to provide additional protection from extreme waves and flood waters. No excavation would be required to construct the improved approach roadway. A small portion of the roadway fill (10 cubic yards of quarry run rock and 4 cubic yards of rock riprap over 180 square feet) would be installed below the OHW elevation in Scorpion Creek.

Construction of the approach roadway planned would require placement of “preload material” to help stabilize the roadway and enable safe access from offloading of equipment (e.g., cranes). Preload material, consisting of CAB, would be placed on top of filter fabric, which would enable the CAB to be removed with limited disturbance to the existing grade. The filter fabric and preload material would be removed after 4 to 6 months. A total of 1,094 cubic yards of preload material would be placed over 8,485 square feet, of which 105 cubic yards over 813 square feet would be placed below OHW in Scorpion Creek.

Construction of a temporary access ramp on the Scorpion Anchorage beach would also be required to enable safe access from offloading of equipment. The temporary access ramp would be constructed by placing filter fabric to protect the beach, followed by an aggregate base and earthen fill surface. The fabric would enable the beach to be returned to its pre-construction condition once the access ramp is removed. A total of 436 cubic yards of material would be temporarily placed over 2,896 square feet to construct the temporary access ramp, of which 428 cubic yards over 2,896 square feet would be placed below OHW elevation in Scorpion Creek.

Based on the anticipated weight and size of construction equipment likely to be used on the pier, as well as the proposed final dimensions of the pier, the NPS anticipates that a contractor may install temporary framing alongside the footprint of the proposed pier to facilitate construction access. This would likely consist of a row of up to 12 each, 18-inch-diameter piles, to support scaffolding and temporary deck framing. These piles would not be permanently grouted, and the piles and temporary framing/scaffolding would be removed at the conclusion of construction. This would not result in any permanent impacts. The purpose of this temporary piles-and-framing system would be solely to support construction equipment and protect the health and safety of contractors and staff during construction. The 12 temporary piles would be placed an area of 21 square feet, of which seven piles over a total fill area of 12 square feet and 69 cubic feet would be placed below the high tide line in Scorpion Anchorage, and one pile over a total fill area of 2 square feet and 6 cubic feet would be placed below OHW elevation in Scorpion Creek.

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 and Minimization proposed by the applicant:

General Construction and Water Quality Protection Best Management Practices (BMPs)

- Waste materials from the pile drilling process would be extracted, contained, and treated. Wastewater would be filtered, treated, and discharged back to the ocean. Rock waste and other solid debris would be transported off site by the contractor and disposed of in an appropriate location. There would be no use of drilling muds. Only rock debris and seawater are expected byproducts of this operation. Any potential impacts on water quality would be short term, and conditions would quickly return to baseline levels after pile installation activities are completed.
- Fuels and other chemicals used during construction, as well as debris generated during demolition, could potentially degrade water quality if improperly handled or spilled. Although improvements would require minimal excavation, disturbed soils could also be conveyed to the Scorpion Anchorage via stormwater runoff. The NPS would obtain the required National Pollutant Discharge Elimination System (NPDES) permit and would be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) to minimize construction water

quality impacts. The SWPPP would identify pollutant sources in the construction area and provide site-specific BMPs regarding control of sediments in runoff, avoidance measures to minimize turbidity, and storage and use of hazardous materials to prevent discharge of pollutants into stormwater.

- All timber used for the pier construction shall be preservative treated as appropriate for that timber member's exposure to saltwater. Timber treated with ammoniacal copper zinc arsenate (ACZA) preservative will be used to construct the pier framing, including all areas where timber is subject to continuous immersion or splashing. For areas not subject to immersion or splashing, including but not limited to decking and railings, other treatments appropriate for human contact (alkaline copper quaternary or copper azole) are permissible. Any treated timber will be completely and effectively coated with a durable sealant, if subject to splash or spray only, or wrapped, if immersed, that will minimize leaching and surface dislodgment of the preservative chemicals. If no such sealant is available, the pier decking shall be constructed from an alternative material instead of treated timber, such as untreated timber, concrete, metal, fiberglass, plastic, wood-plastic composite, or other alternatives that pose a minimal risk of leaching toxic chemicals into the marine environment. Sealant requirements shall be enforced through adherence to the Coastal Zone Management Act (CZMA) Federal Consistency Determination requirements.
- An on-site water quality monitor shall be present during all rock drilling and pile installation operations. If the water quality monitor observes any persistent turbidity plumes or uncontrolled discharge of drilling wastes into the marine environment (not including filtered and treated seawater), the NPS shall cease drilling operations and repair, correct or modify the drilling operations or drilling waste containment system to prevent the occurrence of additional uncontrolled discharges or turbidity plumes.
- The discharge of pollutants (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into creeks, runoff or coastal waters resulting from construction activities shall be minimized through the use of appropriate BMPs, including the following:
 - Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum: a) covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers; b) cleaning up all leaks, drips, and spills immediately; having a written plan for the cleanup of spills and leaks; and maintaining an inventory of products and chemicals used on site; c) proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather; d) prompt removal of all construction debris from the beach; and e) detaining, infiltrating, or treating runoff, if needed, prior to conveyance off site during construction.
 - Fueling and maintenance of construction equipment and vehicles shall be conducted off site, if feasible. Any fueling and maintenance of mobile equipment conducted on site shall not take place on the beach, and shall take place at a designated area located at least 50 feet from coastal waters, creeks or drainage courses, if feasible. The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

- Construction taking place in, over, or adjacent to coastal waters and habitat shall protect the coastal waters and habitat by implementing additional BMPs, including the following:
 - Other than pile installation and installation and use of floating devices to aid in the construction effort or deployed to intercept construction debris for entering the water, construction activity shall not be conducted below the mean high tide line unless tidal waters have receded and the area is part of the authorized work area.
 - Use of anchors and temporary moorings for construction vessels and barges shall be avoided to the extent feasible. Any moorings or anchors that are used shall not be placed within sensitive habitat areas such as eelgrass or kelp beds or areas of rocky reef.
 - All work shall take place during daylight hours, and lighting of the beach and ocean area is prohibited.
 - All construction equipment and materials placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction equipment and materials shall be removed in their entirety from the beach area by sunset each day that work occurs. The only exceptions shall be for erosion and sediment controls and/or construction area boundary fencing, where such controls and/or fencing are placed as close to the base of the road revetment/bluff as possible, and are minimized in their extent.
 - Tarps or other devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters.
 - All erosion and sediment controls shall be in place prior to the commencement of construction, as well as at the end of each workday. At a minimum, if grading of the access road is taking place, sediment control BMPs shall be installed at the perimeter of the construction site to prevent construction-related sediment and debris from entering the ocean, waterways, and natural drainage swales or being deposited on the beach.
 - Only rubber-tired construction vehicles shall be allowed on the beach; the only exception shall be that tracked vehicles may be used if they are required to safely carry out construction (to be enforced through adherence with the CZMA Federal Consistency Determination requirements). When transiting on the beach, all construction vehicles shall remain as high on the upper beach as possible and shall avoid contact with ocean waters and intertidal areas.
 - All debris resulting from construction activities shall be immediately removed from the beach.

Marine Mammal Impact Avoidance and Minimization Measures

The NPS will implement the following monitoring measures for the construction at Scorpion Pier:

- The Contractor shall maintain a 500-meter (1,640-foot) safety zone around sound sources.
- The Contractor shall bring loud mechanical equipment online slowly (soft-start technique).
- The NPS shall employ a qualified protected species observer to conduct marine mammal monitoring during in-water construction. The protected species observer shall halt work activities when a marine mammal enters the 500-meter (1,640-foot) safety zone.

Marine Habitat Surveys

- The NPS will conduct a complete pre-construction underwater marine habitat survey of the project site, including surveying for black abalone (*Haliotis cracherodii*), eelgrass (*Zostera marina*), and invasive marine algae (such as *Sargassum horneri*). The survey shall be carried out during the appropriate season by personnel with appropriate training and expertise in carrying out marine biological surveys and shall be consistent with the appropriate scientific standards and protocols, including the October 2014 *California Eelgrass Mitigation Policy and*

Implementing Guidelines (CEMP) developed by NMFS. The survey area shall include the entire shading footprint of the proposed pier and associated gangway, all pile installation sites and all areas in which construction support vessels or barges or their associated anchors would be placed. The survey shall identify, map, and provide a narrative description and representative photographs of the types, amounts and locations of marine habitat within the surveyed area, including any areas of exposed rock reef, kelp habitat, and eelgrass beds. Survey results would be submitted to NMFS, the Channel Islands National Marine Sanctuary (CINMS), the California Coastal Commission (CCC), and other agencies, as appropriate.

- If the results of the survey indicate that kelp habitat, eelgrass, or invasive marine algae is present within the surveyed area, the NPS shall not proceed with construction and shall submit a supplemental consistency determination for CCC review.
- If black abalone is observed during the pre-construction survey, transplant/translocation of abalone would be completed prior to the initiation of construction in the specified area and in accordance with agency-approved plans.
- For eelgrass, post-construction (within 30 days following construction) surveys will also be conducted, as required by the CEMP. If eelgrass is observed in the impact area, monitoring and mapping would be required to identify potential impacts from construction. Monitoring and mapping would include pre- and post-project transects to map the extent of eelgrass. Any decrease in eelgrass (i.e., pre-project versus post-project) would constitute an impact and would be mitigated for pursuant to the CEMP. Survey results would be submitted to CINMS and other agencies, as appropriate.

Maintenance and Operations Impact Avoidance and Minimization Measures

- Maintenance and operation of the proposed pier by the NPS and concessioners would proceed in adherence with a site-specific Spill Prevention Control and Countermeasure Plan or equivalent plans that would address protecting water quality through implementation of BMPs, hazardous materials storage and handling protocols, and spill prevention and cleanup procedures. Operations would also occur in compliance with applicable federal, state, and local regulations.
- The NPS shall exercise due diligence in periodically inspecting HDPE-wrapped piles on the Scorpion Anchorage Pier and shall immediately undertake any repairs necessary to maintain the wrapping in an intact condition that would not result in the release or discharge of plastic material into the marine environment.
- The proposed project assumes no project-related increase in visitation numbers to Santa Cruz Island. Therefore, the project is not anticipated to result in long-term operational water quality impacts.

Compensation proposed by the applicant:

To compensate for the small areas of permanent impact from the project, the NPS would relocate the two existing mooring buoys and associated tackle in Scorpion Anchorage from their current location on hard substrate to new locations on sandy bottom. This would minimize contact of existing tackle with sensitive substratum. In addition, the NPS will replace the existing tackle with tackle that minimizes contact with the substratum as part of regularly scheduled maintenance. These improvements would occur following construction of the proposed project, as funds are available.

Proposed Special Conditions

Permit Special Conditions which are required of similar types of projects will be developed in response to comments received on this public notice.

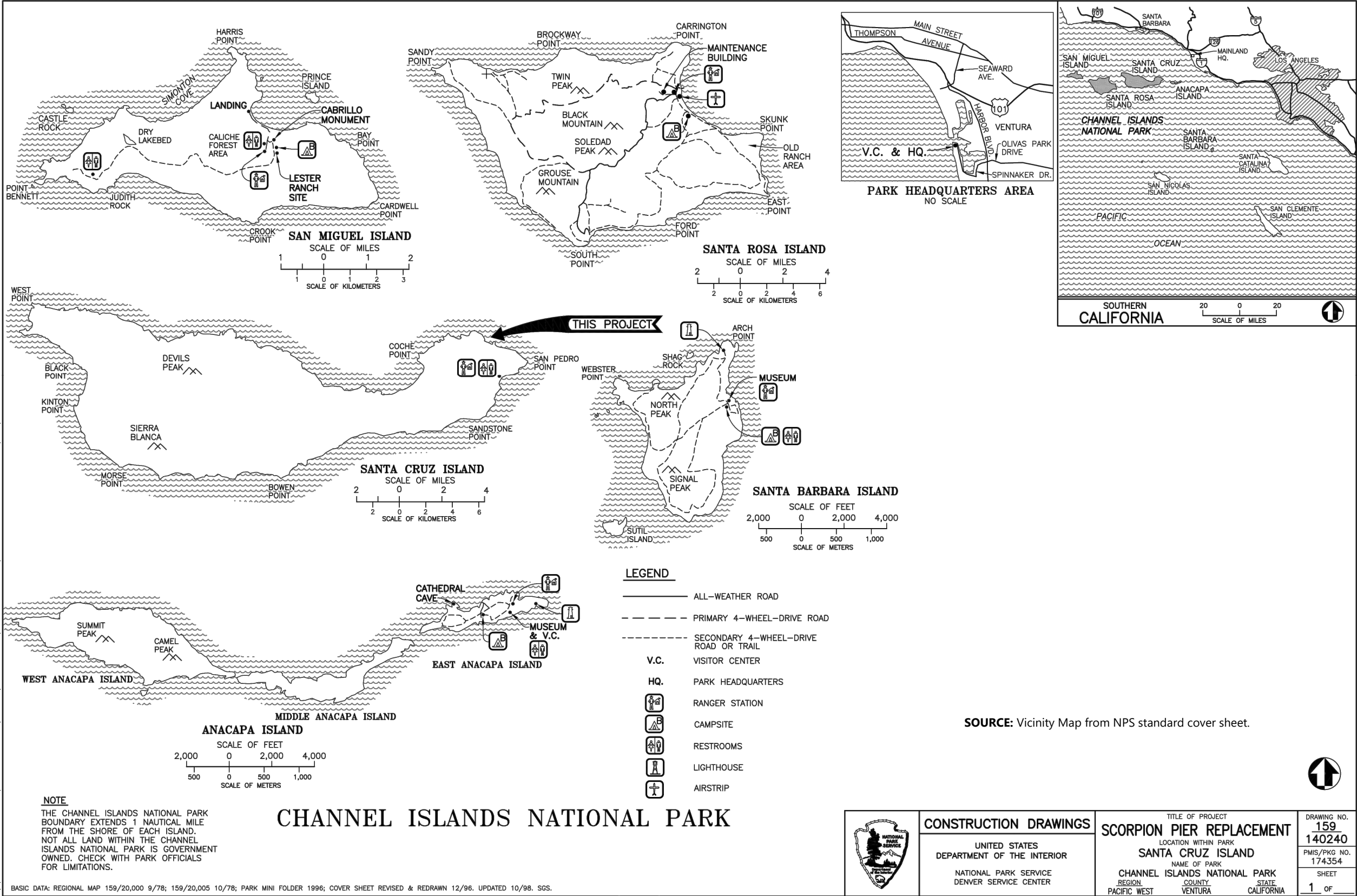
For additional information, please call Theresa Stevens, Ph.D., of my staff at (805) 585-2146 or via e-mail at theresa.stevens@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

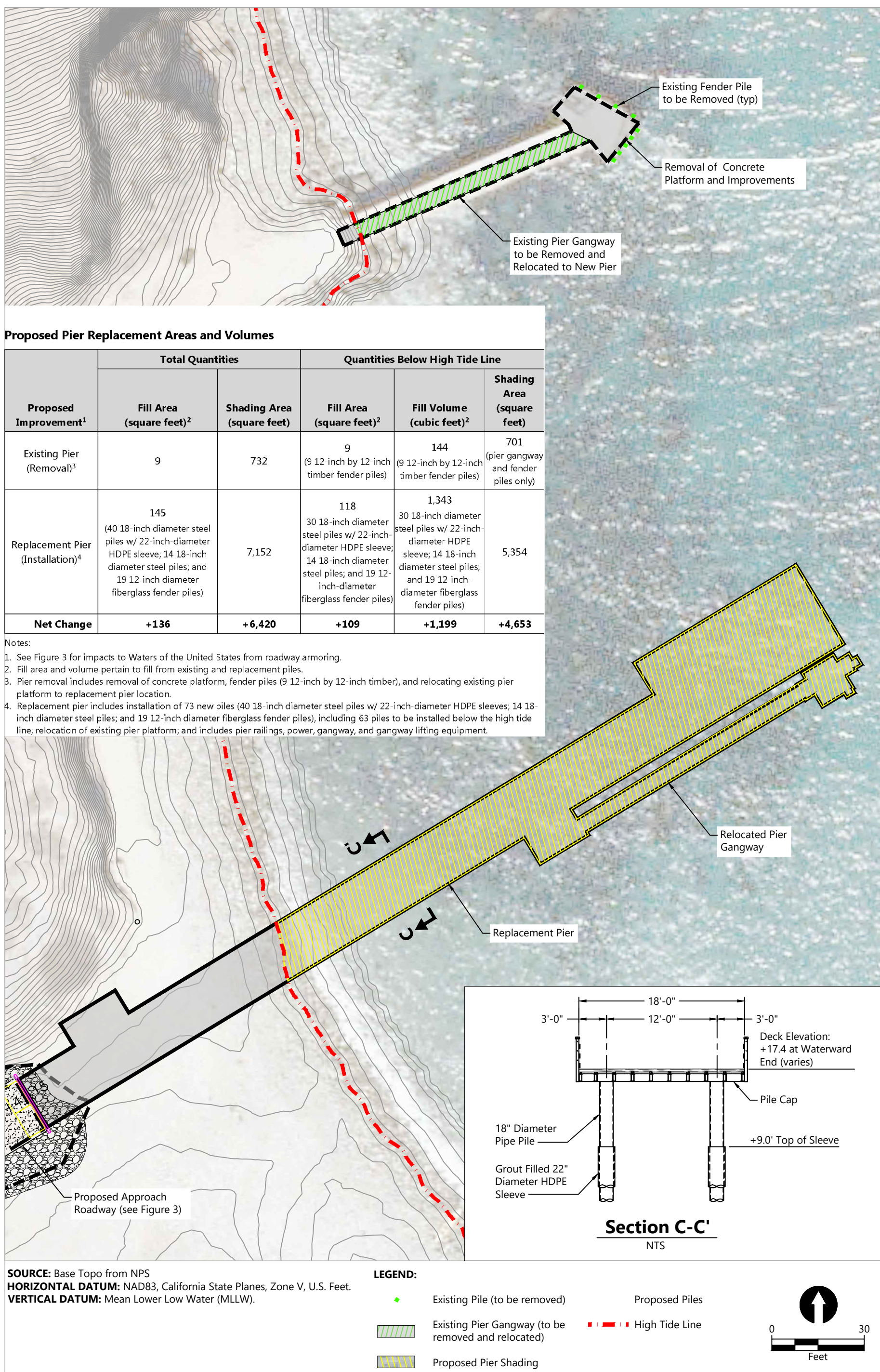


Regulatory Program Goals:

- 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.

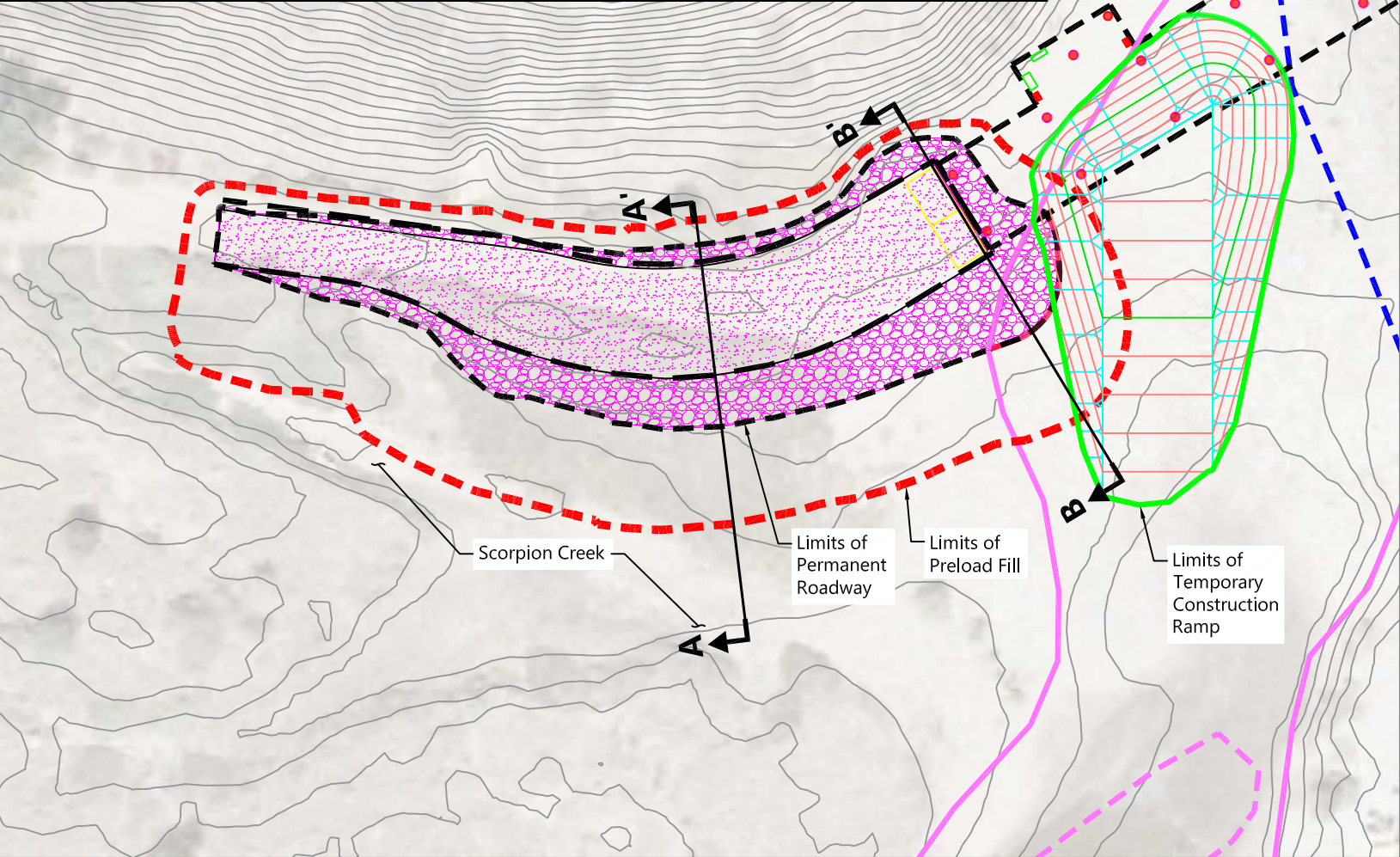
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Proposed Road and Road Armoring Areas and Volumes

Proposed Improvement	Total Quantities			Quantities Below Ordinary High Water		
	Linear Feet	Area (square feet)	Volume (cubic yards) and Material	Linear Feet	Area (square feet)	Volume (cubic yards) and Material
Proposed Road and Road Armoring	155	4,241	Quarry Rock Run – 198, Rip Rap – 108, CAB - 128	11	180	Quarry Rock Run – 4, Rip Rap – 10
Proposed Temporary Preload Fill	165	8,485	Preload Fill (CAB) - 1094	25	813	Preload Fill (CAB) - 105
Proposed Temporary Construction Ramp	45	2,993	Temp Fill (CAB) - 436	40	2896	Temp Fill (CAB) - 428

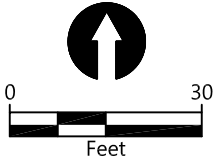
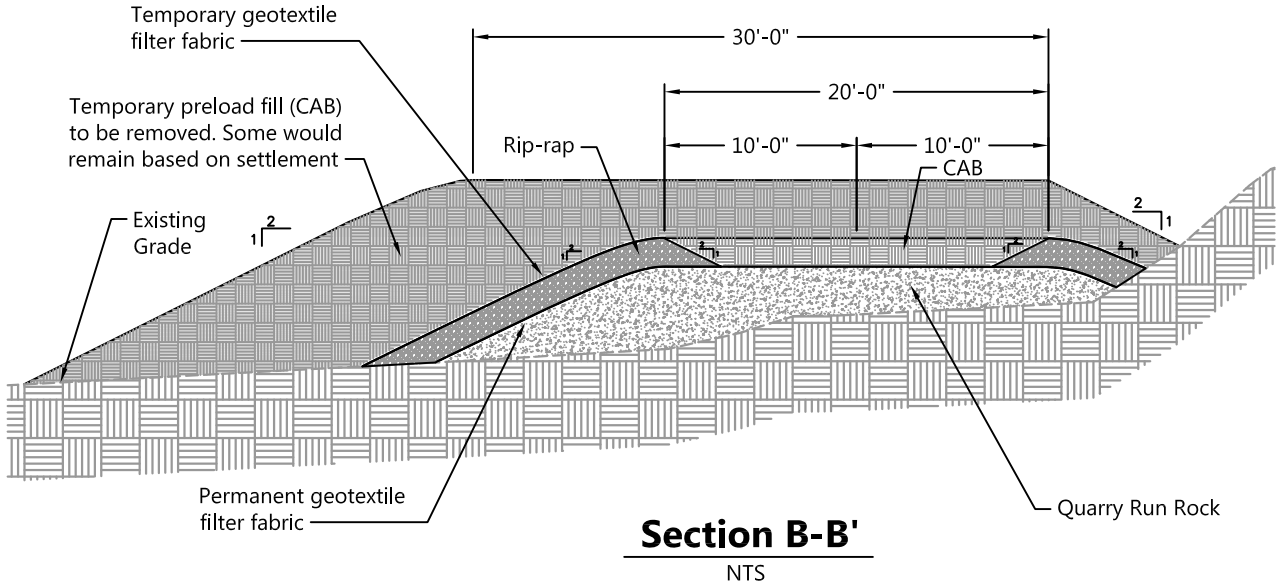
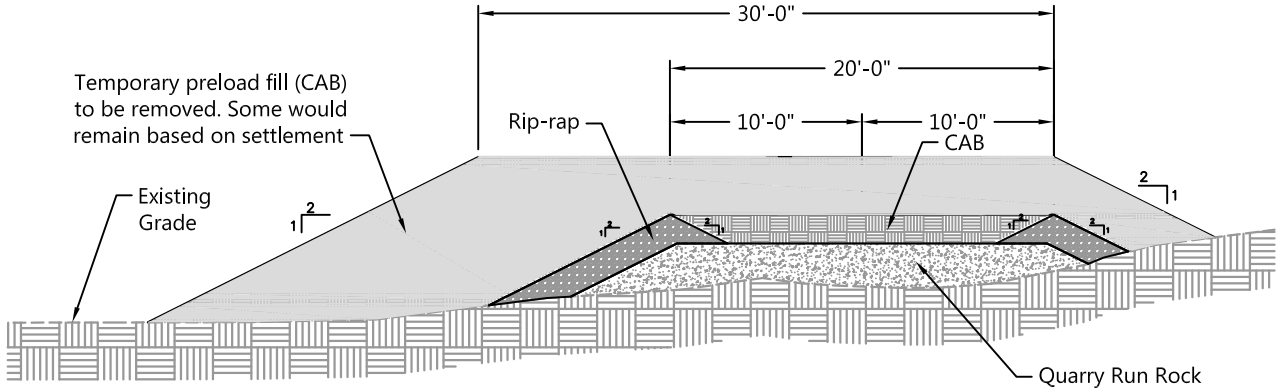


SOURCE: Base Topo from NPS
HORIZONTAL DATUM: NAD83, California State Planes, Zone V, U.S. Feet.
VERTICAL DATUM: Mean Lower Low Water (MLLW).

- LEGEND:**
- Proposed Road
 - Proposed Road Armoring
 - Beach Berm

- Ordinary High Water Mark (Scorpion Creek)
- High Tide Line (Scorpion Anchorage)

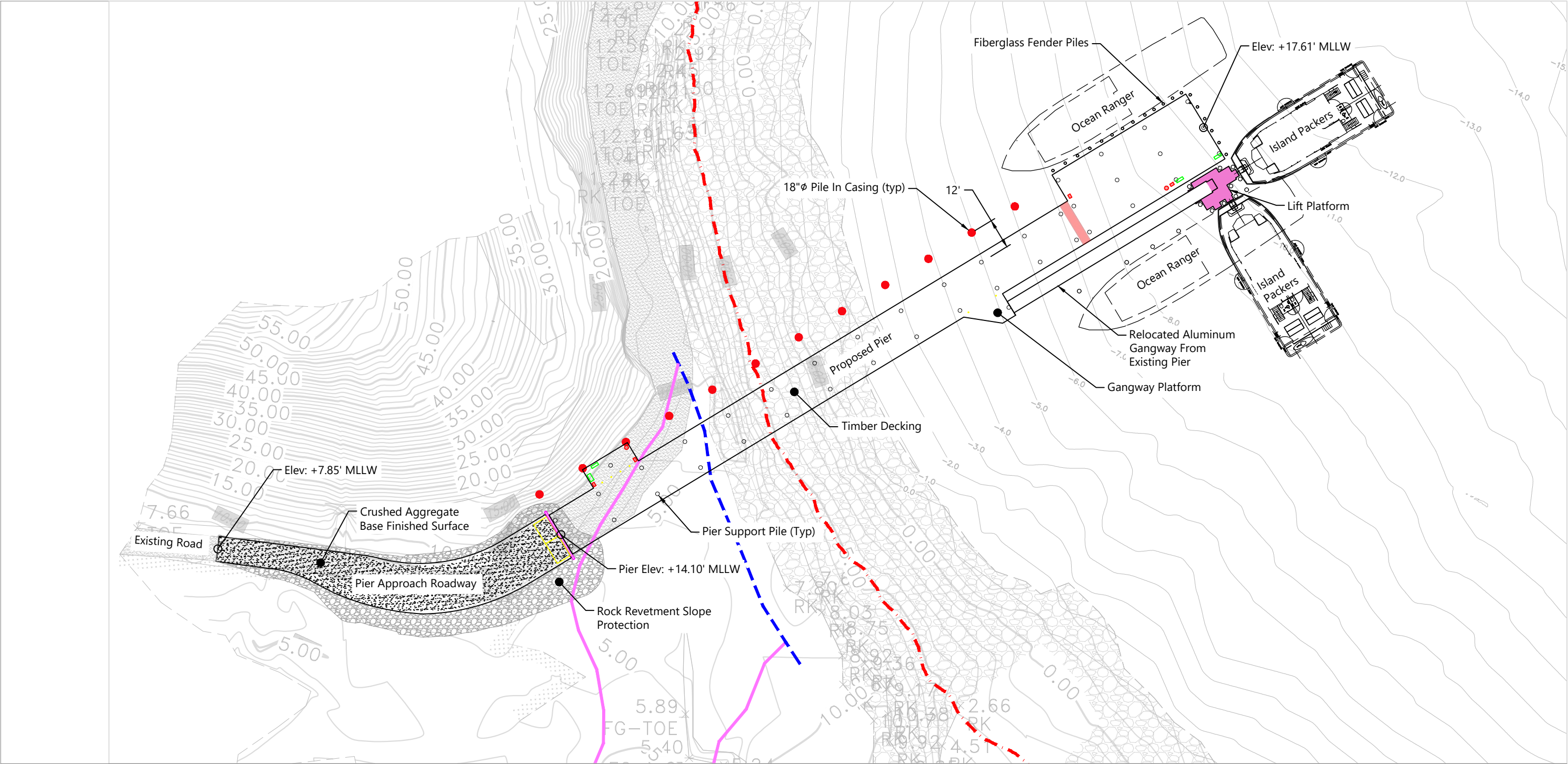
- Limits of Preload Fill
- Limits of Temporary Construction Ramp
- Proposed Piles



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Filepath: H:\AutoCAD Project Files\Projects\1422-FFA NPS_PWR-SF SEA MABO\Scorpion Pier-Planning\0772-RP-009 Fill Area 20181112.dwg Figure 3



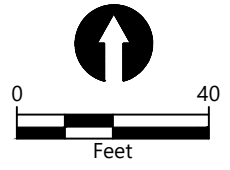
Figure 3
Approach Road with Temporary Preload Fill
Scorpion Pier Replacement



SOURCE: Topo survey from B Carr Surveys dated 10-13-2016 and bathy survey recieved from Ashton dated 12-21-2010.
HORIZONTAL DATUM: NAD83, California State Plane, Zone V, U.S. Feet.
VERTICAL DATUM: Mean Lower Low Water (MLLW).

LEGEND:

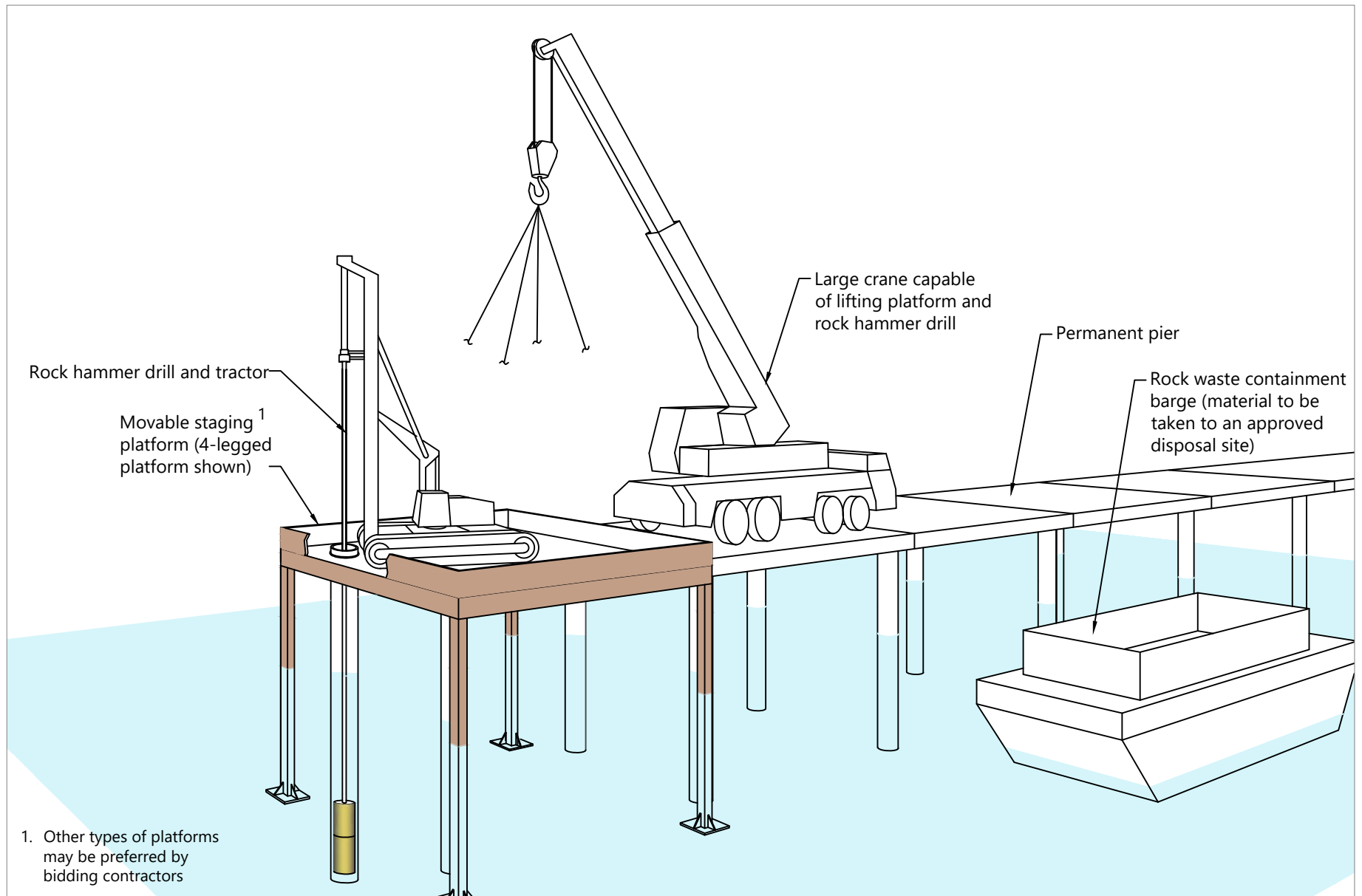
- Permanent Pile
- Temporary Construction Pile (12 ea, 18" dia, 3/4" thick)
- Beach Berm
- Ordinary High Water Mark (Scorpion Creek)
- High Tide Line (Scorpion Anchorage)



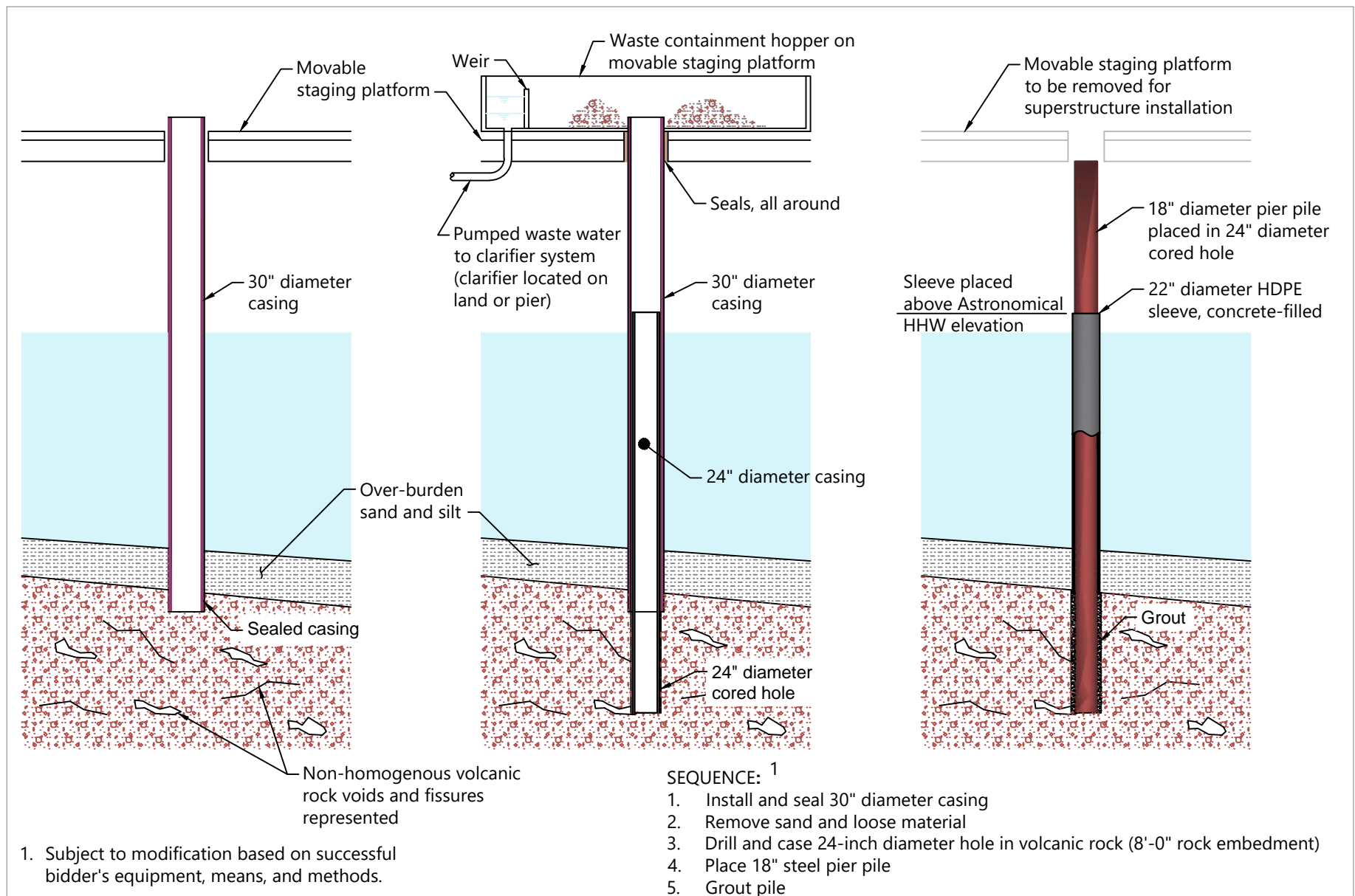
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Filepath: H:\AutoCAD Project Files\Projects\1422-FFA NPS_ PWR-SF SEA MABO\Scorpion Pier-Planning\1422-RP-001 Temporary Pile Plan.dwg AQ-B-Land



Figure 4
Temporary Construction Piles
Scorpion Pier Replacement



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 Filepath: H:\AutoCAD Project Files\Projects\1422-NPS_PWR-SF\Scorpion Pier-Planning\0772-RP-001 Pile Installation Diagram.dwg Fig 4



Publish Date: 2017/11/06 10:34 AM | User: rrazonable
 Filepath: H:\AutoCAD Project Files\Projects\1422-NPS_PWR-SF\Scorpion Pier-Planning\0772-RP-001 Pile Installation Diagram.dwg Fig 5