



# PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT

BUILDING STRONG®

## APPLICATION FOR PERMIT MARINA DEL REY MARINA REPLACEMENT

**Public Notice/Application No.:** SPL-2013-00715-BEM

**Project:** Marina del Rey Dock Replacements

**Comment Period:** December 2, 2013 through January 1, 2014

**Project Manager:** Brianne McGuffie; 213-452-3419; [Brianne.E.McGuffie@usace.army.mil](mailto:Brianne.E.McGuffie@usace.army.mil)

### Applicant

Tom Hogan  
Marina del Rey Marina  
13534 Bali Way  
Newport Beach, California 90292

### Contact

Joshua Burnam  
Anchor QEA, L.P.  
130 Battery Street  
San Francisco, California 94111

**Location :** The project is located along the Marina del Rey channel at the western terminus of Bali Way (Parcels 42 and 43) in Marina del Rey, unincorporated Los Angeles County, California (33.9801042, -118.446049).

### Activity

To replace the existing deteriorating marina structure with a permanent safe, modern and more functional structure (Attachment A). For more information see page 5 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. Comments should be mailed to:

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

Alternatively, comments can be sent electronically to: [Brianne.E.Mcguffie@usace.army.mil](mailto:Brianne.E.Mcguffie@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 may be 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. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

**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 California Coastal Commission issued Coastal Development Permit (CDP) Number 5-11-131 on June 26, 2012 for demolition and reconstruction of six private leasehold marinas, including the proposed project (i.e. Parcels 42/43 in the CDP).

**Essential Fish Habitat**-It is the Corps initial determination the proposed activity would adversely affect but would not have a substantial adverse impact on EFH or federally managed fisheries in California waters. An eelgrass survey performed on September 6, 2013 by Ecomarine Consulting, LLC. (Attachment B) confirmed no eelgrass (*Zostera marina*) or *Caulerpa taxifolia* was present in the project area. Furthermore, a review of EcoAtlas revealed no eelgrass habitat in the project area (Attachment C). 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 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 that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. 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 in to 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 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 proposed project would not discharge dredged or fill material into waters of the U.S. and therefore a 404(b)(1) alternatives analysis is not required.

### **Additional Project Information**

**Baseline information**-The existing facility has been operating for the past 50 years without any extensive upgrades or renovations and, as a result, is in a significant state of disrepair. The primary areas of concern are the uneven floats, unstable and deteriorating finger/walkway connections, and delaminating decks. Significant improvements are required to modernize and optimize the facility's function and comply with current building and safety standards as well as to better reflect the character and patterns of existing buildings adjacent to the project site.

**Project description**- The proposed project involves replacing the existing deteriorating marina structure with a permanent, safe, modern, and more functional structure. The replacement structure would remain privately owned and used for recreational purposes. Improvements would include reconfiguring and expanding the dock layout to comply with current accessibility standards and to use the existing unused space within the hotel's lease boundaries. Specifically, 72 slips would be installed along a new gangway to the west to improve boat maneuverability and maximize the number of available slips in the marina. The existing timber system would be replaced with durable state-of-the-art floating concrete docks equipped with internal utility routing. A convenient single sewer waste pump-out station, with an average disposal of approximately 300 gallons per week, would be installed for boater convenience and to improve water quality within the harbor. These changes, as well as other changes to key dock components, are presented in Tables 1 and 2 below. Changes between the existing and proposed quantities in Tables 1 and 2 mainly result from adhering to Americans with

Disabilities Act (ADA) and California Department of Boating and Waterways (DBAW) current codes and design requirements regarding dock, slip, and fairway dimensions, all of which have changed since the marina was originally constructed in the 1960s. However, the new proposed layout of the marina has been designed to occupy the minimum surface area necessary to remain consistent with these new standards and meet a slip mix requirements compatible with the overall Master Plan and CDP.

**Table 1  
Existing and Proposed Dock Components**

<b>Component</b>	<b>Existing</b>	<b>Proposed</b>
Total surface area	82,995 square feet	103,609 square feet
Dock construction	Fiberglass and wood	Concrete
Piles	163	160
Gangways	15	9

**Table 2  
Existing and Proposed Slips**

<b>Length</b>	<b>Existing Number of Slips</b>	<b>Proposed Number of Slips</b>
20 to 29 feet	125	0
30 to 39 feet	176	99
40 to 49 feet	34	118
50 to 59 feet	10	30
60 to 69 feet	2	20
70 to 79 feet	0	10
80 to 89 feet	1	0
More than 100 feet	1	0
<b>Total</b>	<b>349</b>	<b>280</b>

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: Based on resource surveys submitted by the applicant, there are no existing high-value aquatic resources in the project area.

Minimization: While the overwater coverage is increasing by approximately 25%, there is a net reduction of 69 slips. The applicant has proposed the following Best Management Practices to offset any temporary construction impacts:

- The contractor shall fully understand and adhere to the terms and conditions of approvals and permits obtained as well as all project BMPs.
- All construction activities shall occur within the designated project footprint.

- A Minimum Water Quality Monitoring Program shall be implemented at the project site to monitor suspended solids (by light transmittance measurements) during demolition and pile driving. Monitoring shall occur as follows:
  - Monitoring will occur once at least 1 week prior to the start of construction operations.
  - Monitoring will occur three times each week for the first 2 weeks of demolition and pile driving phases of the project and weekly thereafter for a period of 6 weeks. If after 6 weeks water quality measurements have confirmed that construction activities have not resulted in an exceedance of light transmittance, then monitoring may be suspended until a change in operational activities occurs or if the construction manager reports a spill or non-compliance with established BMPs. At such time, daily water quality monitoring will resume for a period of a week and weekly thereafter.
  - Monitoring will occur once at least 1 week following completion of construction operations.
  - Water quality measurements shall be made at three locations: 1) at a station closest to active construction activities and outside the floating silt curtain, 2) at a station 300 feet down current from the previous station, and 3) at a control station.
  - Water quality measurements shall be made at three depths in the water column: 1) near surface (-3 feet below the surface), 2) mid-depth, and 3) near bottom (+3 feet above the substrate).
  - Water quality measurements shall be obtained for temperature, salinity, dissolved oxygen, pH, and light transmittance.
  - Water quality observations shall be conducted for floating material, sheen, and odor at each station.
  - Water column light transmittance values from the 300 foot downstream and control station shall be compared for the near surface, mid-depth, and near bottom measurements. If a difference of 30% or greater is observed at any depth, then a water sample shall be collected at the depth of exceedance and analyzed for total suspended solids.
- Floating silt curtains around the work area shall be deployed and maintained to contain and limit the spread of turbidity plumes, especially during pile removal and replacement. Turbulence from crossing curtains into the channel shall be reduced and/or prevented.
- Disturbance to the ocean bottom and intertidal areas shall be minimized where permitted.
- Netting, sandbags, tarps, and/or other forms of barriers shall be placed around staging areas to prevent unpermitted material from entering the water.
- Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- All construction-related equipment shall be inspected daily and maintained in good working order to minimize the potential for hazardous waste spills. Current hazardous material spill prevention and cleanup plans shall be maintained on site. Machinery or materials not essential for construction shall

be prohibited from subtidal or intertidal zones at all times. Hammers and other hydraulic attachments shall be placed on plywood and covered with plastic or a comparable material prior to the onset of rain to prevent run-on and runoff.

- Floating booms shall be maintained around the project site to capture floating debris. Divers would recover non-buoyant debris as soon as possible after loss. All debris and trash shall be collected and disposed of in appropriate waste containers by the end of each construction day. Discharge of hazardous materials into the project site shall be prohibited.
- Washout from concrete trucks shall be disposed of at locations not subject to runoff. Disposal locations shall be more than 50 feet away from all storm drains, open ditches, and surface waters.
- Following project completion, the project area shall be inspected to ensure that no construction debris, trash, or materials remain and that the project has not created any hazard to navigation.
- In compliance with the Southern California Eelgrass Mitigation Policy and *Caulerpa* Control Protocol, a pre-construction *Caulerpa* and eelgrass survey shall be completed in the project area up to 90 days prior but no later than 30 days following construction commencement. If observed, *Caulerpa* shall be completely eliminated, and eelgrass shall require additional consultation and subsequent mitigation, if appropriate.
- A qualified, independent biologist or environmental resources specialist shall conduct a biological survey of the project area and surrounding 500 feet within 7 days prior to demolition and construction activities and weekly thereafter through project completion. The survey shall determine the presence of certain bird species and other sensitive species which, if identified within the area, shall result in the implementation of additional noise reduction measures.
- While Basins F and G are not primary foraging areas for the California least tern, no pile driving activities shall occur between April 1 and September 30 to avoid any potential disruption to California least tern foraging.
- Per requirements of the CDP, mollusks, echinoderms, arthropods, and other native marine animals found on the dock and piles shall be removed from the project site prior to demolition and relocated elsewhere within the harbor.
- Project workers shall not harass any marine mammals, waterfowl, or fish in the project area.

Compensation: No compensatory mitigation is proposed for this project.

### **Proposed Special Conditions**

None at this time.

For additional information please call Brianne McGuffie of my staff at 213-452-3419 or via e-mail at [Brianne.E.McGuffie@usace.army.mil](mailto:Brianne.E.McGuffie@usace.army.mil). This public notice is issued by the Chief, Regulatory Division.



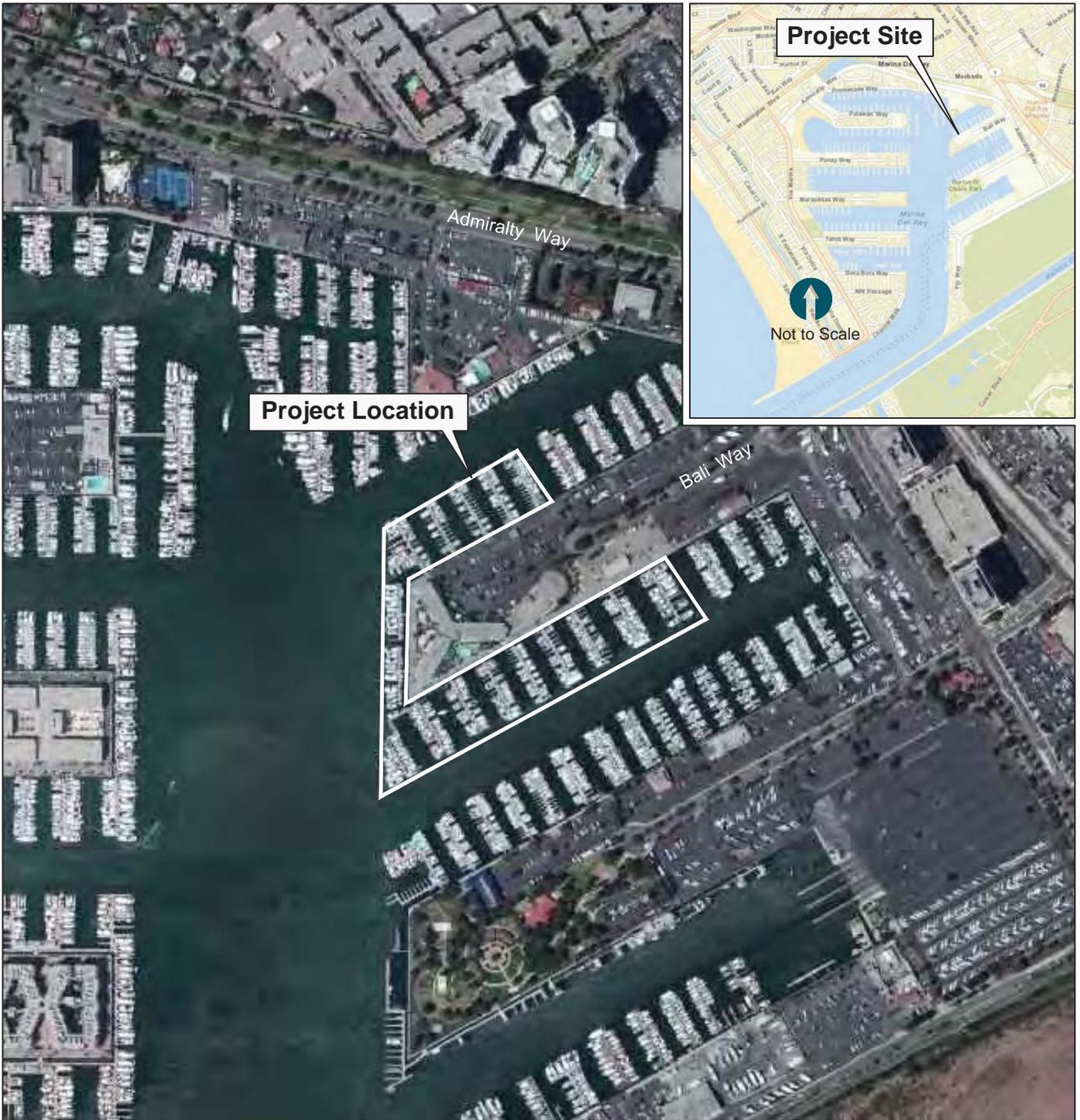
*Regulatory Program Goals:*

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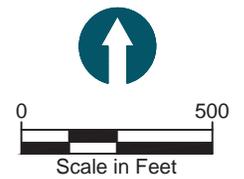
**U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT**

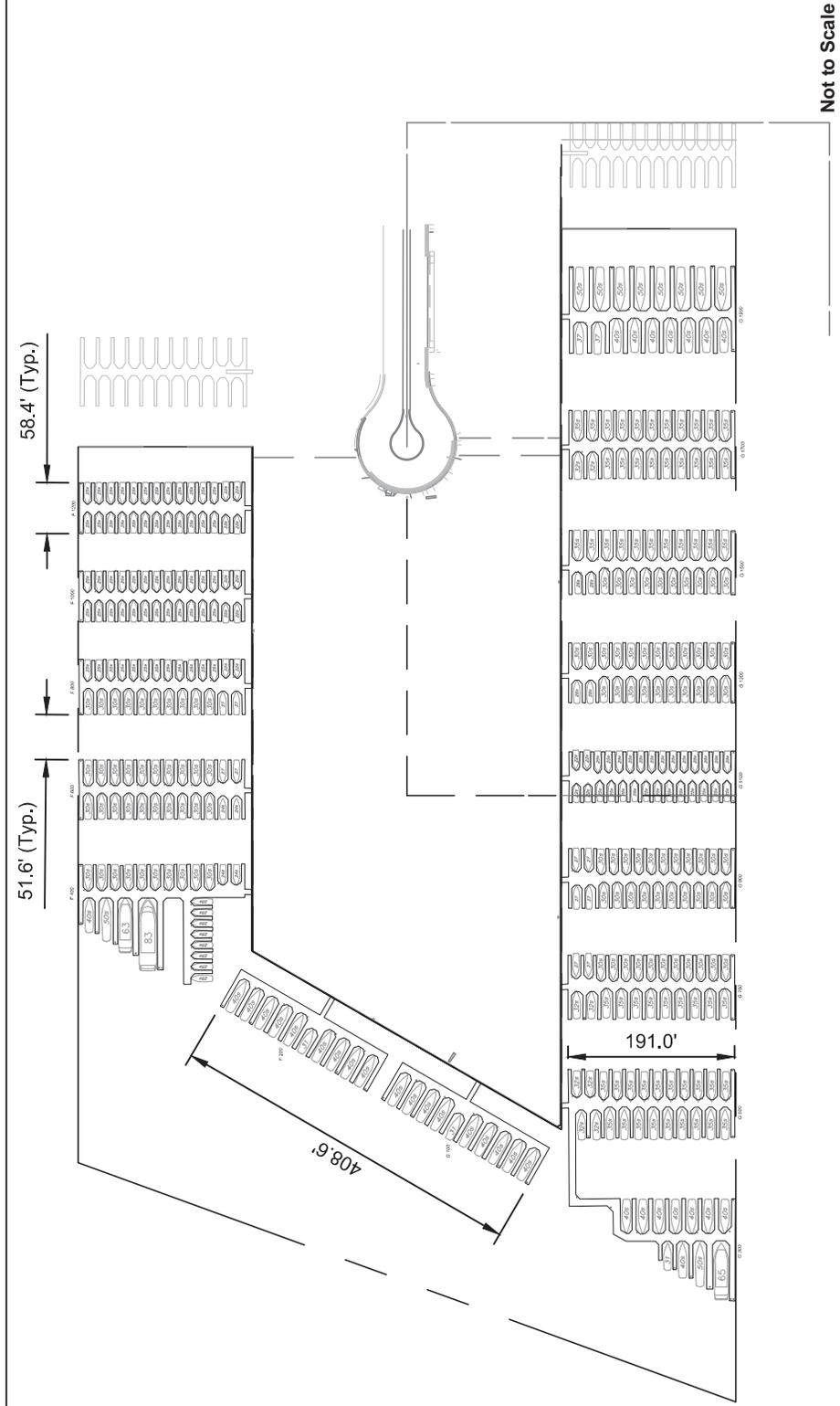
[WWW.SPL.USACE.ARMY.MIL](http://WWW.SPL.USACE.ARMY.MIL)

L:\AutoCAD Project Files\Projects\0661-Almar Marinas\Marina del Rey Marina Replacement\0661-RP 001 VIC MAP.dwg FIG 1  
Nov 11, 2013 4:19pm mpratschner



**AERIAL SOURCE:** ESRI, 2013.  
**HORIZONTAL DATUM:** California State Plane, Zone 5, NAD83,  
 U.S. Feet.  
**VERTICAL DATUM:** Mean Lower Low Water (MLLW).





SOURCE: Layout provided by Bellingham Marine Industries, Inc. "Site Improvement Plan" dated October 18, 2012.

Figure 2  
Existing Dock Layout  
Marina del Rey Hotel Marina Replacement

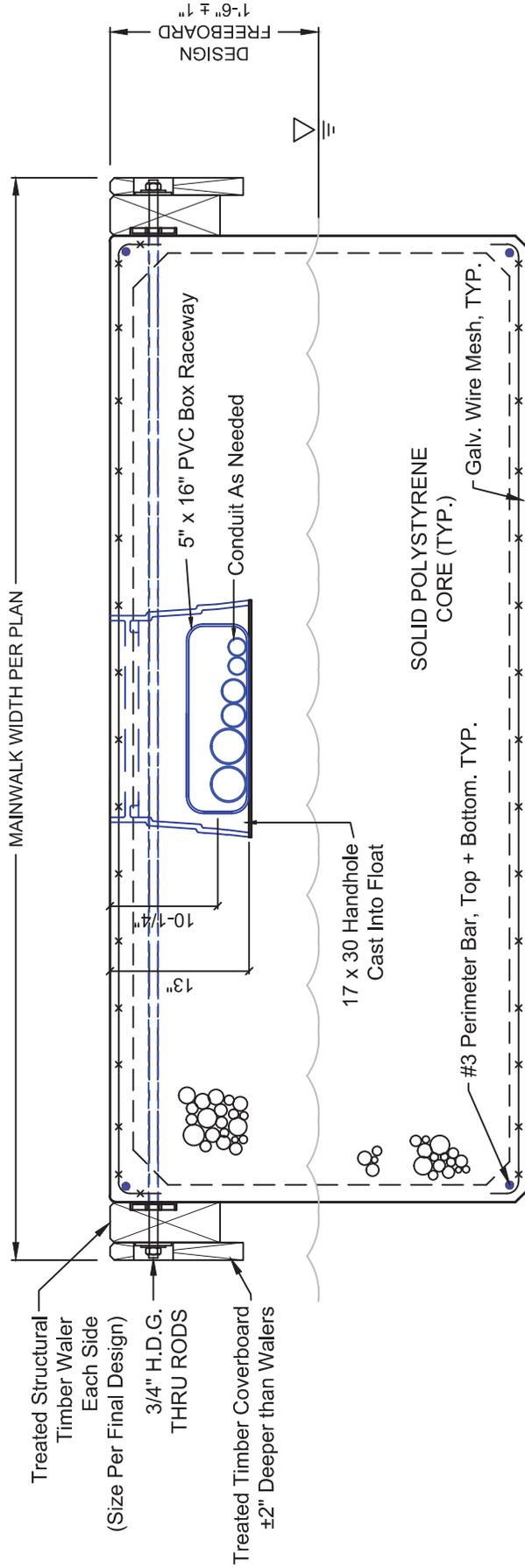




SOURCE: Layout provided by Bellingham Marine Industries, Inc. "Site Improvement Plan" dated October 18, 2012.

Figure 3  
Proposed Dock Layout  
Marina del Rey Hotel Marina Replacement





TYPICAL MAINWALK SECTION

Not to Scale

SOURCE: Layout provided by Bellingham Marine Industries, Inc., dated September 12, 2013.

Figure 4  
Typical Cross Section  
Marina del Rey Hotel Marina Replacement



## ECOMARINE CONSULTING LLC

BIOLOGY • OCEANOGRAPHY • MARINE BIOLOGY • ENVIRONMENTAL SCIENCE • EDUCATION



September 13, 2013

ANCHOR QEA, LP  
26300 La Alameda, Suite 240  
Mission Viejo, CA 92691  
Attention: Adam Gale

Hello Adam,

This letter summarizes the diving eelgrass (*Zostera marina*) and *Caulerpa* survey conducted by Mr. Mike Anghera and myself (Dr. Kimo Morris) on Friday, September 6, 2013 in the project area of the Marina Del Rey Hotel boat slips and docks. Dive conditions during the survey were good, with decent light throughout the day and fair visibility (1 m on the bottom, 2 m on the surface). The water temperature on all dives was 22° C (72° F). On all swim transects, we had a clear view of the bottom. **No eelgrass or *Caulerpa* was observed along any of our swim paths.** Please see the attached map that illustrates our track lines using WAAS-enabled GPS. A Google Maps-compatible .kmz file of the track lines is also attached for your convenience.

Our survey was conducted between the hours of 1230 and 1630, when the tide fell from approximately +4.2 to +0.9 ft mean lower low water (MLLW). The topography of the study site consisted of rocky riprap and flat soft bottom substrate. The riprap along the bulkheads of the study area extended almost entirely to the edge of the docks (7-9 ft MLLW), while the soft bottom substrate sloped very gradually from the riprap to the outer edges of the project area near the ends of the main gangways (11-14 ft MLLW). From that point, the bottom slope increased into the main channels.

Biota along all swim paths was typical of a soft-bottom shallow water habitat in Marina Del Rey Harbor. Infauna burrows were sparsely spaced along the soft substrate with the seaslug *Navanax inermis* occasionally observed. No other large macroinvertebrates were observed on the sediment. A variety of fish was observed along the soft bottom, including round ray (*Urobatis halleri*), lizardfish (*Synodus lucioceps*), and longjaw mudsucker (*Gillichthys mirabilis*). The rocky riprap in the project area was typical for the region with sporadic stands of brown turf algae. Juvenile fishes were observed along the riprap including opaleye (*Girella nigricans*) and shiner surfperch (*Cymatogaster aggregata*). Typical encrusting invertebrates were observed along the riprap and bulkheads, including the introduced Pacific oyster *Crassostrea gigas*. **Two California sealions (*Zalophus californianus*) were seen in the project area near the main channel, and three brown pelicans (*Pelecanus occidentalis*) were observed flying overhead, but did not feed in the project area.**

Thank you for the opportunity to continue working with Anchor. Feel free to contact me if you have any questions.

Cordially,

A handwritten signature in black ink, appearing to read 'A. Kimo Morris'. The signature is fluid and cursive, with a prominent loop at the end.

A. Kimo Morris, Ph.D.  
Principal/Senior Scientist  
Ecomarine Consulting LLC

Attachments: mdr\_hotel\_9-6-13.kmz  
mdr\_hotel\_9-6-13.jpg



# ATTACHMENT C



ABOUT

CONTACT

DATA

REGIONS ▾

South Coast : [Map](#) | [Projects](#) | [Summaries](#)

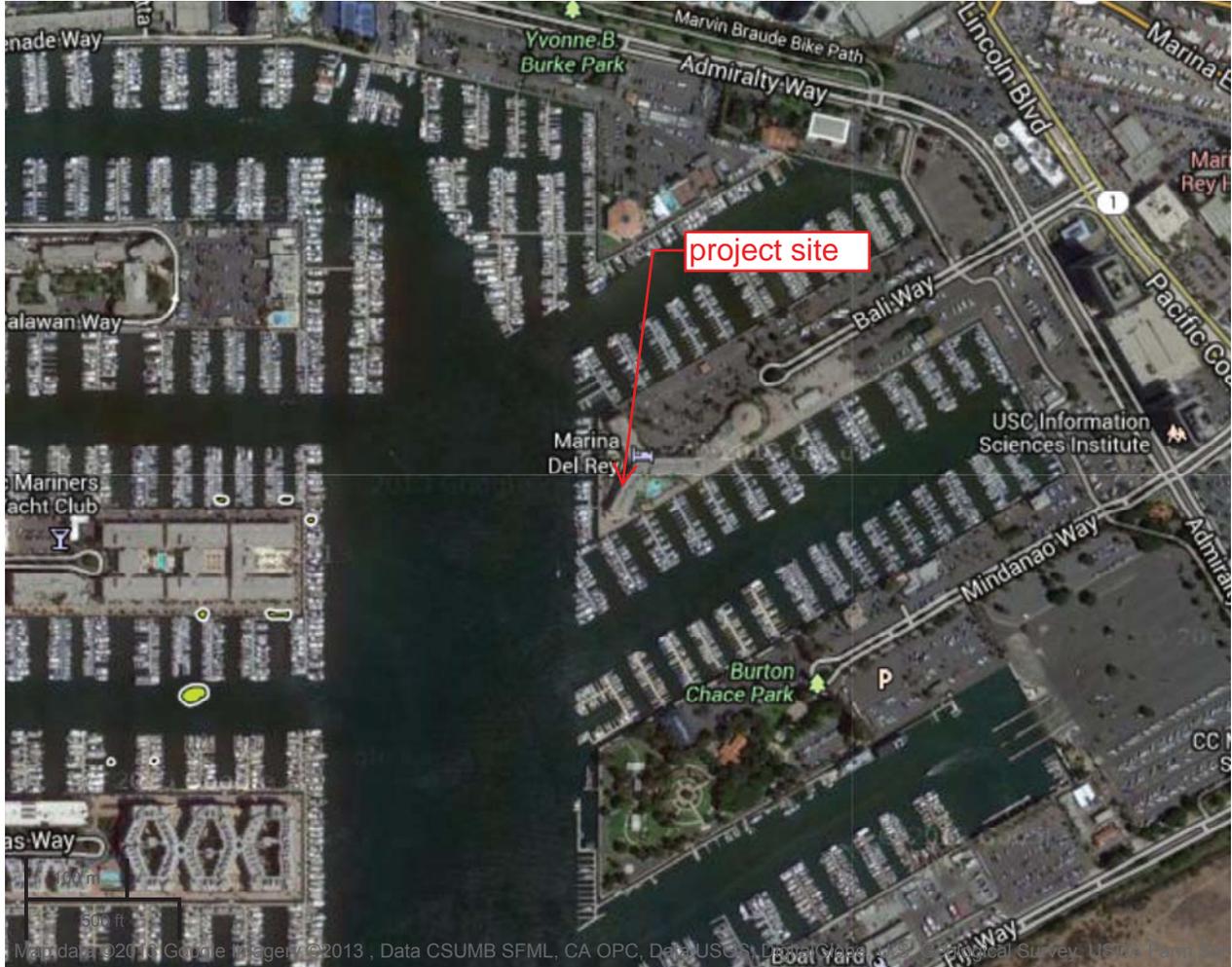
Layers ▾

Legends ▾

Basemap ▾

Overlays ▾

Tools



CRAM is a cost-effective tool for assessing the health of wetlands and riparian habitats. It can be used to



Theme-based My Water Quality Portals provide answers to the public to



The California Environmental Data Exchange Network is a statewide system