PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS **BUILDING STRONG®**
LOS ANGELES DISTRICT

APPLICATION FOR PERMIT
Basin H Boat Central and dry dock storage

Public Notice/Application No.: SPL-2014-00307-BLR
Project: MDR Basin H Boat Central-Dry Boat Storage Project
Comment Period: March 2, 2016 through April 2, 2016
Project Manager: Bonnie Rogers; 213-452-3372; Bonnie.L.Rogers@usace.army.mil

Applicant
Thomas Hogan
MDR Boat Central LLP
3416 Via Lido Ste G
Newport Beach, California 92663

Location
Within the city of Marina del Rey, Los Angeles, California (at: 33.97633055, -118.44159).

Activity
To construct a new dock system and 345 slip dry dock storage facility (0.26 acre) in association with MDR Basin H Boat Central-Dry Boat Storage Project (see attached drawings). For more information see page 3 of this notice.

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:

LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
ATTN: Bonnie Rogers, SPL-2014-00307
915 Wilshire Blvd. Ste 930
LOS ANGELES, CALIFORNIA 90017

Alternatively, comments can be sent electronically to: Bonnie.L.Rogers@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, which includes the consideration of alternatives to the proposed project. Comments are also used 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.

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. The District Engineer hereby requests the California Coastal Commission's concurrence or non-concurrence.

Essential Fish Habitat- The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires Federal agencies to consult with NMFS on activities that may adversely affect Essential Fish Habitat (EFH). The objective of the EFH assessment is to describe potential adverse effects to designated EFH for federally managed fisheries species within the proposed action area and to describe conservation measures proposed to avoid, minimize, or otherwise offset potential adverse effects to designated EFH resulting from the proposed action.

A biological survey was conducted as described in “Eelgrass and Invasive Algae Survey and Impact Assessment For the Proposed Boat Central Water-side Facilities Marine del Rey, Los Angeles, California”, by Coastal Resources Management, Inc., dated October 17, 2006 and in “Assessment of Marine Biological Resources Associated with Parcel 52R and GG”, by Coastal Resources Management, Inc. dated September 13, 2008. No eelgrass (*Zostera marina)* or *Caulerpa taxifolia* was found. In the past ditchgrass (*Ruppia maritime*), was reported to occur but the applicant provided information in a followup email that the consultant does not expect it to occur on-site currently. In addition there are no sensitive habitats within 25-feet of the proposed footprint.

The Corps made a determination the proposed project would not have an adverse effect on EFH or federally managed fisheries in California waters, and initiated EFH consultation with the National Marine Fisheries Service on April 2, 2015. They responded on April 16, 2015 with no additional recommendations.

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 the DE is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- A public hearing will be held at the Burton W. Chace Park Meeting Room in Marina del Rey from 6:00 PM to 8:00 PM on March 29, 2016 (see attached Exhibit B). The address is 13650 Mindanao Way, Marina del Rey, California 90292 (at approximately 33.977316, -118.444997). Public parking is available as shown on Exhibit B.

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). 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 is to construct a new dock storage system for approximately 345 vessels in Marina del Rey.

Additional Project Information

Project description-

The proposed project would install a new dock system supported by 22 concrete 48” diameter support piles impacting approximately 139 square feet of soft-bottom from the piles only. In addition a new overwater dry-stack structure boat cueing system would be installed. The structures extend 97 feet seaward on the westerly side and 45 feet seaward on the easterly side. Construction would include 755 linear feet of queuing docks with 32 guide piles (16 inch in diameter) for a total footprint of 76 square feet. Pile installation would not result in a discharge of fill material (as defined by Section 10 regulations). Total new overwater coverage would be approximately 11,600 square feet (0.26 acre) waters of the United States (see attached figures) and would not impact any eelgrass because none was found nor is expected on-site.

The project would result in new direct overwater coverage of waters of the U.S. (intertidal and subtidal habitats) as a result of the proposed project; however no discharge of dredged or fill material in waters of the U.S. is proposed.

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. The applicant does not propose any compensatory mitigation. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/ compensation), as applied to the proposed project is provided above under the ‘Essential Fish Habitat’ section and as follows:

Avoidance measures:

• The project was sited in areas not occupied by or determined to be suitable for sensitive habitat (e.g., submerged aquatic vegetation, salt marsh, and intertidal flats).

• Any cross or transverse bracing would be placed above the mean higher high water (MHHW) to avoid any impacts to water flow and circulation.
• The overwater structure has been designed as the minimum necessary to address project objectives.
• Structures are designed to orient in a north-south orientation, to the maximum extent practicable, to minimize persistent shading over the course of a diurnal cycle.
• Structure was designed to use the fewest number of piles as possible for necessary support of the structure to minimize pile shading, substrate impacts, and impacts to water circulation. Piles would be spaced a minimum of 10 feet apart on center.
• Floating dock structures are restricted to terminal platforms placed in the deepest water available at the project site.
• The new dock structure would extend up to 200 feet into Basin H on the western side of the project site, which is similar to the adjacent docks in front of the boatyard facility.
• The additional shading from new dock placement is not anticipated to substantially change the amount of shading from what currently exists. The dry stack ranges between 7 to 10 feet above the water; therefore, the shadow effect is greatly reduced compared to in-water wet slips shading, and therefore there is no permanent water area within the shadow for the dry dock as there is with wet-slip marinas.
• Incorporate materials, such as translucent white polycarbonate, stainless steel mesh, or other similar materials, into the overwater structure design to maximize light transmittance through the material.

Minimization:

Pile driving operations would be monitored for compliance with water quality and noise generation restrictions under CEQA. Sound curtains can be deployed to control noise impacts. Silt curtains and booms would be installed around the work barge and pile removal and emplacement operations to minimize turbidity. No pile-driving activity that may generate more than minimal noise or turbidity would occur during the period commencing April 1 and ending September 1 of any year.

The structure would include an architectural cladding of translucent white polycarbonate cement board and stainless-steel mesh or a similar material. The polycarbonate material also filters UV rays and resists salt corrosion, which increases the longevity of the structure. The material is non-reflective and consistent with the bird-safe policies of the California Coastal Commission.

Following review of the Programmatic Agreement between the National Marine Fisheries Service (NMFS) and the USACE Los Angeles District, the applicant proposes to incorporate the following conservation recommendations for pile removal and installation into the proposed project to avoid and minimize adverse impacts to aquatic resources:
• Slowly remove piles to allow sediment to slough off at or near the mud line.
• Hit or vibrate the pile first to break the bond between the sediment and the pile to minimize the likelihood of the pile breaking and to reduce the amount of sediment sloughed.
• Encircle the pile with a silt curtain that extends from the surface of the water to the substrate, where appropriate and feasible.

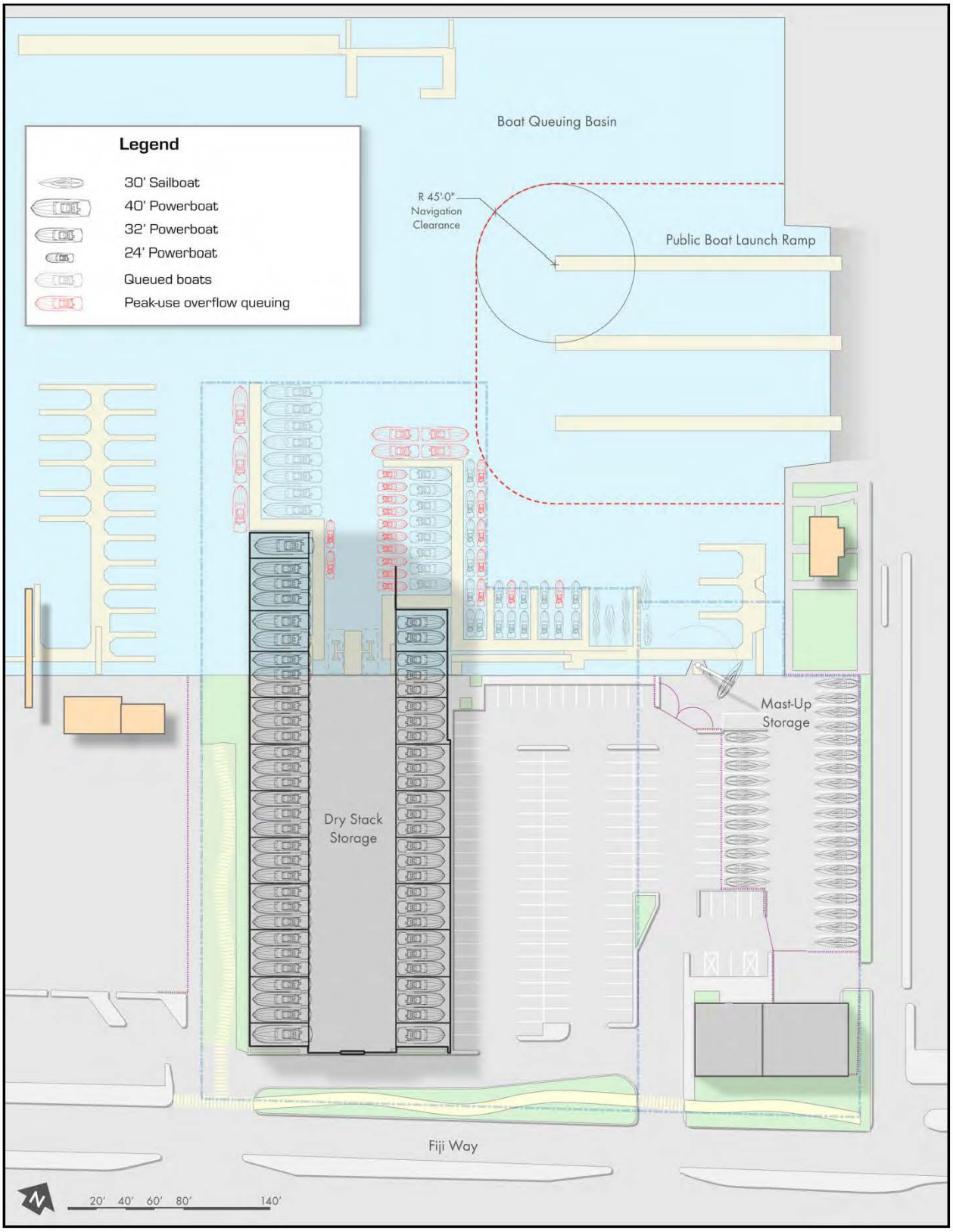
Proposed Special Conditions No conditions proposed at this time.

For additional information please call Bonnie Rogers at 213-452-3372 or e-mail Bonnie.L.Rogers@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

Regulatory Program Goals:

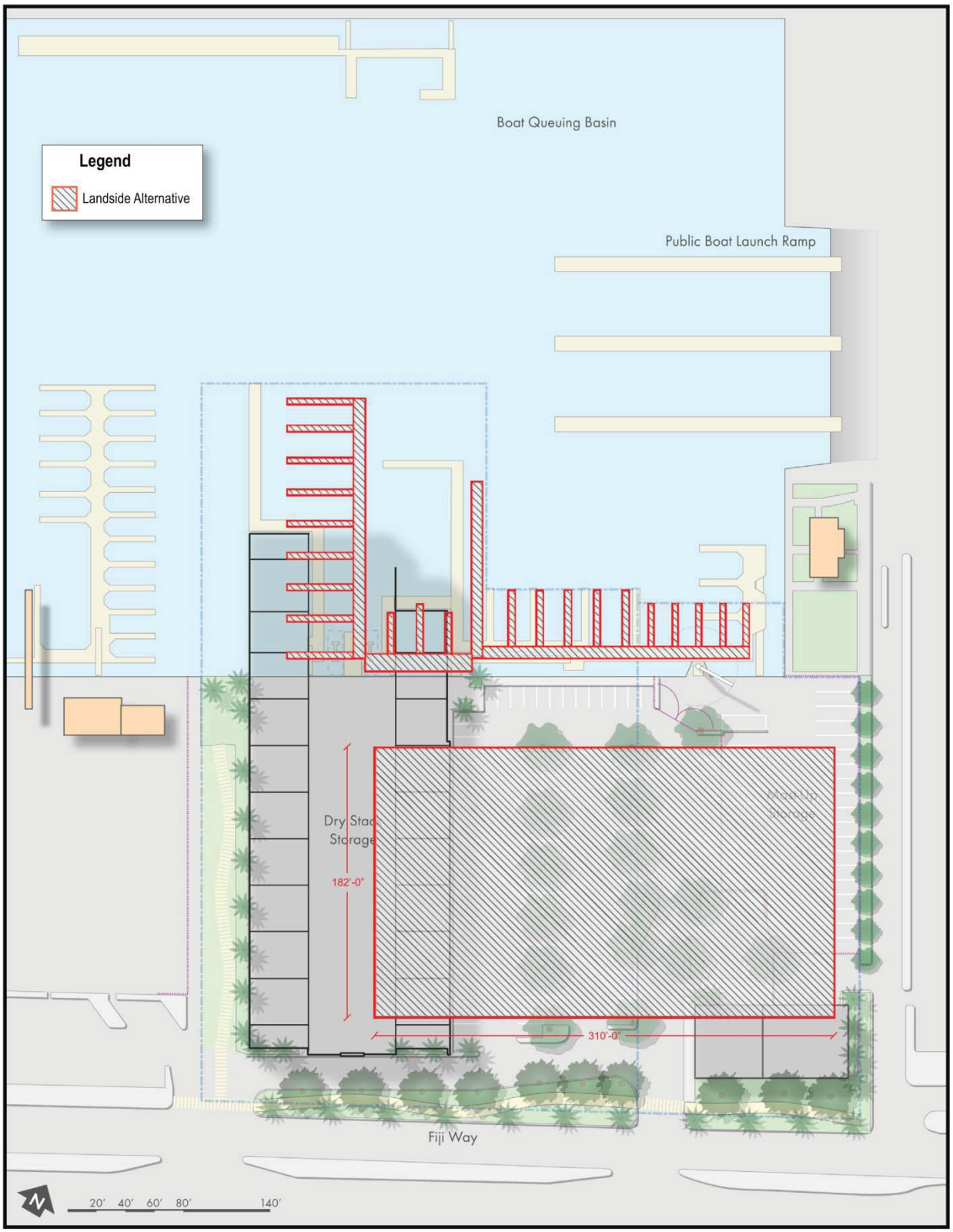
- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
915 Wilshire Blvd. Ste. 930
LOS ANGELES, CALIFORNIA 90017
WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY



Source: AC Martin Partners

Exhibit 4.3-4 – Boat Queuing



Source: AC Martin Partners

Exhibit 6.6-1 – Landside Only Alternative

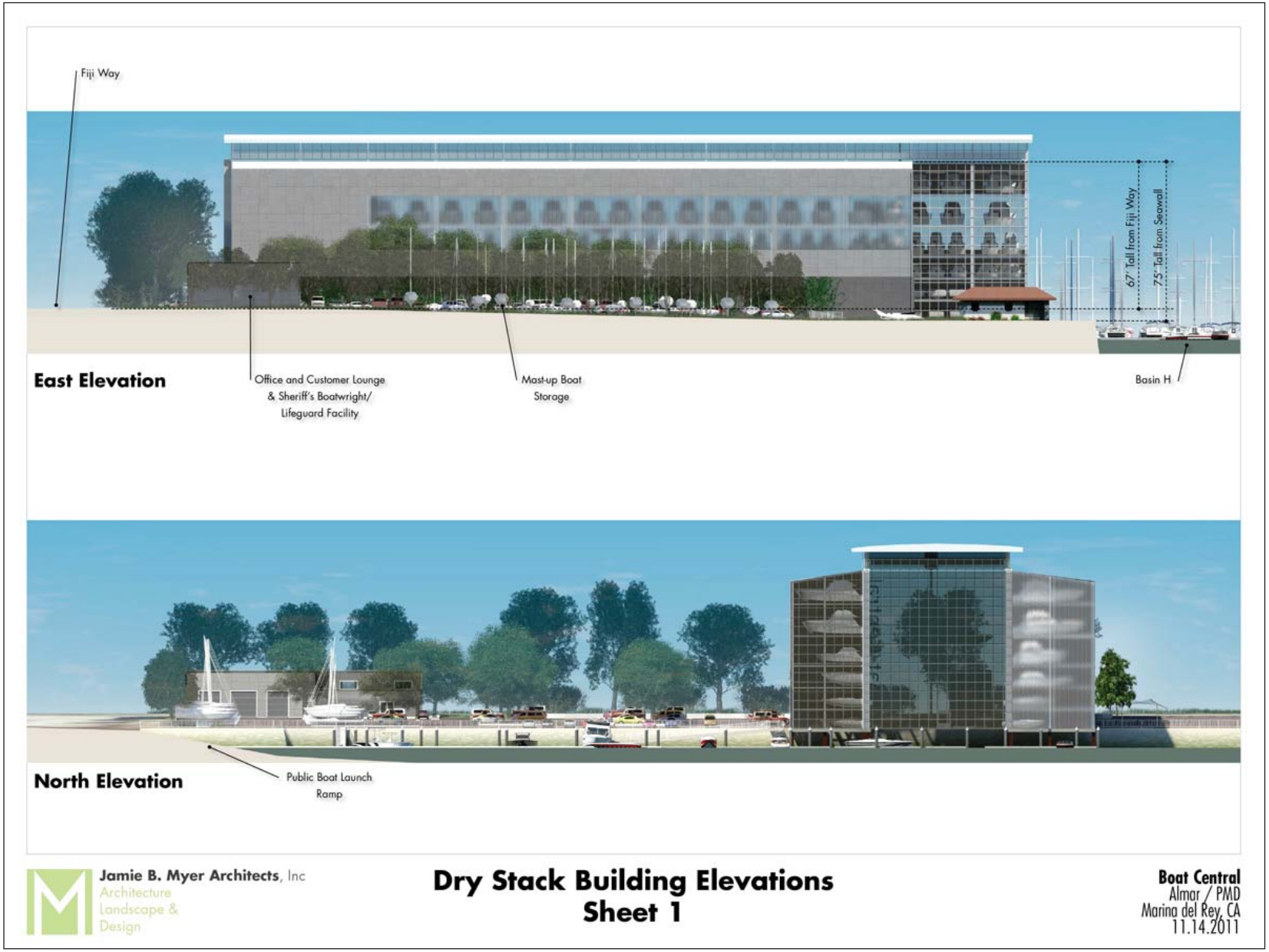


Exhibit 4.3-5 – Elevation 1

Source: BLUEwater Design Group

Exhibit 4.3-3 – Dry Stack Boat Storage Side Elevation

Burton W. Chace Park
PARKING FACILITIES

Meeting Room: 13650 Mindanao Way, Marina del Rey, CA 90292
GPS coordinate: 33.977316, -118.444997

EXHIBIT B