

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 200300987-RRS

Comment Period: 10/21/2004 through 11/18/2004

Project Manager: Robert Revo Smith Jr. P.E. (213) 452-3419 robert.r.smith@usace.army.mil

Applicant

C. F. Koehler
Koehler Kraft
2304 Shelter Island Drive
San Diego, California 92106

Contact

Suzann Malaspina (619) 222-0016
JNE & Assoc.
Suite 200
San Diego, CA 92106

Location

In San Diego Bay in San Diego, San Diego County, California
(at: lat:32-43-5.9880 lon:117-13-23.9880)

Activity

To construct a new 180-ft long steel sheet pile retaining wall to replace the existing riprap and seawall including dredging of 2700 cubic yards to go to Otay Landfill, New floating docks are to be installed along with a new 8700 square foot building. (see attached drawings). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch - San Diego Field Office
ATTN: CESPL-CO--200300987-RRS
16885 W. Bernardo Drive, Suite 300-A
San Diego, California 92127

Alternatively, comments can be sent electronically to: robert.r.smith@usace.army.mil

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 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 has obtained a water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- The applicant has certified that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. The District Engineer hereby requests the California Coastal Commission's concurrence or nonconcurrence.

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.

Essential Fish Habitat (EFH)- The applicant has submitted a EFH determination under the Magnuson-Stevens was amended in 1996 to include requirements to identify and protect important marine and anadromous fish habitat. Project impacts could include EFH impacts of turbidity and shading to schooling fish such as Northern Anchovy, Pacific Sardine, Pacific Mackerel, Jack Mackerel, Spotted Scorpionfish (not found), and English Sole (Not found). No eelgrass was found onsite.

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 irrecudible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. The basic project purpose for the proposed project is marine construction.

Overall Project Purpose- The overall project purpose is determined by further defining the basic project purpose to describe the applicant's specific project, and serves as the basis for the Corps' 404(b)(1) alternatives analysis. The overall project purpose for the proposed project is to replace a seawall with a better concrete pile system in San Diego Bay.

The applicant proposes to replace the existing configuration of rip-rap, wood, and metal with a concrete seawall. A portion of the leasehold will be dredged to -6 ft. MLLW at the seawall, sloping to match the existing sediment surface at -10 MLLW. Approximately 2700 yards of material shall be dredged to create the footing for the retaining wall and sent to the Otay landfill. New floting docks covering 4700 square feet of bay will be installed, replacing existing floating docks. Dock coverage of the bay will be reduced by 30 square feet. A new 8700 square ft. bldg. will be constructed, allowing vessels to be moved into a contained space for work involving aerosol materials that shall mitigate current dust problems.

Additional Project Information

The applicant completed testing of the area even though material is being sent to the Otay Landfill. Impacts to waters include .00116 acres of bay bottom. Temporary impacts will consist of increased localized turbidity during construction. A silt curtain shall be installed around the work area prior to start of work

Proposed Special Conditions

1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. Prior to the onset of the authorized activity, the permittee shall implement a contractor education program to ensure that all onsite personnel are informed of the biologically sensitive resources associated with the project site and compliance with all the general and special conditions herein. The permittee shall provide all onsite personnel a copy of this permit, and require all onsite personnel to read, understand, and agree to this authorization in its entirety prior to initiation of the authorized activity.
3. The permittee shall post a copy of this permit onsite including all general and special conditions herein at all times during the authorized activity.
4. The permittee is not authorized to conduct activities that shall cause any Corps jurisdictional waters of the U.S.

to be filled beyond this authorized activity.

5. The permittee shall allow Corps representatives to inspect the authorized activity at any time deemed necessary to ensure compliance with all the general and special conditions herein.

6. The permittee shall have a qualified inspector onsite during all dredging operations. The inspector shall ensure that all permit conditions are obeyed.

7. The permittee shall ensure that all vessel operators have a marine band radio, monitor Channel 16, and follow navigation rules (rules of the road) at all times. The permitted shall not interfere with the public's right to free navigation on all navigable waters of the U.S.

8. The permittee shall mark with buoys any underwater cables or anchoring systems for vessels involved with the project proposed herein. The permittee must install and maintain, at your expense, any safety lights and signals prescribed by the U.S. Coast Guard through regulations or otherwise on your authorized facilities.

9. All water-based operations authorized in here shall be limited to the areas defined in this permit. No more than approximately 2700 cy of material shall be dredged. The maximum dredging design depth within the designated dredge area will be -6 feet MLLW plus a 1-foot overdredge allowance.

10. Within 30 - 90 days prior to the commencement of this project the permittee shall conduct a survey for the presence of *Caulerpa taxifolia* in the immediate vicinity of the dredge site. A certified biologist shall conduct this survey per the *Caulerpa* Policy. The results of this survey shall be provided to U.S. Army Corps of Engineers; Regulatory Branch; Mr. Robert R. Smith, 16885 West Bernardo Road, St. 300A, San Diego, CA 92127; to Mr. Robert S. Hoffman, National Marine Fisheries Service, Habitat Conservation Division, 501 W. Ocean Boulevard, Suite 4200, Long Beach, California, 90802-4213 and to Mr. Bill Paznokas, California Department of Fish & Game, 4949 View Ridge Ave., San Diego, California 92123.

11. The use of silt curtains around all dredge and construction vessels during dredging operations during the nesting season for the California least tern from April 1 to September 15th, will be required to minimize turbidity. Dredging activities will be slowed or stopped if any plume is visible outside the silt curtain. Once the plume dissipates regular dredging activities can continue

12. The permittee shall conduct eelgrass (*zostera marina*) surveys prior to commencement of any work and after project completion, in order to assess project-related impacts to this habitat. The surveys shall be consistent with the *Southern California Eelgrass Mitigation Policy* (adopted by federal and state resource agencies dated July 31, 1991). The reports of the eelgrass survey shall be sent to the resources agencies, including the California Department of Fish and Game, the National Marine Fisheries Service, and the U.S. Fish & Wildlife Service, as well as to the Army Corps of Engineers. If based on the post construction survey mitigation is required, a consultant with experience in eelgrass restoration shall oversee the planting of the eelgrass onsite.

13. Best Management Practices will be used around existing surface storm drains to prevent any contaminants from entering San Diego Bay.

14. Landside maintenance of construction vehicles and any petroleum storage facilities need to be located at least 100 feet from the edge of San Diego Bay and from any storm drain inlet.


15. Operational nighttime lighting of any equipment shall be directed toward the shoreline and not toward sensitive areas.

16. The permittee shall notify the United States Coast Guard Marine Safety Office at (619) 683-6492 at least

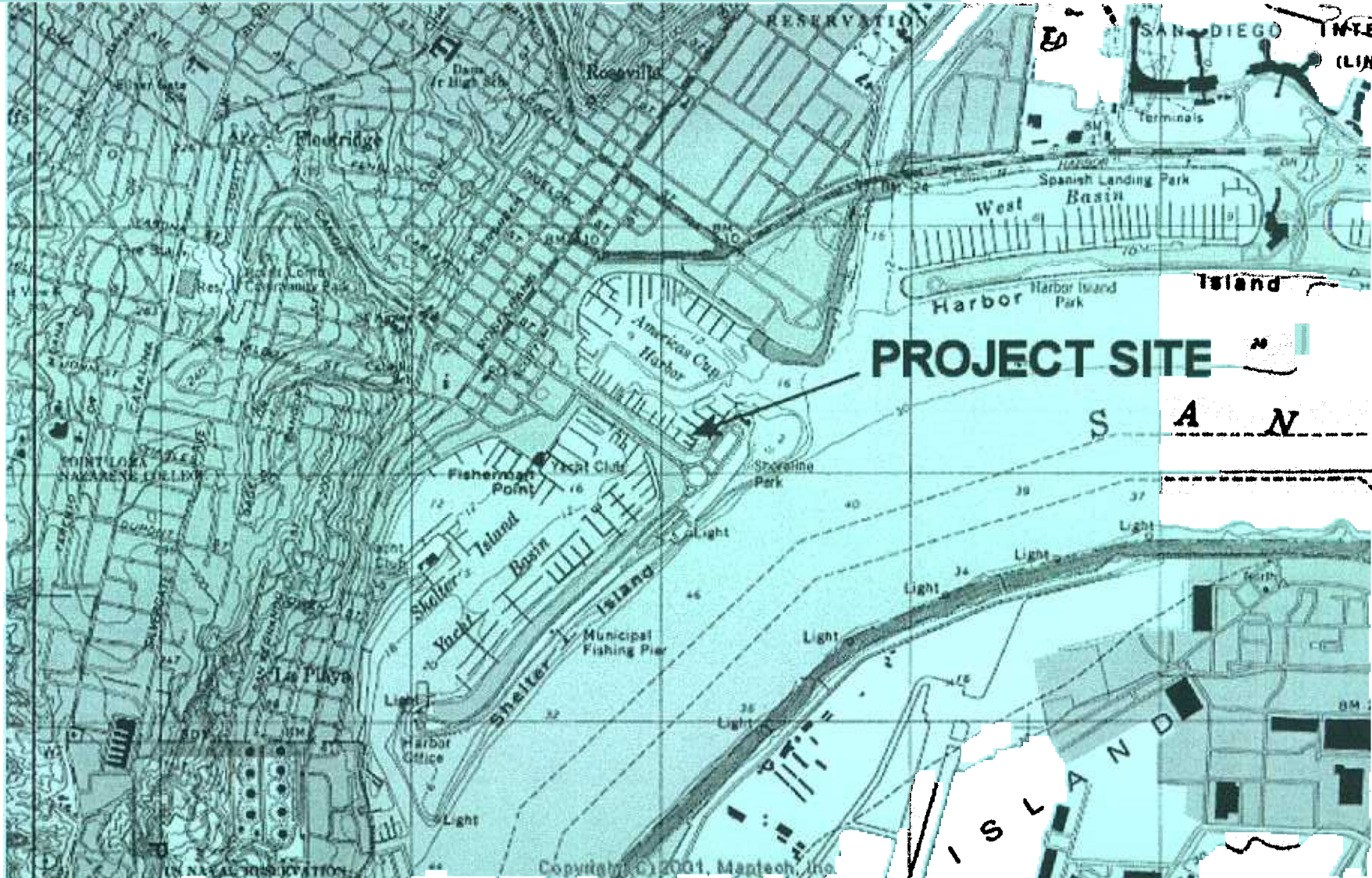
two weeks prior to the start of construction activity. This will allow time to publish the pertinent information on the local notice to mariners. The notification shall include the following information:

- a. The location of the worksite;
- b. The size and type of equipment used at the site;
- c. Name and radio call signals for working vessels if applicable;
- d. Telephone number for on-site contact with project engineers/managers;
- e. The schedule for completing the project.

17. The permittee can conduct in-water based activities on a 24-hour basis, unless restricted by local ordinance.

For additional information please call Robert Revo Smith Jr., P.E. of my staff at (858) 674-6784. This public notice is issued by the Chief, Regulatory ch.

KOEHLER KRAFT SEAWALL REPLACEMENT PROJECT 2302 SHELTER ISLAND DR., SAN DIEGO, CA 92106

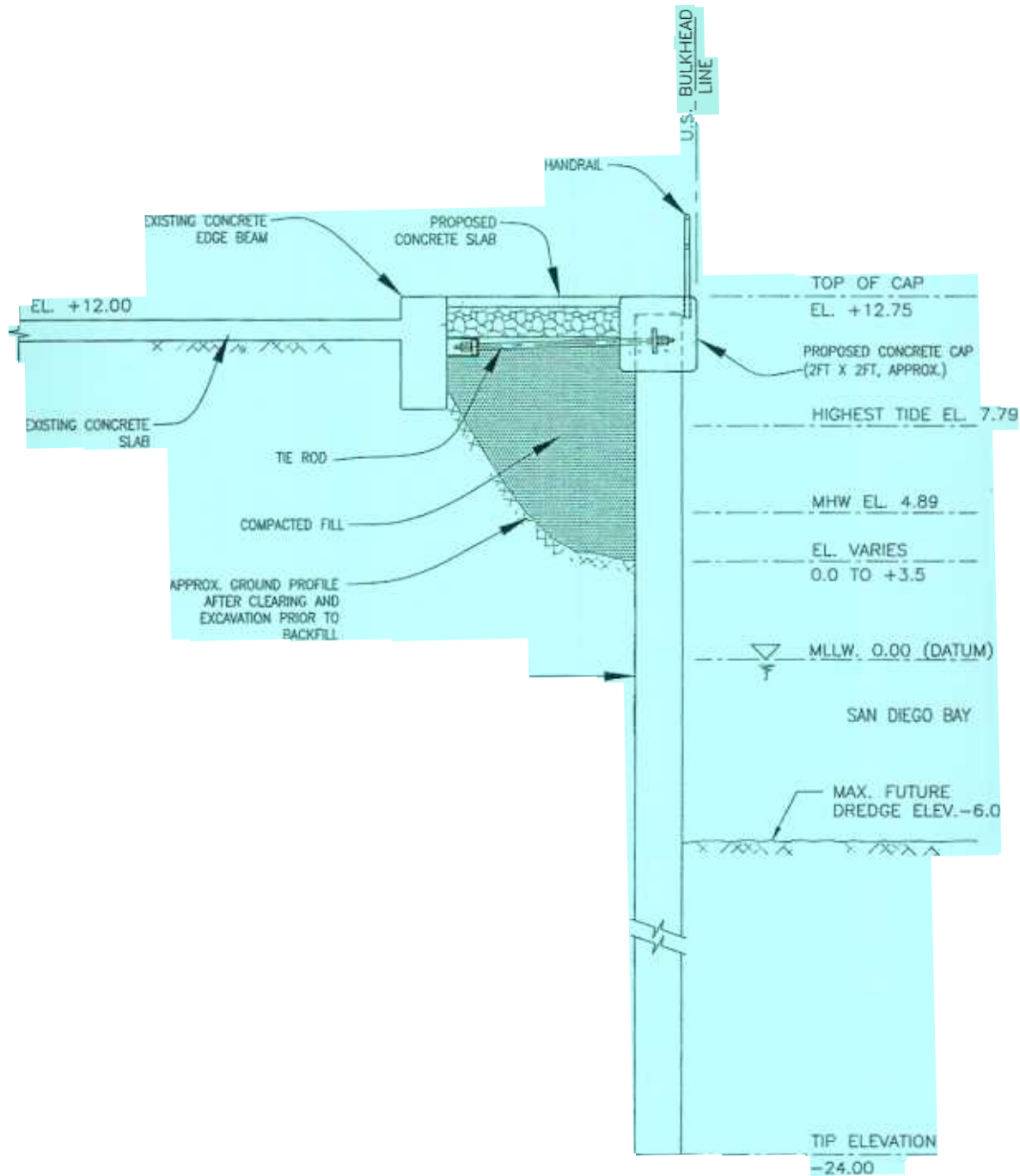


USACE FILE # 2003-00-987-SKB

AREA MAP

Depth Curves and Soundings In Feet - Datum is Mean Lower Low Water
Supplementary Contour Interval 10 ft. National Geodetic Vertical Datum of 1929

FIGURE 2A



(C) SECTION

0 5'-4" 10'-8" 16'-0" 3/16" = 1'-0"

FILE NO.
2003-00-987

PROJECT MANAGER
SKB



945 Camino Del Mar, P.O. Box 811, Del Mar, CA 92014

SCALE: 3/16" = 1'-0"

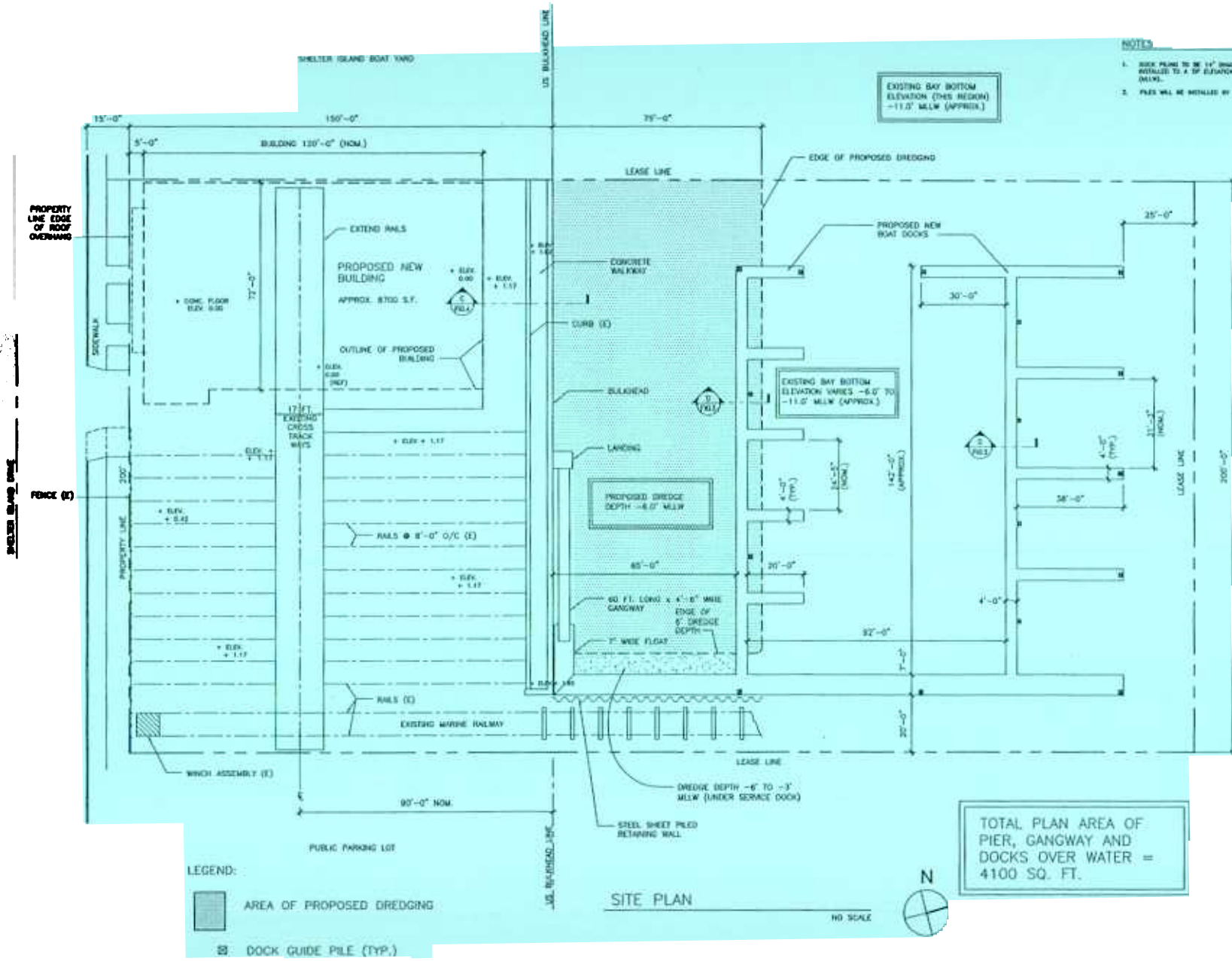
PROPOSED BULKHEAD AND
LAND IMPROVEMENTS
TYPICAL SECTION NEW BULKHEAD

KOEHLER KRAFT CORPORATION

2726-87 SHELTER ISLAND DR., SAN DIEGO, CA 92106

OCTOBER 17, 2003

FIGURE 4



- NOTES**
1. DUCK PILES TO BE 14" SQUARE PRECAST PRESTRESSED PILES INSTALLED TO A TOP ELEVATION BETWEEN -21 FT AND -26 FT (MLW).
 2. PILES WILL BE INSTALLED BY ATTACH TO END OF ELEVATION.

EXISTING BAY BOTTOM ELEVATION (THIS REGION) -11.0' MLW (APPROX.)

EXISTING BAY BOTTOM ELEVATION VARIES -6.0' TO -11.0' MLW (APPROX.)


TOTAL PLAN AREA OF PIER, GANGWAY AND DOCKS OVER WATER = 4100 SQ. FT.

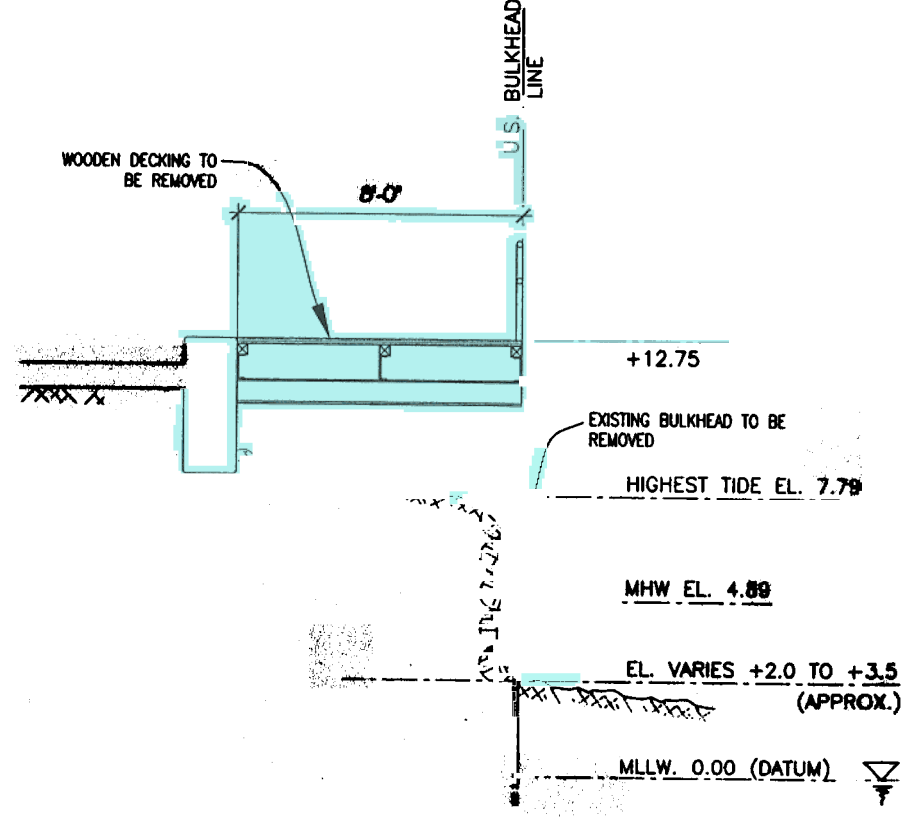
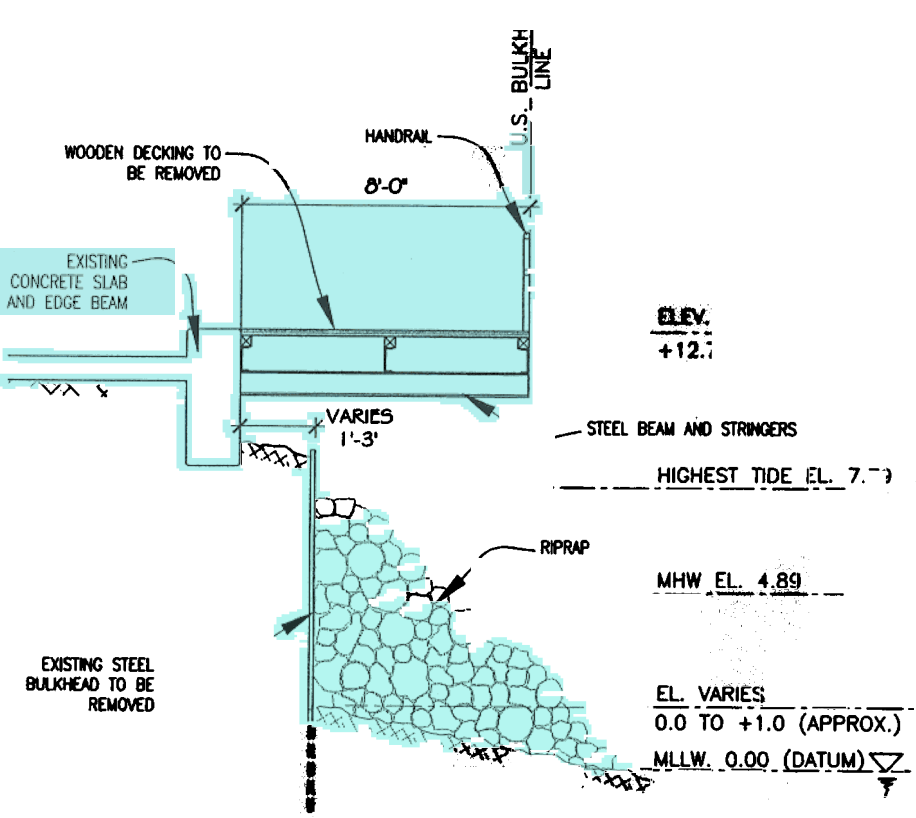
- LEGEND:**
- AREA OF PROPOSED DREDGING
 - ⊞ DOCK GUIDE PILE (TYP.)

SITE PLAN

NO SCALE



FILE NO. 2003-00-987	 CIVIL, STRUCTURAL & WATERWORKS <small>945 Camino Del Mar, P.O. Box 891, Del Mar, CA 92004</small>	PROPOSED BULKHEAD AND LAND IMPROVEMENTS SITE PLAN - YARD IMPROVEMENTS KOehler KRAFT CORPORATION	
		2726-87 SHELTER ISLAND DR., SAN DIEGO, CA 92106	
PROJECT MANAGER SKB	SCALE: NONE	OCTOBER 17, 2003	FIGURE 3



A TYPICAL SECTION, STA 0.0 TO 56.0


3/16" = 1'-0"

0 5'-4" 10'-8" 16'-0"

B TYPICAL SECTION, STA. 56.0 TO 180.0

3/16" = 1'-0"

0 5'-4" 10'-8" 16'-0"

FILE NO. 2003-00-987	 TRITON ENGINEERS Civil, Structural & Waterfront 945 Camino Del Mar, P.O. Box 811, Del Mar, CA 92014	PROPOSED BULKHEAD AND LAND IMPROVEMENTS SECTIONS AT EXISTING BULKHEAD	
		KOEHLER KRAFT CORPORATION 2726-87 SHELTER ISLAND DR., SAN DIEGO, CA 92106	
PROJECT MANAGER SKB	SCALE: 3/16" = 1'-0"	OCTOBER 17, 2003	FIGURE 2