



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 28052S

DATE: 8 August 2003

RESPONSE REQUIRED BY: 23 August 2003

Regulatory Branch

333 Market Street

San Francisco, CA 94105-2197

PROJECT MANAGER: Bob Smith

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1. **INTRODUCTION:** The Fort Ord Reuse Authority (FORA), 100 12th Street, Building 2880, Marina, California 93933, [Contact: Mr. James Feeny (831) 883-3672] has applied for a Department of the Army permit to demolish and remove four outfall structures on the shoreline of the former Fort Ord in Monterey County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. **PROJECT DESCRIPTION:** The project involves the demolition and removal of two 48" outfall structures, one 54" outfall structure, and one 60" outfall structure on the beach in the vicinity of Stilwell Hall on the former Fort Ord (See attached figures). The structures consist of deteriorated corrugated metal pipes (CMP) and supportive cement structures that were originally buried within the sand dunes and discharged high above the surf zone. The pipes were used to convey surface drainage from Fort Ord to Monterey Bay.

The structures would be demolished by removing the CMP outlet pipes from the support structure. Mechanized equipment would then be used to break up the concrete pier caps and beams into large pieces that can be lifted into dump trucks and hauled from the beach. Concrete chips generated during demolition would be removed by hand daily. Once the pier caps and concrete beams have been removed, the tops of the concrete piles would be saw cut, if necessary, to provide a clean end for extraction. The piles would then be extracted by pulling them from the sand using a crane mounted extractor or

excavator. Pilings and footings that cannot be completely removed will be cut off five feet below the exiting sand line, if conditions allow. This would require excavation of sand from around the piles and footings. The excavated native sand would be discharged on the adjacent beach. The exact volumes to be discharged cannot be estimated, as the exact depth of the support columns is not known. The extracted piles and concrete would be recycled. Construction and equipment areas of approximately 0.45 acre would be designated around each outfall to minimize disturbance to the beach.

Demolition would require equipment access along the beach. Access to the northern most structure would be from the existing beach access at Marina State Beach on Reservation Road. The 20-foot wide access route, approximately 2.5 miles long, would be located on the beach as far above the high tide line as possible. No grading would be required and all areas with state listed plants would be avoided. Work through this access is expected to take approximately two weeks. The contractor is working with State Parks staff to identify a temporary staging area at Marina State Beach.

Access to the remaining outfalls would be through an existing erosion gully leading to the northern 48" outfall. A temporary 20-foot wide access would be designated along the beach to reach the two remaining outfalls. The sand would be leveled to allow rubber tire or tracked vehicles access to the structures. This beach access would be 2,040 feet in length and would result in approximately 1.9 acres of temporary impact.

3. **STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant is notified by this Public Notice that, unless he provides the Corps with evidence of a valid request for state water quality certification to the Central Coast Regional Water Quality Board within 30 days of the date of this Public Notice, the Corps may consider this application withdrawn. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

The California Coastal Commission approved a Coastal Development Permit Waiver for the project on July 10, 2003.

4. **ENVIRONMENTAL ASSESSMENT:** The Corps of Engineers will assess the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The documents used in the preparation of the Environmental Assessment will be on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

The FORA is currently conducting a consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service on the impacts of the project on endangered species.

5. **EVALUATION OF ALTERNATIVES:**

Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation was made by this office under the 404(b)(1) guidelines and it was determined that the proposed project is water dependent.

6. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. **CONSIDERATION OF COMMENTS:** 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.

8. SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should include

the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Bob Smith of our office at telephone 415-977-8450 or E-mail: rsmith@spd.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided on request.