

CALIFORNIA COASTAL COMMISSION

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W 10a**STAFF RECOMMENDATION**
ON CONSISTENCY DETERMINATION

Consistency Determination No. CD-071-02
Staff: LJS-SF
File Date: 9/20/02
60th Day: 11/19/02
75th Day: 12/4/02
Commission Meeting: 11/6/02

FEDERAL AGENCY: **U. S. Army Corps of Engineers****PROJECT LOCATION:** Marine Corps Recruit Depot/Naval Training Center Boat Channel, San Diego (Exhibits 1 and 2).**PROJECT DESCRIPTION:** Expansion of a recreational small boat marina and construction of a recreational fishing pier (Exhibit 3).**SUBSTANTIVE FILE DOCUMENTS:**

1. Draft Environmental Assessment, Marine Corps Recruit Depot San Diego Marina Expansion Project, July 2002 (Corps Of Engineers).
2. Coastal Development Permit 5-02-135 (Balboa Bay Club, Inc.).
3. Coastal Development Permit 6-97-64 (San Diego Princess Resort).
4. Consistency Determination CD-089-99 (U.S. Navy, CVN Homeporting at Naval Air Station North Island, San Diego).
5. Consistency Determination CD-031-01 (U.S. Navy, Pier Construction at Naval Station San Diego).
6. State of California Harbors and Navigation Code, Division 3 (Vessels), Chapter 6 (Vessel Sanitation).
7. Plan for California's Nonpoint Source Pollution Control Program (CCC and State Water Resources Control Board, January 2000).

STAFF NOTE:

Regarding jurisdiction for the proposed project, it should be noted that the U.S. Army Corps of Engineers submitted the subject consistency determination on behalf of the U.S. Marine Corps, who is the owner and operator of the MCRD Marina and the agency proposing to expand the dock area and construct the fishing pier. Any potential modifications to the consistency determination by the Corps of Engineers would require coordination with the U.S. Marine Corps and the latter agency's agreement to likewise modify their marina expansion project. With such an agreement between the Marine Corps and the Corps of Engineers, the Corps of Engineers could then submit those modifications to the Commission.

EXECUTIVE SUMMARY

The Corps of Engineers has submitted a consistency determination for expansion of an existing 36-slip recreational small boat marina and construction of a new fishing pier at the Marine Corps Recruit Depot (MCRD), located on the eastern shoreline of the boat channel that separates the MCRD and the now-closed Naval Training Center, at the northern end of San Diego Bay in San Diego. The proposed project consists of adding 36 new boat slips (to accommodate boats up to 36 feet long) by installing pre-fabricated, wooden, floating dock sections similar to those at the existing dock. The new 5,160 sq.ft. dock will be supported by 14 concrete pilings and would be placed on the north side of the existing dock. The current prohibition of live-aboard boat use at the marina will extend to the proposed dock expansion. The project also includes the construction of a new 15-foot-wide by 50-foot-long recreational fishing pier, supported by four concrete pilings. Electrical and water utilities would be extended to the dock and pier. The Corps anticipates that the separation of the boating and fishing activities will eliminate most of the existing conflict between these two user groups at the MCRD marina.

The proposed project is inconsistent with the water quality policies (Sections 30231 and 30232) of the Coastal Act due to the absence of a sewage pump out facility to serve the 72 boats that will berth at the expanded MCRD marina, and the absence of adequate Best Management Practices to protect water quality during project construction and during operation of the marina. Therefore, the Commission objects to the consistency determination made by the Corps of Engineers for the project. The Commission has identified measures, which if implemented, would enable the project to be carried out in a manner consistent with the water quality policies of the Coastal Act.

The proposed project is an allowable use under Section 30233(a), is the least environmentally damaging feasible alternative with respect to activities involving fill, will not adversely affect eelgrass beds within the boat channel, and is not located within California least tern foraging habitat. The proposed dock expansion and fishing pier are consistent with the marine resource and dredging and filling policies (Sections 30230 and 30233) of the Coastal Act.

The proposed dock expansion and fishing pier would not adversely affect public access to or recreational use of coastal waters. Both facilities would be constructed within the boundary of

the MCRD and would not intrude into waters used by the general public nor affect the public's existing use of the NTC channel. While the proposed facilities would not be available to the general public, they will serve the large population of active duty and retired military personnel who are assigned to the MCRD and/or who reside in the San Diego region, and will expand opportunities for low-cost recreational activities along the MCRD shoreline. The proposed dock expansion and fishing pier are consistent with the public access and recreation policies (Sections 30210-13, 30220, and 30224) of the Coastal Act.

STAFF SUMMARY AND RECOMMENDATION:

I. Project Description. The Corps of Engineers proposes to expand an existing recreational small boat marina and construct a recreational fishing pier in the boat channel at the Marine Corps Recruit Depot (MCRD) in San Diego (**Exhibits 1-4**). The marina serves active duty and retired military personnel and is located on the eastern shoreline of the boat channel that separates the MCRD and the now-closed Naval Training Center, at the northern end of San Diego Bay. The marina consists of a floating dock with 36 leased boat slips, a second floating dock with watercraft to rent, a boathouse and restroom facility, storage structures, a boat launch ramp, a picnic shelter, and a parking area. The slips can accommodate boats up to 36 feet long. No live-aboard use of boats docked at the marina is allowed. There are no fueling facilities or sewage pump out stations at the marina. The marina complex is heavily used by military personnel, a three to six month waiting list exists for rental boat slips, and conflicts between boaters and fishermen are common as the two groups compete for limited dock space.

The proposed project consists of adding 36 new boat slips (to accommodate boats up to 36 feet long) by installing pre-fabricated, wooden, floating dock sections similar to those at the existing dock. The new 5,160 sq.ft. dock will be supported by 14 concrete pilings and would be placed on the north side of the existing dock. The current prohibition of live-aboard boat use at the marina will extend to the proposed dock expansion. The project also includes the construction of a new 15-foot-wide by 50-foot-long recreational fishing pier, supported by four concrete pilings. Electrical and water utilities would be extended to the dock and pier. The Corps anticipates that the separation of the boating and fishing activities will eliminate most of the existing conflict between these two user groups. Construction of the dock and pier is expected to take approximately two weeks.

II. Status of Local Coastal Program. The standard of review for federal consistency determinations is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If the LCP has been certified by the Commission and incorporated into the California Coastal Management Program (CCMP), it can provide guidance in applying Chapter 3 policies in light of local circumstances. If the LCP has not been incorporated into the CCMP, it cannot be used to guide the Commission's decision, but it can be used as background information. The City of San Diego LCP was certified by the Commission and incorporated into the CCMP.

III. Federal Agency's Consistency Determination.

The Corps of Engineers has determined the proposed project consistent to the maximum extent practicable with the California Coastal Management Program.

IV. Staff Recommendation:

The staff recommends that the Commission adopt the following motion:

Motion: I move that the Commission **concur** with consistency determination CD-071-02 that the project described therein is fully consistent, and thus is consistent to the maximum extent practicable, with the enforceable policies of the California Coastal Management Program (CCMP).

Staff Recommendation:

The staff recommends a **NO** vote on the motion. Failure of this motion will result in an objection to the determination and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

Resolution To Object to Consistency Determination:

The Commission hereby **OBJECTS** to the consistency determination by the Corps of Engineers on the grounds that the project described therein is not consistent to the maximum extent practicable with the enforceable policies of the CCMP.

V. Applicable Legal Authorities. Section 307 of the Coastal Zone Management Act (CZMA) provides in part:

(c)(1)(A) Each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs.

VI. Procedure if the Commission finds that the proposed activity is inconsistent with the CCMP.

Section 930.43(a) of the federal consistency regulations (15 CFR Section 930.43(a)) requires that, if the Commission's objection is based on a finding that the proposed activity is inconsistent with the CCMP, the Commission must identify measures, if they exist, that would bring the project into conformance with the CCMP. That section states:

(a) In the event the State agency objects to the Federal agency's consistency determination, the State agency shall accompany its response to the Federal

agency with its reasons for the objection and supporting information. The State agency response shall describe: (1) How the proposed activity will be inconsistent with specific enforceable policies of the management program; and (2) The specific enforceable policies (including citations).

(3) The State agency should also describe alternative measures (if they exist) which, if adopted by the Federal agency, would allow the activity to proceed in a manner consistent to the maximum extent practicable with the enforceable policies of the management program. Failure to describe alternatives does not affect the validity of the State agency's objection.

As described in the Water Quality section below, the proposed activity is inconsistent with the water quality policies of the CCMP. Pursuant to the requirements of Section 930.43(a) of the federal regulations implementing the CZMA, the Commission is responsible for identifying measures, if they exist, that would allow the activity to be found consistent to the maximum extent practicable with the CCMP. The Corps of Engineers must incorporate into the proposed project the Best Management Practices (BMPs) for construction activities and marina operations which are listed in the Water Quality section (pages 5-13) of this report. With that incorporation, the Commission could find the project consistent with the CCMP.

VII. Practicability. The federal consistency regulations implementing the CZMA include the following provision:

Section 930.32 Consistent to the maximum extent practicable.

(a)(1) The term "consistent to the maximum extent practicable" means fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency.

Since the Corps has raised no issue of practicability, as so defined, the standard before the Commission is full consistency with the policies of the California Coastal Management Program (CCMP).

VIII. Findings and Declarations:

The Commission finds and declares as follows:

A. Water Quality. The Coastal Act provides the following:

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment,

controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

1. Water and Sediment Quality in NTC Boat Channel. The project site is located in the northwest corner of the mile-long NTC boat channel, which contains 15 acres of surface water. Freshwater inputs to the channel originally came from 13 storm drains on the MCRD and the NTC and from surface water runoff. Contaminants in those freshwater flows are the primary reasons for poor water quality conditions in the boat channel dating back decades. A 1982 study of channel currents indicated poor water flushing capacity with minimal intermixing with San Diego Bay waters, while a second 1982 study confirmed poor water quality in the channel due to surface runoff contaminants and poor circulation and mixing of channel waters. However, beginning in July 2001, the MCRD began redirecting storm water flows from the boat channel outfalls into the MCRD storm water discharge and treatment system. An action related to the closure of the NTC was a 1999 remedial investigation examining boat channel sediments and the potential risk to human health and the environment. The investigation resulted in the identification of a sediment area of ecological concern in the channel and designating the boat channel as a federal CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) site (Superfund site). Sediment contamination, primarily from metals, pesticides, and PAHs in stormwater runoff and discharges from the NTC and the MCRD, was highest at the northern end of the boat channel, where the proposed project is located.

2. Piling Installation. Given that contaminated sediments are located at several sites within the boat channel, the installation of 18 concrete pilings to support the boat dock expansion and the new fishing pier could adversely affect water quality in the boat channel should those pilings be driven into contaminated sediments. The Draft EA first examines the potential impact at the dock expansion site:

The Proposed Action would occur in the general vicinity of contaminants present in the boat channel, resulting from polluted storm water inflow. Several core samples were taken, however, that demonstrate that the contaminated soil is not located within the project boundaries of the dock extension (See Section 4.11). Subsequently, the EPA has indicated that the polluted areas are outside the region of the proposed MCRD dock extension, which would not be an impediment to that part of the project, and would not have a significant impact.

The Draft EA next examines the potential water quality impact at the fishing pier site:

The site for the new fishing pier occurs in the general vicinity of metal contaminants (i.e., arsenic, barium, cobalt, copper, lead, nickel, chromium, vanadium, and zinc) which occurred due to past, polluted storm water inflows going into the northern end of the boat channel via large concrete culvert pipes from the Department of Navy (DON) operation at the former Naval Training Center (NTC), adjacent to the boat channel. The DON boat channel sediment became a DON, Installation Restoration (IR) Site (number 12) in 1996, following the 1995 Base Realignment and Closure (BRAC) of the NTC. To prevent disturbance to any remaining contaminants in the area, the driving of pilings, not drilling, to secure the new fishing pier in place would significantly reduce the disturbance of contaminated sediment. Only a small amount of contaminated sediment would be disturbed during the placing and installation of the four (4) pilings. This effect would be temporary and disturbed contaminated sediment would readily settle back to the floor of the boat channel. Preventative measures, to properly protect construction workers and MCRD visitors and to avoid any health risk, will be in place as part of the project's Plans and Specification (Plans & Specs) documentation, and enforced on the project site, if metal contaminant exposures exceed permissible exposure levels set by the state of California Occupational Safety and Health Agency (CAL-OSHA) in the California Code of Regulation (CCR) Title B and the federal Occupational Safety and Health Administration (OSHA) in Title 29 Code of Federal Regulations (CFR) Part 1910. MCRD has also proposed this potential impact to be not significant by considering an alternative fishing pier site(s) to avoid potentially contaminated areas.

Sediment disturbance from driving pilings at the dock expansion site, in sediments that are not contaminated, will not create adverse water quality impacts beyond the temporary and localized turbidity that will occur during the several days needed to install the 14 pilings at this site. With the project commitments made by the Corps in the Draft EA, installing the four pilings for the fishing pier, at a site adjacent to contaminated sediments, will not generate adverse impacts on water quality in the boat channel. At both work locations, a small amount of sediment would be disturbed during the placement of each piling. This effect would be temporary and disturbed sediment would readily settle back to the bottom of the channel. Because currents and tidal movement at the head of the boat channel are limited, very little migration of disturbed sediment would occur. The Corps concluded, based on the sediment and IR studies completed to date and with the water quality control measures to be implemented during pile driving, that project construction will not adversely affect water quality and that continuation of existing recreational boating in the NTC boat channel during and after project construction will not pose an unacceptable risk to human health.

2. Best Management Practices for Marina Construction and Operations. The proposed small boat marina expansion at the MCRD will provide for long-term berthing of up to 72 recreational vessels with a maximum length of 36 feet. In general, marina operations hold the potential to adversely affect water quality at and adjacent to the boat slips, in particular regarding boat maintenance activities and the disposal of on-board generated sewage and wastewater. In recent years, the Commission has reviewed numerous reports concerning the adverse effects on marine organisms, habitat, and coastal recreation of water pollution from marinas, docks, and

piers. On January 11, 2000, the Coastal Commission adopted the *Plan for California's Nonpoint Source Pollution Control Program* (co-authored by the Commission and the State Water Resources Control Board, as required by the federal Coastal Zone Management Act), which provides a framework to focus, expand, and coordinate actions to prevent and control nonpoint source pollution statewide. The *Plan* was subsequently approved by U.S. Environmental Protection Agency and the National Oceanic and Atmospheric Administration on July 17, 2000.

Regarding marinas and recreational boating activities, the *Plan* states in part that:

Recreational boating and marinas are increasingly popular uses of coastal areas and inland surface water bodies (e.g., lakes and delta). And, they are an important means of public access, and California must balance the need for protecting the environment and the need to provide adequate public access (USEPA, 1991). Because marinas and boats are located at the water's edge, pollutants generated from these sources are less likely to be buffered or filtered by natural processes. When boating and adjunct activities (e.g., marinas and boat maintenance areas) are poorly planned or managed, they may pose a threat to water quality and the health of aquatic systems and may pose other environmental hazards. Sources of pollution associated with marinas and boating include:

- *Poorly flushed waterways;*
- *Pollutants discharged from boats (recreational boats, commercial boats, and "live-aboards");*
- *Pollutants carried in storm water runoff;*
- *Physical alteration of wetlands and of shellfish/other benthic communities during construction of marinas, ramps, and related facilities;*
- *Pollutants generated from boat maintenance activities on land and in the water.*

There are 16 MMs [management measures; see Exhibit 5] to address marina and boating sources of nonpoint pollution. Effective implementation of these MMs can (1) avoid impacts associated with siting marinas and boat maintenance areas, (2) ensure the best available design and construction practices (for new and expanding facilities), (3) ensure appropriate operation and maintenance practices to prevent and/or reduce the delivery of NPS pollutants to State waters, and (4) encourage the development and use of effective pollution control and education efforts. The MMs cover the following operations and facilities:

- *Any facility that contains ten or more slips, piers where ten or more boats may tie up, or any facility where a boat for hire is docked;*
- *Any residential or planned community marina with ten or more slips;*
- *Any mooring field where ten or more boats are moored;*
- *Public or commercial boat ramps;*
- *Boat maintenance or repair yards that are adjacent to the water and any federal, State, or local facility that involves recreational boat maintenance or repair on or adjacent to the water.*

The Implementation Plan involves targeting implementation of six of the 16 marina and boating MMs, specifically those measures for water quality assessment, sewage facilities, boat cleaning and maintenance, hazardous waste management, and public education. These MMs and related actions were identified by representatives of the marina and boating community at four meetings held between December 1998 and April 1999 and by the SWRCB, RWQCBs, and CCC.

Using the *Plan* and its management measures for marinas and boating activities, the Commission has developed Best Management Practices (BMPs) to ensure that the construction and operation of proposed activities, particularly those involving in- and/or over-water construction activities, are consistent with the water quality protection policies of the Coastal Act (Sections 30231 and 30232). The Commission, in coastal development permit applications (see CDP 5-02-135; CDP 6-97-64) and in federal consistency determinations (see CD-89-99; CD-031-01) conditions permit applicants and encourages federal agencies to include appropriate water quality BMPs in their proposed projects. Cleaning and scraping of boats, improper discharges of bilge water and sewage waste, and the use of caustic detergents and solvents are among the primary contributing factors to water quality degradation at and adjacent to small boat marinas. Potential adverse effects on water quality due to the proposed expansion of the MCRD small boat marina can be minimized by implementing construction and operations BMPs designed to protect water quality and marine resources.

(a) Construction BMPs. The Draft EA for the proposed project includes the following water quality environmental commitments made by the Corps for construction activities:

- *The contractor shall include a spill contingency plan that will cover any discharge that may occur from the vessels used during this project. Crews shall be made fully aware of the plan and have the ability to effectively implement prevention and cleanup procedures.*
- *Fueling and maintenance of other equipment that may be used during the project shall be done in a manner so that spills cannot enter waterways. Water craft construction vehicles shall be continuously examined for leaking fluids.*
- *Litter, petroleum products, cleaning agents, wash down waters, and related toxic or oxidizable cleaning or construction related materials shall be prevented from entering marine waters.*

However, to ensure that proposed construction activities do not adversely affect water quality in the NTC boat channel, additional BMPs specific to project construction (and similar to BMPs required by the Commission in previous actions) must be included in the project before the Commission can determine that the project is consistent with the water quality policies of the Coastal Act. These BMPs are as follows:

- No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to inundation or dispersion in the waters of the boat channel;
- Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction;

- No machinery or construction materials not essential for project improvements shall be allowed at any time in the boat channel or intertidal zone;
- If turbid conditions are generated during construction, a silt curtain shall be utilized to control turbidity;
- Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day;
- Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss; and
- Reasonable and prudent measures shall be taken to prevent all discharge of fuel or oily waste from heavy machinery, pile drivers or construction equipment or power tools into the waters of the boat channel. The applicant and the applicant's contractors shall have adequate equipment available to contain any such spill immediately.

(b) Marina Operation BMPs. The Draft EA states that all boats stored at the marina must comply with MCRD MWR Instruction 1710.1A (Assignment and Use of Small Craft Slips), which dictates regulations for operation, care, and safety of boats (See **Exhibit 6** of this report). This document includes the following BMPs for water quality protection:

- *Boat owners are responsible for maintaining their boat and adjacent dock area in a clean and orderly condition:*
 1. *Major maintenance projects which impact adjacent dock areas are prohibited.*
 2. *Boat owners are responsible for keeping the area free of dirt and debris.*
 3. *Docks will be protected from painting operations. Offending boat owners will be liable for the cost of cleaning or replacing dock boards.*
- *Fueling operations are prohibited at the MCRD Marina.*
- *Storing gasoline in any container other than the vessel fuel tank is prohibited.*
- *Storing flammable agents in dock boxes is prohibited.*
- *It is illegal to throw, discharge, pump, or deposit from any boat or float any refuse, oil, spirits, flammable liquids, hazardous waste or polluting matter into estuary waters, or onto land adjacent to the Marina.*
- *Marina and shoreside trash cans are intended as receptacles for paper, cans, plastic, and other common refuse items only. Using trash cans to dispose of batteries, used engine oil, large pieces of wood or metal, and the like, is prohibited. Engine oil and batteries may be disposed of at the Depot Auto Hobby Shop. Large items of trash are to be removed from the Marina and placed in the Boathouse dumpster by the boat owner.*

- *Boat owners are responsible for the actions of bottom cleaners and other vendors hired to perform work on their vessels. Boat owners are to ensure that bottom cleaners and other vendors perform their services only during normal daytime business hours when Boathouse personnel are present. Likewise, boat owners are responsible for ensuring that vendors report in at the Boathouse Office prior to commencing work, and that all other Marina rules and regulations are complied with.*

In addition, the Draft EA states, and a Corps of Engineers staff representative confirmed, that there is no fueling station at the MCRD marina and that boats docked in the slips typically contain portable toilet facilities for the collection of human wastes. The portables are then hand-carried to the restroom facilities located within the MCRD Boathouse, where the wastes are then flushed into a septic system for on-site treatment. However, to ensure that the operation of the expanded small boat marina does not adversely affect water quality in the NTC boat channel, additional BMPs beyond those contained in Instruction 1710.1A (and similar to BMPs required by the Commission in previous actions) must be included in the proposed project before the Commission can determine that the project is consistent with the water quality policies of the Coastal Act.

Of primary importance is a BMP for the provision of an adequately-sized sewage pump out station to service the 72 recreational boats (36 existing slips and 36 proposed slips) that will berth at this marina. The station (or stations, if more than one is needed for the 72 slips) must be sited at a convenient location (with provisions for temporary boat berthing at the station) in order to encourage boaters to use the facility and to reduce the potential for sewage discharges into coastal waters. The system should include the ability to pump out both portable toilets and permanent tanks, and should include a maintenance and inspection regime for the pump out station and the sewage pipe that will run to the existing septic tank. Inclusion of such a system in the proposed dock expansion project will eliminate the need for up to 72 boaters to hand-carry sewage receptacles from boats, across floating docks, and into restrooms in the MCRD Boathouse to dispose of sewage, and will eliminate the risks to water quality from sewage spills at the MCRD marina and in other coastal waters.

The following are additional the BMPs which the Commission finds are necessary and appropriate to protect water quality in the boat channel and adjacent coastal waters:

(a) Boat Cleaning Management Measures:

1. The marina shall prohibit in-water boat hull washing which does not occur by hand;
2. The marina shall prohibit in-the-water hull scraping or any process that occurs under water which results in the removal of paint from boat hulls;
3. The marina shall ensure that marina tenants, when washing boats, utilize detergents and cleaning components that are phosphate-free and bio-degradable. Amounts used shall be minimized;
4. The marina shall prohibit the use of detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

(b) Implementation of a solid and liquid waste reduction and recycling program which provides and maintains appropriate storage, transfer, containment, and disposal facilities for solid and liquid materials commonly used in boat operations and maintenance, including the following measures:

1. All solid waste, including sewage, shall be properly disposed of only at appropriately designated facilities.
2. Containers for recyclables shall be provided and sited so that they are convenient for boaters (i.e. close to the dock);
3. All containers for trash and recyclables shall be clearly marked, have the capacity to handle all waste streams, and be sited so that they are convenient for boaters (i.e. close to the dock);
4. Signage shall be placed on all trash and recyclable containers to indicate that hazardous wastes (e.g., batteries, used oil, oily rags, petroleum products,) may not be disposed of in the containers. The containers shall notify boaters as to how to dispose of or recycle solid or liquid hazardous wastes;
5. The marina shall maintain an adequate supply of absorbent pads for use by marina tenants and lessees for the cleaning of minor spills;

(c) Petroleum Control Management Measures:

The marina shall provide a service that reduces oily discharges from in-board engines, either a bilge pump-out facility (with an oil-water separation device) or the marina shall promote the use of oil-absorbing materials in the bilge areas or engine compartments of all boats with inboard engines. When distributing oil absorbents to boaters, the marina shall provide adequate safety warnings as to the safe use and handling of flammable materials and methods to prevent fouling the bilge pump. Oil absorbent materials should be examined at least once a year and replaced as necessary. The marina shall recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The marina environmental policies shall encourage boaters to regularly inspect and maintain engines, lines and hoses in order to prevent oil and fuel spills. These policies shall encourage boaters to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. The use of soaps that can be discharged by bilge pumps shall be discouraged.

(d) Public Education Measures:

The BMP program shall also include enforcement provisions, including eviction from the marina and notice of possible civil or criminal fines and/or penalties, to assure compliance with this program by all marina tenants. The marina shall provide information about all of the measures in the BMP program through a combination of signage, tenant bill inserts, and distribution of the BMP program to new tenants and each year to repeat tenants. The program shall be posted at the MCRD Boathouse and at all dock entrances, and be included and attached to all slip lease agreements.

In conclusion, the Commission finds that the proposed project is inconsistent with the water quality policies (Sections 30231 and 30232) of the Coastal Act, due to the absence of adequate BMPs to protect water quality during project construction and during operation of the expanded small boat marina. Without these BMPs, the biological productivity and quality of the coastal waters within and adjacent to the project site cannot be maintained. The Commission has identified measures (the aforementioned BMPs) which, if implemented, would enable the project to be carried out in a manner consistent with the water quality policies of the Coastal Act.

On a jurisdictional note, the Corps of Engineers submitted the subject consistency determination on behalf of the U.S. Marine Corps, who is the owner and operator of the MCRD Marina and the agency proposing to expand the dock area and construct the fishing pier. Implementation of the aforementioned BMPs by the Corps of Engineers (such that the Commission could find the project consistent with the water quality policies of the Coastal Act) will require coordination with the U.S. Marine Corps and the latter agency's agreement to likewise modify their marina expansion project. With such an agreement between the Marine Corps and the Corps of Engineers, the latter agency could then submit those modifications to the Commission.

B. Marine Resources. The Coastal Act provides the following:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

...

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. . . .

1. Fill of Coastal Waters. The proposed dock expansion and fishing pier at the Marine Corps Recruit Depot (MCRD) marina involves filling within coastal waters (pilings to support a

dock expansion and new fishing pier); no dredging is proposed. The proposed fill triggers the three-part test of Section 30233(a): (1) the project must be one of the eight enumerated allowable uses; (2) the project must be the least damaging feasible alternative; and (3) the project must include feasible mitigation measures to minimize adverse environmental effects. The project involves installing a total of 18 concrete pilings (covering 32 sq.ft. of the channel floor) to support an expansion of a floating dock and construction of a recreational fishing pier at the MCRD marina in order to improve access and recreational opportunities for military personnel at the base. Thus, the proposed project is an allowable use under Section 30233(a)(4).

The proposed project calls for the driving of 18 concrete pilings into the channel floor to support the dock expansion and fishing pier. The pilings are the minimum size and number needed to anchor and secure both structures to the shoreline and channel floor. The Corps of Engineers examined several alternatives to the proposed project:

- No-Action
- Dock expansion only, with no construction of the fishing pier. This alternative provides needed capacity to dock more boats but does not address conflicts between boaters and fishermen.
- Fishing pier construction only, with no expansion of the boat dock. This alternative separates users but does not address the need for additional boat slips.
- Alternative dock expansion configuration where one-third of the new boat slips would be sited due west of the existing dock and two-thirds of the new slips in the proposed alternative location to the northwest.
- Locate the proposed fishing pier south of the existing marina.
- Construct the dock expansion at a shoreline location outside the MCRD. This alternative is not feasible because the MCRD presently controls no additional shoreline property and acquisition costs of property would make the expansion project prohibitive.

Given that the identified alternatives require the use of concrete pilings to support an expanded boat dock and new fishing pier, that there are no feasible alternative methods to support and anchor these structures, and (as discussed below and in the Water Quality section) that the proposed location of the dock expansion and new fishing pier avoids sensitive eelgrass habitat, least tern foraging areas, and contaminated sediment areas, the Commission determines that the proposed project is the least damaging feasible alternative.

Section 30233 requires that a project which includes fill of open coastal waters also provide adequate mitigation to minimize any adverse environmental effects that may arise due to the fill. Placement of the 18 concrete pilings will displace 32 sq.ft. of soft bottom habitat in the boat channel. However, the concrete pilings will provide new vertical surfaces for colonization by various types of marine organisms (e.g., mussels, barnacles, snails). The minor loss of common

soft bottom habitat will be adequately offset by the creation of vertical, hard-surfaced substrate that will be colonized by subtidal and intertidal organisms. Therefore, no additional mitigation for the proposed fill is necessary. In conclusion, the Commission finds that the proposed project is consistent with Section 30233 of the Coastal Act.

2. Eelgrass Habitat. Eelgrass (*Zostera marina*) is an aquatic plant and a valuable resource that grows in the shallow waters of San Diego Bay. Eelgrass provides refuge and habitat for numerous species of algae, invertebrates, and fishes, and provides foraging habitat for the Federally endangered California least tern. Eelgrass typically grows in dense, linear beds along the shoreline, and its extent is limited by dryness at the inland margin and steep slopes or limited light on the waterside. The Draft Environmental Assessment (EA) for the proposed project examines the status of eelgrass in the vicinity of the project site and states that:

A sparse, narrow band of eelgrass exists throughout the study area at depths ranging from -1 to -6 feet mean lower low water (MLLW). Most of the deep portions of the channel, including all of the boat channel north of the San Diego International Airport (Lindberg Field), did not support eelgrass growth because of natural light limitations at this depth (Bechtel, 1999a). Eelgrass distributions in the vicinity of the marina expansion site, in the northern NTC boat channel, were previously described by Merkel & Associates (1998) and recently confirmed by Heilprin and Basmadjian (2001). Merkel & Associates observed that there was extensive coverage of eelgrass along the southern portion of the NTC boat channel's shoreline at approximate depths of 0 to -3 feet MLLW. During a recent site visit by Heilprin and Basmadjian, only thin patches of eelgrass were observed sporadically at shallow water depths (-1 to -3 feet MLLW) around the perimeter of the existing MCRD marina boat dock and walk ramp. The U.S. Army Corps of Engineers (Corps) work on navigational projects in this portion of San Diego Bay has shown that eelgrass typically has not been observed in waters greater than 10 feet in depth which has been corroborated by the U.S. Fish and Wildlife Service (USFWS). The boat dock expansion would be located at 23 feet, beyond the typically known depth for eelgrass to exist in the NTC boat channel. The fishing pier would be constructed approximately 300 feet northeast of the boat dock extension area off of a shoreline where no eelgrass has been observed.

The consistency determination concludes that the proposed dock extension and new fishing pier would not adversely affect eelgrass, either from direct construction impacts or from post-construction shading impacts, because none is present at or adjacent to either location in the boat channel. However, in the event that eelgrass is observed along the shoreline at the new fishing pier prior to the start of construction, the Draft EA states that:

... MCRD would mitigate for any eelgrass habitat disturbance, as defined by the July 31, 1999, Southern Eelgrass Mitigation Policy. Impacts to eelgrass are covered by the Southern California Eelgrass Mitigation Policy (NMFS 1991) requiring a mitigation ratio of 1.2:1 if applied concurrent with the project. For the Proposed Action, a worse case assumption would be that 0.0008 acre would require mitigation (0.0007 acre combined footprint of disturbance from piling installation x 1.2), although it is unlikely that eelgrass would occur throughout the disturbance area. Mitigation of this conservative acreage would be

consistent with the eelgrass policy and reduce potential impacts to less than significant levels. For the Proposed Action, mitigation would be accomplished by applying credit from the Navy's North and North-Central Eelgrass Mitigation Bank.

With the commitments by the Corps to conduct a pre- and post-construction survey of the project site to delineate the presence of eelgrass beds, define work access limits at the boat dock and fishing pier sites, prohibit anchoring and the running of propellers in eelgrass areas, and to mitigate any disturbance to eelgrass beds due to project construction, the Commission finds that the proposed dock expansion and fishing pier construction will not adversely affect eelgrass beds in the NTC boat channel.

3. California Least Tern. Nesting colonies of the Federally endangered California least tern are located in San Diego Bay at North and South Delta Beach on the Naval Amphibious Base, D Street Fill, the South Bay salt works, and Naval Air Station North Island. The Draft EA reports that the California least tern has not been sighted within the project area for approximately ten years:

Seven species of waterfowl were recently observed at the project site. However, the Federally protected California least tern has not been reported within the project area. In the past, this species has been observed nesting on a former landfill area east of the boat channel at the NTC (Bechtol, 1999a). However, a recent survey (Keane, 2000) revealed California least tern no longer nest at the landfill site, probably due to the presence of predators such as feral cats, gray foxes, and birds of prey like red-tailed hawk (Bechtel, 1999a).

Notwithstanding the absence of least tern foraging activity in the boat channel, construction of the proposed dock expansion and fishing pier will occur outside the traditional April 1-September 15 least tern nesting season in order to further avoid any potential adverse effects on least terns that might appear at or near the project site. Therefore, given the distance to existing nesting colonies, the absence of foraging activity by the California least tern in the waters at and adjacent to the proposed dock expansion and fishing pier, and the proposed construction schedule, the Commission finds that the proposed project will not adversely affect the nesting or foraging activities of tern populations in San Diego Bay.

In conclusion, the Commission finds that the proposed project is an allowable use under Section 30233(a), is the least environmentally damaging feasible alternative (with respect to activities involving fill), and avoids adversely affecting eelgrass beds and California least tern foraging habitat. Therefore, the Commission finds that the proposed dock expansion and fishing pier are consistent with the dredging and filling and marine resource policies (Sections 30230 and 30233) of the Coastal Act.

C. Public Access and Recreation. The Coastal Act provides the following:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources. . . .

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

...

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot be readily provided at inland water areas shall be protected for such uses.

Section 30224

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

The proposed boat dock expansion and fishing pier construction would occur in an area with an unusual pattern of public access. The boat channel, commonly referred to as the Naval Training Center (NTC) channel, extends from the northern edge of San Diego Bay in a northeasterly direction for approximately one mile to a point just northwest of San Diego Airport. For most of

its length the channel lies within the boundary of the now-closed NTC. However, the Marine Corps Recruit Depot (MCRD) boundary bisects the head of the channel and as a result, the eastern shoreline and perhaps two-thirds of the surface water area at the channel head is a restricted access area under the control of the U.S. Marine Corps. Since the closure of the NTC in 1997, the western shoreline and the balance of the NTC channel is within the jurisdiction of the City of San Diego. Therefore, the general public cannot access that part of the boat channel and the adjacent shoreline within MCRD jurisdiction due to the security restrictions at this still-open military reservation. However, with the closure of the NTC and the City of San Diego's receipt of NTC lands and waters, the general public now enjoys access to and recreational use of the balance of the boat channel.

The proposed dock expansion and fishing pier would not adversely affect public access to or recreational use of the NTC boat channel. Both facilities would be constructed within the boundary of the MCRD and would not intrude into waters used by the general public nor affect the public's existing use of the NTC channel. While the proposed facilities would not be available to the general public, they will serve the large population of active duty and retired military personnel who are assigned to the MCRD and/or who reside in the San Diego region, and will expand opportunities for low-cost recreational activities along the MCRD shoreline. Therefore, the Commission finds that the proposed dock expansion and fishing pier are consistent with the public access and recreation policies (Sections 30210-13, 30220, and 30224) of the Coastal Act.

IX. Measures to Bring the Project into Conformance with the CCMP. Section 930.42(a) of the regulations implementing the CZMA provides, in part, that:

In the event the State agency disagrees with the Federal agency's consistency determination, the State agency shall accompany its response to the Federal agency with its reasons for the disagreement and supporting information. The State agency response must describe (1) how the proposed activity will be inconsistent with specific elements of the management program, and (2) alternative measures (if they exist) which, if adopted by the Federal agency, would allow the activity to proceed in a manner consistent to the maximum extent practicable with the management program.

As discussed above in the water Quality section of this report, the Commission has found that the project as proposed is inconsistent with the water quality policies (Sections 30231 and 30232) of the Coastal Act. Feasible measures can be implemented by the Corps of Engineers which would enable the project to be carried out in a manner consistent with these policies. The Corps of Engineers must incorporate into the proposed project the Best Management Practices for construction activities and marina operations which are listed in the Water Quality section (pages 5-13) of this report.

PROJECT LOCATION

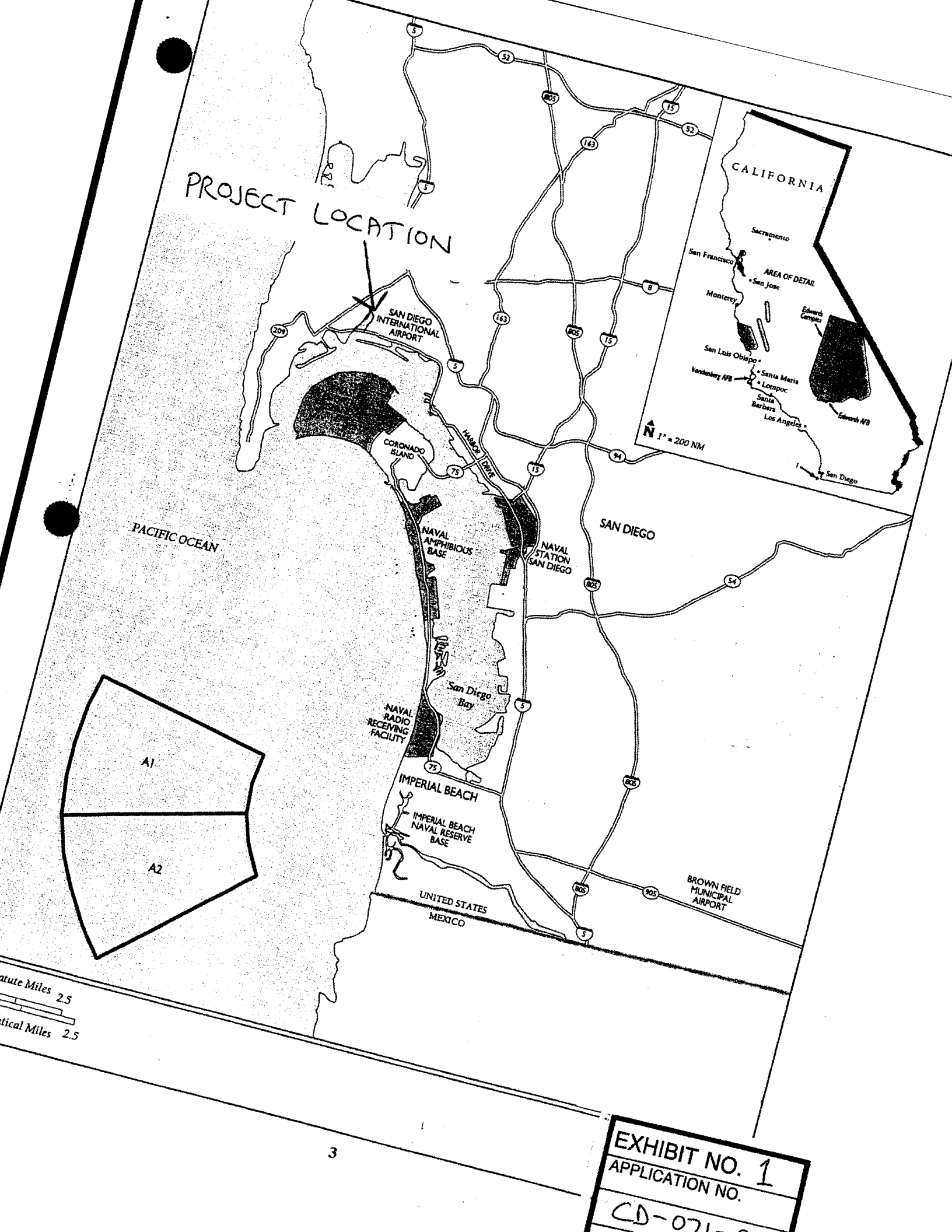
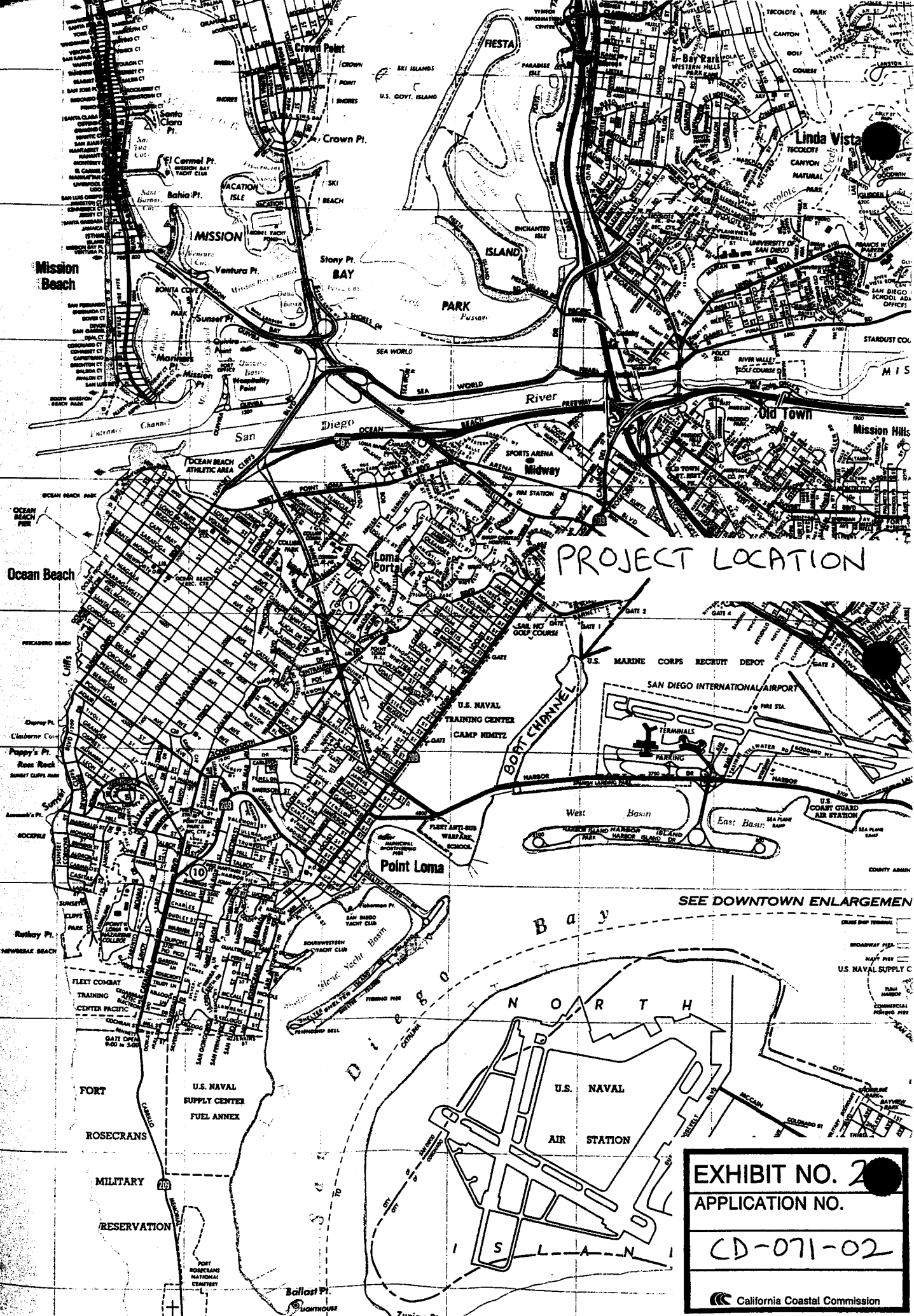


EXHIBIT NO. 1
APPLICATION NO.

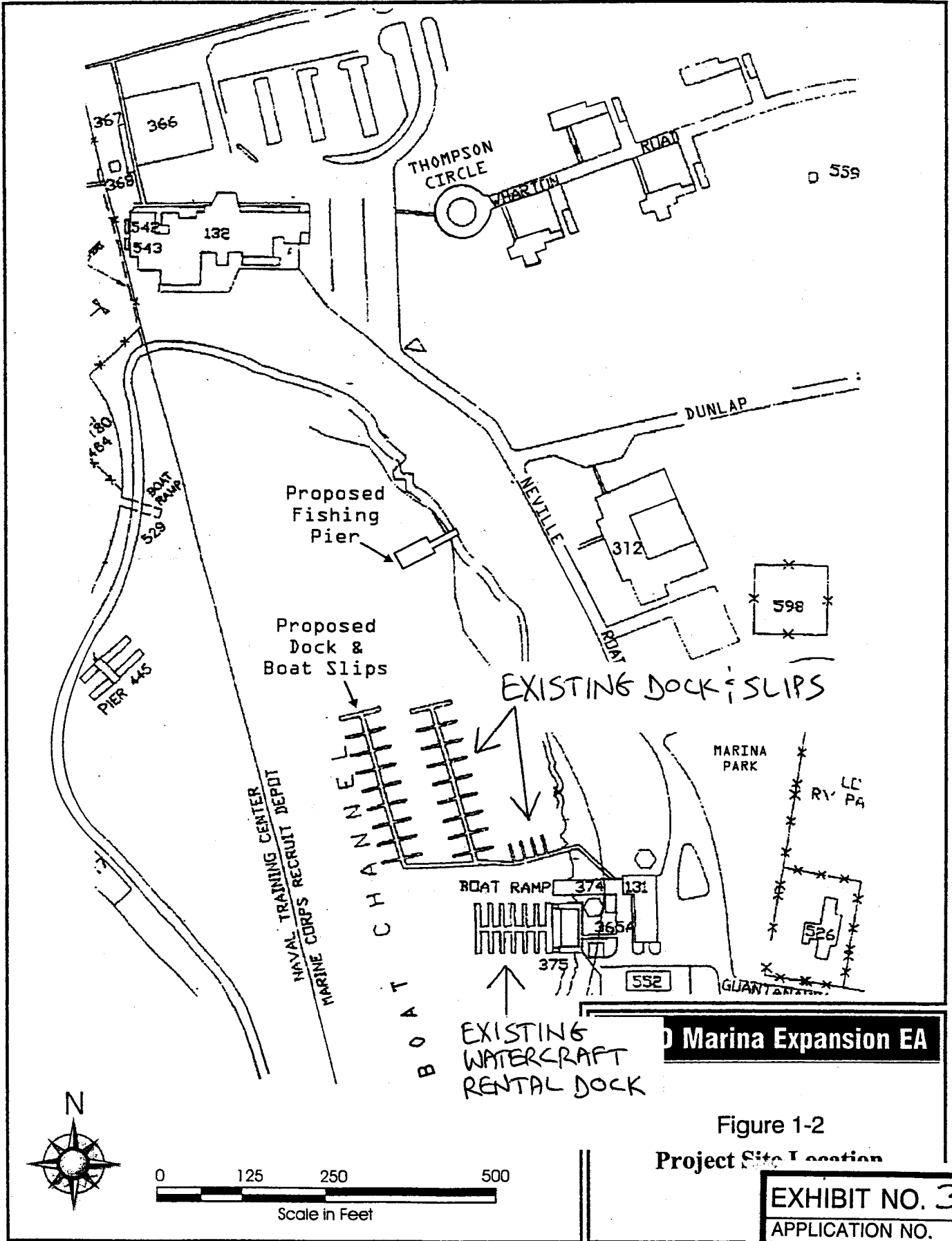
CD-071-



PROJECT LOCATION

SEE DOWNTOWN ENLARGEMENT

EXHIBIT NO. 2
APPLICATION NO.
CD-071-02
California Coastal Commission



MCRD San Diego Marina Expansion EA

Figure 1-2
 Project Site Location

EXHIBIT NO. 3
APPLICATION NO.
CD-071-02
California Coastal Commission



1. Viewpoint from existing dock looking east toward the boat ramp and boathouse.

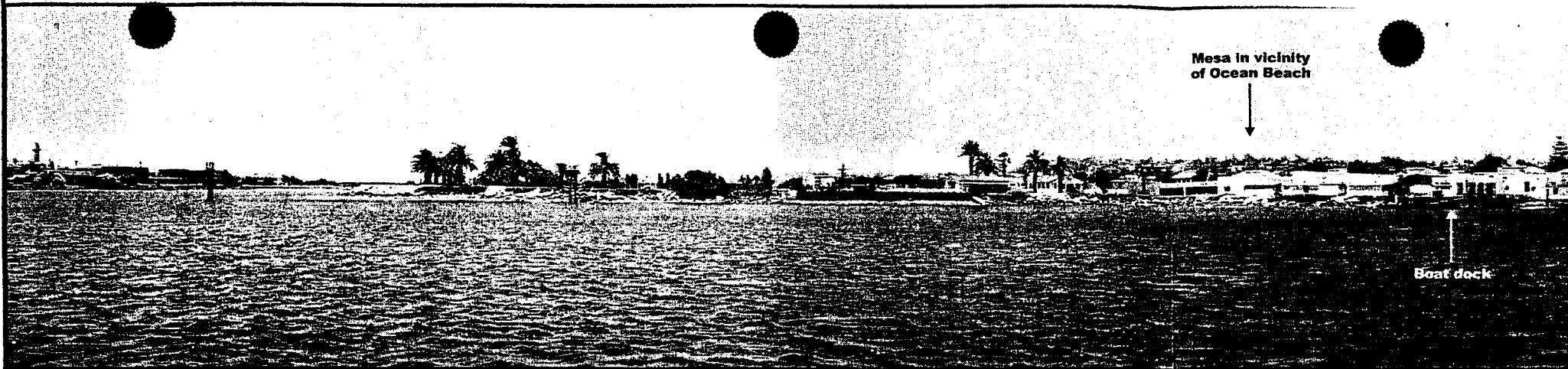


2. Viewpoint from existing dock looking east at the shoreline and open space.

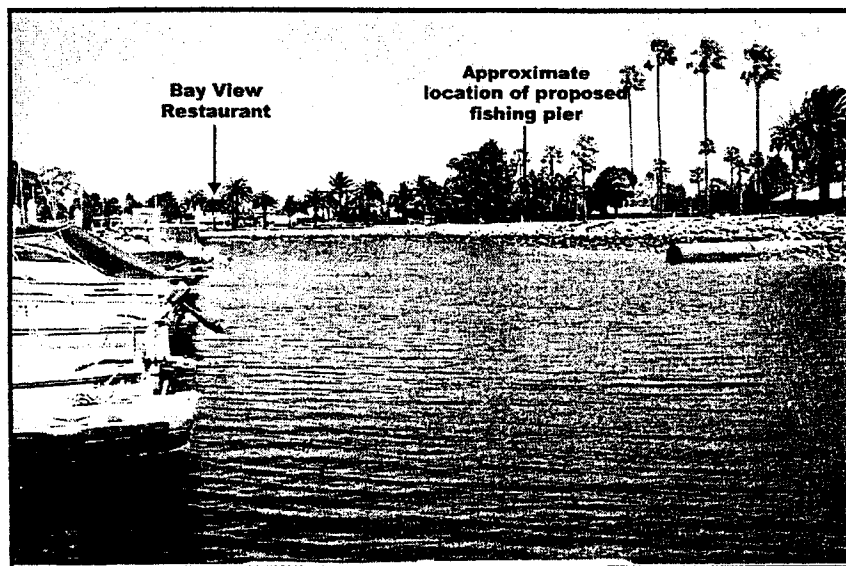
MCRD Marina Expansion EA

Figure 4-1
Project Area Photos

EXHIBIT NO. **B4**
APPLICATION NO.
CD-071-02



4. Viewpoint looking west towards former Naval Training Center (NTC). The backdrop feature is a mesa in the Ocean Beach vicinity.



3. Viewpoint from existing dock looking north along the shoreline and the bay view restaurant that is in the deep middle ground.



5. Viewpoint from entrance to existing boat dock looking west.

EXHIBIT NO. 34
 APPLICATION NO.
 CD-071-02

E. Marinas and Recreational Boating Management Measures²⁴



Recreational boating and marinas are increasingly popular uses of coastal areas and inland surface water bodies (e.g., lakes and delta). And, they are an important means of public access, and California must balance the need for protecting the environment and the need to provide adequate public access (USEPA, 1993). Because marinas and boats are located at the water's edge, pollutants generated from these sources are less likely to be buffered or filtered by natural processes. When boating and adjunct activities (e.g., marinas and boat maintenance areas) are poorly planned or managed, they may pose a threat to water quality and the health of aquatic systems and may pose other environmental hazards. Sources of pollution associated with marinas and boating include:

- Poorly flushed waterways;
- Pollutants discharged from boats (recreational boats, commercial boats, and "live-aboards");
- Pollutants carried in storm water runoff;
- Physical alteration of wetlands and of shellfish/ other benthic communities during construction of marinas, ramps, and related facilities;
- Pollutants generated from boat maintenance activities on land and in the water.

There are 16 MMs to address marina and boating sources of nonpoint pollution. Effective implementation of these MMs can (1) avoid impacts associated with siting marinas and boat maintenance areas, (2) ensure the best available design and construction practices (for new and expanding facilities), (3) ensure appropriate operation and maintenance practices to prevent and/or reduce the delivery of NPS pollutants to State waters, and (4) encourage the development and use of effective pollution control and education efforts. The MMs cover the following operations and facilities:

- Any facility that contains ten or more slips, piers where ten or more boats may tie up, or any facility where a boat for hire is docked;
- Any residential or planned community marina with ten or more slips;
- Any mooring field where ten or more boats are moored;
- Public or commercial boat ramps;
- Boat maintenance or repair yards that are adjacent to the water and any federal, State, or local facility that involves recreational boat maintenance or repair on or adjacent to the water.

The Implementation Plan involves targeting implementation of six of the 16 marina and boating MMs, specifically those measures for water quality assessment, sewage facilities, boat cleaning and maintenance, hazardous waste

²⁴ Commercial and military ports are not targeted in this Program Plan because they are subject to the storm water NPDES permits regulating industrial and construction activities. Commercial ports are also required to submit a port master plan (PMP) for certification by the CCC. The PMP must include the conditions contained in Coastal Act section 30711. An NPS-related condition is "an estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact." Section 30711 further states that, "each city, county, or city and county which has a port within its jurisdiction shall incorporate the certified [PMP] in its [LCP]." In addition, activities in military ports are subject to federal consistency review by the CCC, affording the State an opportunity to ensure that appropriate NPS pollution prevention and control measures are in place. Ports located in the San Francisco Bay are under the jurisdiction of SFBCDC and subject to regulations of the MPA.

California's marina and recreational boating MMs:

4.1 Assessment, Siting and Design

- A. Water Quality Assessment
- B. Marina Flushing
- C. Habitat Assessment
- D. Shoreline Stabilization
- E. Storm Water Runoff
- F. Fueling Station Design
- G. Sewage Facilities
- H. Waste Management Facilities

4.2 Operation and Maintenance

- A. Solid Waste Control
- B. Fish Waste Control
- C. Liquid Material Control
- D. Petroleum Control
- E. Boat Cleaning and Maintenance
- F. Maintenance of Sewage Facilities
- G. Boat Operation

4.3 Education/Outreach

- A. Public Education

management, and public education. These MMs and related actions were identified by representatives of the marina and boating community at four meetings held between December 1998 and April 1999 and by the SWRCB, RWQCBs, and CCC. The 1994 Marina TAC Report provided additional recommendations. The 16 MMs are summarized below.

Assessment, Siting, And Design Management Measures:

- 41.A **Water Quality Assessment.** Consider impacts to water quality in siting and designing new and expanding marinas.
- 41.B **Marina Flushing.** Site and design marinas to provide for maximum flushing and circulation of surface waters, which can reduce the potential for water stagnation, maintain biological productivity, and reduce the potential for toxic accumulation in bottom sediment.
- 41.C **Habitat Assessment.** Site and design marinas to protect against adverse impacts on fish and shellfish, aquatic vegetation, and important locally, State, or federally designated habitat areas.
- 41.D **Shoreline Stabilization.** Stabilize shorelines where shoreline erosion is a pollution problem.
- 41.E **Storm Water Runoff.** Implement runoff control strategies to remove at least 80 percent of suspended solids from storm water runoff coming from boat maintenance areas (some boatyards may conform to this provision through NPDES permits).
- 41.F **Fueling Station Design.** Locate and design fueling stations to contain accidental fuel spills in a limited area; and provide fuel containment equipment and spill contingency plans to ensure quick spill response.
- 41.G **Sewage Facilities.** Install pump out, pump station, and restroom facilities at new and expanding marinas where needed to prevent sewage discharges directly to State waters.
- 41.H **Waste Management Facilities.** Install facilities at new and expanding marinas where needed for the proper recycling or disposal of solid wastes (e.g., oil filters, lead acid batteries, used absorbent pads, spent zinc anodes, and fish waste as applicable) and liquid materials (e.g., fuel, oil, solvents, antifreeze, and paints).

Operation And Maintenance Management Measures:

- 4.2A **Solid Waste Control.** Properly dispose of solid wastes produced by the operation, cleaning, maintenance, and repair of boats to limit entry of these wastes to surface waters.
- 4.2B **Fish Waste Control.** Promote sound fish waste management where fish waste is an NPS problem through a combination of fish cleaning restrictions, education, and proper disposal.
- 4.2C **Liquid Material Control.** Provide and maintain the appropriate storage, transfer, containment, and disposal facilities for liquid materials commonly used in boat maintenance; and encourage recycling of these materials.
- 4.2D **Petroleum Control.** Reduce the amount of fuel and oil that leaks from fuel tanks and tank air vents during the refueling and operation of boats.
- 4.2E **Boat Cleaning and Maintenance.** Minimize the use of potentially harmful hull cleaners and bottom paints and prohibit discharges of these substances to State waters.
- 4.2F **Maintenance of Sewage Facilities.** Maintain pumpout facilities in operational condition and encourage their use so as to prevent and control untreated sewage discharges to surface waters.
- 4.2G **Boat Operation.** Prevent turbidity and physical destruction of shallow-water habitat resulting from boat wakes and prop wash.

Education and Outreach Management Measures:

- 4.3A **Public Education.** Institute public education, outreach, and training programs to prevent and control improper disposal of pollutants into State waters.

MWR



Marine Corps Recruit Depot
3900 Chatham Avenue
San Diego, CA 92140-5196

Mooring, Mooring and Recreation

MRPINCINR 1710.1A

1A

6 Dec 94

MOORING, MARINA AND RECREATION PERSONNEL DISTRIBUTION 1710.1A

From: Assistant Chief of Staff, MWR
To: Distribution List

Subj: ASSIGNMENT AND USE OF SMALL CRAFT SLIPS

1. PURPOSE. To publish instructions and regulations governing the assignment, use and supervision of the MCRD San Diego small craft slips.
2. CANCELLATION. MRPINCINR 1710.1.
3. BACKGROUND. There are a limited number of small craft slips for use by eligible participants at MCRD San Diego.
4. USAGE. Fees will be published in the Recreation Branch fee schedule. Fees are due on the first day of the of each month and must be paid by the tenth of each month.
5. ELIGIBILITY
 - a. Active duty military personnel and dependents stationed at the Marine Corps Recruit Depot, San Diego.
 - b. Active duty military personnel and dependents of the Navy, Army, Air Force, Coast Guard, and Marine Corps (not attached to MCRD).
 - c. Retired military personnel and dependents of all services.
 - d. Civilian employees of the Department of Defense, including RRFI employees.
6. METHOD OF APPLYING FOR A SLIP. Eligible persons must apply in person at the Depot Boatouse, Building 111. Slips will be assigned on a first come serve basis.
7. ELIGIBILITY LIST. The Boatouse Manager will establish and maintain a log of persons applying, with the time and date of the application and eligibility. Future slips will be assigned from that list. When a slip is assigned, usage fees must be paid and an agreement signed. All patrons will read and by signature agree to abide by the following set of Marina Regulations.
 - a. Regulations Governing Use
 - a. Boat owners must inspect their vessels at least once a week. More frequent inspections are required during periods of severe weather. Boat owners will be solely responsible for the safe mooring of their boat. Boat owners are also responsible for the inspection of mooring attachments and reporting of unsafe fitting to the Boatouse Manager. Unsafe mooring lines will be replaced by Boatouse personnel, resulting in a bill for time and materials on boat owner's next account statement.
 - b. Boat owners must abide by all state, federal, and local boating regulations governing vessel operation, safety, and required equipment.

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c. Boat owners are responsible for the security of their vessel and its contents:

- (1) All equipment shall be stowed below deck, or in compartments.
- (2) All hatches shall be locked.

(3) Security gates are not to be left propped open when Boathouse personnel are not present.

d. Boat owners are responsible for maintaining their boat and adjacent dock area in a clean and orderly condition:

(1) Major maintenance projects which impact adjacent dock areas are prohibited.

(2) Boat owners are responsible for keeping the area free of dirt and debris.

(3) Docks will be protected from painting operations. Offending boat owners will be liable for the cost of cleaning or replacing dock boards.

e. Individual boat owners must provide their own dock boxes. Dock boxes must be of triangular design, 12 square feet capacity, and white in color. Siting of the dock box must be approved by the Boathouse Manager prior to installation.

f. Fueling operations are prohibited at the MCRD Marina.

g. Storing gasoline in any container other than the vessel fuel tank is prohibited.

h. Storing flammable agents in dock boxes is prohibited.

i. Open-flame cooking, including barbecues, is prohibited in slips. Shoreside barbecue facilities are available for boat owner's use.

j. The Boathouse Manager must be notified immediately if there is a change in vessel ownership. Slips will not convey to new owners unless: (a) The new owner is an eligible patron of MCRD MWR, (b) There is no request for the slip from MCRD active duty military personnel on the slip waiting list, and (c) A new Agreement is completed.

k. The Boathouse Manager must be notified immediately if the boat owner plans to purchase a new vessel. Boat owners will be allowed to retain their slip, providing the new vessel fits the slip to the Manager's satisfaction.

l. Boat owners may not sub-lease or loan their slip to any person for any period of time. The only vessel authorized to be in the boat owner's slip is the vessel on record with the Boathouse Manager.

m. The Recreation Branch reserves the right to utilize slips when boat owner's vessel is absent.

n. The Manager must be notified when boat owners vacate their slip for a period in excess of daily use.

MMRlat1mst 1710.1A
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o. Boat owners are not to alter docks, fixtures, or other MMR-owned equipment in any way.

p. "Living aboard" boats is not authorized, although occasional overnight stays are permissible.

q. Use of automotive battery chargers in the Marina is prohibited.

r. Swimming or diving from boats in the Marina is prohibited.

s. It is illegal to throw, discharge, pump, or deposit from any boat or float any refuse, oil, spirits, flammable liquids, hazardous waste or polluting matter into estuary waters, or onto land adjacent to the Marina.

t. Marina and shoreside trash cans are intended as receptacles for paper, cans, plastic, and other common refuse items only. Using trash cans to dispose of batteries, used engine oil, large pieces of wood or metal, and the like, is prohibited. Engine oil and batteries may be disposed of at the Depot Auto Hobby Shop. Large items of trash are to be removed from the Marina and placed in the Boathouse dumpster by the boat owner.

u. Prior to plugging into Marina electrical service, the patron's vessel electrical system must meet established standards. These standards will be furnished to patrons at the time of slip assignment.

v. Parents shall restrict children under the age of 12 from docks and waterfront areas unless closely supervised. Boat owners are also responsible for the behavior and safety of all guests, including minor children.

w. Only one permanent slip per boat owner may be authorized at any given time.

x. Boat owners have responsibility for all keys issued to them. Lost or stolen keys shall be immediately reported to the Boathouse Manager. Keys shall be surrendered when use of slip is terminated, or when requested by the Boathouse Manager.

y. Boat owners are responsible for the actions of bottom cleaners and other vendors hired to perform work on their vessel. Boat owners are to ensure that bottom cleaners and other vendors perform their services only during normal daytime business hours, when Boathouse personnel are present. Likewise, boat owners are responsible for ensuring that vendors report in at the Boathouse Office prior to commencing work, and that all other Marina rules and regulations are complied with.

z. Termination of the Slip Agreement by boat owner must be done in writing on a standard notice form provided at the Boathouse, and should be received 30 days in advance of vessel departure. Termination will be effective no sooner than one month from the date of submission of notice. No refunds will be given for unused portions of months already paid for.

aa. Message-taking by Boathouse personnel will be limited to recording name and phone number, and conducting a public address system page. Boat owners are expected to use the pay telephone in front of Building 131 for outgoing calls.

bb. Services rendered by Boathouse personnel which may be classified as personal, and directly benefit specific boat owners, or their vessels, shall be billed to the boat owner at the established hourly rate for such services.

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6 Dec 94

cc. The Boatouse Manager has sole discretion in the assignment of slips. Boatouse-generated slip reassignments may also be made from time to time. Boat owners desiring a new position within the Marina may place their request for future consideration. However, the Boatouse Manager is not obligated to oblige such requests.

dd. Proof of vessel insurance is required in specific amounts and coverage prior to admission to the Marina.

ee. Boat owners are responsible for any and all damage to MFR facilities resulting from their vessel's presence at the MCRD Marina, whether or not damage to the MFR facilities results from the boat owner's negligence.

ff. The Marina and recreational boating programs are under the immediate supervision of the Boatouse Manager. Matters which cannot be resolved at the level of Boatouse Manager will be forwarded to the MFR Recreation Branch Director.


R. D. Parker

DISTRIBUTION: B
Plus Boatouse Patrons

