

**CALIFORNIA COASTAL COMMISSION**

7575 METROPOLITATION DRIVE, SUITE 103  
SAN DIEGO, CA 92119-4402  
VOICE (415) 904-5200  
FAX (619) 767-2370

**F7d**

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**STAFF REPORT: REGULAR CALENDAR**

**Application No.:** 6-13-0397

**Applicant:** Everingham Brothers Bait Company, Inc.

**Agent:** Perry Dealy

**Location:** San Diego Bay, San Diego County.

**Project Description:** Relocation of two existing bait barges from their existing location south of Scripps UCSD campus and north of the Naval Base Point Loma, and within Bay waters, to an area in the Northeastern section of San Diego Bay south of the East Basin and North of Coronado Island. The relocation would be temporary beginning September 16<sup>th</sup> then returned to the existing location by March 31<sup>st</sup> annually for four years.

**Staff Recommendation:** Approval with conditions.

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## SUMMARY OF STAFF RECOMMENDATION

Applicant proposes to relocate two existing bait barges from their existing location south of Scripps UCSD campus and north of the Naval Base Point Loma to an area in the northeastern section of San Diego Bay south of the East Basin and north of Coronado Island (ref Exhibit Nos. 1 & 2). The applicant proposes relocation beginning September 16<sup>th</sup> to March 31st annually for four years, with the first year beginning January 2014. The relocation of the bait barges is necessary to ensure the safety of the marine mammals that often haul out on the bait barges. Specifically, the relocation of the bait barges will coincide with the Navy's fuel pier replacement project. In April of 2013, the Commission found the Navy's proposal to demolish and construct the existing fuel pier located north of the bait barges federally consistent with the applicable policies of the Coastal Act (ref.CD-011-13/Department of the Navy). One of the impacts identified by the Navy project was the potential for impacts to marine mammals associated with the construction noise during the pier replacement project. One of the measures to eliminate/mitigated for such impacts was the relocation of the existing bait barges while the fuel pier construction was undertaken.

Major Coastal Act issues associated with this project include potential adverse impacts to both the fishing facilities serving the recreational and commercial fishing industries as well as impacts to access within the bay for recreational boaters. Specifically, the current location of the bait barges allows for easy access by the fishing vessels as the boats exit San Diego Bay (ref. Exhibit #2). As proposed, the vessels will now have to traverse across the bay, pick up bait, and then again travel across bay to exit at Ballast Point. In addition, currently there are several yacht races held in the bay as well as general recreational boaters that sail within the area proposed for barge relocation. Thus, there is a potential for impacts to these existing users when the barges are relocated. However, the possible locations for the bait barges are limited by a number of factors. A number of potential alternative locations were identified, and due to the various locational constraints, the majority of these were determined not to be feasible. Thus, the best possible location for the barges has been identified and chose by the applicant. There are no feasible alternative that would meet all the locational constraints, and not have impacts to distances traveled by fishing boats or impacts associated with the navigation of all other boats that utilize the bay. In addition, the barges are only proposed to be relocated between the months of September and March, or the off-peak boating/sport fishing season. Also, the majority of patrons to the bait barges pick up bait during the very early morning hours, and will therefore be within the bay, and getting bait, before the majority of recreational boaters are typically on the water. Thus, the potential impacts will likely not be significant to these users. However, in order to limit the inconvenience of having to reroute races, or travel additional distanced to purchase bait, **Special Condition #1** has been included and requires the applicant to provide notice 30 days in advance anytime the barges are relocated to a number of identified parties. **Special Condition #1** requires such notices to be put up at a number of harbors, yacht clubs, and placed in a number boating publications; as well as, notices being placed on the barges themselves. This will provide ample time for both the fishing and boating communities to prepare for any inconvenience associated with the barge's relocation. In addition, should any unforeseen impacts occur that require changes to the project description (such as an alternative locations becoming necessary), **Special Condition #2** requires that any such project modifications be reviewed by the Coastal Commission. It is only through the incorporation of

the above conditions that the project can be found consistent with the applicable policies of the Coastal Act.

Commission staff recommends **approval** of coastal development permit application 6-13-0397, as conditioned.

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Exhibit 4 – Alternative Locations Analyzed Adjacent to Harbor Island

Exhibit 5 – Survey of Marine Mammals within San Diego Bay

Exhibit 6 – Public Comments submitted by the Applicant

Exhibit 7 – Survey of Eelgrass within San Diego Bay

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit 6-13-0397 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*The Commission hereby approves Coastal Development Permit 6-13-0397 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Public Notification Program.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a final public notification program. The public notification program shall be maintained throughout the development process. Said program shall include, at minimum, noticing the following entities:
  - a. Installation of notice 30 days prior to any bait barge relocation to the seasonal and proposed site or 30 days prior to the bait barges return to the existing location at the following locations:
    1. Sportfishing Landings – Fisherman’s Landing, Point Loma Sportfishing, H&M Landing, Lee Palm Sportfishing, Seaforth Sportfishing.
    2. Yacht Clubs – Coronado Yacht Club, Southwestern Yacht Club, San Diego Yacht Club, Chula Vista Yacht Club, Kona Kai Yacht Club, Mission Bay Yacht Club, Silver Gate Yacht Club, Navy Yacht Club, Oceanside Yacht Club, Point Loma Yacht Club, Santa Margarita Yacht Club, Coronado Cays Yacht Club
    3. Fishing Publications – The Marlin Club San Diego, Mission Bay Marlin Club, San Diego Rod and Reel Club, San Diego Anglers, BD Outdoors, 976-Byte, Let’s Talk Hookup, San Diego Fishing Club, West Coast Angler, Western Outdoor News, The Log/ FishRap News, Pacific Coast Sportfishing Magazine.
    4. Port Tenants Association
  - b. Installation of a notice 30 days prior to any bait barge relocation to the seasonal and proposed site or 30 days prior to the bait barges return to the existing location on the bait barges.

The permittee shall undertake the development in accordance with the approved program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Project Modifications.** Only that work specifically described in this permit is authorized. Any additional work requires separate authorization from the Commission or Executive Director, if appropriate. If, during implementation, site conditions warrant changes to the

project, the San Diego District office of the Coastal Commission shall be contacted immediately and before any changes are made to the project in the field. No changes to the project shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT HISTORY/DESCRIPTION**

#### **1. Project History**

In April 2013, the Commission approved a consistency determination for a Navy project proposing to demolish and reconstruct the existing fuel pier located within San Diego Bay and north of the submit project's current location (ref. CD-011-13 <http://documents.coastal.ca.gov/reports/2013/7/W12a-7-2013.pdf>). One of the most significant Coastal Act issues raised by the project included the vibratory/sound impacts on marine biota associated with pile driving activities during construction. To evaluate potential impacts from project-related noise, the Navy developed an underwater sound model that calculated the "Zone of Influence." The Zone of Influence can be defined as the area where noise levels would result in harassment and/or injury of marine animals as defined by National Marine Fisheries Services (NMFS). Many marine mammals are found within the bay, and specifically, California sea lion are often found hauling out on the bait barges. The current location of the bait barges is within the identified Zone of Influence for marine mammals. Thus, to prevent potential impacts to the hauled out seal lions, the Navy's Environmental Assessment included a mitigation measure requiring the bait barges to be relocated outside the identified Zone of Influence during construction activities. Again, the Commission has already permitted the Navy fuel pier replacement project; however, the relocation of the bait barges was not included in the Commission's review at that time. The Commission's staff report indicated that The Everingham Brothers Bait Company, not the Navy, would be subsequently applying for the barges' relocation. Therefore, the Everingham Brothers Bait Company is requesting the approval for the relocation of the bait barges.

#### **2. Project Description**

The applicant proposes to relocate two existing bait barges from their existing location south of Scripps UCSD campus and north of the Naval Base Point Loma to an area (Site 6a) in the northeastern section of San Diego Bay south of the East Basin and north of Coronado Island (ref. Exhibit #2). This relocation is associated with the Navy fuel pier replacement project described in detail above. The bait barges would need to be relocated during times when the Navy project would be performing construction activities that are above 160 decibels. However, because the pier project is located adjacent to Least tern nesting grounds, such construction activities are limited to outside the Least tern breeding season generally described as beginning March 31<sup>st</sup> and ending September 15th annually. As such, the bait barges would be relocated beginning mid-September through the end of March, during times of construction. The Navy has estimated that the pier replacement project will take four years to complete. Originally, the Navy was anticipating construction to begin in September 2013, but the project has been slightly delayed,

and thus construction is now anticipated to commence in January 2014. Therefore, the project proposes the barges to be relocated beginning September and ending each April for four years beginning January of 2014 and ending April of 2017, with the exception of the first year, when the barges will only be relocated between January and March. Again, the relocation of the bait barges is necessary to ensure the protection of marine mammals that frequent the bait barges from unsafe noise levels (Zone of Influence) during demolition and reconstruction of the Navy's fuel pier replacement project.

The Everingham Brothers Bait Co. are currently located approximately 0.3 miles south of the existing fuel pier and have been in the same location since 1951 (ref. Exhibit #2). Typical patrons of the bait barges has been provided by the applicant, and include commercial sport fleet boats, half day fishing boats, three-quarter day fishing boats, commercial long-range boats, private fishing boats, and the bait companies own boats delivering bait. California sea lions and several species of seabirds frequently rest on top of the bait barges. Each bait barge primarily consists of two rows of large wooden compartments tied together, called "receivers." One barge is equipped with a single-story shelter for personnel and equipment. The wooden receivers hold live bait fish in underwater cages. Each of the 102 receivers is 28 feet long, 14 feet wide, and 12 feet high, although the lower 10 to 11 feet remain underwater. At present, the western bait barge measures approximately 750 feet from buoy to buoy and the eastern bait barge is about 630 feet from buoy to buoy.

As proposed, the barges will be relocated incrementally. Eight of the wooden bait compartments (receivers) would be chained together and towed by boat on a 75-foot long, 1.5'-thick line. Once at the temporary location, the first set of eight bait receivers would be anchored, and then the additional sets of eight receivers would be towed, chained to previous sets, and anchored. It will take approximately 24 hours to completely relocate both barges. Depending on the size of the barge, 3,000- or 5,000-pound anchors will be used. An anchor will be dropped into the water at each side of the barge, for a total of four anchors. Each anchor will be shackled to a 1.5-inch thick chain. And the other end of the chain will be shackled to a buoy ball this is attached to the barge with a cable. The existing anchors will be left in place, when not attached to the bait barges while the Navy pier project is ongoing. However, the proposed anchors will be removed when the barges are moved back to the original location during the times when the Navy is not actively constructing the fuel pier. When the project is completed, and the barges permanently returned to their existing location, the anchors at the temporary site will be removed.

As described above, the bait barges need to be relocated outside the identified Zone of Influence associated with the Navy project. However in order to maintain the barges regular patrons, the barges will need to remain within San Diego Bay. Additional limits to the potential relocation sites include limits to water temperature, proximity to strong wind and waves, water depth, distance to shallow water, bird air strike hazards for aircraft at potential sites near airfields, and presence of eelgrass, amongst others. Taking into consideration all of the operational requirements listed above, multiple locations around San Diego Bay were considered as possible temporary relocation site options. Of the alternatives reviewed, Site 6a was identified as the superior alternative (ref. Exhibit Nos. 3 & 4). Site 6a is located south of Harbor Island and north of the federal navigation channel (ref. Exhibit #2).



The project is therefore proposing the bait barges be located to the area shown as Site 6a on Exhibit #2 beginning on September 16<sup>th</sup> and returning to the existing location by March 31<sup>st</sup> annually for a period of four years, with the first relocation not occurring until January, 2014. It is anticipated that the barges will be returned permanently to the existing location by April of 2017.

## **B. PUBLIC ACCESS/RECREATION**

Section 30210 states:

*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 30212(a) states, in part:

*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, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected.*

Section 30220 states:

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

Section 30224 states:

*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 project under review proposes relocating two existing barges, with the western bait barge measuring approximately 750 feet from buoy to buoy and the eastern bait barge about 630 feet from buoy to buoy, to a new location, also in San Diego Bay, south of Harbor Island and north of the federal navigation channel (ref. Exhibit #2). San Diego Bay is highly utilized bay, 12 miles long and 1 to 3 miles wide, and is the third largest of the three large, protected natural bays on California's coast. The Bay is comprised of a number of uses/features including Coronado Island, Coronado Bridge, North Island Naval Air Station and Point Loma Navy Base, Shelter Island, America's Cup Harbor, 10 anchorages 4 public launch ramps, and 5 fishing piers,

amongst others (ref. Exhibit #2). The eastern side of the bay is protected from ocean waves and thus is an area mostly used by sailboats. There is only one outlet to the ocean, on the northwestern side of the bay adjacent to Ballast Point (ref. Exhibit Nos. 1 & 2). As such, boat navigation is complex as boats as large as Navy air craft carriers and as small as personal sailboats share one entrance/exit from the Bay. Thus, the location of two bait barges, each over 500 feet long, could have impacts to access by boaters within the Bay waters.

Currently the bait barges are located on the western side of the bay and adjacent to the Navy fuel pier. Because the Navy fuel pier is a restricted area of the bay, there is less frequent boat traffic in this area compared to other sections of the bay. In addition, the location of the bait barges is convenient for sportsfishermen, in that the current location allows for easy access by the fishing vessels as the boats exit San Diego Bay (ref. Exhibit #2). As previously discussed, the current location of the bait barges is within an area identified by the Navy as the "Zone of Influence." The Zone of Influence is an area where the noise associated with construction activities is at levels high enough to disrupt and/or injure marine mammals. In order to prevent such impacts, the bait barges have to be relocated outside this Zone of Influence. However, the proposed location for the bait barges may result in impacts to public access in several ways. First, most of the recreational fishing boats are docked west of the new location and as such, the vessels will now have to traverse east across the bay, pick up bait, and then travel back across the bay to exit at Ballast Point. Second, the location of the barges can interfere with general boat navigation because this new route that will have to be taken by all boats that desire to purchase bait from the Everingham Brothers bait barges will also increase the general amount of traffic within the bay. In addition, just having the barge out in the water will result in a navigation hazard as recreational boats sailing in this part of the bay must now navigate around them. As such, identifying the most appropriate location for the barges needs to consider these concerns.

However, the barges also have several very specific locational requirements, including:

- 1) Bait fish require a maximum water temperature of 70 degrees Fahrenheit and a linear current flow to maintain sufficient oxygen levels in cages.
- 2) The barges must be located away from the strong wind and waves outside the bay to prevent damage.
- 3) Water depth must be in the range of 35 below Mean Low Low Water (MLLW) so that there is sufficient clearance between the bottom of the 11 foot high receivers and the bay bottom that movements of swells high and low tides do not push receivers only the bay bottom and break them.
- 4) A minimum distance of 460 feet to shallow water is necessary to prevent the barges from being damaged by hitting the sea floor when moved by winds or currents.
- 5) A minimum distance of 460 feet of open water is needed between the two barges to allow customer and Everingham Brothers Bait Company vessels adequate space to safely maneuver to and access the barge's compartments. Customers must be able to access both sides of both barges.
- 6) Bait barges cannot be located too close to the Naval Air Station North Island due to bird air strike concerns.
- 7) The bait barges would have to be located within waters that were owned by willing leasers.

- 8) The bait barges cannot be located in waters that provide eelgrass habitat.

Based upon the operational requirements discussed above, multiple locations around San Diego Bay were considered as possible temporary relocation sites for the bait barges. Table 2-11 presents the potential bay-wide sites considered and the reasons why they were found to be unsuitable for temporary relocation of the bait barges (ref. Exhibit #3). Specifically, two were eliminated due to water depth and swell concerns. Two more were eliminated due to their proximity to the Naval Air Base. The proximity to the naval air base was a concern because the barges often attract birds, and those birds could be strike hazards for planes taking off and landing at the Naval air base. One was eliminated due to the presence of eelgrass. The sixth option was eliminated because it was still located within the "Zone of Influence" and thus would not provide adequate protection to marine mammals. Thus, of the seven bay-wide sites initially considered, the only area that was found to offer all conditions (water, wave, and depth) suitable to the bait fish and bait barge operations in combination with safety for Navy aircraft operations is the area southeast of Harbor Island (ref. Exhibit #3).

This area was then further refined such that eight site options around the southeastern end of Harbor Island were evaluated to determine the most feasible location to relocate the bait barges. Exhibit #4 presents the eight Harbor Island sites initially proposed for relocating the bait barges, and the reasons various alternatives were eliminated. Options 4A and 6a on California State Lands Commission lands were the only sites being considered for temporary relocation of the bait barges. Based on input received from various interested parties, option 6a was determined to be the best place to relocate the barges.

Site 6a is located within the section of the bay frequently used by smaller-scale private and recreational boaters, and thus concerns still remain that the location of the barges could result navigation restrictions for these boaters. However, these impacts are not considered significant for a number of reasons. First, the barges would only be relocated to the proposed locations during the non-peak boating season (September 16th through March 31st) and would return to the current, and preferred location, during the peak boating season. Second, the majority of patrons to the bait barges purchase bait late at night or very early in the morning, often while it's dark outside, thus the majority of boat traffic associated with the barges will be during times that recreational boaters are not on the water. Third, the proposed and preferred location of the barges will not prevent safe navigation for boaters in that it is located 1,300 from shore and 2,900 feet away from the restricted navigation channel (the navigation channel is only open to boaters when larger ships are not navigating in Bay) and 3,800 feet away from Coronado Island, and thus there remains ample space for boats to safely navigate around the barges (ref. Exhibit #2). In addition, the applicant has provided three letters of support from the San Diego Port Tenants Association, the Sportsfishing Association of California (an association of 165 companies engaged in sportfishing operations in Southern California), as well as, the Coronado Yacht Club (ref. Exhibit #6).

The only remaining potential impacts associated with the proposed location is that the location of the bait barges is within an area that is used for a number of recreational boat race routes. However, these routes vary from year to year and are subject to U.S. Coast Guard and U.S. Army Corps of Engineers permitting requirements, and thus can be rerouted. That being said, to ensure

that sufficient notice is provided to those entities so that they have the time to reroute the course way if necessary, **Special Condition #1** requires the applicant to submit a final noticing package that includes providing notice to a number of yacht clubs and in a number of boating publications no less than 30 days prior to any relocation of the barges. Thus, the project impacts to public access for recreational boaters are minimal and adequately mitigated for, consistent with the applicable policies of the Coastal Act.

In conclusion, the bait barges will be relocated from an area with minimal boat traffic to an area with more boat traffic, and thus could result in impacts to navigational access. To reduce the potential impacts to access, a number of alternative sites were reviewed. However, many of these alternative sites were eliminated due to operational and locational restrictions for the bait barges. Site 6a was identified as the superior alternative. Based on the above discussion, the proposed barge relocation will have minimal impacts on access and recreation in that it will be done in the off season and will be in an area where recreational boats can easily navigate around. This site is also located in an area that is occasionally used as race course ways for various yacht and sail boat races, however, the race course ways can be relocated. **Special Condition #1** has been included and requires the applicant to submit a final noticing package that includes notice be provided to a number of yacht clubs and in a number of local boating locations to provide adequate time for race administrators to relocate the race course way. Therefore, as conditioned the project has reduced impacts to public access to the maximum extent practicable and thus can be found consistent with the public access policies of the Coastal Act.

### **C. FISHING INDUSTRY**

Section 30234 of the Coastal Act states:

*Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

Section 30234.5 of the Coastal Act states:

*The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

The Everingham Brothers Bait Company bait barges provide a facility that serves the commercial and recreational fishing industry. Many party/charter fishing and private/rental fishing trips, heading out from the bay to ocean fishing areas, stop by the bait barges to purchase live bait. At its current location, the Everingham Brothers Bait Company operation is well positioned for this role – from almost every harbor or launch ramp in San Diego Bay, the bait barges are “on the way” to the ocean. During certain periods of construction, however, the bait barges would be required to relocate further into San Diego Bay, which would place them ‘out of the way’ for most ocean fishing trips – these fishing trips would, as a result of the proposed

action, need to travel extra distance and spend valuable time to patronize the bait barges. As measured in economic impacts, the relocation of the bait barges would add cost to those fishing trips that are reliant upon the bait barges. Additional cost associated with recreational fishing trips could discourage recreational fishing and potentially reduce the number of people who partake in ocean fishing trips in San Diego County. The Everingham Brothers Bait Company indicated that they expected a reduction in private/rental business of 10 percent to 15 percent during times that the bait barges would be relocated, and thus, a proposed the location of the bait barges would result in economic impacts to this facility that serves the commercial and recreational fishing industries.

To address this concern, a number of alternatives were considered in order to minimize such impacts. However, as previously discussed in Section "B" above, there are a number of limitations for the location of the bait barges. These restrictions include: specific sea water temperature requirements, water depth requirements, are limited to areas safe from large swell and storm waves, cannot be located in proximity to the Naval Air Station, and still must remain in San Diego Bay. Of the seven bay-wide sites identified, Site 6a (adjacent to Harbor Island) was determined to be the superior alternative (ref. Exhibit #3). Within this area, an additional eight alternatives were reviewed. Many of these alternatives were eliminated because if the barges are located too close to Harbor Island, there would not be enough space for boats to dock on both sides of the bait barges. Therefore, while locating the barges further east into the bay is not the ideal situation for boaters getting bait, there is no feasible superior option. It is important to note here that while the subject bait barges are the only place to purchase bait within the Bay, there are a number of alternative places in the communities surrounding the bay to purchase bait. Thus, the majority of commercial/recreational fishermen will either a) continue to get bait from the bait barges at the new location, or, 2) will get bait from somewhere else if they can. In addition, as noted previously, the bait barge location is temporary (4 years) and will only occur during the off-peak times, when there are fewer recreational fishing trips. Therefore the number of recreational and tourist trips as well as commercial fishing excursions impacted due to the relocation of the bait barges will be very limited. However, it is important to provide enough time for patrons to prepare for the relocation, so that they can get bait elsewhere, or allow for the time it will take to purchase bait at the new bait barge locations. As such, **Special Condition #1** requires the applicant to submit a final noticing package that includes notice be provided at all the sportfishing landings, a number of fishing publications, as well as on the bait barges themselves. Thus, the patrons will have ample notice, and will be able to plan for when the bait barges will be located at this eastern and temporary location. In addition **Special Condition #2** requires that the Commission review all project modifications. Thus, should the Everingham Brothers Bait Company determine that the identified relocation site is providing a significant deterrent to commercial or recreational fishing industries; a new alternative can be proposed. Therefore, as conditioned, the proposed project will not result in significant impacts to the commercial or recreational fishing industries, consistent with the applicable policies of the Coastal Act.

## **D. MARINE RESOURCES**

Section 30230 of the Coastal Act states:

*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 30231 of the Coastal Act states:

*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.*

The proposed development includes the temporary relocation of two bait barges, currently located approximately 0.3 miles south of the existing fuel pier to a new location, still within San Diego bay, but east of the current location, adjacent to Harbor Island (ref. Exhibit #2). Marine mammals and birds often visit these barges, thus there is a potential that the relocation could alter/disrupt their behaviors. In addition, if the barges are relocated to an area where the ocean bottom is vegetated with eelgrass, and essential fish habitat type, there could also be impacts to marine fishes. Each potential impact is discussed separately below.

### Mammals

As previously discussed, the purposed for relocating the bait barges is to ensure adequate protection of the marine mammals that often frequent and haul out on the bait barges. Beginning in January 2014, the Navy will commence on a project to demolish and reconstruct the existing fuel pier. This pier is located approximately 0.3 miles away from the current location of the bait barges. As defined by NOAA, construction noise levels higher than 160 decibels (dB) or greater will result in impacts to marine mammals, either through injury or alteration of behavior. Due to this potential for impacts to marine mammals, the Navy identified a “Zone of Influence” where construction noise would result in impacts to marine mammals. The Everingham Brothers bait barges are currently located within identified impact zone. These barges are a popular location for hauling out by California sea lions. In order to eliminate such impacts the bait barges must be relocated. Construction activities associated with the Navy pier replacement are proposed outside the bird breeding season (March 31<sup>st</sup> - September 15<sup>th</sup> of any year), and would occur annually for 4 years. Thus, the bait barges would need to be relocated beginning mid-September and return to the current location the end of March over the next four years. It is proposed that

the sea lions will either follow the barges to the new location, as there are existing hauling out sites in close proximity to the proposed barge locations (ref. Exhibit # 5) or find a new location to haul out. By relocating the barges, the hauled-out marine mammals will not be affected during any construction activities that could be harmful to such animals. As such, the proposed project will not result in impacts to marine mammals.

### Fish

Both proposed bait barge temporary relocation sites are located within San Diego Bay. Numerous areas of eel grass have been found within San Diego Bay (ref. Exhibit #7). Eel grass is considered an “essential fish habitat”. An Essential Fish Habitat is defined by NOAA as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. Thus, relocating the bait barges to an area that is currently vegetated with eel grass could result in impacts to marine fishes. However, in this case, both the current and the proposed locations for the bait barges is over deep subtidal habitat that does not provide the necessary environment for eelgrass. Therefore, the temporary relocation of the bait barges would not result in any impacts to these habitats or communities. Both of the proposed bait barge temporary relocation sites are similar to the existing location in that they are located over deep subtidal habitat.

### Birds

The temporary relocation of the bait barges may result in localized changes in bird densities but would otherwise not result in any impacts to birds. Area birds normally resting on the bait barges are not expected to follow the barges to their new (temporary) location at Harbor Island East. The birds on the bait barges are predominantly cormorants, western gulls, herons, and pelicans. The cormorants and herons nest in the eucalyptus trees at Naval Base Point Loma (NBPL) near the existing bait barge location. Pelicans nest in offshore islands. All three of these species are tightly tied to their nesting sites and would likely remain at or near their nesting sites despite the relocation of their intermittent resting site on the bait barges. Since the primary activity for the birds at the bait barges is loafing and their primary foraging area is in the North Bay and offshore, the birds are expected to stay in the North Bay area and to find another intermittent resting location or locations. At NBPL they may find such a resting location at Navy piers such as the Magnetic Silencing Pier or the beach area shoreward of that pier. In conclusion, no impacts to shorebirds are anticipated with the proposed development.

### Sandy Bottom (Ocean Floor) Marine Resources

As proposed, the barges will drop the existing anchors, and be moved to a new location and attached to new anchors during active construction of the associated Navy fuel pier replacement project. As previously discussed, there are no impacts to eelgrass associated with the anchoring of the barges as the location of the barges is too deep for eelgrass. However, there still remains a concern that the new anchors could result in impacts to the sandy bottom ocean floor. As proposed and depending on the size of the barge, 3,000- or 5,000-pound anchors will be used. An anchor will be dropped into the water at each side of the barge, for a total of four anchors. In addition, the proposed anchors will be removed when the barges are moved back to the original location during the times when the Navy is not actively constructing the fuel pier, and, the

anchors will be removed upon completion of the Navy project. The Commission's ecologist has reviewed the proposal and has indicated that given the project is temporary and for only a portion of each year the potential for impacts are very limited. The Commission's ecologist further indicated that given the habitat type (sandy bottom) there is no ecological value that could be impacted through the temporary dropping of four metal anchors. Thus, the additional four metal anchors needed for the proposed relocation site will not result in any impacts to any sandy bottom based marine resources.

In conclusion, the relocation of the bait barges, will provide a new location for sea lions to haul out that won't be within the identified impacts zone for the associated Navy pier project, will not be located in an area that will result in impacts to eelgrass, and will not significantly modify the behavior of any protected bird species, and will not impacts any sandy bottom marine resources; and, can therefore, be found consistent with the Coastal Act as proposed.

## **E. WATER QUALITY**

Section 30230 of the Coastal Act states:

*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 30231 of the Coastal Act states:

*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.*

The bait barges have a total of three diesel storage tanks: one 1,500-gallon tank and two 240 gallon. The storage tanks contain fuel for a generator that powers pumps, lights, and other equipment. The barges have rooms that are specially built as containment structures for the tanks and are capable of capturing the tank contents in the event of a leak. That being said, there is still a potential for impacts to surrounding water quality if an unanticipated spill occurs during the barge's relocation.

A number of measures have been incorporated into the applicant proposal to address such concerns. Specifically the applicant has indicated that hazardous materials such as fresh oil, waste oil, and paint on the bait barges are handled and stored according to the Navy's



requirements as well as all applicable state, and county regulations. In addition, all the company's barges and vessels have onboard, and follow a policy book for hazardous materials training that was developed by a hazardous materials consultant according to applicable state and county regulations. All Everingham Brothers barge and boat personnel are trained according to this policy book. All the barges and skiffs have spill kits on board. Wastes from the maintenance operations are properly stored on the barges until they are removed by Evergreen Environmental Services for proper disposal.

The applicant has further included additional water quality mitigation measures being included during the times when the barges are in route. These measures include booms and other spill containment to be kept on hand and will be immediately deployed in the event of an accidental spill. In addition, if any petroleum release or petroleum sheen is observed, the applicant will report such incidents to all the appropriate agencies. As such, adequate measures have been taken to prevent any impacts to water quality associated with the relocation of the bait barges and the project can therefore be found consistent with the Coastal Act as proposed.

## **F. LOCAL COASTAL PLANNING**

The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act is the legal standard of review. As conditioned, the proposed development is consistent with all applicable Chapter 3 of the Coastal Act.

## **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing public notification requirements and potential project modifications will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

6-13-0397 (Everingham Brothers Bait Co.)

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. Consistency Determination #CD-011-13
2. Naval Base Point Loma Fuel Pier Replacement and Dredging (P-151/DESC1306)  
Environmental Assessment, dated September, 2012



Figure 1-1  
Regional Location - Pier 180 Replacement  
Naval Base Point Loma - Point Loma Complex

Source: Navy, NAVTAC Southwest, and Port of San Diego 2010

1-2  
Draft Working Document FOUO

EXHIBIT NO. 1  
APPLICATION NO.  
**6-13-0397**  
Regional Location



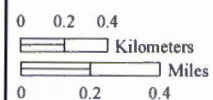
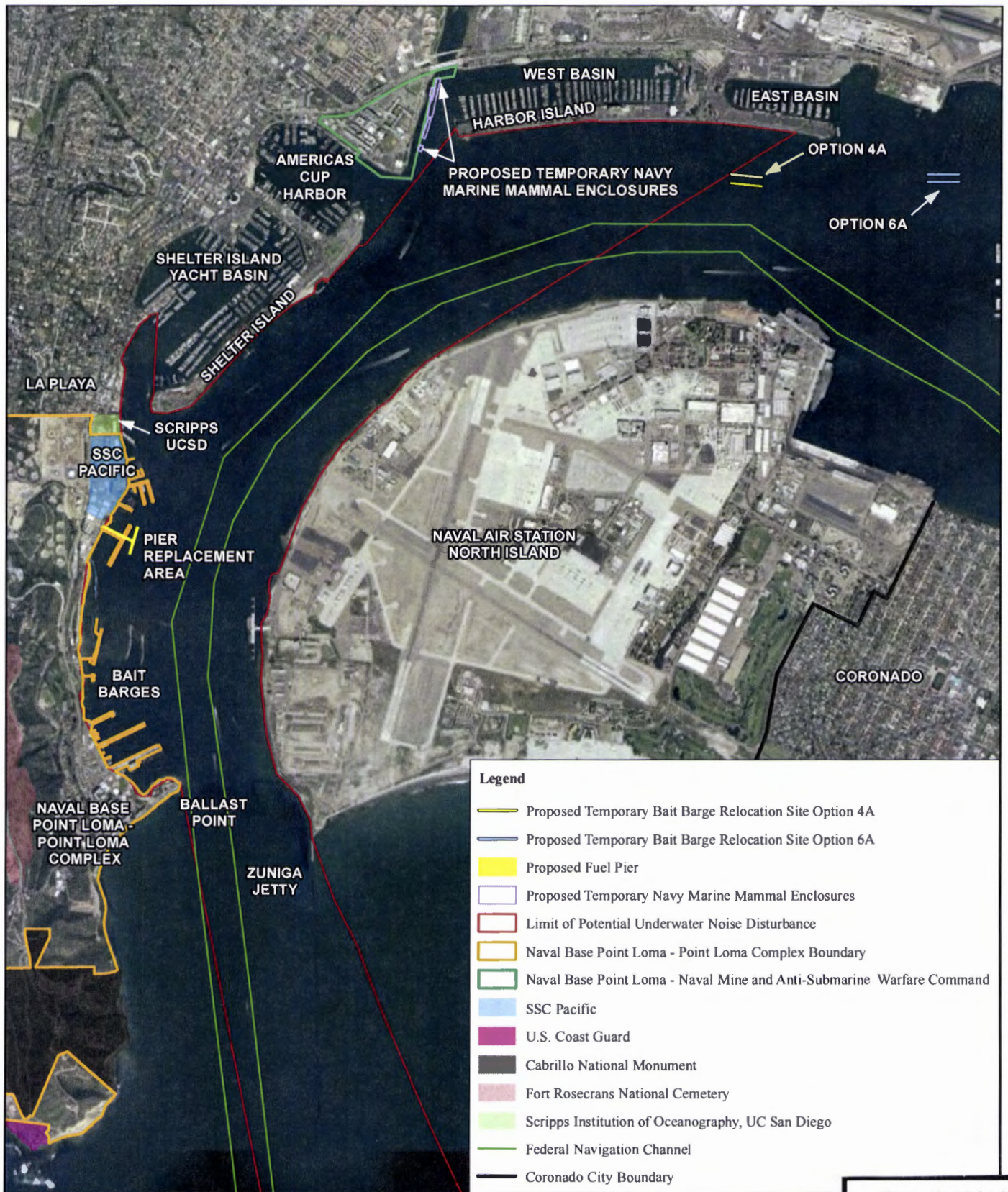


Figure 2-2  
Limit of Potential Underwater Noise Disturbance and Proposed Temporary Relocation Sites for Navy Marine Mammal Program and Bait Barges

Source: NAVFAC Southwest 2011a, 2012a; Navy 2007





Figure 2-11  
 Potential Bait Barge Temporary Relocation Sites Initially Considered Bay-W

EXHIBIT NO. 3  
 APPLICATION NO.  
**6-13-0397**

Alternative Locations  
 Analyzed Throughout  
 the Bay

Page 1 of 2



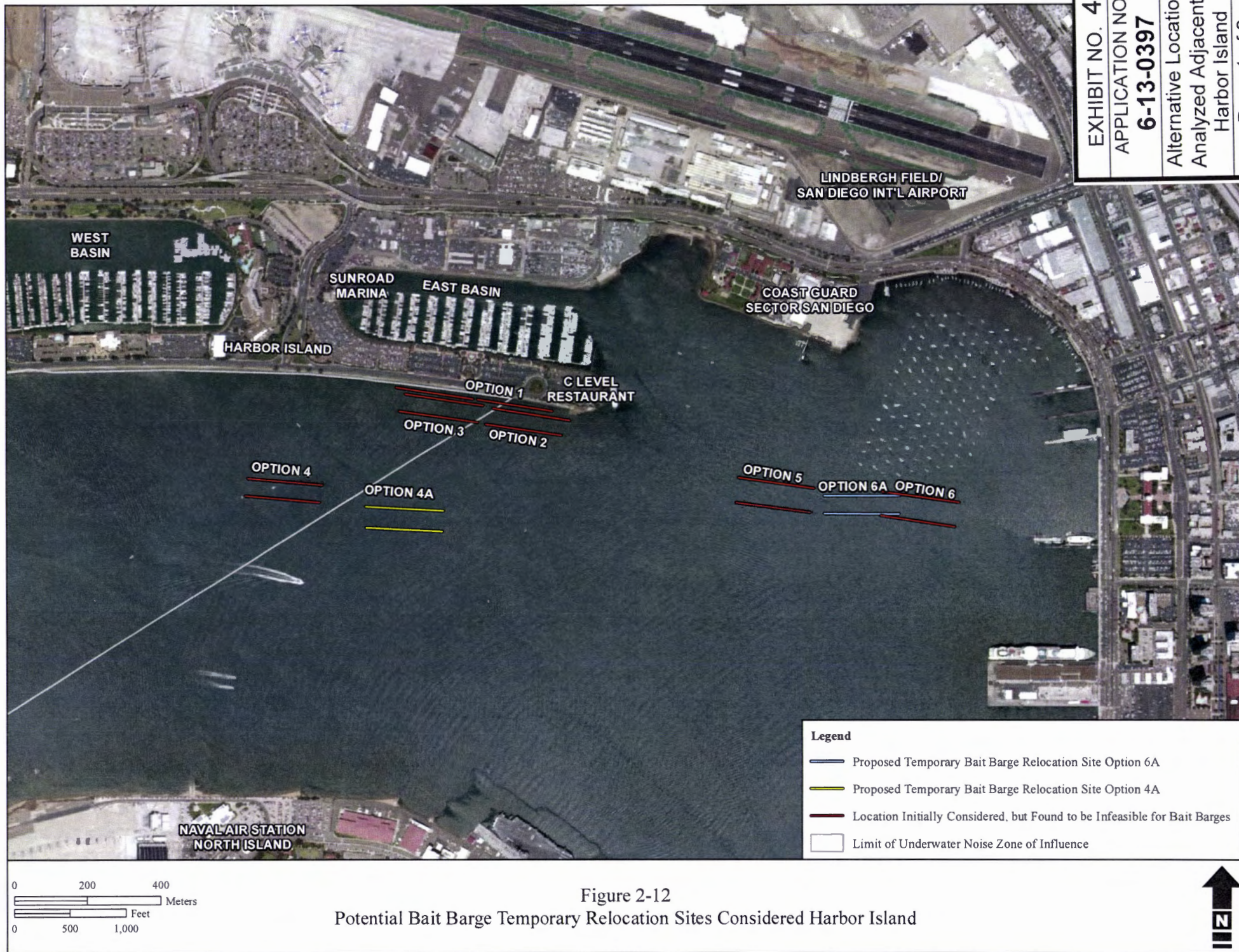
**Table 2-11. Potential Bait Barge Bay-wide Temporary Relocation Areas Initially Considered**

<i>Initial Consideration</i>	<i>General Location</i>	<i>Owner</i>	<i>Site Restrictions</i>
CSLC 1	East of Zuniga Jetty	CSLC	<ul style="list-style-type: none"> <li>• Depth and swell issues.</li> </ul>
CSLC 2	South of Ballast Point	CSLC	<ul style="list-style-type: none"> <li>• Depth and swell issues.</li> </ul>
NBC 3	NAS North Island (north)	Navy	<ul style="list-style-type: none"> <li>• Bird air strike hazard for NAS North Island aircraft</li> </ul>
NBC 4	NAS North Island (northeast)	Navy	<ul style="list-style-type: none"> <li>• Bird air strike hazard for NAS North Island aircraft</li> </ul>
NBPL 5	America's Cup Harbor, adjacent to NMAWC	Navy	<ul style="list-style-type: none"> <li>• Eelgrass is present.</li> <li>• Ownership boundary issues.</li> </ul>
SDUPD 6	Harbor Island (southeast)	Port of San Diego	<ul style="list-style-type: none"> <li>• No site restrictions. SDUPD 6 was carried forward for additional development, resulting in the options shown in Table 2-12.</li> </ul>
SDUPD 7	Harbor Island (central)	Port of San Diego	<ul style="list-style-type: none"> <li>• Within the 120 dB Zone of Influence for underwater construction sound</li> </ul>

Notes: CSLC = California State Lands Commission, NBC = Naval Base Coronado, NBPL = Naval Base Point Loma, SDUPD = San Diego Unified Port District, NAS = Naval Air Station, dB = Decibel, ZOI = Zone of Influence.

Source: NAVFAC Southwest 2012c; Everingham Brothers Bait Company 2012.







**Table 2-12. Potential Bait Barge Harbor Island Relocation Sites**

<i>Option</i>	<i>Location</i>	<i>Layout</i>	<i>Owner</i>	<i>Site Restrictions</i>
1	Southeast Harbor Island, parallel to Harbor Island Drive	End-to-end	Port of San Diego	<ul style="list-style-type: none"> <li>• The side closest to Harbor Island would not be operational for both bait barges</li> <li>• The eastern bait barge would overlap eelgrass</li> <li>• Potential depth issues for both barges</li> <li>• Potential impacts to the C Level restaurant</li> <li>• Within the 120 dB ZOI</li> </ul>
2	Southeast Harbor Island, parallel to Harbor Island Drive	Side-to-Side	Port of San Diego and CSLC	<ul style="list-style-type: none"> <li>• One side of one bait barge would not be operational</li> <li>• The northern bait barge would overlap eelgrass</li> <li>• Potential depth issues for the northern barge</li> <li>• Potential impacts to the C Level restaurant</li> </ul>
3	Southeast Harbor Island, parallel to Harbor Island Drive, west of Option 2	Side-to-Side	Port of San Diego and CSLC	<ul style="list-style-type: none"> <li>• One side of one bait barge would not be operational</li> <li>• Potential eelgrass overlap</li> <li>• Potential depth issues for the northern barge</li> <li>• Within the 120 dB ZOI for underwater construction sound</li> </ul>
4	West of Option 4A	Side-to-Side	CSLC	<ul style="list-style-type: none"> <li>• Within the 120 dB ZOI for underwater construction sound</li> </ul>
4A	<i>See Figure 2-2</i>	<i>Side-to-Side</i>	CSLC	<ul style="list-style-type: none"> <li>• <i>Under consideration</i></li> </ul>
5	West of Option 6	Side-to-Side	CSLC	<ul style="list-style-type: none"> <li>• Plotted underwater cable corridor in area</li> <li>• Proximity to viewfront of Harbor Island restaurant</li> </ul>
6	East of Option 6A	Side-to-Side	CSLC	<ul style="list-style-type: none"> <li>• Proximity to commercial boating facilities and underwater cables</li> </ul>
6A	<i>See Figure 2-2</i>	<i>Side-to-Side</i>	CSLC	<ul style="list-style-type: none"> <li>• <i>Under consideration</i></li> </ul>

*Notes:* dB = Decibel. ZOI = Zone of Influence, *Source:* Everingham Brothers Bait Company 2012.



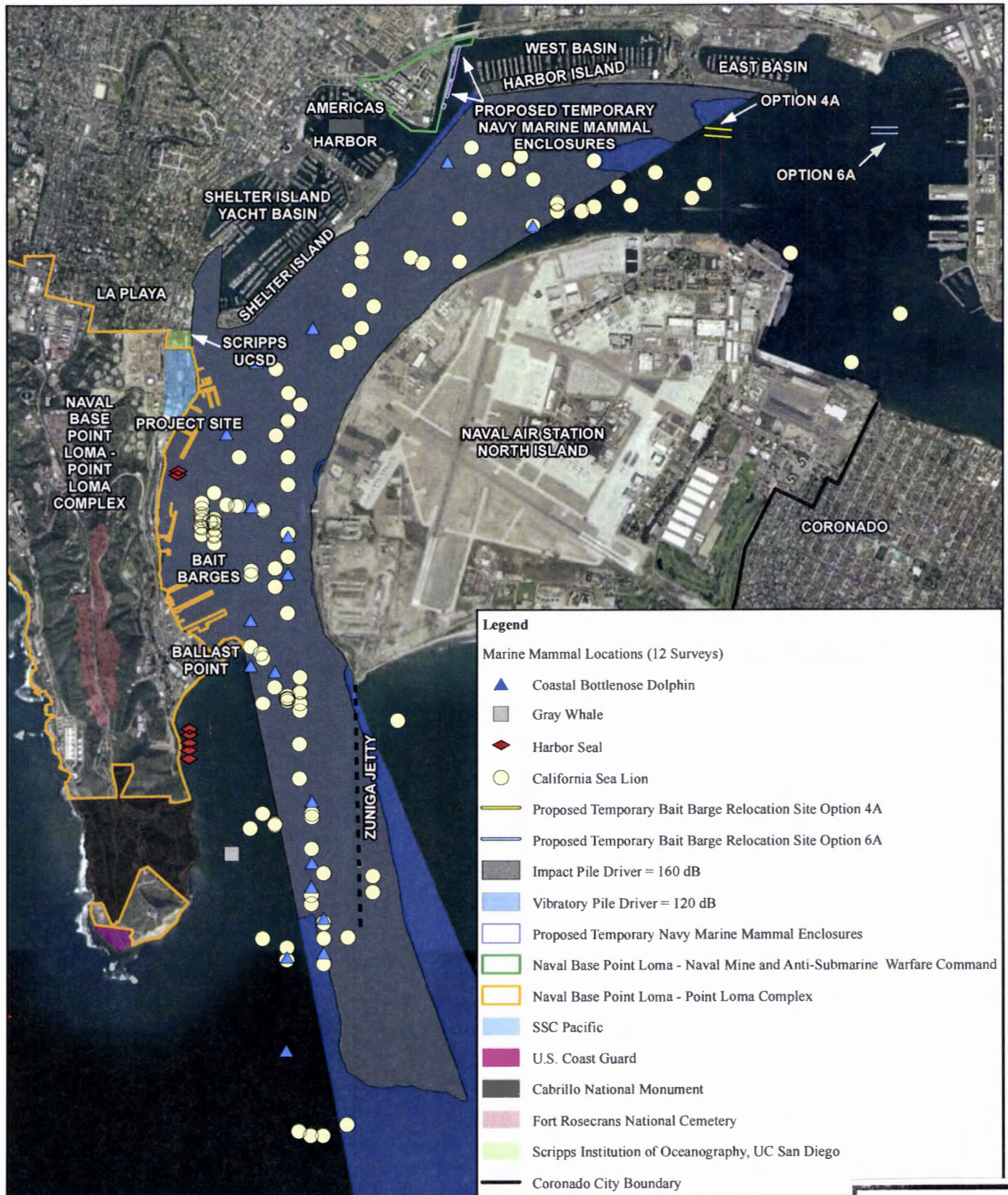


Figure 3.4-2  
Marine Mammal Occurrences in the Project Area (Navy Surveys)

0 0.25 0.5  
Kilometers  
0 0.25 0.5  
Miles



**Ross, Toni@Coastal**

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**From:** Perry Dealy <pdealy@dealydev.com>  
**Sent:** Monday, August 19, 2013 8:31 AM  
**To:** Ross, Toni@Coastal  
**Subject:** FW: SDYC response to proposed Bait Barge relocation locations

Toni, another recent email supporting the 4A from the Yachting (sailing) community. San Diego Yacht Club (SDYC).

We are making good progress on some of those with impacts similar to the SDYC comments.



Perry Dealy  
President and CEO  
Dealy Development, Inc  
3722 Liggett Dr. Suite 101  
San Diego, CA 92106

Office: 619.696.9494

Cell: 619.977.7757

[pdealy@dealydev.com](mailto:pdealy@dealydev.com)

[www.dealydev.com](http://www.dealydev.com) Founded in 1992

*History, Integrity and Performance*

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**From:** Sharon Cloward [<mailto:sharon@sdpta.com>]  
**Sent:** Sunday, August 18, 2013 5:33 PM  
**To:** Mitchell Perdue; Lisa Seneca  
**Subject:** FW: SDYC response to proposed Bait Barge relocation locations

*Sharon Bernie-Cloward, President*  
San Diego Port Tenants Association | Cell: 619.246.1916

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**From:** John Laun [<mailto:jlaun@earthlink.net>]  
**Sent:** Saturday, August 17, 2013 5:47 PM  
**To:** Sharon Bernie-Cloward  
**Subject:** FW: SDYC response to proposed Bait Barge relocation locations

Hi Sharon,  
FYI.  
John Laun  
619.840.4804

-----  
**From:** Summer Greene <[summer@1011i.com](mailto:summer@1011i.com)>  
**Date:** August 16, 2013 3:50:26 PM PDT

EXHIBIT NO. 6
APPLICATION NO. <b>6-13-0397</b>
Public Comments submitted by the Applicant
Page 1 of 14
 California Coastal Commission

To: Robert.R.Smith@usace.army.mil, John.E.Bannon@uscg.mil  
Cc: Jeff Johnson <sailing@sdyc.org>, Chuck Hope <chope@hope-amundson.com>, Chuck Sinks  
<azteceagleent@gmail.com>

**Subject: SDYC response to proposed Bait Barge relocation locations**

The San Diego Yacht Club (SDYC) Race Committee has reviewed the proposed locations for the temporary relocation of the bait barges from mid-September through March in 2014-2017. Although both locations will impact our normal race areas we believe that location 4A (further west) would have less impact on racing and provide more safety for race boats and bait badge customers.

Looking at our calendar we have quite a few events currently planned in the area and timeframe that maybe effected by either location. They include but are not limited to:

- International Masters Regatta – October Annual
- San Diego Area Yacht Clubs, Doublehanded Luff In - October Annual
- Pacific Coast Interscholastic Sailing Association Women's Championship - October Annual
- Lipton Cup Regatta – November Annual
- San Diego Bay New Year's Day Race – January Annual
- California Dreamin' Match Race – January Annual
- High School Pacific Coast Championships – March/April 2014
- College Match Race Nationals - November 2015
- College Match Race Pacific Coast Championship - November 2014 and 2015

With the exception of the annual New Year's Day Race, each of these events involves 10 to 30 sailboats from 15 to 35 feet competing in fast, short course racing. Competitors will come from the San Diego area as well as Northern California, and the country at large. The short course format combined with visiting teams has a tendency to attract an additional 8-20 assorted power boats for spectating, coaching, etc.

There are several reasons we believe location 4A to be a preferable to 6A, but they boil down to three primary groups; keeping the small boat course clear, keeping start/finish lines and mark rounding away from the barges, and safety:

- Boats under 25 feet generally race between the Maritime Museum and the Coast Guard Station, rarely extending as far west as 4A. Barges at 6A would expose that area to greater power boat traffic, and depending on wind direction could force us to move south, toward the cruise ship terminal and commercial traffic, to keep turning marks away from the bait barge.
- The start/finish lines and turning marks of large boats race are often near both of the proposed locations. With the barges in 4A we can push these critical functions west or east. However, as 6A is so close to the mooring field and Grape Street Pier it would be more difficult to rework race courses with the barges in this location.
- In either location boats will be racing near the bait barges, but it appears that 4A will be safer as there should be plenty of navigable water on all four sides allowing good escape routes for all involved.

I have spoken with both Cortez Racing Association and Southwestern Yacht Club on the issue. Needless to say, no one is excited about bait barge move, as there will be more interaction of sail and power boats. However, the space around 4A should keep these interactions to a minimum. We race under internationally recognized rules which have specific rules on passing obstructions, our racer will just need to brush up a little during this period.

Thanks,  
Summer Greene  
San Diego Yacht Club Race Committee Chair

## Ross, Toni@Coastal

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**From:** Perry Dealy <pdealy@dealydev.com>  
**Sent:** Tuesday, September 10, 2013 2:43 PM  
**To:** Ross, Toni@Coastal  
**Subject:** FW: FW: [EXTERNAL] Fwd: Fwd: Barge Relocation Project - Race course impacts comments

Toni, please see the following emails from the SD Port Tenants Association and CRA Race Committee Chair that accepts the TEMPORARY nature of the bait barge relocation.

-----Original Message-----

**From:** Sharon Cloward [mailto:sharon@sdpta.com]  
**Sent:** Tuesday, September 10, 2013 2:37 PM  
**To:** Perry Dealy  
**Cc:** Lisa Seneca; buckeveringham@aol.com  
**Subject:** FW: FW: [EXTERNAL] Fwd: Fwd: Barge Relocation Project - Race course impacts comments

My belief is that CRA now understands the issue and realizes the Bait barge movement. She will only object if this becomes a permanent location for the bait barges. This should be good enough to give to Coastal.

Sharon Bernie-Cloward, President  
San Diego Port Tenants Association | Cell: 619.246.1916

-----Original Message-----

**From:** sailorcookie@cox.net [mailto:sailorcookie@cox.net]  
**Sent:** Friday, August 23, 2013 6:10 AM  
**To:** sharon@sdpta.com  
**Cc:** Joe Saad  
**Subject:** RE: FW: [EXTERNAL] Fwd: Fwd: Barge Relocation Project - Race course impacts comments

Good Morning Sharon,

Yes, I did have a good conversation with Buck.  
We did discuss the expected traffic and timing.  
There does not seem to be the possibility of limiting the use of one side of the barge arrangement as I had previously suggested.

Buck did mention that in past discussions about bringing in another bait company to provide competition, the 4A area was identified as a location for a permanent barge. While I have no additional comments regarding the placement of the barges for our current, temporary issue, CRA would certainly have input regarding any permanent placement in 4A.

Thank you,  
Colleen Cooke



CRA Race Committee Chair

--- Sharon Cloward <sharon@sdpta.com> wrote:

=====

Good afternoon Colleen,

I understand that you talked to Buck from Everingham Bait Barge today regarding your concerns. I am glad he outreached to you. I was just wondering if CRA is planning to send in any more comments regarding your input on the two proposed locations 4A and 6A. I know that SDYC did weigh in and they have suggested 4A over 6A.

Just trying to follow up ... any input is much appreciated!

Thanks Sharon

Sharon Bernie-Cloward, President  
San Diego Port Tenants Association | Cell: 619.246.1916

-----Original Message-----

From: sailorcookie@cox.net [mailto:sailorcookie@cox.net]

Sent: Saturday, August 17, 2013 11:20 AM

To: 'Joe Saad'; sharon@sdpta.com

Cc: Robert.R.Smith@usace.army.mil; Bill Hall; Sophie Silvestri; Summer Greene; SandraSherman; Susi Graff; Lee Pearce

Subject: RE: FW: [EXTERNAL] Fwd: Fwd: Barge Relocation Project - Race course impacts comments

Dear Sharon,

Thank you for your communication.

Please understand that this is not the first time CRA has raised issues with the choices you are providing for the bait barges.

As long ago as June 2012 our position on having bait barges in either proposed location was brought to the hearings. CRA and I are not latecomers to this issue; our concerns have been ignored.

CRA enjoys a good relationship with the area yachts clubs because CRA members are members of the area yacht clubs. We all fully understand and appreciate the ramifications of the bait barge placement for each other, as I explained in my e-mail to Robert Smith, below.

Sharon, I believe this choice is a false dichotomy. It has been apparent for a year that the placement of the bait barges into the recreational sailing area would move forward. Please do not expect CRA to sign off on either choice; our concerns for the safety of boaters prevent this.

In closing, I do not feel I need to revise my earlier comments. I would, however, like to invite members of the Port Tenants Association to be CRA's guests aboard our Race Committee boat on Saturday, August 24, for the Sharp HospiceCare Benefit Regatta. Our boat will be a 50' trawler, so should prove spacious enough for a few of you. CRA will provide lunch, a great view of sailboat racing and perhaps some interactive race committee duties, and an after-race party event complete with bar-be-que and music at Coronado Yacht Club. Please forward the contact information for interested folks in addition to yourself immediately.

Sincerely,

Colleen Cooke  
CRA Race Committee Chair

----- Sharon Cloward <sharon@sdpta.com> wrote:

=====

Dear Joe,

Thanks for passing along Colleen's information. For Colleen as stated in my email below to Joe, we have had numerous outreach meetings done on the temporary placement of the bait barges. We ruled out the locations you are suggesting in your comment letter 'the Zuniga Jetty and Ballast point' due to other conflicting issues that cannot be resolved. Therefore, the only choices that are left are 4A and 6A. Knowing full well these are the two choices I am hoping that CRA will weigh in on their preferred location. I know the Yacht Clubs will be weighing in on a preferred location so you may want to discuss their preferred location prior to revising your earlier comments. If you would like to talk to me on the phone, I am available via cell phone at 619-246-1916. Please let me know your plans.

Warmest regards,

Sharon

Sharon Bernie-Cloward, President

San Diego Port Tenants Association | Cell: 619.246.1916

From: Joe Saad [mailto:joe@joesaad.com]

Sent: Friday, August 16, 2013 4:41 PM

To: sharon@sdpta.com

Cc: Colleen Cook

Subject: Re: FW: [EXTERNAL] Fwd: Fwd: Barge Relocation Project - Race course impacts comments

Hi Sharon:

Please understand that the person most concerned with the relocation of the Bait barges is our Race Committee Chair Colleen Cooke (copied herewith)

She has a more practical and analytical view of the situation and I defer to her judgement in this respect.

I am sure she will know better than anyone in our organization (CRA) the impact on placing the barges in the middle of the Bay, be it option 6A or 6B.

You may contact and discuss with her directly her point of view and her input in this situation.

Best regards

On Thu, Aug 15, 2013 at 2:39 PM, Sharon Cloward <sharon@sdpta.com> wrote:

Hi Joe,

I need your help... please.... as discussed earlier with you this year, the preferred placement of the Bait Barge is option 4A, due to the Coast Guard saying they have a "bird strike" issue if it is placed at option 6A. That said, I am little taken by surprise at the email below that states that CRA has concerns about "both" option 4A and 6A. As you know, we all provided a lot of input late last year and earlier this year and these two locations were the only places available to move the barges due to depth concerns and issues with the bait dying etc. (Ballast Point and the other side of Zuniga jetty were taken into consideration and then removed due to major issues that were addressed in many of our outreach meetings). Now it looks like we are addressing this issue all over again?

The Navy is going to build their fuel dock and the bait barges need to be moved temporarily. We have to remember, the timing of moving the bait barges "is not" during the busy race season. We ALL "Anglers and Sailors" need to find a compromise. Making a statement like the one below is not a compromise nor does it provide a solution. If we make a big deal about the temporary placement of the barges it could become a bigger problem in the future if the Navy decides not to allow the bait barge company to lease a space at Pt. Loma Navy site.

Many thanks, in advance, for your help in educating your Race Committee Chair.

Warm regards,  
Sharon

Sharon Bernie-Cloward, President  
San Diego Port Tenants Association | Cell: 619.246.1916

-----Original Message-----

From: Smith, Robert R SPL [mailto:Robert.R.Smith@usace.army.mil]

Sent: Thursday, August 15, 2013 7:06 AM

To: Coler, Kari J CIV NAVFAC SW, OPME; John.E.Bannon@uscg.mil; Perdue, Mitchell A CIV NAVFAC SW; Seneca, Lisa A CIV NAVFAC SW, Coastal IPT; Perry Dealy

Subject: FW: [EXTERNAL] Fwd: Fwd: Barge Relocation Project - Race course impacts comments

All,

Attached is the email I just got from CRA and the Cortez Racing folks. Can you see how we can respond and/or mitigate their concerns as to how Alternative 4A impacts their races. Thanks.

Robert Revo Smith Jr., P.E., M. ASCE  
Environmental Engineer/Civil Engineer  
Senior Regulatory Project Manager Carlsbad Field Office  
5900 La Place Ct., Suite 100



Carlsbad, CA 92008

(760) 602-4831 <tel:%28760%29%20602-4831> /cell (760) 683-4454 <tel:%28760%29%20683-4454> fax (760) 602-4848  
<tel:%28760%29%20602-4848> email robert.r.smith@usace.army.mil

Assist us in better serving you!

You are invited to complete our customer survey, located at the following

link:

<http://per2.nwp.usace.army.mil/survey.html>

Note: If the link is not active, copy and paste it into your internet browser.

-----Original Message-----

From: sailorcookie@cox.net [mailto:sailorcookie@cox.net]

Sent: Wednesday, August 14, 2013 4:57 PM

To: Smith, Robert R SPL

Cc: Joe Saad; Summer Greene

Subject: [EXTERNAL] Fwd: Fwd: Barge Relocation Project

Good Afternoon Robert,

Joe Saad referred me to you. I am CRA's Race Committee Chair and I am usually the person choosing the courses for our racers.

I have attached a chart of the course layout points Joe sent to you. I have also included here the lat/long of the inflatable marks we set ourselves.

Besides these, we use the government buoys. "RC" refers to the placement of the Race Committee boat. "A" is the mark at the other end of the start/finish line from the RC boat.

Mark	Deg.N	Min. N	Deg. W	Min. W
------	-------	--------	--------	--------

RC	32	43.370	117	12.030
A	32	43.320	117	12.030
X	32	43.350	117	12.770
Y	32	43.170	117	12.670
Z	32	43.210	117	10.660

I am highly concerned with the use of either location 4A or 6A for the bait barges, as I fear this will eventually lead to a collision between a sailboat and a power boat.

Concerns surrounding location 6A:

As you can see by the CRA course chart Joe provided and the coordinates of mark "Z" in this message, the usual wind direction makes "Z" a leeward mark.

For sailboat racers, that means many boats converge on that point on a downwind heading, round the mark, and then depart it on an upwind heading.

These "leeward" mark roundings are the area of most rules concerns and protests already in sailboat racing. Crews no longer all have their heads out of the boat as many are turning to the task of lowering the boat's spinnaker, putting up a headsail, and getting the boat ready to round the mark. It takes a bit of time after rounding the mark for the crews to be finished and back on the rail, heading upwind at full speed, with all heads out of the boat and looking around. I foresee

fishing boats traversing this area at the same time sailboats are converging on mark "Z" and then turning and heading away from it.

This area of the bay is also frequently used by SDYC for their match racing.

I've cc'd Summer Greene here, SDYC's Race Committee Chair. I also umpire for these events and we set our windward/leeward courses with the start in front of the Star of India and the weather mark about a half mile to weather of that. I believe that puts the course right over top of the bait barge itself and certainly the boats entering and exiting the area. This area has become a popular venue for match racing and college sailing. The proximity to the city front and viewing by the public are benefits to San Diego that were an integral part of the decision to use this as a racing area. SDYC also holds it's very prestigious Masters events and the Lipton Cup in that area.

Concerns surrounding location 4A:

It appears the barge would lie in a generally windward/leeward direction in position 4A. At this point in our sailboat racing, sailors would be either going mostly straight downwind or tacking upwind. The barge would become an obstruction on our course as racers head back to finish upwind at the Race Committee boat. We do have rules to handle sailboats at obstructions, but I fear the actions of power boats who are approaching their destination and not keeping a lookout for sailboats that will sail very close to them before tacking due to the short-tacking situation created by the narrow corridor that is created by the limiting barge. It seems there will be a lot of traffic there.

I'm not sure about the placement of the barge at 4A in relationship to the mooring buoy FM19. As is seen in CRA's course sheet, this is a commonly used leeward mark, also. I could cite the same issues with 6A above, and additionally, this mark becomes more of an issue dependent upon its proximity to the barge.

Robert, between the concerns of the racing sailors of San Diego bay, the Coast Guard's helicopter operations, the unsightly view from the hotels, and the huge amount of distance for the fishermen, I can't see either of these options as viable.

It makes much more sense to put the bait barges either just to the south of Ballast Point, or on the other side of Zuniga jetty.

Your assistance in helping to save our bay as a beautiful, enjoyable and safe recreation area is greatly appreciated.

Sincerely,  
Colleen Cooke  
CRA Race Committee Chair  
(619)852-5010

----- Forwarded message -----

From: Smith, Robert R SPL <Robert.R.Smith@usace.army.mil>  
Date: Thu, Aug 8, 2013 at 7:49 AM  
Subject: RE: Barge Relocation Project  
To: Joe Saad <joe@joesaad.com>

Do you have a map of the course layout points you gave us?

Robert Revo Smith Jr., P.E., M. ASCE  
Environmental Engineer/Civil Engineer  
Senior Regulatory Project Manager Carlsbad Field Office  
5900 La Place Ct., Suite 100  
Carlsbad, CA 92008

(760) 602-4831 <tel:%28760%29%20602-4831> /cell (760) 683-4454 <tel:%28760%29%20683-4454> fax (760) 602-4848 <tel:%28760%29%20602-4848> email robert.r.smith@usace.army.mil

Assist us in better serving you!

You are invited to complete our customer survey, located at the following link:

<http://per2.nwp.usace.army.mil/survey.html>

Note: If the link is not active, copy and paste it into your internet browser.

-----Original Message-----

From: Joe Saad [mailto:joe@joesaad.com]

Sent: Wednesday, August 07, 2013 4:06 PM

To: Smith, Robert R SPL

Subject: Barge Relocation Project

Hello Robert:

This is to reiterate the concerns of my organization: Cortez Racing Association ([www.cortezracing.com](http://www.cortezracing.com)) in regards to the relocation of the bait barges in question (EBBCCO Bait Barge relocation project).

Along with many local yacht clubs, we organize yacht races in the bay of San Diego on a regular basis. Our regatta participants number anywhere from 30 to 60 sail boats varying in size from 22' to 60'. We have been using the way-points in the Bay as basis for our racing courses starting from a fixed start area around mid-point of Shelter Island (see a sample from the racing instructions)

#### 6 RACING AREA

6.1 The RACING AREA covers the general locale known as North San Diego Bay.

6.2 The STARTING AREA for all races will be near the center of Harbor Island (offshore from the ½ mi. Range Markers). For navigation, refer to NOAA CHART # 18773, San Diego Bay.

#### 7 THE COURSES

7.1 Attachment A shows the courses.

7.2 The courses for all classes will be posted on a board on the R/C vessel no later than 1745. This modifies RRS 27.1.

Attached is the Course Chart we use. All courses are preset and their lengths calculated accurately (for handicap purposes).

If we move the starting area or change the structure of the courses, all these calculations will become obsolete and will have to be recalculated. A very difficult task indeed.

As you will notice, positioning the barges in Option 4A will place them in the middle of our courses, thus creating a huge obstacle for the smooth running of our races not to mention the aggravation of getting all these slow moving sail boats mill around these barges, thus obstructing the access movement of the fishing boats coming to get their bait. Therefore, we naturally prefer Option 6A. This area is located in the lee of the island, and thus does not have good winds for sail boat racing.

Racers try to avoid going there as much as possible. It is out of the way of traffic and most importantly, on the side of the bay, away from the goings and comings of all boaters (not only sailboat racers).

We respectfully request considering option 6A.

Thanking you in advance.

Yours truly

Joe Saad - Staff Commodore  
CORTEZ RACING ASSOCIATION  
Cell: (619) 954-7711

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\*Joe Saad - Broker  
Cell: (619) 954-7711\*  
=====

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Joe Saad - Broker  
Cell: (619) 954-7711



**Ross, Toni@Coastal**

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**From:** Perry Dealy <pdealy@dealydev.com>  
**Sent:** Friday, August 02, 2013 8:53 AM  
**To:** Ross, Toni@Coastal  
**Subject:** FW: Letter of Support From Sportfishing Association of CA for Bait Barge Relocation Site  
**Attachments:** 080113 Letter Regarding Bait Barge Movement.docx

Toni, another letter of support from the Sportfishing Association for our application.

-----Original Message-----

**From:** Ken Franke [<mailto:kfranke2@san.rr.com>]  
**Sent:** Thursday, August 01, 2013 3:42 PM  
**To:** Perry Dealy  
**Cc:** [baitbarge@aol.com](mailto:baitbarge@aol.com)  
**Subject:** Letter of Support From Sportfishing Association of CA for Bait Barge Relocation Site



[www.californiasportfishing.org](http://www.californiasportfishing.org)

August 1, 2013

Army Corp. of Engineers  
Mr. Robert Smith  
Environmental Engineer/Civil Engineer

Dear Mr. Smith,

The Sportfishing Association represents 165 companies engaged in passenger vessel sportfishing operations in Southern California. This fleet takes over 1,000,000 passengers a year in the ocean and has tremendous impact on the local economies in the ports we operate out of. San Diego is one of our largest operating centers.

Critical to our operations is the operational viability of the Everingham Bros. Bait Company operations in San Diego harbor. Without it our industry comes to a halt.

The purpose of this letter is to advise of our support for the relocation of the Everingham Bros. bait docks to position 4A off Harbor Island. We have closely monitored and engaged in the dialogue with the Navy and the community regarding the issues and believe this is the most common sense solution. Impact to the neighboring areas we believe will be minimal with the help of all parties working to make the temporary move run smoothly.

Please contact our office if you have any questions regarding this letter.

Yours truly,

A handwritten signature in cursive script that reads "Ken Franke".

Ken Franke

## Ross, Toni@Coastal

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**From:** Perry Dealy <pdealy@dealydev.com>  
**Sent:** Wednesday, July 31, 2013 5:31 PM  
**To:** Ross, Toni@Coastal  
**Subject:** FW: EBBCO Relocation CCC Questions  
**Attachments:** Dodson.pdf

Toni, wanted to forward you the information of support from members of the Sports Fishing industry. I am working on the other information you requested at our meeting last week.

-----Original Message-----

**From:** Everingham Bros. Bait Co. [<mailto:baitbarge@aol.com>]  
**Sent:** Wednesday, July 31, 2013 10:56 AM  
**To:** Perry Dealy  
**Subject:** Re: EBBCO Relocation CCC Questions

Hi Perry

Here is another letter we had on file from one of the Open House sessions.  
Don't know if it is what you are looking for but thought we would send it just in case.

Regards,  
Lori

Lori Hale, Office Manager  
Everingham Bros. Bait Co.  
P.O. Box 2449, La Mesa, CA 91943  
[baitbarge@aol.com](mailto:baitbarge@aol.com)  
(619)477-2248 Ext. 3 Fax (619)477-2240  
[www.baitbarge.com](http://www.baitbarge.com)





**NAVSUP**  
NAVAL SUPPLY SYSTEMS COMMAND  
FLEET LOGISTICS CENTER  
SAN DIEGO

## U.S. Navy, Naval Base Point Loma Fuel Pier Replacement and Dredging Environmental Assessment (EA)

### Open House Information Session Comment Form

Date: May 6th, 2012

Thank you for your comments on the Naval Base Point Loma Fuel Pier Replacement and Dredging EA. Comments must be postmarked or received by **May 28, 2012**, and may be submitted at this open house session or via mail to the address below. Comments may also be submitted online at

<http://www.piersystem.com/go/doc/4275/1355631/>

\*\*\*Please Print\*\*\*

First, let me say that I am in full support of our military and their need of demolition and construction of a fuel pier at Navy Base Point Loma.

As the Chairman of The Rod and Reel Club at The Coronado Yacht Club, my immediate concern would be the loss of the bait receivers, owned and operated by The Everingham Bros. Bait Co., located near the site of the new fuel pier.

In my opinion, Everingham Bait Co. is a must for most anglers in the port of San Diego and we, as fishermen, ladies too, will be hard pressed to continue recreational fishing if we loose the availability of the bait receivers. Please assist them with the necessary & temporary move.

1. Name: Paul S. Dodson, Chairman "Rod and Reel Club"

2. Organization/Affiliation (if applicable): Coronado Yacht Club

3. Address: 1631 Strand Way, Coronado, Ca. 92118

*Paul S. Dodson*

COPY

4. Do you wish to withhold your name and address from public review or from disclosure under the Freedom of Information Act (FOIA)? ☒ NO ☐ YES

Please give this form to one of the U.S. Navy  
places in the comment box or

**P-151 Project Manager  
Naval Facilities Engineering Command  
Attn: (OPUE2.LS)  
2730 McKean St., Building  
San Diego, CA 92136-5**



**Coronado  
Yacht Club**

PAUL S. DODSON  
Rod & Reel Chairman

1631 Strand Way  
Coronado, California 92118  
(619) 435-3943

Cell  
993-  
3943



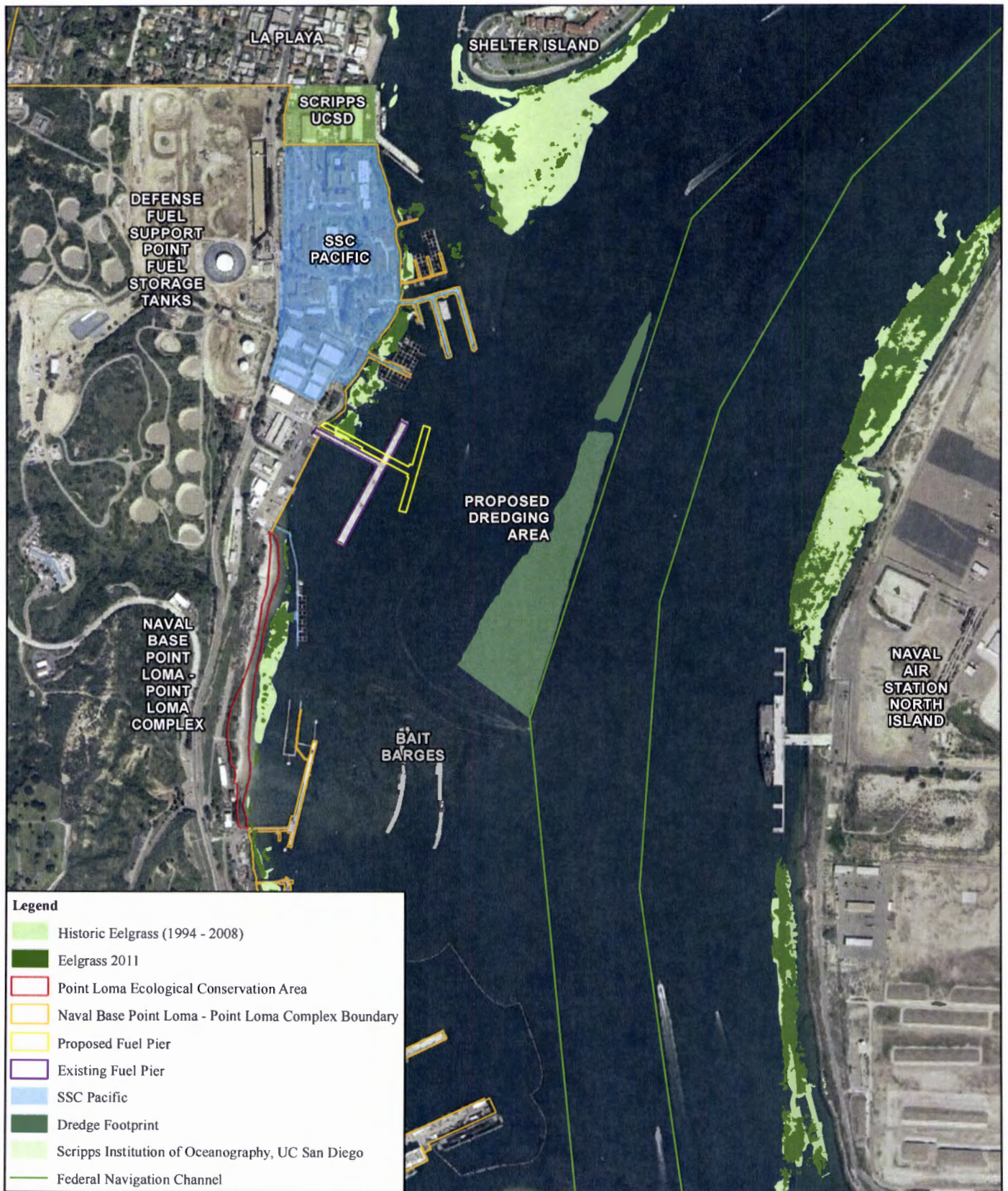


Figure 3.1-2  
Point Loma Ecological Conservation Area and Eelgrass Beds  
in the Vicinity of the Proposed Fuel Pier

Sources: Navy 2007; NOAA 2012; NAVFAC Southwest 2011a, 2012