



REPLY TO
ATTENTION OF

Regulatory Division

SUBJECT: File No. 2012-00019

Mr. Richard Young
Crescent City Harbor District
101 Citizen's Dock Road
Crescent City, California 95531

Dear Mr. Young:

This letter is in reference to your submittal dated February 13, 2013, concerning Department of the Army (Corps) permit authorization for your project to repair damage to Citizen's Dock that resulted from the March 11, 2011, Tohoku Earthquake. The tsunami generated from this earthquake caused major damage to the inner boat basin, outer harbor, and to the support facilities in the Crescent City harbor. The rapid fluctuation in wave action and water level created excessive side forces as well as vertical impacts resulting in damage to the dock. Also, damage resulted from discharges of debris, including docks and other floating materials, from the inner boat basin into the outer basin.

Citizen's Dock was originally built in the 1950's, as a timber structure used for offloading and the transfer of fish and crab. The "Y" -shaped dock consists of a timber trestle connected to two timber wharfs. The timber decks on the two wharfs and the approach trestle were replaced with a permanent concrete dock in 1988. The approach to the trestle is 260-foot long and 34-foot wide and connects to the two wharfs. The south wharf is 210-foot long and 62-foot wide. The west wharf is 260-foot long and 40-foot wide. The south wharf has several fish buying stations located upon it. The west wharf has a fish buying station and is where the commercial ice plant is located for the fish fleet. The approach trestle provides access for both wharfs and also serves as the fuel facility for the commercial fleet

Repairs at the dock consist of replacing missing and damaged fender piles and their associated timber chocks, waters, and ladders. These repairs are necessary to assure the ongoing structural integrity consistent with the present use of the docks. The fender piles are located on the exterior perimeter of the dock and are non-structural. Fender piles are the exterior piles that cushion the dock from vessel impacts and protect the other row of bearing piles from damage. Fender piles also protect the hulls of vessels from abrasion while tied to the wharf. The fender piles are 13-inches in diameter and about 13 piles are damaged or missing on Citizen's Dock and 18 piles on Fish Dock. The attached drawings show the site location and project plans: "Vicinity Map and Plan List," "Pile Plan of Citizens Dock," "Plan Approach Trestle," "Pile Plan of South Wharf," and "Pile Plan of West Wharf," dated, March 6, 2013, (Enclosure1). The

DEPARTMENT OF THE ARMY

SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET, 16th Floor
SAN FRANCISCO, CALIFORNIA 94103-1398

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project is located about 0.25 miles west of Highway 101 at the Crescent City Harbor, Crescent City, Del Norte County, California.

Work within U.S. Army Corps of Engineers' (Corps) jurisdiction would include permanent impacts to other waters that would impact about 0.75-acre, through coverage. No fill discharge is expected.

Section 10 of the Rivers and Harbors Act generally regulates construction of structures and work, including excavation, dredging, and discharges of dredged or fill material, occurring below the plane of mean high water in tidal waters of the United States; in former diked baylands currently below mean high water; outside the limits of mean high water but affecting the navigable capacity of tidal waters; or below the plane of ordinary high water in non-tidal waters designated as navigable waters of the United States. Navigable waters of the United States generally include all waters subject to the ebb and flow of the tide; and/or all waters presently used, or have been used in the past, or may be susceptible for future use to transport interstate or foreign commerce.

The enclosed delineation map entitled, "Citizen's Dock Repairs," date certified March 6, 2013, depicted on Corps' label, accurately depicts the extent and location of other waters of the United States within the boundary area of the site that is subject to U.S. Army Corps of Engineers' regulatory authority under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. This approved jurisdictional determination is based on the current conditions of the site, as verified during a field investigation of February 14, 2013, a review of available digital photographic imagery, and a review of other data included in your submittal. This approved jurisdictional determination will expire in five (5) years from the date of this letter, unless new information or a change in field conditions warrants a revision to the delineation map prior to the expiration date.

You are advised that the approved jurisdictional determination may be appealed through the U.S. Army Corps of Engineers' *Administrative Appeal Process*, as described in 33 C.F.R. Part 331 (65 Fed. Reg. 16,486; Mar. 28, 2000), and outlined in the enclosed flowchart and *Notification of Administrative Appeal Options, Process, and Request for Appeal* (NAO-RFA) Form. If you do not intend to accept the approved jurisdictional determination, you may elect to provide new information to this office for reconsideration of this decision. If you do not provide new information to this office, you may elect to submit a completed NAO-RFA Form to the Division Engineer to initiate the appeal process; the completed NAO-RFA Form must be submitted directly to the Appeal Review Officer at the address specified on the NAO-RFA Form. You will relinquish all rights to a review or an appeal, unless this office or the Division Engineer receives new information or a completed NAO-RFA Form within 60 days of the date on the NAO-RFA Form. If you intend to accept the approved jurisdictional determination, you do not need to take any further action associated with the Administrative Appeal Process.

Based on a review of the information you submitted, your project qualifies for authorization under Department of the Army Nationwide Permit (NWP) 3 (*Maintenance*) (77 Fed. Reg. 10, February 21, 2012), pursuant to Section 10 of the Rivers and Harbors Act (33 U.S.C. § 403 *et seq.*).

The project must be in compliance with the Terms and Conditions of the NWPs cited in Enclosure 3 and any Special Conditions specified in this letter for the NWP authorization to remain valid. Non-compliance with any Term or Condition could result in the revocation of the NWP authorization for your project, thereby requiring you to obtain an Individual Permit from the Corps of Engineers (Corps). Upon completion of the project and all associated mitigation and monitoring requirements, you shall sign and return the statement cited in Enclosure 2, certifying all work complies with the Terms and Conditions of the NWPs. Project authorization under the NWPs does not obviate any requirement to obtain other Federal, State, or local approvals necessitated by law.

This verification will remain valid until March 17, 2017. Activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon an NWP will remain authorized provided the activity is completed within 12 months of the date of an NWP's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). The Chief of Engineers will periodically review NWPs and their conditions and will decide to either modify, reissue, or revoke the permits. If an NWP is not modified or reissued within five years of its effective date, it automatically expires and becomes null and void. It is incumbent upon you to remain informed of any changes to the NWPs. Changes to the NWPs would be announced by Public Notice posted on our website (<http://www.spn.usace.army.mil/regulatory/index.html>).


To ensure compliance with this NWP authorization and to further minimize adverse impacts to water quality and other aquatic resources, including federally listed threatened and endangered species and designated critical and essential fish habitat, the project is subject to the following Special Conditions:

1. All minimization measures identified in the Biological Assessment dated November 24, 2008, shall be implemented.
2. Best Management Practices will be implemented to minimize turbidity and downstream sedimentation.

You may refer any questions on this matter to Carol Heidsiek of our Regulatory staff by telephone at 707-443-0855. All correspondence should be addressed to the Regulatory Division, North Branch, Eureka Field Office, 601 Startare Drive, Box 14, Eureka, California 95501, referencing the file number at the head of this letter. If you would like to provide comments on our permit review process, please complete the Customer Survey Form available online at our website: <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



 Jane M. Hicks
Chief, Regulatory Division

Enclosures

Copies Furnished (w/o encls):

Stover Engineering
P.O. Box 783
711 H Street
Crescent City, CA. 95531

NOAA Fisheries, Arcata, CA
CA RWQCB, Santa Rosa, CA
CDFG, Eureka, CA