



US Army Corps
of Engineers®
San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

PUBLIC NOTICE

PROJECT: U.S. Coast Guard Station Humboldt Bay Maintenance Dredging

PUBLIC NOTICE NUMBER: 2013-00093N

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COMMENTS DUE DATE: April 17, 2016

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1. **INTRODUCTION:** The U.S. Coast Guard (USCG) (POC: Mr. Dennis Meade, phone: (808) 381-6657), Civil Engineering Unit Oakland, 1301 Clay Street, Suite 700N, Oakland, California 94612, applied to the U.S. Army Corps of Engineers (Corps), San Francisco District, for a Department of the Army Permit to perform maintenance dredging of the boat basin at USCG Station Humboldt Bay (Station). The purpose of the proposed dredging is to return the Station boat basin to its originally permitted depth to allow safe navigational depths for USCG vessels assigned to the Station. This Department of the Army Permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*), Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 *et seq.*), and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (33 U.S.C. § 1413 *et seq.*).

2. PROPOSED PROJECT:

Project Site Location: The Station is on the inland side of the north spit of Humboldt Bay, in Samoa, Humboldt County, California (see Figure 1).

Project Site Description: The Station has several boat-related facilities within the Humboldt Bay, including a boat basin that is protected by riprap breakwaters. The boat basin encloses an area of approximately 0.8 acre, and contains a 60-foot-long floating dock connected to a pier, and a boathouse measuring approximately 70 feet long and 60 feet wide. The proposed dredge area includes the area

underneath the boat house, the berthing area along the floating dock, and the channel that extends out to the deeper waters of the Bay. The Station boat basin is subject to erosive forces attributable to tidal action, wakes of passing boats, wind-driven waves, and ocean waves that pass through the entrance channel and reflect off the shore opposite the Station. Riprap breakwaters are present around the boat basin in order to protect it from wave energy. The breakwater also reduces currents within the boat basin, resulting in sediment deposition. Eelgrass beds are located in shallow areas nearby the Station and several eelgrass patches have been identified within the Station basin.

Project Description: As shown in the attached drawings, the applicant plans to remove approximately 1,730 cubic yards (cys) of sediment from approximately 0.2 acre of the 0.8-acre (approximately) Station boat basin in a single dredging episode. Existing depths range from -1.4 to -15.4 feet mean lower low water (MLLW) in the Station boat basin and entrance channel. The design depth for the basin is -8 feet MLLW plus an additional 2-foot overdredge allowance. The material would be removed using a clamshell or hydraulic dredge and removed by barge to the Humboldt Open Ocean Disposal Site (HOODS), which is located in the Pacific Ocean offshore of Humboldt Bay approximately 3 to 4 nautical miles west of the Humboldt Bay entrance.

Prior to the dredging episode, the Corps Dredge Material Management Office (DMMO), the U.S. Environmental Protection Agency (EPA), and the North Coast Regional Water Quality Control Board

(RWQCB), will evaluate the sediments to be dredged for disposal at HOODS or beneficial reuse suitability.

Basic Project Purpose: The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by the Corps to determine whether the project is water dependent. Although the purpose of the project, as stated above, is for safe navigational depths, for consideration in Section 404(b)(1) (Clean Water Act), the basic purpose of the project is the disposal of dredged material.

Overall Project Purpose: The overall project purpose serves as the basis for the Section 404(b)(1) alternatives analysis, and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, while allowing a reasonable range of alternatives to be analyzed. The overall project purpose is to carry out maintenance dredging within the Station basin in order to restore navigable project design depths to allow Coast Guard vessels to safely navigate in and out of the Station and to dispose of the dredged material in an environmentally sound manner.

Project Impacts: The proposed dredging within the Station boat basin would result in the temporary disturbance of approximately 0.2 acre of substrate. The dredge sediment would be transported to HOODS for disposal. Eelgrass (*Zostera marina*) is present in the project area; however, no eelgrass beds would be permanently removed or directly impacted by the proposed dredging. Patches of eelgrass are present to the north and south of the Station boat basin, but are protected by the Station breakwaters and would not be directly impacted by the dredging. The two small patches of eelgrass and one eelgrass turion (i.e. shoot) that exist within the boat basin (Figure 2) would be protected during dredging activity by the use of silt curtains.

The detrimental effects on erosion/sedimentation rates, substrate, water quality, fish habitat, air quality, and noise are all expected to be minor and short term. No permanent negative effects such as undesired

substrate alteration, decreased water quality, loss of fish habitat, decrease air quality, and noise pollution are anticipated. The beneficial effects on economics, employment, safety, and navigation are major and long term.

3. STATE AND LOCAL APPROVALS:

Water Quality Certification: State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1341 *et seq.*). The applicant has recently submitted an application to the California Regional Water Quality Control Board (RWQCB) to obtain water quality certification for the project. No Department of the Army Permit will be issued until the applicant obtains the required certification or a waiver of certification. A waiver can be explicit, or it may be presumed if the RWQCB fails or refuses to act on a complete application for water quality certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

Water quality issues should be directed to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403, by the close of the comment period.

Coastal Zone Management: Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Determination that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be granted until the appropriate State agency has issued a Consistency Determination or has waived its right to do so.

Coastal zone management issues should be directed to the District Manager, California Coastal Commission, North Coast District Office, 710 E Street, Suite 200, Eureka, California 95501, by the close of the comment period.

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act (NEPA): Upon review of the Department of the Army Permit application and other supporting documentation, the Corps has made a *preliminary* determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA. At the conclusion of the public comment period, the Corps will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's Regulations at 40 C.F.R. Parts 1500-1508, and the Corps Regulations at 33 C.F.R. Part 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of the Corps and other non-regulated activities the Corps determines to be within its purview of federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Regulatory Division.

Endangered Species Act (ESA): Section 7(a)(2) of the ESA of 1973, as amended (16 U.S.C. § 1531 *et seq.*), requires federal agencies to consult with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) to insure actions authorized, funded, or undertaken by the agency are not likely to jeopardize the continued existence of any federally-listed species or result in the adverse modification of designated critical habitat.

Based on this review, the Corps has made a preliminary determination that the following federally-listed species and designated critical habitat are present at the project location or in its vicinity, and may be affected by project implementation.

The U.S. Coast Guard, as the lead federal agency for the project, has prepared a Biological Assessment and initiated Section 7 consultation pursuant to the ESA with the NMFS for potential adverse effects to federal listed threatened and endangered species. The following federally listed fish species are known to occur in Humboldt Bay.

The North American green sturgeon southern (*Acipenser medirostris*) distinct population segment (DPS) was listed as a federally threatened species in April 2006. A DPS is treated as a unique species under the ESA. This DPS includes all populations that spawn south of, but not including, the Eel River. Currently, the only known spawning location of southern DPS green sturgeon is the Sacramento River system. This species is known to occur in Humboldt Bay, which is designated critical habitat for green sturgeon.

The Southern Oregon/Northern California (SO/NC) evolutionarily significant unit (ESU) of coho salmon (*Oncorhynchus kisutch*) was listed as threatened on May 6, 1997; this status was reaffirmed on June 28, 2005. Coho salmon are known to migrate through Humboldt Bay. Adult coho salmon typically begin the freshwater migration from the ocean to their natal streams after heavy late-fall or winter rains breach the sand bars at the mouths of coastal streams. Migration continues until March, generally peaking in December and January, with spawning occurring shortly after returning to the spawning ground. Humboldt Bay is designated critical habitat for (SO/NC) coho salmon.

The Northern California (NC) DPS of steelhead (*Oncorhynchus mykiss*) was listed as a threatened species in June 2000, and its threatened status was reaffirmed in January 2006. This DPS includes all naturally spawned steelhead populations below natural

and manmade impassable barriers in California coastal river basins, from Redwood Creek southward to—but not including—the Russian River. Critical habitat for this species was designated in September 2005, and includes selected creeks and rivers where the species spawns, as well as estuarine areas, including Humboldt Bay.

The California Coastal (CC) Chinook ESU (*Oncorhynchus tshawytscha*) was listed as threatened in September 1999, and its status was reaffirmed in June 2005. The ESU includes all naturally spawned populations of Chinook salmon from rivers and streams south of the Klamath River to the Russian River, California. This ESU consists of fall-run Chinook, which typically begin upstream migration shortly after the first major storm of the season, and spawn from December through March. Critical habitat for this species was designated in September 2005, and includes selected creeks and rivers where the species spawns, as well as estuarine areas, including Humboldt Bay.

Any terms and conditions resulting from the Section 7 consultation with NMFS pursuant to the ESA would be incorporated into the Corps permit.

Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA): Section 305(b)(2) of the MSFCMA of 1966, as amended (16 U.S.C. § 1801 *et seq.*), requires federal agencies to consult with the NMFS on all proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. EFH is designated only for those species managed under a Federal Fisheries Management Plan (FMP), such as the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP*, and the *Pacific Coast Salmon FMP*. As the federal lead agency for this project, the USCG has conducted a review of digital maps prepared by NMFS depicting EFH to determine the presence or absence of EFH in the project area. Based on this review, the USCG has made a preliminary determination that EFH is present at the project location or in its vicinity, and

that the critical elements of EFH may be adversely affected by project implementation. The proposed project is located within an area managed under the Pacific Groundfish, the Coastal Pelagic and/or the Pacific Coast Salmon FMPs.

The recently-deposited bottom sediments to be dredged during maintenance dredge activities are composed mainly (approximately 95%) of silts and clays (mud). It is presumed that fish species utilizing the area would be using it for feeding during a period of growth. When dredging occurs, the fish should be able to find ample and suitable foraging areas in and along the adjacent marine habitat in Humboldt Bay. As the infaunal community recovers in the dredged area, fish species will return to feed. Therefore, the proposed dredging is expected to have only short-term, minor adverse effects on EFH. A silt curtain deployment plan would be required by the Corps prior to any dredging episode to protect eelgrass in the project vicinity.

The USCG has initiated consultation with NMFS on EFH pursuant to the MSFCMA for this proposed project. Any EFH conservation recommendations resulting from the EFH consultation will be considered for possible incorporation into the Corps' permit.

National Historic Preservation Act (NHPA): Section 106 of the NHPA of 1966, as amended (16 U.S.C. § 470 *et seq.*), requires federal agencies to consult with the appropriate State Historic Preservation Officer to take into account the effects of their undertakings on historic properties listed in or eligible for listing in the *National Register of Historic Places*. Section 106 of the NHPA further requires federal agencies to consult with the appropriate Tribal Historic Preservation Officer or any Indian tribe to take into account the effects of their undertakings on historic properties, including traditional cultural properties, trust resources, and sacred sites, to which Indian tribes attach historic, religious, and cultural significance.

Because the Station boat basin has been previously dredged, historic or archeological resources are not expected to occur in the project vicinity. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until the Corps concludes Section 106 consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer to take into account any project related impacts to those resources.

5. PUBLIC INTEREST EVALUTION: The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

6. CONSIDERATION OF COMMENTS: The Corps is soliciting comments from the public; federal, state and local agencies and officials; Native American Nations or other tribal governments; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by the Corps will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other

environmental or public interest factors addressed in a final environmental assessment or environmental impact statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

7. SUBMITTING COMMENTS: During the specified comment period, interested parties may submit written comments to Mark D'Avignon, San Francisco District, Operations and Readiness Division, 1455 Market Street, 16th Floor, San Francisco, California 94103-1398; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the Permit Manager. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All substantive comments will be forwarded to the applicant for resolution or rebuttal. Additional project information or details on any subsequent project modifications of a minor nature may be obtained from the applicant and/or agent, or by contacting the Permit Manager by telephone or e-mail cited in the public notice letterhead. An electronic version of this public notice may be viewed under the *Current Public Notices* tab on the US Army Corps of Engineers, S. F. District website:

<http://www.spn.usace.army.mil/Missions/Regulatory>.