



US Army Corps
of Engineers

PUBLIC NOTICE

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Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

PERMIT MANAGER: Rob Lawrence

PHONE: (415) 977-8447;

E-mail: rlawrence@smtp.spd.usace.army.mil

1. **INTRODUCTION:** The Marin County Department of Parks, Open Space and Cultural Services (County), Marin County Civic Center, 3501 Civic Center Drive, San Rafael, California 94903 (contact Mr. Ron Paolini (415) 499-6531), has applied for a ten-year Department of the Army permit to maintain (by dredging) the Black Point Boat Ramp at Black Point, on the Petaluma River, Marin County, California. The purpose of the proposed project is to improve and maintain continued water access, public recreation and ensure public safety. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. **PROJECT DESCRIPTION:** As shown in the attached drawings, the applicant plans to remove approximately 230 cubic yards (cys) of sediment, annually, from the 4,000 square-foot boat ramp area. Existing depths in the dredge area are at 0.0 feet mean lower low water (MLLW). The design depths for the area are from -2 to -17 feet MLLW plus an additional 1-foot overdredge allowance. The material would be removed using a clamshell dredge and removed by barge to the San Pablo Bay Disposal Site (SF-10).

Prior to each subsequent dredge episode, the requirements for sediment testing will be reviewed by the appropriate agencies. If necessary, the sediments-to-be-dredged will be sampled and tested for agency approval of aquatic disposal.

3. **STATE APPROVALS:** Under Section 401 of

the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The San Francisco Bay Regional Water Quality Control Board issued a conditional waiver of waste discharge requirements to the County on January 19, 2000 (file number 2158.04[GNC]).

The project is in the jurisdictional purview of the San Francisco Bay Conservation and Development Commission (BCDC). The applicant will be required to obtain a permit from BCDC.

4. **PRELIMINARY ENVIRONMENTAL ASSESSMENT:** The U.S. Army Corps of Engineers (USACE) has assessed the environmental impacts of the proposed project in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations 40 CFR 1500-1508, and USACE Regulations 33 CFR 230 and 325. Unless otherwise stated, this Preliminary Environmental Assessment describes only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers.

The Preliminary Environmental Assessment resulted in the following findings:

a. **IMPACTS ON THE AQUATIC ECOSYSTEM**

(1) PHYSICAL/CHEMICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Substrate - The Black Point Boat Ramp area to be dredged covers an area of approximately 4,000 square feet. The existing depth is essentially 0.0 feet MLLW. Sediments are comprised primarily of silt and clay which is typical of sediments in the general area. Proposed dredging work would remove approximately 230 cubic yards of sediment annually, as required, lowering substrate elevations to a design depth of -2 to -17 feet MLLW plus a 1-foot overdepth allowance. Since the natural processes of sediment loss, transport and accretion may cause similar disturbances to the substrate, the associated effects of dredging operations on substrate conditions would be adverse but short-term and minor to moderate in magnitude. Dredged material would be disposed at the San Pablo Bay Disposal Site and could result in altering existing substrate with a layer of newly deposited sediments. SF-10 is primarily a dispersive disposal site, with less than 40% of the deposited sediments retained. The associated effects of disposal operations on substrate conditions would be adverse but short-term and minor in magnitude.

Erosion/Sedimentation Rate - Dredging work would result in localized sloughing of sediment along the side slopes and portions of the boat ramp area, increasing the rate of erosion and sedimentation until a stable angle of repose was attained. Considering the excavation depth and volume of dredged material to be removed, the associated effects of dredging operations on erosion and sedimentation rates would be adverse but short-term and minor in magnitude.

Water Quality - Dredging and disposal operations may affect water quality variables such as dissolved oxygen (DO), pH, salinity, total suspended solids (TSS), and turbidity. Turbidity near the dredging and disposal sites would increase because of additional TSS in the water column. DO levels in the water column would decrease during disposal events due to increased turbidity. Since ambient water quality conditions recur shortly after each dredging event, the associated effects of dredging and disposal operations on these water quality variables would be adverse but short-term and minor in magnitude.

The suitability of the material proposed for the initial dredge episode and for aquatic disposal in San Francisco Bay was evaluated by an interagency group consisting of representatives from the Corps of Engineers, U.S. Environmental Protection Agency, San Francisco Regional Water Quality Control Board, San Francisco Bay Conservation and Development Commission, and the State Lands Commission. The group considered the small amount of material to be dredged and disposed. The group reached a consensus opinion that a Tier I exclusion from sediment testing was appropriate for the initial dredge episode.

Prior to each subsequent dredge episode, the requirements for sediment testing will be reviewed by the appropriate agencies. If necessary, the sediments-to-be-dredged will be sampled and tested for agency approval of aquatic disposal.

(2) BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Endangered Species - Federally-listed endangered adult winter-run chinook salmon (Oncorhynchus tshawytscha) migrate through San Francisco Bay, as well as Suisun Bay and Honker Bay, to spawning areas in the upper Sacramento River during the late fall and early winter. Juveniles travel downstream through San Francisco Bay to the Pacific Ocean in the late fall as well. The movements of adult and juvenile salmon through the Bay system are thought to be rapid during these migrations. Since impacts to the water column during disposal events would be short-term, localized and minor in magnitude, no potentially adverse effects to winter-run chinook salmon that may be near the disposal site are anticipated.

The evolutionarily significant units (ESU) of Central California populations of steelhead trout (Oncorhynchus mykiss) were federally listed as threatened in August 1997. The Central Valley Spring-run ESU of chinook salmon (O. tshawytscha) was federally listed as threatened in September 1999. Both the steelhead and spring-run chinook that occur in San Francisco Bay are included in

these ESU's and therefore receive protection under the Endangered Species Act. There is concern that steelhead migrating through the Bay to streams in the North Bay and spring run chinook salmon might enter the dredge or the disposal site. If a permit is issued for this proposed project it will contain a condition that dredging is allowed only between June 1 and December 31 without prior consultation with and approval from the National Marine Fisheries Service and the Corps of Engineers.

Habitat for Fish, Other Aquatic Organisms, and Wildlife - The annual removal of approximately 230 cubic yards of sediment from the boat ramp area could have short-term, adverse impacts on fish and fish habitats by temporarily increasing TSS in the water column and possibly decreasing DO levels during dredge operations. However, conditions in the water column at the dredging site would likely return to pre-dredge conditions shortly after completion of the dredging episode. The removal of bottom sediments could also result in the removal of benthic organisms from the boat ramp area.

Disposal of the dredged material at SF-10 could have short-term, adverse impacts on fish and fish habitats. These impacts could be localized with increased turbidity due to additional TSS in the water column and decreased DO levels. Water column impacts due to dredged material disposal events at SF-10 are generally temporary and conditions usually return within minutes to hours following disposal. Therefore, these impacts are considered to be minor.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 4,000 square feet at the edge of the Petaluma River. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in California waters. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

b. IMPACTS ON RESOURCES OUTSIDE THE AQUATIC ECOSYSTEM

(1) PHYSICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Air Quality - A conformity determination (Clean Air Act Section 176[c] [42 USC Section 7506(c)]) is not required for maintenance dredging and disposal at an approved disposal site consistent with 40 CFR 51.853(c)(2)(ix).

Noise Conditions - Short-term, adverse impacts on noise conditions in the local area could be expected from the operation of dredging equipment, with an expected increase in ambient noise levels.

(2) SOCIOECONOMIC CHARACTERISTICS AND ANTICIPATED CHANGES

Aesthetic Quality - The maintenance dredging and disposal operations would have short-term, adverse impacts on visual resources in the Bay. However, since dredging equipment and barges are frequently seen vessels on San Francisco and San Pablo Bays, the impact would likely be minor. The disposal of dredged material at SF-10, and the resultant turbidity plume following each disposal event would have short-term, adverse impacts on the visual resources in the area. However, turbidity plumes associated with disposal events generally last only minutes to hours. Therefore, this impact is considered to be minimal.

Economics - Long-term, beneficial impacts to the County are likely to result if the County maintains the boat ramp.

Recreational Opportunities - Disposal of dredged material at San Pablo Bay could have short-term, adverse impacts on recreationists using the area for boating and other activities. However, any such conflicts during disposal events are likely to be minor.

Recreational Fishing - See Recreational Opportunities.

(3) HISTORIC - CULTURAL CHARACTERISTICS AND ANTICIPATED CHANGES

Given the boat ramp area has been previously dredged to depths equal to those requested in the subject permit application, it is unlikely that any historic properties are present at the proposed dredging site. However, if any archaeological resources were encountered during the dredging operations, the Corps of Engineers would consult with the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act and take into account any project effects on such properties.

c. SUMMARY OF INDIRECT IMPACTS

None have been identified.

d. SUMMARY OF CUMULATIVE IMPACTS

The maintenance dredging of the boat ramp area and the disposal of dredged material at the San Pablo Bay site would cumulatively contribute to the resuspension of sediments in the San Francisco Bay system. The annual contribution of approximately 230 cubic yards of sediment to this process probably represents a minimal, adverse impact.

e. CONCLUSIONS AND RECOMMENDATIONS

Based on an analysis of the above identified impacts, a preliminary determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) for subject permit application. The Environmental Assessment for the proposed action, however, has not yet been finalized and this preliminary determination may be reconsidered if additional information is developed.

5. EVALUATION OF ALTERNATIVES: Evaluation of this activity's impact on the public interest will also include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)).

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

7. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the

proposed activity.

8. SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to: Mr. Rob Lawrence, Regulatory Branch. It is Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Mr. Rob Lawrence of our office at telephone (415) 977-8447 or by e-mail at rlawrence@smtp.spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.

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