



US Army Corps  
of Engineers

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

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RESPONSE REQUIRED BY: October 6, 2000

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

PERMIT MANAGER: Rob Lawrence

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1. **INTRODUCTION:** Mr. Brian Foss, Port Director Santa Cruz Port District (Port District), 135 5th Avenue, Santa Cruz, California 95062, has applied for a ten-year Department of the Army permit to perform annual maintenance dredging of Santa Cruz Harbor (Harbor). Approximately 360,000 cubic yards of material would be removed from the Harbor each year. Dredged material would be disposed approximately 300 feet east of the Santa Cruz Harbor jetty at the mean high water line, in a near-shore area at a depth of -12 feet Mean Lower Low Water (MLLW) or at an off-shore site in Monterey Bay (SF-14) approximately 1.3 miles from Santa Cruz at a depth of -600 feet MLLW. The proposed project is located between Seventh Avenue and Seabright in the City and County of Santa Cruz, California. Sediment has been dredged from the Harbor on a yearly basis since 1964. The Port District has been disposing appropriate Harbor material at the beach location for approximately 20 years. The Harbor's previous maintenance dredge permit expired at the end of May 2000. The applicant states that the purpose of the proposed project is to maintain the safety, navigability, and usability of the Santa Cruz Harbor entrance channel, inner harbor channels and berthing areas. The purpose of disposal of the dredged material onto the beach and inter-tidal zone is to assist in beach nourishment, provide a buffer against winter wave action, and reduce down-coast erosion.

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 on the attached drawings, approximately 360,000 cubic yards (cys) of sediments would be dredged from Santa Cruz Harbor annually for a ten-year period. The proposed project would require dredging of the North and South Harbor (inner harbor) areas and the entrance channel to the harbor. Approximately 350,000 cubic yards of material would be dredged from a two-acre area located at the entrance to the harbor. Approximately 10,000 cys would be dredged from a 28-acre area in the inner harbor. The design depth for the entrance channel would be to from -15 feet to -20 feet MLLW plus a two-foot allowance for overdepth dredging. The design depth for the inner harbor areas would be from -8 feet MLLW in the berth areas to -10 feet MLLW in some of the channel areas, plus a two-foot allowance for overdepth dredging. The maximum total amount of dredged material for the ten-year period would be approximately 3,600,000 cubic yards.

Material of suitable grain size (approximately 80% or more sand) from both, entrance channel and inner harbor dredging areas, would be disposed into the inter-tidal zone (2 to 3 feet of water) at the mean high water line on the beach, approximately 300 yards east of the jetty, at a location in between 5th and 7th Avenue. If sediments are encountered that contain decaying organic material (kelp), they would be disposed in the near-shore at -12 feet MLLW in order to reduce or eliminate odors that might occur. Material that is significantly less than 80% sand, would be disposed at SF-14 or at an approved upland location.

Both the entrance channel and inner harbor would be dredged hydraulically, using a cutter suction dredge. The material would be pumped through a submerged 16" pipe that runs most of the length of Santa Cruz Harbor to the beach and near-shore discharge locations between 5th and 7th Avenue. Dredge material would be taken to SF-14 in a dump scow, as necessary.

The applicant anticipates dredging activities to be conducted between November 1 and May 31 for the entrance channel. Historically, dredging the inner harbor berthing and channel areas was limited to the December 1 to February 28 time period, by specifications in the State Water Resources Control Board (SWRCB) permit. The same specifications are expected to be applicable in a new SWRCB permit.

Santa Cruz Harbor lies on the boundary of the Monterey Bay National Marine Sanctuary (the Sanctuary). A portion of the disposal site (the area between 6th and 7th Avenue) is a California State Beach. The near-shore disposal site and SF-14 lie within the Sanctuary. The use of all sites has been approved, in the past, by all appropriate agencies.

Prior to each dredge episode, 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 applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the Central Coast Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, Central Coast Region, 81 Higuera Street, Suite 200, San Luis Obispo, California 93401, by the close of the comment period of this public notice.

The project is in the jurisdictional purview of the California Coastal Commission (CCC). The applicant will be required to obtain a permit from CCC after the RWQCB has made a determination of water quality certification for this project.

**4. PRELIMINARY ENVIRONMENTAL ASSESSMENT:** The Corps of Engineers has assessed the environmental impacts of the action proposed 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 Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the 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 harbor area to be dredged cover an area of approximately 30 acres (two acres in the entrance channel and 28 acres in the inner harbor areas). Existing depths are from 0.0 feet MLLW to -20 feet MLLW, depending on the location. Sediments in the entrance channel and the South Harbor are composed primarily of sand; sediments in the North Harbor are a combination of sands, silts and clays. The proposed dredging work would remove approximately 350,000 cys of sediment from the entrance channel and

approximately 10,000 cys from the inner harbor areas, on an annual basis (a maximum of approximately 3,600,000 cys over the life of the permit). The dredging would lower the substrate elevations to a design depth of -15 to -20 feet MLLW (plus a two-foot overdepth allowance) in the entrance channel and to design depths of -8 to -10 feet MLLW (plus a two-foot overdepth allowance) in the inner harbor areas. 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.

Material of suitable grain size (80% or more sand) from both, entrance channel and inner harbor dredging areas, would be disposed into the intertidal zone (2 to 3 feet of water) at the mean high water line on the beach, approximately 300 yards east of the jetty, at a location in between 5th and 7th Avenue. According to the applicant, the deposited material spreads quickly into the surf zone with no appreciable mounding. If mounding (more than one foot) does occur, the material would be spread out with the use of mechanical equipment (e.g. a bulldozer). If sediments are encountered that contain decaying organic material (kelp), they would be disposed in the near-shore area at -12 feet MLLW in order to reduce or eliminate odors that might occur. Material that is significantly less than 80% sand, would be disposed at SF-14 or at an approved upland location.

The disposal of material could result in altering existing substrates with a layer of newly deposited sediments. 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 channels and berths, increasing the rate of erosion and sedimentation until a stable angle of repose is attained. Considering the proposed depths and volumes 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 to moderate 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.

Prior to each dredge episode, the suitability of the proposed dredge material for disposal in any of the proposed aquatic locations, will be evaluated by an interagency group consisting of representatives from the Corps of Engineers, the U.S. Environmental Protection Agency, the Central Coast Regional Water Quality Control Board, the California Coastal Commission, the State Lands Commission and the Monterey Bay National Marine Sanctuary. Advisory to this interagency group are the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and the California Department of Fish and Game. The group will consider chemical and biological test results submitted by the applicant according to guidelines within the testing manual entitled "Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. - Testing Manual" (the Inland Testing Manual or ITM), published in February, 1998 by the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers). The group will reach a consensus opinion as to whether or not proposed dredge material is suitable for aquatic disposal.

## (2) BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Endangered Species - No proposed or listed threatened or endangered species of plants or animals are known to occur near the proposed dredge and disposal sites.

Habitat for Fish, Other Aquatic Organisms, and Wildlife - The removal of approximately 360,000 cubic yards of sediment annually from Santa Cruz Harbor 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 dredge site would likely return to pre-dredge conditions shortly after completion of each dredging episode, especially in the Entrance Channel, which is a high energy area. The removal of bottom sediments could also result in the removal of benthic organisms from the harbor area.

Disposal of the dredged material on the nearby beach, in the near-shore or at SF-14 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 are generally temporary and conditions usually return within minutes to hours following disposal.

Impacts to the benthic community at the disposal sites could include direct burial or substrate alteration. The recovery of such benthic communities is usually rapid.

The impacts from dredging and disposal to habitats are considered adverse, short-term and 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 30 acres of EFH utilized by various coastal fish species. 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 area. However, since dredging equipment and barges are nearly always present in the harbor between November and June, the impact would likely be minor.

Any material that might emit noxious odors would be disposed away from the beach disposal site. Impacts from odors would likely be short-term and minor.

The disposal of dredged material on the nearby beach or near-shore area, could have short-term, adverse impacts on 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 Port District as well as the City of and County of Santa Cruz, are likely to result if the harbor maintains its berthing areas and channels.

Public Health and Safety - During a typical winter, the entrance to the harbor can become shoaled and unnavigable within 2-3 months if not dredged. In the past, fatalities have occurred in the harbor entrance due to shoaling and wave action.

Maintaining the Entrance Channel would therefore provide a long-term benefit and safe conditions for boaters using the harbor.

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

Recreational Fishing - See Recreational Opportunities.

Transportation (Navigation) - Maintenance dredging of the Entrance Channel and inner harbor areas would have major, long-term benefits by providing a safe approach and entrance to the harbor and allowing safe navigation within the harbor. However, the actual dredging operations could have short-term, minor adverse impacts on navigation near the channel entrance.

### (3) HISTORIC - CULTURAL CHARACTERISTICS AND ANTICIPATED CHANGES

Given the inner harbor and entrance channel have been previously dredged to depths equal to those requested in the subject permit application, it is unlikely any historic properties are present at the proposed dredging site. However, if any archaeological resources are 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 approximately 360,000 cubic yards (cys) of sediment annually from the Santa Cruz Harbor and the disposal of dredged

material at the proposed disposal locations would cumulatively contribute to the resuspension of sediments in the Monterey Bay system. The contribution of the proposed amounts of sediment to this process probably represents a minor 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.

which are made in the final permit action will be provided on request.

**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@spd.usace.army.mil. Details on any changes of a minor nature