



US Army Corps
of Engineers.

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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DATE: 9 February 2001

Regulatory Branch
211 Main Street

San Francisco, CA 94105-1905

RESPONSE REQUIRED BY: 9 March 2001

PROJECT MANAGER: Bob Smith

Phone: (415) 977-8450/E-mail: rsmith@smtp.usace.army.mil

1. **INTRODUCTION:** The City of Capitola, 420 Capitola Avenue, Capitola, California, 95010, [(831) 475-7300] has applied for a renewal of their Department of the Army permit to discharge fill to annually construct a sand berm across the mouth of Soquel Creek to create a fresh water lagoon. The project is located in the City of Capitola, Santa Cruz County, California. 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 has requested reauthorization to annually construct a sand berm across the mouth of Soquel Creek to create a fresh water lagoon for the purpose of enhancing public recreation and wildlife habitat. This project was previously authorized under Corps permit No. 20705S.

The berm is constructed in accordance with the "Soquel Creek Lagoon Management and Enhancement Plan" (1990) and its revisions. It would be installed prior to Memorial Day. To prevent decomposing vegetation from depleting oxygen in the lagoon, kelp and sea grass are raked out of the lagoon before final closure. Approximately 3,500 cubic yards, about 1.5 acres, of beach sand are bulldozed from the adjacent beach to construct the berm. The depth of fill could be up to 6 feet, with an average depth of 4 feet. The berm would extend from a flume (concrete box culvert) located on the beach, to the surf zone near the jetty. The berm would remain in place until rains breach it in the fall.

The flume extends for a distance of approximately 200 feet, before emptying into the ocean. Flows through the flume are regulated by the

use of flashboards, which can be added and removed. This allows water levels in the lagoon to be manipulated. Adequate flows are maintained in the flume to allow fish passage into and out of the lagoon. Water is released through the flume as long as possible into the fall, to prevent reopening of the sandbar and an increase in salinity in the lagoon.

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.

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 documents used in the preparation of this Preliminary Environmental Assessment are on file in the Regulatory Branch, Corps of Engineers, 333 Market

Street, San Francisco, California.

The Preliminary Environmental Assessment resulted in the following findings:

a. IMPACTS ON THE AQUATIC ECOSYSTEM

(1) PHYSICAL/CHEMICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Substrate - the applicant proposes to construct a seasonal sandbar at the entrance to Soquel Creek, requiring the placement of 3,500 cubic yards (cy) of excavated sand into the existing creek channel. The sandbar would measure 430 feet in length, 2 feet in height, and approximately 120 feet wide at the base. The total amount of creek channel to be filled is 0.5 acres. Fill material consisting of beach sand, would be obtained by excavating a 1.5 acre area of beach to a depth of 1.5 feet, from an area located between Soquel Creek and the Municipal Wharf.

Streamflow - the berm across the lagoon is constructed earlier in the year than the natural closing of the lagoon might occur. This early cutoff of streamflow might affect the migration of juvenile steelhead. This would be a major adverse impact. Without the artificial closure, freshwater conversion of the lagoon could take a longer amount of time, or possibly not occur at all. This would result in a higher salinity level within the lagoon, creating poor water quality conditions for both steelhead and tidewater gobies. The reduction of salinity levels in the lagoon is considered to be a major beneficial impact to both steelhead and tidewater goby.

Water Quality - Grading activities associated with the construction of the sandbar may have short-term, adverse impacts on water quality variables, such as dissolved oxygen (DO), total suspended solids (TSS), and turbidity. Turbidity near the construction site would likely increase because of additional TSS in the water column, DO levels would likely decrease. However, these impacts would likely be short-term, minor, and localized.

Current management practices require removal

of kelp during the construction of the sandbar. If kelp is not removed during construction it decomposes, depleting dissolved oxygen in the lagoon. This can reduce the populations of fish and other invertebrates in the lagoon. If large amounts of saltwater remain in the lagoon after construction of the sandbar, it forms a layer on the bottom of the pond. This layering effect results in increased temperatures and prevents circulation of oxygenated water. The lagoon also collects urban runoff from Noble Gulch and several storm drains. Runoff from urban streets rinse assorted garbage, accumulated dirt, motor oil, and other debris into the lagoon. This material can adversely impact fish as well as other vertebrates and invertebrates. Local and migrant waterfowl have added to the increase in fecal bacteria levels within the lagoon. While ducks and geese help to control pondweed, they have assisted in the closure of the lagoon to swimming and wading due to the high levels of fecal bacteria.

(2) BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Endangered Species - The tidewater goby, *Eucyclogobius newberryi*, a federally listed endangered species, may inhabit the proposed project area. Seine hauls conducted in the lower lagoon in 1993, 1995, 1996, 1998, and 1999 found no tidewater gobies. Two gobies were captured in 1992. In 1994, 35 gobies were captured. One goby was found in 1997. The low numbers found may be the result of a lack of backwater refuges during winter high flows. Although the sandbar does not directly impact the tidewater goby, it improves conditions favored by that species. Therefore, the artificial creation of the lagoon is considered to be a major, beneficial impact. The Corps conducted a consultation under Section 7 of the Endangered Species Act with the U. S. Fish and Wildlife Service on the impacts of the project to the goby. The Service issued a biological opinion on March 27, 1996. It was the opinion of the Service that the project would not jeopardize the continued existence of the tidewater goby

California central coast steelhead were listed as a

threatened species on August 18, 1997. Steelhead critical habitat was designated on February 16, 2000 to include all river reaches and estuarine areas accessible to listed steelhead in coastal river basins. Steelhead are found in Soquel Creek. The Corps will initiate consultation with the National Marine Fisheries Service as required by Section 7 of the Endangered Species Act.

Habitat for Fish, Other Aquatic Organisms, and Wildlife - under natural conditions, sandbars will normally form at the entrances of many coastal creeks as flows diminish in the spring and summer. The lagoons that are formed provide important resources for many species of wildlife. Both wildlife and plant diversity is often high in these areas due to the overlapping of several types of habitat. The Soquel Creek lagoon community includes several habitats, i.e. wetlands, riparian, beach, aquatic and grassland or other terrestrial habitats. However, due to its proximity to urban development, wildlife values are generally lower than non-urban lagoons. Much of the habitat that exists has been disturbed by urban development and other human activities. Altered salinity levels would likely result in the elimination or reduction of brackish water species from the creek during the period when the sandbar is in place. However, these conditions would normally occur as the streamflow diminishes in the creek. The difference would be the timing of the closure, with normal closure taking place up to several months later if at all. The impacts of early closure may be adverse or beneficial depending on the species.

b. IMPACTS ON RESOURCES OUTSIDE THE AQUATIC ECOSYSTEM

(1) PHYSICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Air Quality - project activity would have minor, short-term impacts on air quality in the vicinity of the project site. Based on the relative minor size of the proposed project and limited to an evaluation of air quality impacts only within Corps of Engineers' (Corps) jurisdictional areas, the Corps has determined that the total direct and non-direct project emissions would not exceed the

de minimis threshold levels of 40 CFR 93.153. Therefore, the proposed project would conform to the State Air Quality Implementation Plan (SIP) for California.

(2) SOCIOECONOMIC CHARACTERISTICS AND ANTICIPATED CHANGES

Economics - the lagoon would be situated near the central retail area of the City of Capitola. Recreational uses associated with the lagoon would economically benefit the applicant. Cost associated with the construction and maintenance of the sandbar is minimal compared to revenue generated by recreational activities, including the Begonia Festival held in September. Creation of the lagoon is considered to be a major, beneficial impact.

Recreational Opportunities - Soquel Creek Lagoon has historically provided many forms of recreation including swimming, boating, wading, fishing, and wildlife viewing. Recreational use increases during the summer months tapering off after the annual Begonia Festival that takes place in the lagoon. In recent years the lagoon has been closed to swimming. This is due to high levels of fecal bacteria found in water samples taken from the lagoon. Recreational use of the lagoon adversely impacts fish and wildlife utilizing this area. While swimming is no longer permitted, other human activities including boating, wading, and fishing disturb resident species and discourage the use of the lagoon by migrant species. Therefore, construction of the sandbar is considered a short-term beneficial impact

(3) HISTORIC - CULTURAL CHARACTERISTICS AND ANTICIPATED CHANGES

A Corps of Engineers archaeologist has conducted a cultural resources assessment of the permit area, including the review of published and unpublished data on file with city, State, and Federal agencies. No historic properties are present within the project boundaries.

c. SUMMARY OF INDIRECT IMPACTS

None have been identified.

d. SUMMARY OF CUMULATIVE IMPACTS

None have been identified.

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 the subject permit application. The Environmental Assessment for the proposed action has however, not yet been finalized and this preliminary determination may be reconsidered if additional information is developed.

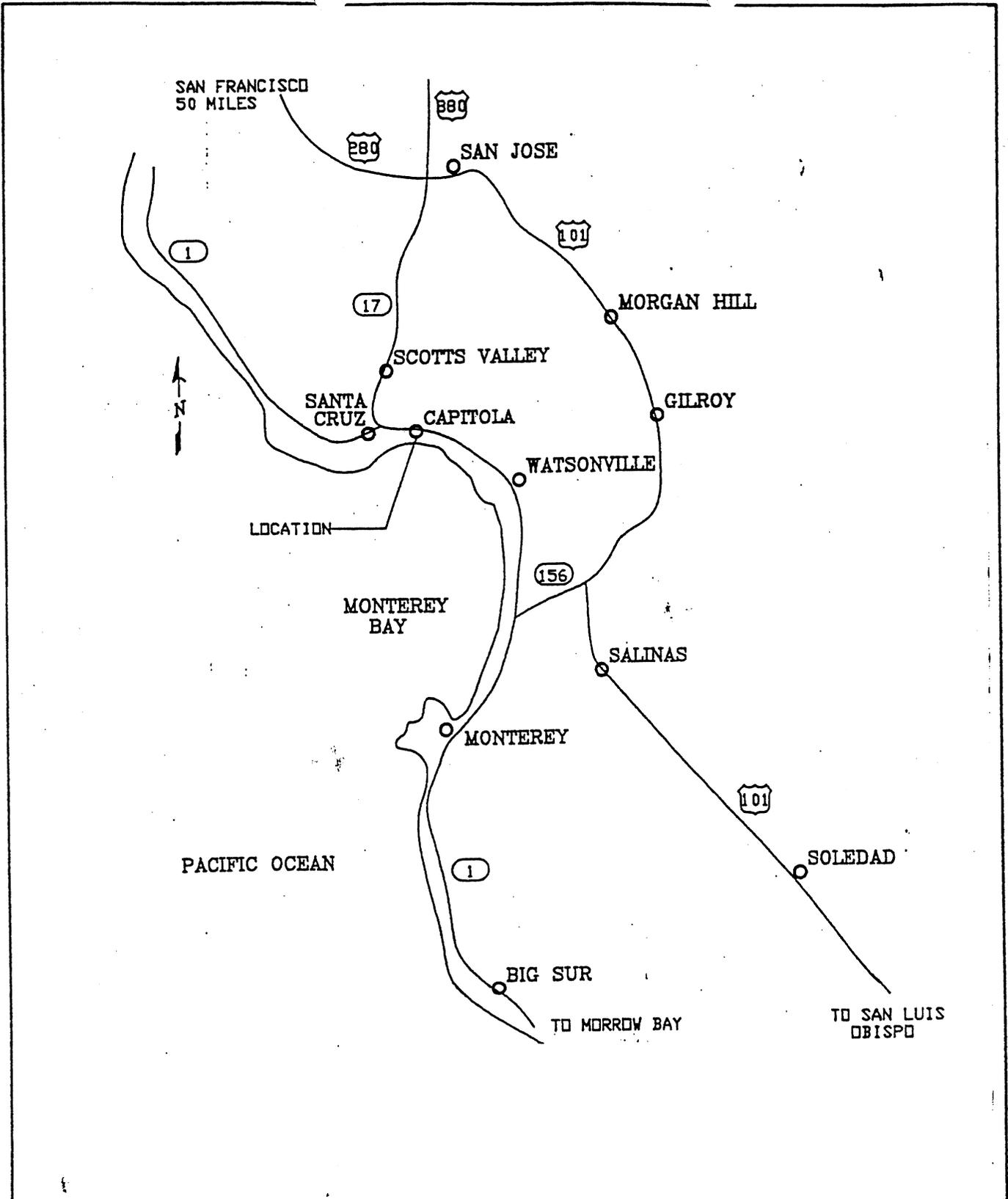
5. EVALUATION OF ALTERNATIVES: Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation was made by this office under the 404(b)(1) guidelines and it was determined that the proposed project is water dependent.

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 that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that 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 that 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 the 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 Bob Smith of our office at telephone 415-977-8450 or E-mail: bsmith@smtp.spd.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided on request.



PURPOSE: ANNUAL LAGOON CLOSURE
& BEACH GRADING PER
SOQUEL CREEK MANAGEMENT
PLAN.

DATUM: NGVD

ADJACENT PROPERTY OWNERS:

- ① MICHAEL R. DELAGNES
- ② BEGONIA OCEANSIDE PROPERTIES
- ③ JOSEPH ORLANDO
- ④ JOSEPH EALY
- ⑤ VENETIAN COURT HOMEOWNERS ASSOCIATION

LOCATION MAP

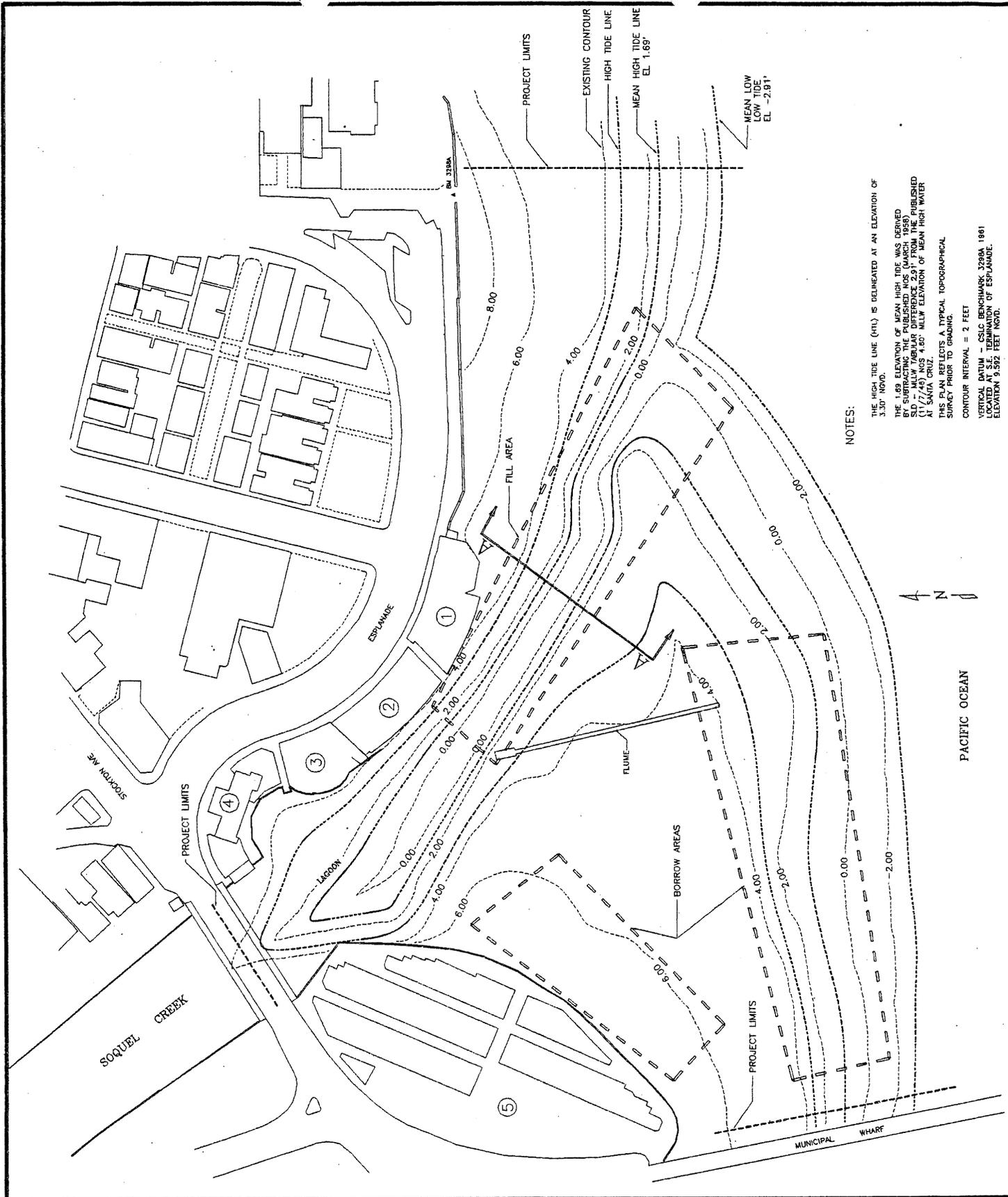
CITY OF CAPITOLA
420 CAPITOLA AVENUE
CAPITOLA CA 95010

CAPITOLA BEACH GRADING PLAN

IN: CAPITOLA BEACH/SOQUEL CREEK
AT: MONTEREY BAY
COUNTY OF: SANTA CRUZ STATE: CA
APPLICATION BY: CITY OF CAPITOLA

SHEET 1 OF 1

DATE: 5-16-94



NOTES:

THE HIGH TIDE LINE (HTL) IS DELINEATED AT AN ELEVATION OF 3.30' NGVD.
 THE 1.69 ELEVATION OF MEAN HIGH TIDE WAS DERIVED BY SUBTRACTING THE PUBLISHED NOS (MARCH 1958) TIDAL MEAN HIGH TIDE DIFFERENCE 2.31' FROM THE PUBLISHED NOS (MARCH 1958) MEAN LOW TIDE ELEVATION OF 4.19' AT SANTA CRUZ.
 THIS PLAN REFLECTS A TYPICAL TOPOGRAPHICAL SURVEY PRIOR TO GRADING.
 CONTOUR INTERVAL = 2 FEET
 VERTICAL DATUM - CSLC BENCHMARK 3258A 1981
 ELEVATION OF ESPLANADE
 ELEVATION 9.582 FEET NGVD.

PURPOSE: ANNUAL LAGOON CLOSURE & BEACH GRADING PER SOQUEL CREEK MANAGEMENT PLAN.

DATUM: NGVD

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PLAN VIEW

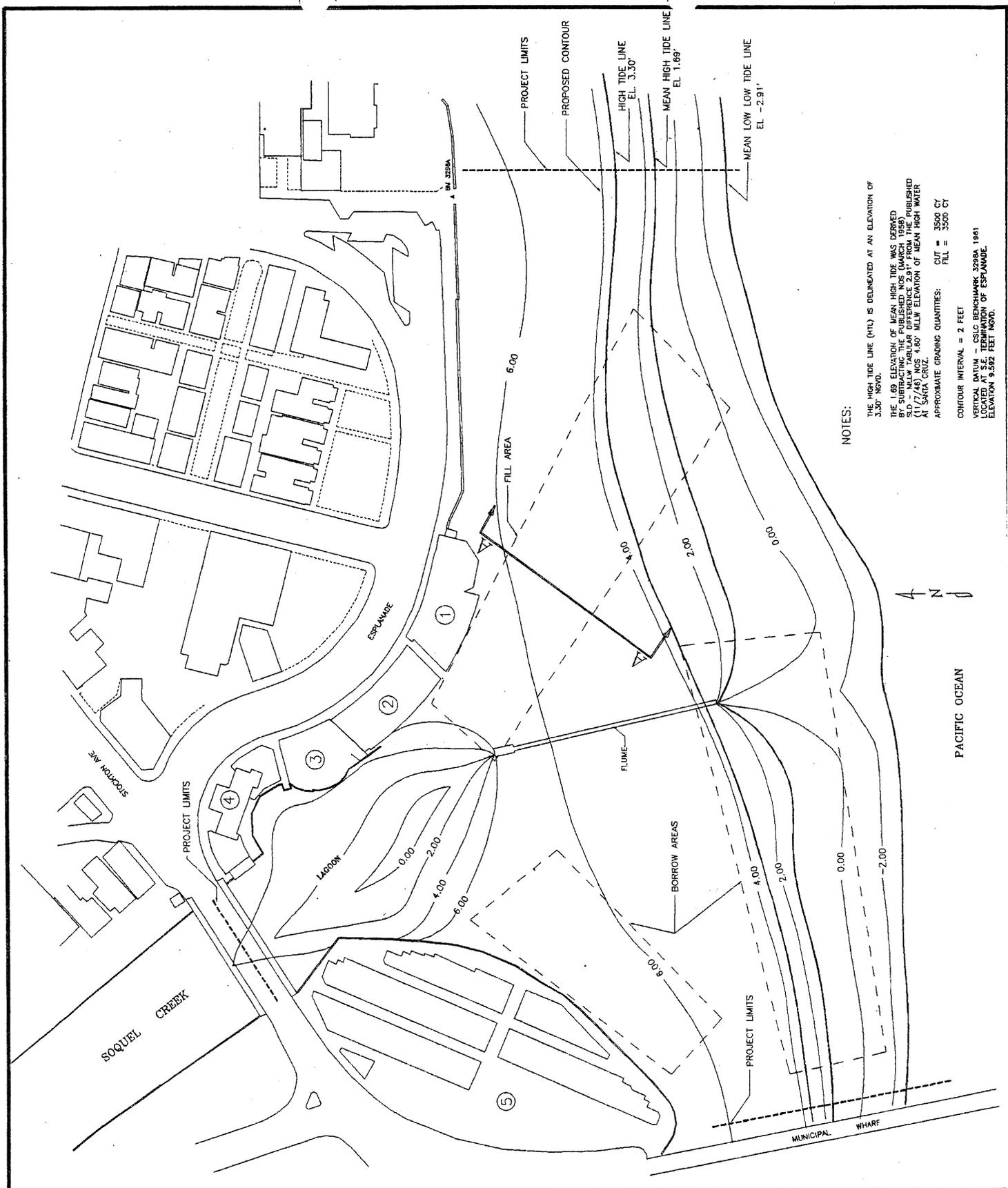
SCALE

CITY OF CAPITOLA
 420 CAPITOLA AVENUE
 CAPITOLA CA 95010

CAPITOLA BEACH GRADING PLAN
 EXISTING SITE TOPOGRAPHY

IN: CAPITOLA BEACH/SOQUEL CREEK
 AT: MONTEREY BAY
 COUNTY OF: SANTA CRUZ STATE: CA
 APPLICATION BY: CITY OF CAPITOLA

SHEET 1 OF 3 DATE: 04-01-94



NOTES:

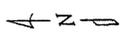
THE HIGH TIDE LINE (HTL) IS DELINEATED AT AN ELEVATION OF 3.30' NGVD.

THE 1.69' ELEVATION OF MEAN HIGH TIDE WAS DERIVED BY SUBTRACTING THE PUBLISHED NOS (MARCH 1958) SLD - M/LW TABULAR DIFFERENCE 2.61' FROM THE PUBLISHED (1958) NOS M/LW ELEVATION OF MEAN HIGH WATER 4.90'.

APPROXIMATE GRADING QUANTITIES: CUT = 3500 CY FILL = 3500 CY

CONTOUR INTERVAL = 2 FEET

VERTICAL DATUM - CSLC BENCHMARK 3298A 1961 LOCATED AT S.E. TERMINATION OF ESPLANADE. ELEVATION 9.592 FEET NGVD.



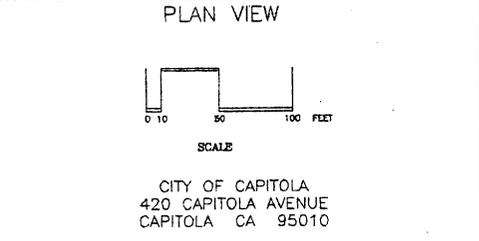
PACIFIC OCEAN

PURPOSE: ANNUAL LAGOON CLOSURE & BEACH GRADING PER SOQUEL CREEK MANAGEMENT PLAN.

DATUM: NGVD

ADJACENT PROPERTY OWNERS:

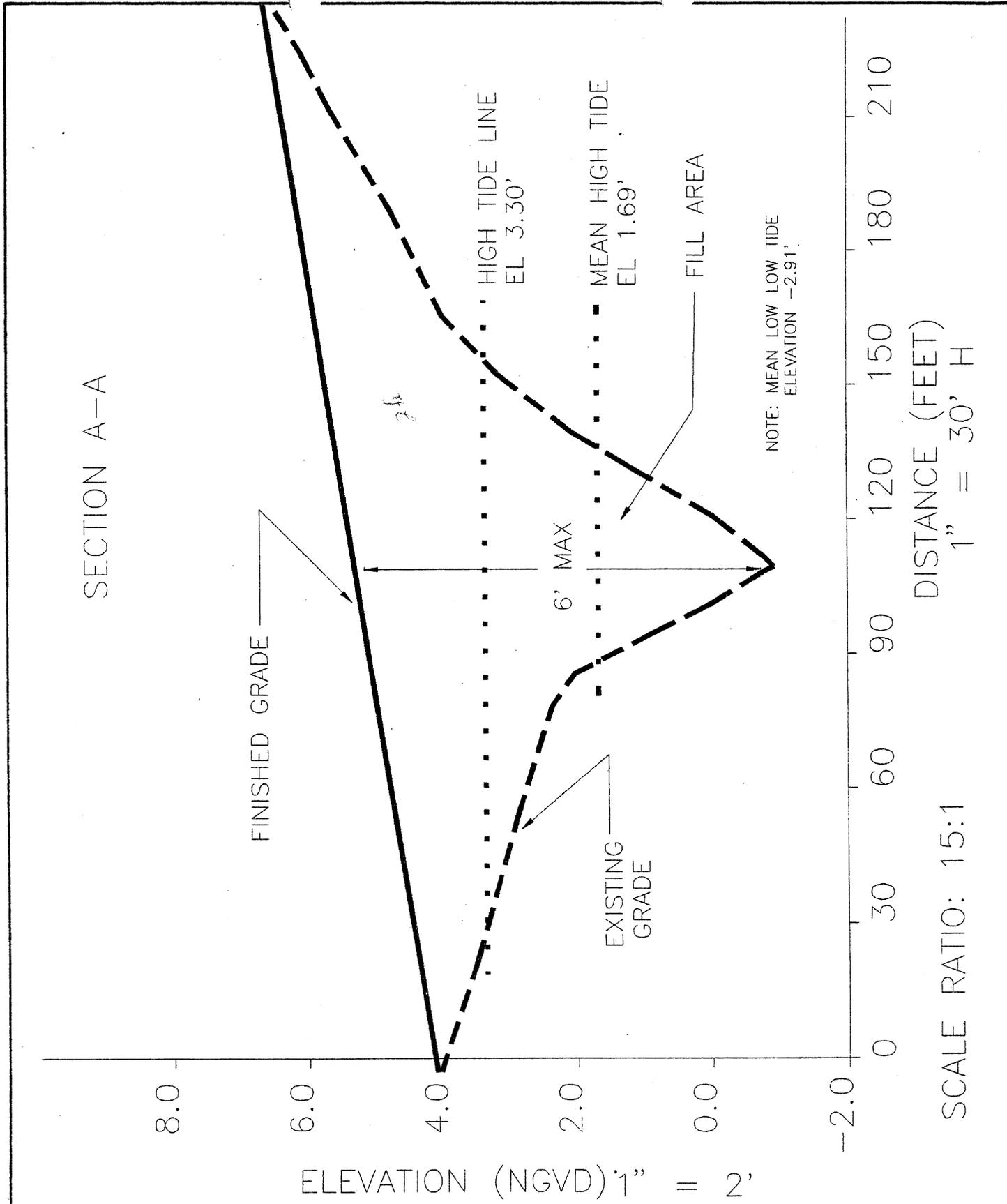
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- ⑤ VENETIAN COURT HOMEOWNERS ASSOCIATION



CAPITOLA BEACH GRADING PLAN
PROPOSED GRADING PLAN

IN: CAPITOLA BEACH/SOQUEL CREEK
AT: MONTEREY BAY
COUNTY OF: SANTA CRUZ STATE: CA
APPLICATION BY: CITY OF CAPITOLA

SHEET 2 OF 3 DATE: 04-01-94



PURPOSE: ANNUAL LAGOON CLOSURE
& BEACH GRADING PER
SOQUEL CREEK MANAGEMENT
PLAN.

DATUM: NGVD

ADJACENT PROPERTY OWNERS:

- ① MICHAEL R. DELAGNES
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SECTION VIEW

CITY OF CAPITOLA
420 CAPITOLA AVENUE
CAPITOLA CA 95010

CAPITOLA BEACH GRADING PLAN

IN: CAPITOLA BEACH/SOQUEL CREEK
AT: MONTEREY BAY
COUNTY OF: SANTA CRUZ STATE: CA
APPLICATION BY: CITY OF CAPITOLA

SHEET 3 OF 3

DATE: 05-14-93