



US Army Corps
of Engineers.

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 25735S

DATE: 8 January 2001

Regulatory Branch
333 Market Street

RESPONSE REQUIRED BY: 8 February 2001

San Francisco, Ca. 94105-2197

PERMIT MANAGER: Bob Smith Phone:(415) 977-8450/E-mail: rsmith@smtp.spd.usace.army.mil

1. INTRODUCTION: The District Engineer, San Francisco District proposes to renew for a 5 year period the Marina Lagoon Regional Permit issued to the City of San Mateo, Department of Public Works, 330 West 20th Avenue, San Mateo, California 94403 (contact: Amy Beland [650]522-7327) to authorize the placement of fill, and work and structures in Marina Lagoon in the City of San Mateo, San Mateo County, California. This authorization was previously issued as Permit No. 21356S. 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: The Marina Lagoon was created in the early 1950s to primarily provide drainage protection to low lying areas of the City of San Mateo during periods of high tide, and as a recreational water body. Water surface elevations in the lagoon are controlled by tide gates at the southern end of the lagoon, and tide gates and a pumphouse at the northern end. The lagoon is used to collect storm run-off from the westerly uplands and store it at elevations below the elevation of the high tide in the San Francisco Bay. The water is then pumped out against the tide, or discharges through the north tide gates at lower tides. Water is let into the lagoon through the southern tide gates to provide circulation in the lagoon. To provide storage capacity during the rainy season, from mid-October to mid-April water level in the lagoon is reduced from the summer high water level of -0.64 feet NGVD to -2.64 feet NGVD.

During the past five years the following work was authorized under the regional permit:

- a. Approximately three tons of sand were used to replenish beach sand at Aquatic Park and Lakeshore Park Beaches.
- b. Eleven new boat docks were constructed. One boat dock was removed.
- c. Twelve existing boat docks were modified, repaired or rebuilt.

The City of San Mateo and its authorized parties would be reauthorized to continue performing the following work provided the environmental impacts from such work were minimal:

- a. Construct, maintain, and improve individual boat docks and ramps on both banks of Marina Lagoon within the City limits of San Mateo. The docks shall not extend into the lagoon more than 25 feet beyond the point on the shoreline intersected by the plane of the summer high water level. In Mariner's Island Subdivision Units 1, 2, and 3 the docks and ramps shall not extend more than 15 feet beyond the edge of the existing house structure, and no more than 40 feet beyond the point on the shoreline intersected by the plane of the summer high water level.
- b. Construct, maintain, and improve pile-supported boardwalks. Boardwalks shall not extend into the lagoon more than 25 feet beyond the point on the shoreline intersected by the plane of the summer high water level. In Mariner's Island Subdivision Units 1, 2, and 3 the boardwalks shall not extend more than 15 feet beyond the edge of the existing house structure, and no more than 40 feet

beyond the point on the shoreline intersected by the plane of the summer high water level.

c. Maintain, and improve existing storm water outfalls, and undertake activities related to the construction of storm water outfalls where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted, or are otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System program (Section 402 of the Clean Water Act).

d. Construct, maintain, and improve fences (along established property lines only). Fences shall not extend more than 6 feet beyond the point on the shoreline intersected by the plane of the summer high water level.

e. Construct, maintain, and improve bank protection including riprap, bulkheads, paving on banks, and cuts and fills.

f. Maintenance, including sand replenishment, at the existing beaches at Lakeshore Park, Aquatic Park, and Mariner's Island. Extension of existing beaches beyond their existing footprint is not authorized.

For the purpose of this permit the summer high water level in Marina Lagoon is defined as being at elevation 97 feet, referenced to San Mateo datum plus 100, or -0.64 feet NGVD.

The following special conditions would be included as part of the permit:

No individual boat docks or boat launching ramps shall be constructed on the east shoreline of Marina Lagoon southward of a line extending from the western boundary of Aquatic Park south to the east shoreline of the lagoon.

Community docks and ramps built along this shore will require an individual permit.

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 is notified by this Public Notice that, unless he provides the Corps with evidence of a valid request for state water quality certification to the San Francisco Bay Regional Water Quality Board within 30 days of the date of this public notice, the Corps may consider this application withdrawn. 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, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this public notice.

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 is 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 placement of rock slope protection and sand replenishment would result in the change of substrate elevations and the smothering of bottom dwelling immobile organisms. This would be a minor adverse impact. In the last 5 years no rock slope protection has been placed.

Water Quality - Construction related activities could result in short-term adverse impacts to water quality. These impacts are expected to be minor.

(2) Biological Characteristics and Anticipated Changes

Endangered Species - The Corps is not currently aware of the occurrence of any federally listed endangered or threatened species on the project site. If adverse impacts to any federally listed threatened or endangered species are identified, the Corps will initiate consultation with the U.S. Fish and Wildlife Service as required by Section 7 of the Endangered Species Act.

Habitat for Fish, Other Aquatic Organisms, and Wildlife - New boat docks and overhanging decks would have a net minor adverse impact on the aquatic habitat. This minor adverse impact would occur as a result of shading shallow water areas. The addition of piles along the shore of the lagoon would provide structure in the aquatic ecosystem. This would be a minor beneficial impact.

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 minimus 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

Public Health and Safety - The primary purpose of the lagoon system is flood control. Proper management and maintenance of the system would provide continued flood protection for the community. This would be a long-term beneficial impact.

Recreational Opportunities - Marina Lagoon provides recreational opportunities in the form of boating, fishing, swimming. This is a long-term beneficial impact for the community.

Recreational Fishing - See above.

(4) Historic - Cultural Characteristics and Anticipated Changes

The Marina Lagoon was constructed around an existing, natural tidal slough. The area has been so extensively modified by modern development that little likelihood exists for the proposed projects to impinge upon an undisturbed historic property

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 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)(1) of the Clean Water Act, 33 U.S.C. Section 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 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 our office at telephone (415) 977-8450 or E-mail: bsmith@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.