



US Army Corps
of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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

NUMBER: 26331S DATE: 21 March 2002
RESPONSE REQUIRED BY: 05 April 2002

PROJECT MANAGER: Larry Fade TELEPHONE: (415) 977-8477 E-Mail: lawrence.a.fade@usace.army.mil

1. **INTRODUCTION:** Mr. Tobie Lurie, president of the Corona Del Mar Homeowners Association, 2022 High Street, Unit B, Alameda, California 94501, 510-523-8629, has applied to the U.S. Army Corps of Engineers (USACE) for a single episode permit to maintenance dredge the area immediately adjacent to the boat dock at the above address in the City of Alameda, Alameda County, California. The purpose of the proposed dredging is to return the dock area to a depth, which will allow safe navigational clearance for recreational boats. The floating dock is a safety issue and will be replaced. 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 444 cubic yards of sediment from the approximately 0.05 acre dock area at the edge of the Oakland Inner Harbor Tidal Canal near the High Street bridge. Existing depths at this dock on the Canal are about +3 feet mean lower low water (MLLW). The design depth for the dock area is -6 feet MLLW plus an additional 1-foot overdepth allowance. Material would be removed by clamshell dredge and the dump scows would then be taken to the designated in-Bay disposal site, SF-11 (Alcatraz Island Disposal Site), for disposal.

The suitability of the proposed dredged material for aquatic disposal at SF-11 was evaluated by the Dredged Material Management Office (DMMO), an interagency group consisting of representatives from the USACE, U.S. Environmental Protection Agency, San Francisco Bay Regional Water Quality Control Board (RWQCB), San Francisco Bay Conservation and

Development Commission (BCDC) and the State Lands Commission. The DMMO considered the request for a Tier I determination for this episode. Based on an examination of previous test results from the same general area and the small volume for this project, the DMMO recommended to the agencies that a Tier I determination is appropriate for the material proposed for this dredging episode and that the material is suitable for disposal at SF-11.

3. **STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a USACE permit must obtain a State water quality certification or waiver before a USACE permit may be issued. The applicant has provided the USACE with evidence that the Association has received a valid State water quality certification from the RWQCB.

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 94612-1413, by the close of the comment period of this Public Notice.

Per the San Francisco Bay Plan, this project is in the jurisdictional purview of the BCDC. The applicant has obtained a permit from the BCDC.

4. ENVIRONMENTAL REVIEW:

National Environmental Policy Act of 1969 (NEPA): At the conclusion of the public comment period, the USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), the Council on Environmental Quality's

Regulations at 40 CFR 1500-1508, and USACE Regulations at 33 CFR 230 and 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of the USACE and other non-regulated activities the USACE 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.

Endangered Species Act of 1973 (ESA):
Endangered and Threatened Species

Sacramento River Winter-Run Evolutionarily Significant Unit (ESU) chinook salmon (*Oncorhynchus tshawytscha*) is listed as endangered (January 4, 1994, 59 FR 440). The ESU includes populations of winter-run chinook salmon in the Sacramento River and its tributaries in California. Critical habitat for Sacramento River Winter-Run ESU chinook salmon is designated in 58 FR 33212, on June 16, 1993. Adult Sacramento River Winter-Run chinook salmon migrate through San Francisco Bay, San Pablo Bay, 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.

Central Valley Spring-Run ESU chinook salmon (*Oncorhynchus tshawytscha*) is listed as threatened (September 16, 1999, 64 FR 50394). The ESU includes all naturally spawned populations of spring-run chinook salmon in the Sacramento River and its tributaries in California. Critical habitat for Central Valley Spring-Run chinook salmon is designated in 65 FR 7764, on February 16, 2000. Adult Central Valley Spring-Run chinook salmon migrate through San Francisco Bay, San Pablo Bay, Suisun Bay, and Honker Bay, to spawning areas in the upper reaches of the river system during the spring. Juveniles travel downstream through San Francisco Bay to the Pacific Ocean in the late fall.

The movements of adult and juvenile salmonids through the Bay system are thought to be rapid during these migrations. Because impacts to the water column during dredging events would be short-term, localized and minor in magnitude, no potentially adverse effects to salmonids that may be near the project site are anticipated. If a permit is issued for this proposed project, it will contain a condition that no dredging is allowed from January 1 through May 31 without prior consultation (pursuant to Section 7 of the Endangered Species Act) with and approval from the National Marine Fisheries Service (NMFS) to protect the threatened and endangered salmonids

The USACE has concerns regarding potential impacts to Pacific herring during its annual spawning season. The proposed maintenance dredging will occur within the traditional Pacific herring spawning grounds. As a result, the USACE will condition the permit (if issued) so that dredging will not be allowed during the peak of the spawning season from December 1 through March 1.

Habitat for Fish, Other Aquatic Organisms, and Wildlife

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This Notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 0.05 acres of EFH utilized by various species of **Pacific Groundfish, Coastal Pelagics** and **Pacific Coast Salmon**. 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.

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)).

6. 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 of 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.

7. CONSIDERATION OF COMMENTS: The USACE 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 the project. All comments received by the USACE 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 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.

8. SUBMISSION OF COMMENTS: During the specified comment period, interested parties may submit

written comments to the San Francisco District, Regulatory Branch, citing the applicant's name and Public Notice Number in the letter. Comments may include a request for a public hearing on the project prior to a determination on the permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All comments will be forwarded to the applicant for resolution or rebuttal. Additional information may be obtained from the applicant or by contacting Mr. Larry Fade of the Regulatory Branch at telephone 415-977-8477 or e-mail: lawrence.a.fade@usace.army.mil.