US Army Corps of Engineers®

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

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 24441N DATE: April 9, 2004

RESPONSE REQUIRED BY: May 9, 2004

PROJECT MANAGER: Philip Shannin Ph: (415) 977-8445/E-mail: pshannin@spd.usace.army.mil

1. **INTRODUCTION:** Hanson Marine Operations, 300 Busch Road, Pleasanton, California 94556, through its agent Earl Bouse [(925) 426-4084], has applied for a five year U.S. Army, Corps of Engineers (Corps) permit to mine up to 300,000 cubic yards of sand per year from PRC 2036, at Point Knox shoal in San Francisco Bay, Marin County, California and transport the sand to upland sand yards around San Francisco Bay. This application is being processed pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).

2. **PROPOSED PROJECT:**

Project Site: As shown in the attached drawings, the project will be located in central San Francisco Bay, at the Point Knox Shoal. This area is leased from the State Lands Commission and has been used for sand extraction for more than 25 years.

Project Description: Typical sand mining operations involve the use of a dredge pump mounted on a self-loading barge with a capacity of approximately 2,500 cubic yards. During the sand mining operation, the barge is positioned at the shoal and the drag head is lowered to the bottom, where a mixture of sand/water (15% sand and 85% water by volume) is pumped up to the barge. As the barge is filled with the slurry mixture, excess water containing up to 4% fine material from the shoal is returned to the Bay to maximize the volume of sand for transportation. The rate of discharge of overflow water averages 16,000 gallons per minute (gpm) and an average time of discharge is about three hours. A trailing plume is visible behind the barge during flood and ebb tides and a more localized plume can be seen during slack tide.

Purpose and Need: The basic and overall purpose of this project is to mine sand in San Francisco Bay for commercial resale and transport the material to upland sand yards.

Impact: The project will result in the removal of 300,000 cubic yards (cy) of sand per year, over a five year period, from Corps jurisdictional waters, within central San Francisco Bay. This would be a renewal of a previous Corps authorization for this work. The current authorization is scheduled to expire on September 17, 2004.

Mitigation: Individual sand mining events are thought to have minimal impacts on aquatic resources. The applicant is presently funding a long-term study of the cumulative impacts of sand mining within San Francisco Bay. This study will determine if future changes to sand mining operations are required, to minimize impacts to the aquatic environment.

3. **COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with

the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. Species and critical habitat currently identified as potentially impacted by the proposed project include winter-run chinook salmon (*Onchorhynchus tshawytscha*), steelhead trout (*Onchorhynchus mykiss*), and coho salmon (*Onchorhynchus kisutch*).

Magnuson-Stevens Fisheries Conservation and Management Act: NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. Specific EFH concerns associated with this proposal include Pacific groundfish, coastal pelagics, and Pacific coast salmon. Coordination with the NMFS in regard to EFH will be initiated concurrently with the ESA consultation.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification 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 San Francisco Bay Region Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification 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.

b. Alternatives: Evaluation of this proposed activity's impact 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. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is water or wetland dependent.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project will comply with the State's Coastal Zone Management Program, if applicable. No Corps permit will be issued until the State has concurred with the applicant's certification. Coastal development issues should be directed to the San Francisco Bay Conservation and Development Commision (BCDC), 50 California Street, Suite 2600, San Francisco, California 94111.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the

public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline 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.

5. **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 to determine whether to issue, 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 in the proposed activity.

6. **SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public 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 name and address are indicated in the first paragraph of this Public Notice or by contacting Philip A Shannin of our office at telephone 415-977-8445 or E-mail: pshannin@spd.usace.army.mil. Details on any changes of a minor nature, which are made in the final permit action, will be provided upon request.