



US Army Corps  
of Engineers

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

NUMBER: 29900N Dredging – Noyo River Entrance Channel

DATE: February 22, 2006

RESPONSE REQUIRED BY: March 24, 2006

Regulatory Branch  
333 Market Street

San Francisco, CA 94105-2197

PERMIT MANAGER: Clyde Davis

PHONE: (415) 977-8449;

E-mail: clyde.r.davis@usace.army.mil

**1. INTRODUCTION:** The U.S. Coast Guard (CG); through its agent, Roy Clark, of the US Coast Guard, 2000 Embarcadero, Suite 200, Oakland, California 94606-5337, (510) 535-7262; has applied for a ten-year U.S. Army, Corps of Engineers (Corps) permit to maintenance dredge the Noyo River Federal Navigation Project at Fort Bragg, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).

The Noyo River Federal Navigation Project at Fort Bragg, California needs to be dredged. Shoaling at the entrance is impacting CG Station Noyo River's ability to carry out its mission. The Station is responsible for security, law enforcement, pollution response, and search and rescue from Punta Gorda in the north to Gualala in the south. On average the Station performs 200 search and rescue missions and 100 boardings every year. Shoaling in the 10-foot channel has increased, especially in the entrance channel, and impacts the unit's ability to carry out the mission.

The Corps historically dredges the Noyo River Federal Navigation Project every 2 to 3 years. The channel has not been dredged since 2001. The CG now proposes to dredge the entrance channel to the authorized maintenance depth.

**2. PROJECT DESCRIPTION:** As shown in the attached drawings, the applicant plans to remove approximately 20,000 cubic yards (cy) of sediment from the 3.5 acre (approximate) entrance channel in an initial episode and a total of 100,000 cy over the

life of the ten year permit. Existing depths range from -7.3 to -10.1 feet MLLW in the project area. The design depth for the entrance channel is -10 feet MLLW plus an additional 2-foot over dredge allowance. The material would be removed using a clamshell or hydraulic dredge.

Disposal will either be to the Humboldt Open Ocean Disposal Site (HOODS) or the previously used upland site adjacent to the channel entrance. If the HOODS is used, the dredged material would be removed by mechanical dredge and loaded into a bottom dumping scow. The scow would be towed to the HOODS and the material disposed of in the quadrant specified in the permit. If the existing upland site is used, a hydraulic dredge would pump the material through a pipeline to the site. The upland site was filled to capacity in 2002 by the Noyo Harbor District when it dredged its boat basin. The CG is endeavoring to locate a reuse site that can accept the material at an economical cost. The CG continues to pursue this preferred option.

The project should take about 30 to 60 days depending on weather and is planned for summer 2006.

Prior to each dredging episode, the Regulatory Agencies will evaluate the sediments to be dredged for unconfined aquatic disposal or reuse suitability. The representatives are from the U.S. Environmental Protection Agency (EPA), California Coastal Commission (CCC), North Coast Regional Water Quality Control Board (RWQCB), and the U.S. Army Corps of Engineers (Corps). The agencies are tasked with approving sampling and

analysis plans in conformity with testing manuals, reviewing the test results and reaching consensus regarding a suitable disposition for the material. Sampling and analysis of the sediments proposed for the first episode has been performed. The agencies have determined that the material is Suitable for Unconfined Aquatic Disposal or upland reuse.

### **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. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 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. FWS has concurred with a no effect determination by the CG for effects to the marbled murrelet and the tidewater goby. NMFS consultation has been initiated for Central California Coast coho salmon and California Coast Chinook Salmon and its critical habitat.

**Magnuson-Stevens Fisheries Conservation and Management Act:** The 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. The entrance channel dredging will not affect EFH. Coordination with the NMFS in regard to EFH was 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 North Coast 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 issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skyline Boulevard, Suite A, Santa Rosa, California 95403 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)). The applicant has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the guidelines. The applicant states that there are no practicable alternative for his project. An evaluation has been made by this office under the guidelines and it was determined that the proposed disposal is not water 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 is consistent with the State's Coastal Zone Management Program, if applicable. The applicant has obtained a Consistency Determination.

**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. 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. 1344(b)). In particular, alternative disposal sites and beneficial reuses will be considered by the applicant.

**5. 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, 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 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

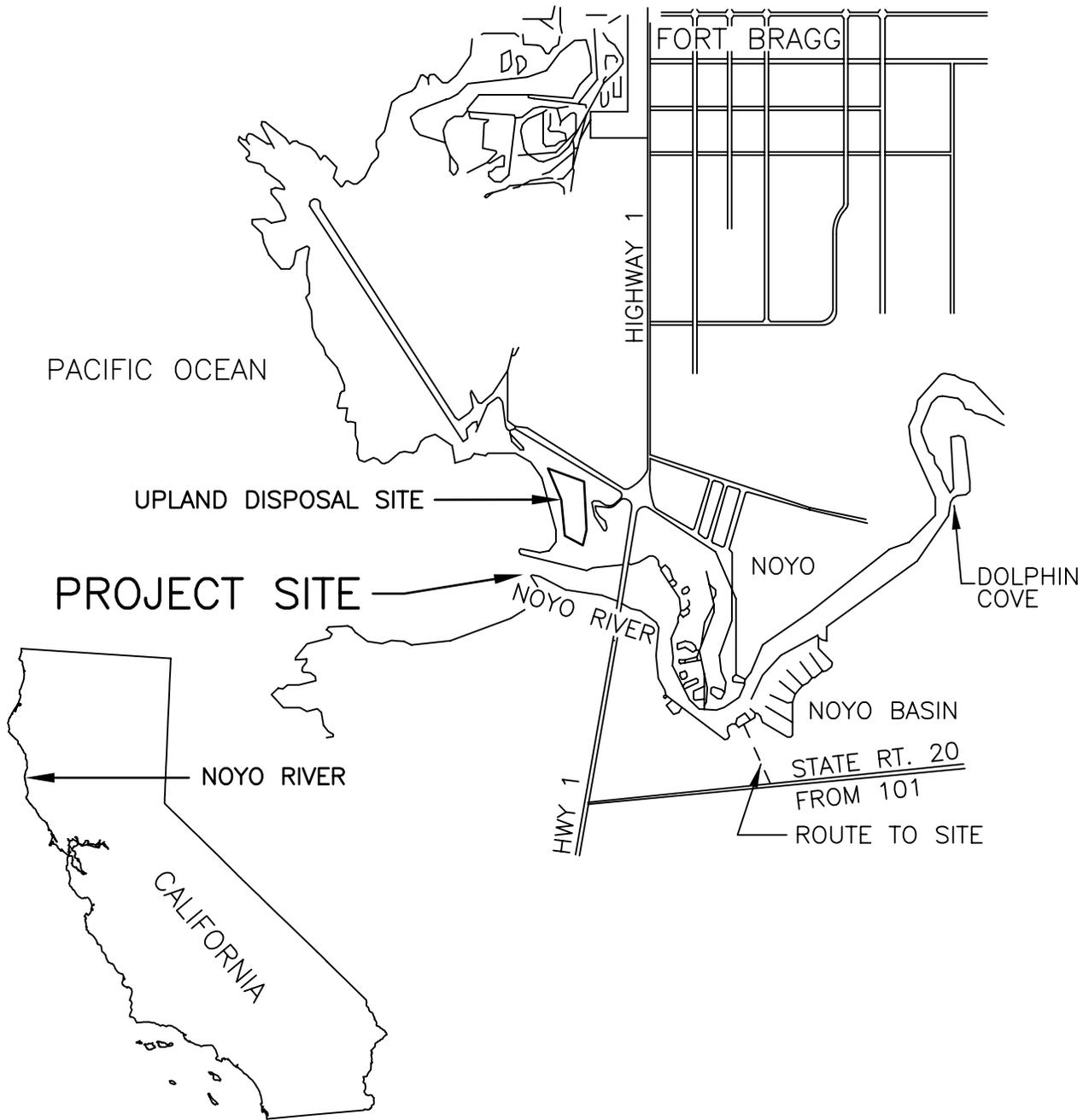
conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**6. 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.

**7. 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. Clyde Davis, Regulatory Branch. It is 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 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. Clyde Davis of our office at telephone (415) 977-8449 or by e-mail at [clyde.r.davis@usace.army.mil](mailto:clyde.r.davis@usace.army.mil). Details on any changes of a minor nature that are made in the final permit action will be provided on request.



**VICINITY MAP**

SCALE: NONE

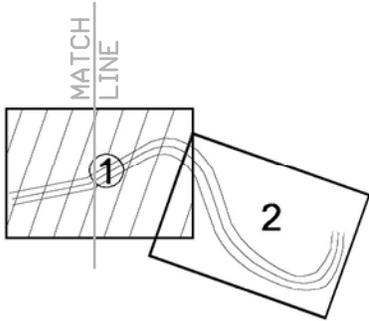


PURPOSE: MAINTENANCE DREDGING  
 DATUM MHHW  
 ADJACENT PROPERTY OWNERS:

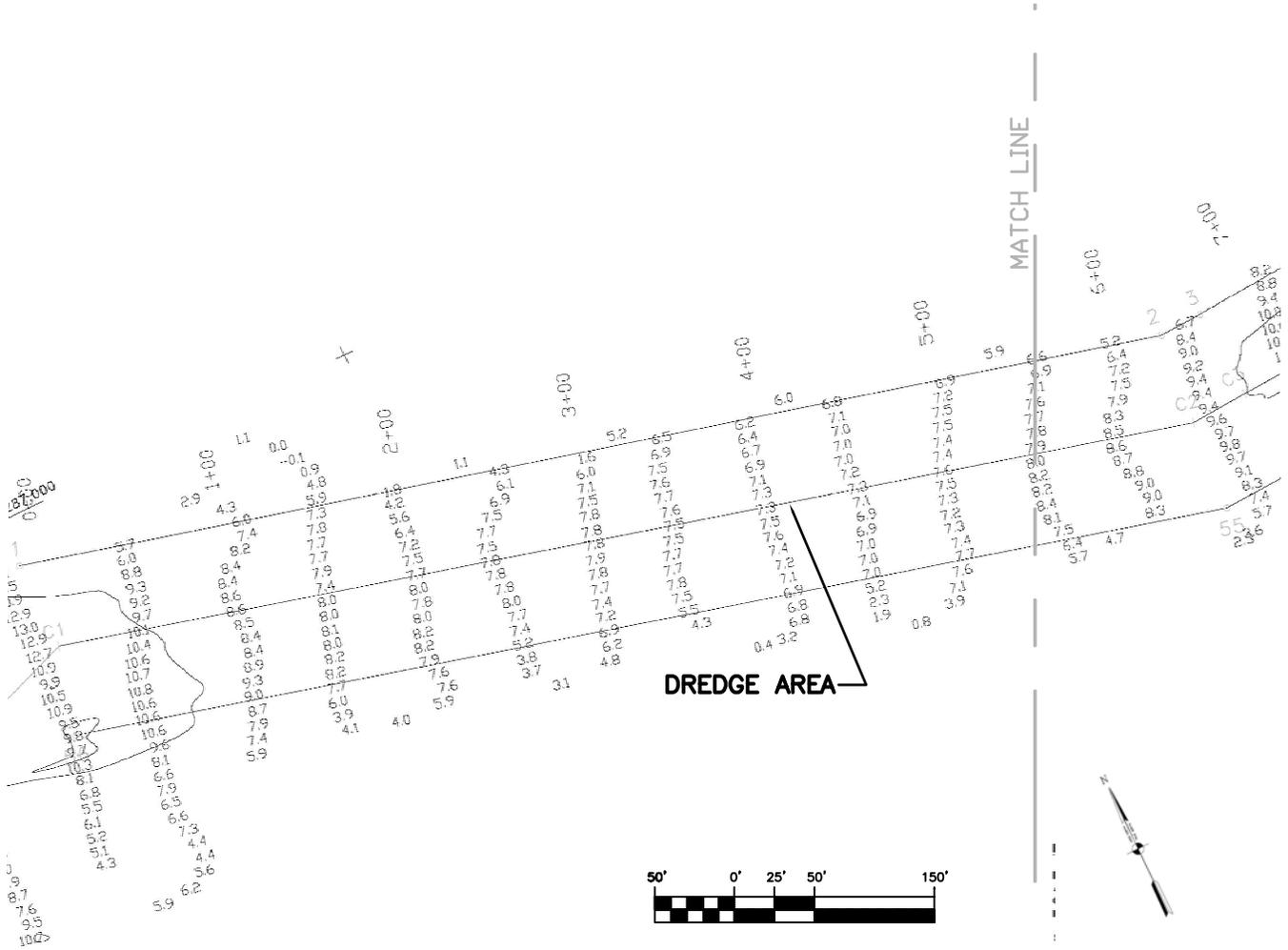
VICINITY MAPS  
 STATION NOYO RIVER  
 FORT BRAGG, CA

MAINTENANCE DREDGING  
 IN FORT BRAGG  
 AT NOYO RIVER  
 COUNTY OF SONOMA STATE CA  
 APPLICATION BY USCG  
 SHEET 1 OF 4 DATE OCT 10, 2005





**SHEET INDEX**



**CONDITION SURVEY**

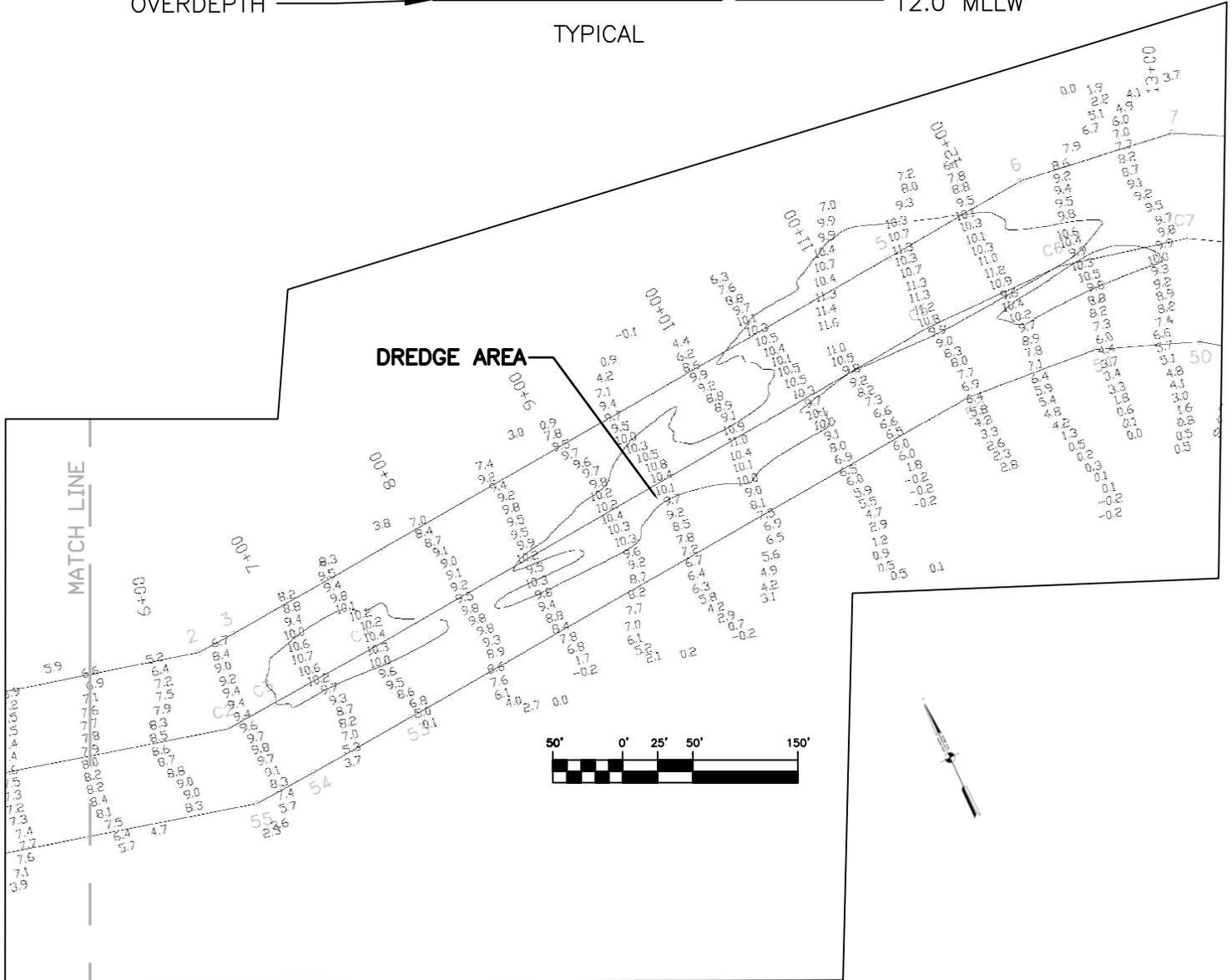
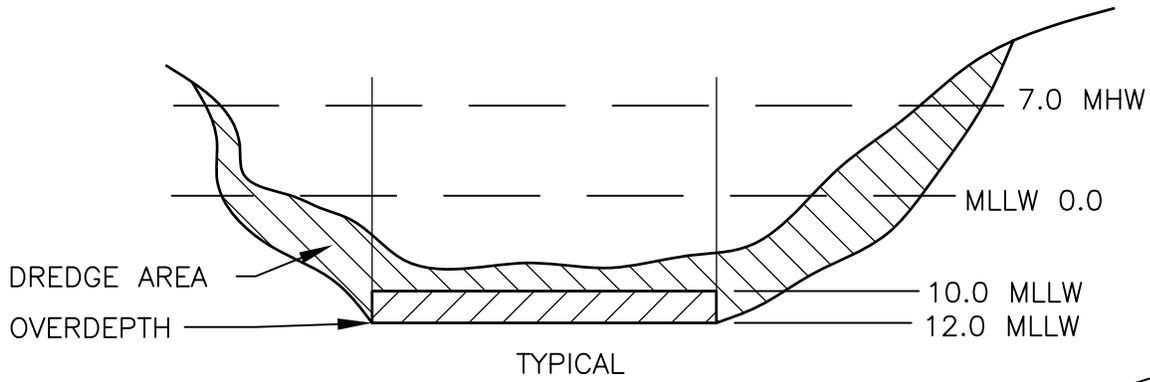
SCALE: NONE



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CONDITION SURVEY  
 NOYO RIVER  
 FORT BRAGG, CA

MAINTENANCE DREDGING  
 IN FORT BRAGG  
 AT NOYO RIVER  
 COUNTY OF SONOMA STATE CA  
 APPLICATION BY USCG  
 SHEET 2 OF 4 DATE OCT 10, 2005



**CONDITION SURVEY**

SCALE: NONE

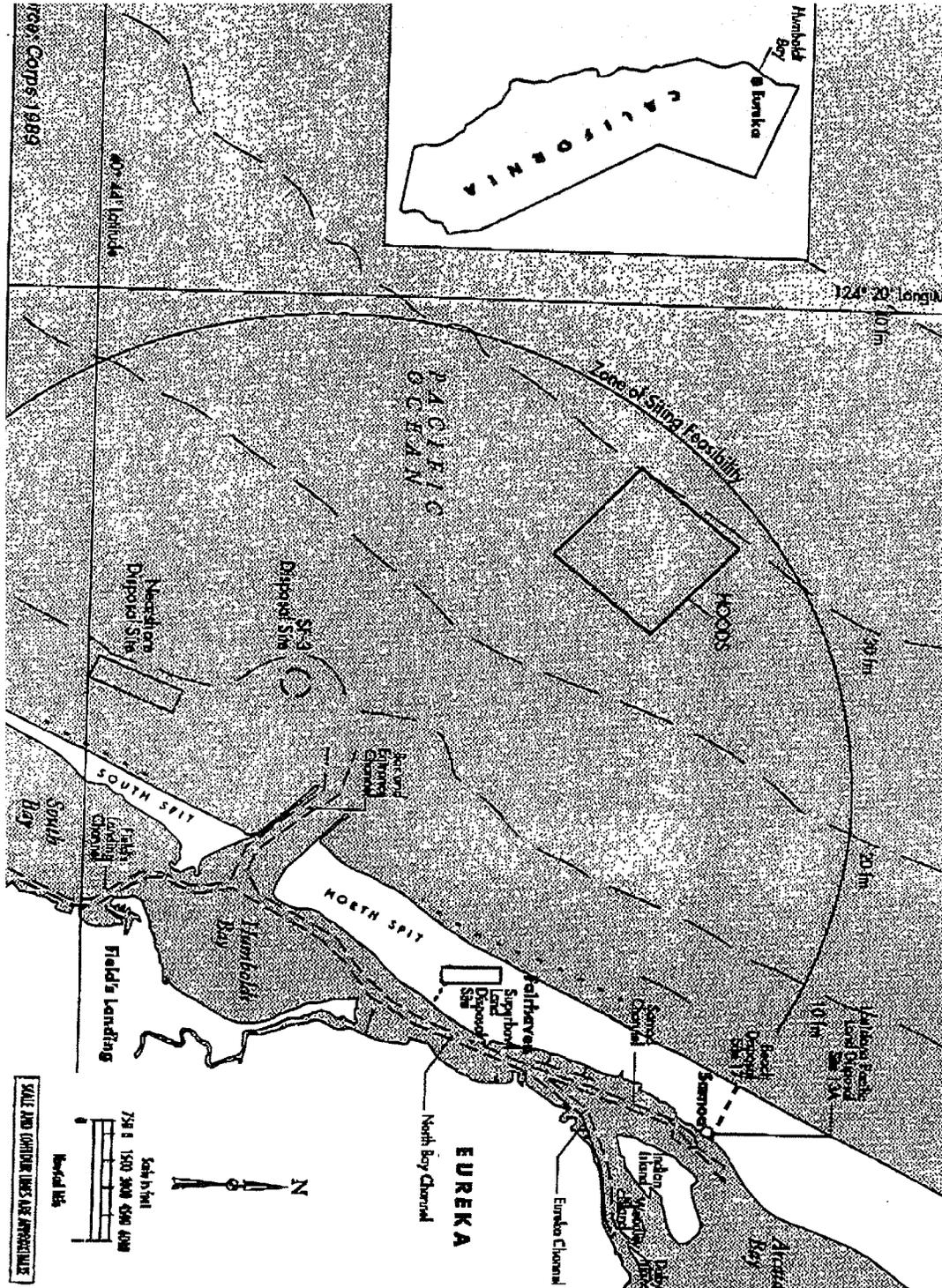


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MAINTENANCE DREDGING

IN FORT BRAGG  
 AT NOYO RIVER  
 COUNTY OF SONOMA STATE CA  
 APPLICATION BY USCG  
 SHEET 3 OF 4 DATE OCT 10, 2005



**LOCATION MAP**

SCALE: NONE



PURPOSE: MAINTENANCE DREDGING  
 DATUM MHHW  
 ADJACENT PROPERTY OWNERS:

LOCATION MAP OF PAST  
 AND PRESENT OCEAN AND  
 LAND DREDGED MATERIAL  
 SITES NEAR HUMBOLT  
 BAY, CA

MAINTENANCE DREDGING  
 IN EUREKA  
 AT HUMBOLT BAY  
 COUNTY OF HUMBOLT STATE CA  
 APPLICATION BY USCG  
 SHEET 4 OF 4 DATE OCT 18, 2005