



US Army Corps
of Engineers®

Regulatory Division
1455 Market Street
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project:

PROPOSED SHELTER COVE BREAKWATER REHABILITATION PROJECT, HUMBOLDT COUNTY

NUMBER: 2007-00717N

DATE: June 9, 2008

RESPONSE REQUIRED BY: July 11, 2008

PROJECT MANAGER: Carol Heidsiek

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1. **INTRODUCTION:** Humboldt Bay Harbor, Recreation, and Conservation District P.O. Box 1030, Eureka, California 95502, has applied for a Department of the Army permit to discharge fill into navigable waters of the United States (Shelter Cove) for the purpose of rehabilitation of the existing breakwater to restore its effectiveness. The breakwater protects the boat launch ramp apron, access road, fish cleaning station, and bluff stabilization area, along the access road. The breakwater would be restored to essentially its current configuration to provide similar dimensions, level of protection, and protected areas as it did prior to deterioration. This would provide a safe area for public use of and access to the site on the road and boat ramp, as well as for boaters in the ocean. The boat launch ramp apron is considered part of the boat ramp as the concrete of the launch ramp apron connects to the breakwater. The crest of the inner leg of the breakwater will taper-up from its current shore elevation of approximately 4.5-feet to 9.5-feet as the leg progresses outward from the shore. The rehabilitated breakwater will be sturdier than the original to better withstand wave forces. Annual maintenance dredging/repairs, as well as access ramp/road improvements are also proposed. Work would be authorized through December 31, 2013.

2. **PROPOSED PROJECT:** The protective breakwater would be designed with a base layer of 6-inch rocks, an under-layer of quarter-ton and half-ton quarry rock, and an outer armor layer of 3-ton to 5-ton quarry rock. The breakwater rehabilitation would be

constructed from land because the wave climate is too rough for construction from a barge. The breakwater would be constructed incrementally. Following completion of a section from the shore, imported crushed rock would be used to construct an accessible path on top of the proposed 11-foot wide crest of the breakwater for tired or tracked equipment access, in order to place rock at the end of the new section. This would be repeated as an incremental construction process in the next section and outward.

The footprint area of the existing breakwater is about 12,680 square feet. The existing structure is about 700-feet long and the average width at the base is about 70-feet and at the top it is about 11-feet. This footprint area excludes rocks that have been dispersed by waves, so the original footprint may have been greater. The rehabilitated breakwater would have a footprint of about 17,080 square feet with an increase in size of about 4,400 square feet. About 5,190 tons of imported rock would be added to the breakwater as well as reuse of about 2,260 tons of existing rock that has sloughed off.

An upland area would be used for staging near the breakwater for storing equipment and materials for efficient use during construction. The area would be about a half-acre in size. The breakwater is small in size and due to the heavy nature of the job, a small construction crew would be utilized for heavy equipment operation and minor hand work. Work would occur during low tides. Also, construction would be timed to avoid peak fishing to greatly lessen

traffic and construction conflicts.

Maintenance dredging would be implemented during low tides and remove about 400 cubic yards yearly to remove accumulated sediment on the northeast side of the breakwater. A loader, excavator, or blade would move excess sand from the protected area of the breakwater to the small sandy area of the beach within the high tide zone, adjacent to the southwest side of the breakwater. This would allow sediment to be picked-up gradually by the high tides and transported offshore. Most of the sand would be deposited at 5.4-feet or above MHW. This is at the upper limit of Section 10 jurisdiction.

The breakwater would need maintenance repairs occasionally due to wave damage. About 110 tons to 220 tons of 5-ton rock would be used to armor the site, every 10-years. Also, the launch ramp apron (launch ramp surface and launch ramp access road) would need repairing and repaving. These repairs would occur after the breakwater rehabilitation is completed and then occasionally as maintenance work.

The project is in Humboldt County, California. See the enclosed figures entitled: "Shelter Cove Quadrangle-1997," "Assessor's Map-Approximate Location of Breakwater," and "Shelter Cove Breakwater Rehabilitation Project-Figure 1." 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) and Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

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 Division, 1455 Market Street, San Francisco, California 94103-1398.

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. Breakwater rehabilitation activities in the project area may adversely affect the threatened Southern Oregon/Northern California (SONCC) Evolutionarily Significant Unit (ESU) coho salmon (*Oncorhynchus kisutch*), threatened Chinook salmon-California coastal Ecologically Significant Unit (ESU) (*Oncorhynchus tshawytscha*), and threatened steelhead-Northern California ESU (*Oncorhynchus mykiss*), and their critical habitat.

The Corps will be requesting consultation with NOAA Fisheries. The Corps has determined that this project will not affect federally listed species or their habitat regulated by the U.S. Fish and Wildlife Service.

Magnuson-Stevens Fisheries Conservation and Management Act: Essential Fish Habitat - The Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions permitted by the agency that may adversely affect Essential Fish Habitat (EFH). The Corps will initiate EFH consultation necessary to address the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed operations in the project area may adversely affect EFH due to the potential for increased sedimentation and possible decrease in available foraging and migrating habitat. Additionally, eel grass beds, if present, may be impacted.

Clean Water Act of 1972 (CWA):

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 California Regional Water Quality Control Board (RWQCB), North Coast Region, has issued Section 401 Water Quality Certification for the existing LOP.

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 Skylane 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)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is 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 proposed project is within the Coastal Zone. The California Coastal Commission (CCC) issued Coastal Development Permit.

National Historic Preservation Act of 1966 (NHPA): If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) 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, historic 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 Eureka Field Office 601 Startare Drive Eureka, California, 95501. 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 Carol Heidsiek of our office at telephone 707-443-0855, writing to the Eureka Field Office or E-mail: carol.a.heidsiek@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.