



US Army Corps  
of Engineers®

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

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

## Project: Port Sonoma Marina – Dredged Material Offloader

NUMBER: 2008-00038N

DATE: March 7, 2008

RESPONSE REQUIRED BY: March 24, 2008

PROJECT MANAGER: Robert Lawrence

PHONE: (415) 503-6808

1. **INTRODUCTION:** Berg Holdings (Port Sonoma Marina), through its agent (Zentner and Zentner) has applied for a Department of the Army permit to construct and operate a dredged material offloader and associated pipeline at the Port Sonoma Marina (Marina), California. 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:** As shown in the attached drawings, the applicant plans to install a sediment offloader, which is essentially and simply a converted hydraulic dredge, and a short section of dredge material pipeline to pump material from the offloader to nearby Carneros River Ranch (Ranch) (Figures 3 and 4).

The offloader will be placed in Marina 2 as near the shoreline and the existing dredged material pipeline as possible and anchored with two 30-foot spuds. The offloader will be flanked on either side by two barges acting as floating docks; these barges will also be anchored with two, 30-foot spuds each. Material dredged by clamshell from ports or harbors throughout the Bay would be transported to Port Sonoma (Port) by tug-towed barge. The barges are likely to range in total capacity from 800 to 4,000 cubic yards (CY); however, current channel depths in the Petaluma River will probably limit the load of any barge to 1,500 CY. For example, a 2,000-CY barge can be towed on-site at almost all tides loaded with 1,500 CY of sediment.

The sediments will be too stiff and dense to pump immediately; accordingly, marina water will be pumped into the barges to make a slurry (dredged material mixed with water); a caged, submersible 1200 gallon-per-minute pump attached to the underside of the offloader will be used for this work. The dredged material slurry would then be pumped through a pipeline by the 16" main pump, offloading 375 CY of sediment per hour; this would empty a 1500-CY load in four hours. The pipeline would be routed under the public pathway along the shoreline and connected to the Port's existing dredge pipeline, which discharges onto Ranch property. The discharged material would then be dried and used for agricultural purposes as occurs on the Ranch presently.

The offloader and pipeline will not result in the placement of any fill or dredged material in Section 404 waters.

The Port is also planning to construct a boat-launch ramp in the eastern portion of the Port facility. This proposal project will include dredging and fill activities. The launch-ramp project is being handled as a separate permitting action by the Department of the Army. A separate Public Notice will be issued for that project.

### 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, 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.

According to the applicant, there are currently no federally-listed species known to make significant use of the Port Sonoma Marina; however, a number of listed species are known from nearby adjacent habitats, including:

- Steelhead trout - threatened (part of Central California coastal populations);
- Chinook salmon - Central Valley spring-run – threatened;
- Chinook salmon - Winter-run - endangered;
- Green sturgeon – threatened;
- California clapper rail – endangered;
- Salt marsh harvest mouse – endangered;

Of these species, only the steelhead and salmon are potentially likely to use the site; the marsh fringe is too narrow, isolated and affected by daily human activities to support the marsh-dependent species. None of these species is expected to be affected by the project. The offloader should have minimal direct or indirect effects on wildlife due to its small footprint and minimal intrusion into the

environment.

**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). This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would impact (by way of shading) approximately 0.39 acres of EFH utilized by various species of sole, shark and rockfish. The Corps' 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 NMFS.

The “Baywide Eelgrass Inventory of San Francisco Bay,” prepared by Merkel and Associates, dated October 2004, does not show the area in and around the Marina as having any eelgrass beds. Eelgrass is not expected to be established in this area.

**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. 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 Commander 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, 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)). The applicant states that there are no practicable alternatives for this project.

**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 Commission (BCDC), 50 California Street, Suite 2600, San Francisco, California 94111.

**National Historic Preservation Act of 1966 (NHPA):** Because the Marina has been previously dredged, historic or archeological resources are not expected to occur in the project vicinity. 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) in accordance with Section 106 of the National Historic Preservation Act.

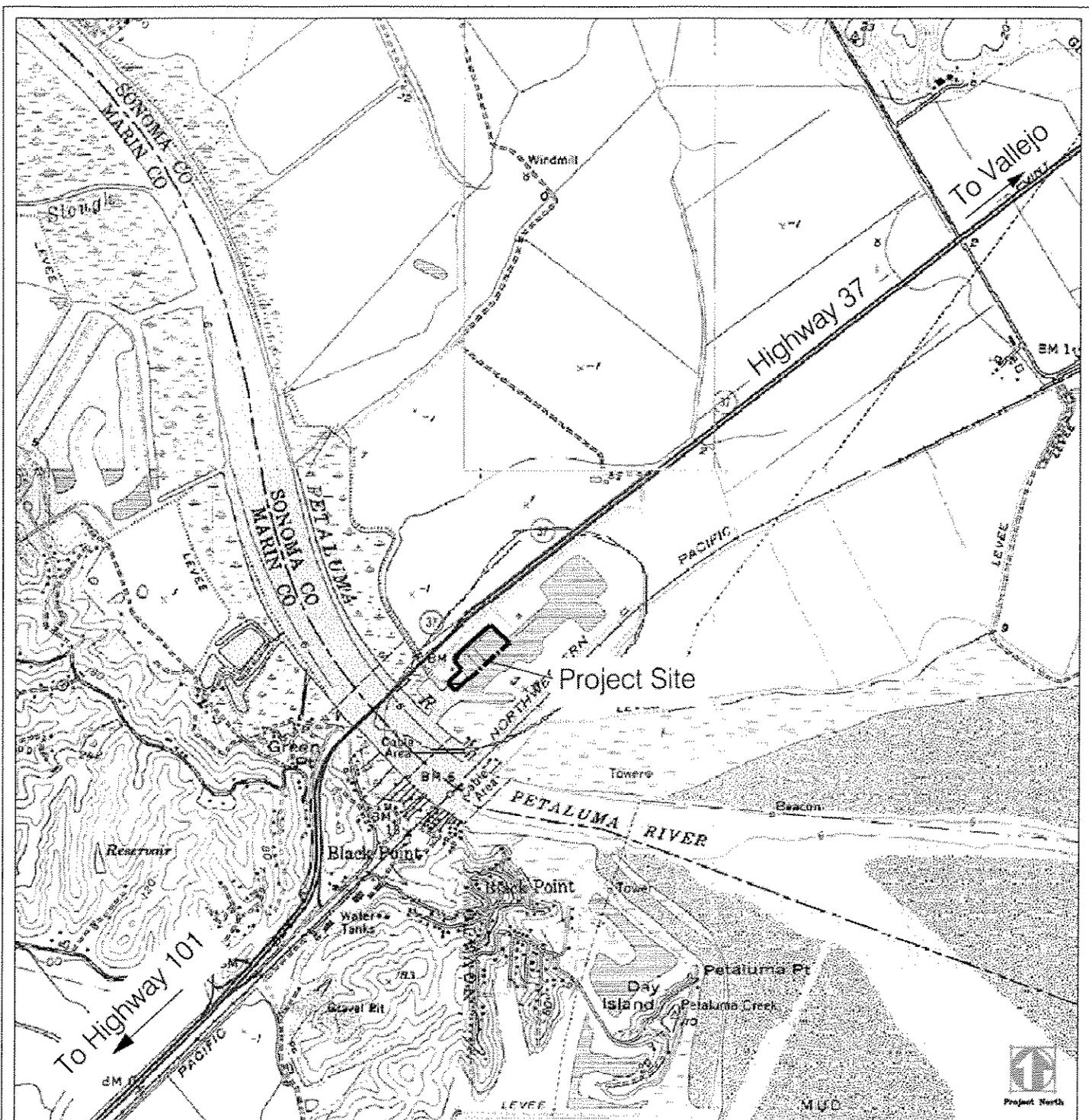
**4. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important 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 Mr. Robert Lawrence at the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398. 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 Mr. Robert Lawrence of our office at telephone number (415) 503-6808 or by E-mail at: robert.j.lawrence@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.



Purpose: offloader emplacement  
 Datum: NGVD  
 Adjacent Landowners:  
 1. Carneros River ranch  
 2. Mc Clellan Construction

**Location Map**  
**Port Sonoma Offloader Project**

Basemap: U.S.G.S. 1:100,000 topo map  
 Quad Sheet Name: Petaluma, CA  
 Scale: 1 inch = 2000 feet

0      2000      4000

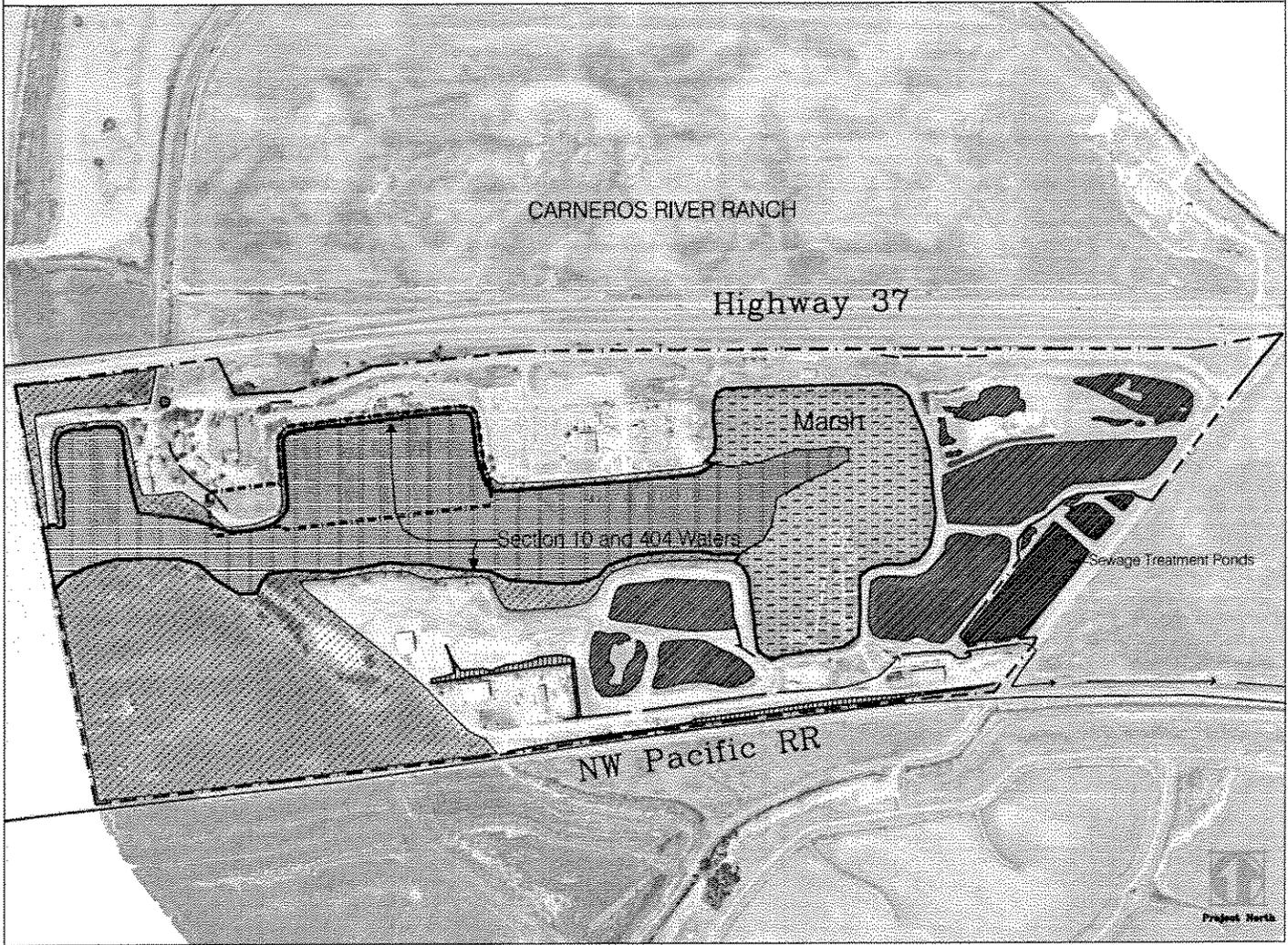


Applicant: Berg Holdings, a CA corporation

In: Open water in Port Sonoma Property.  
 At: Southeast Sonoma County, East of Petaluma River, South of Highway 37.

**Legend**

Section 10 and 404 Jurisdictional Areas	
	Open Water
	Marsh
Section 404 Jurisdictional Areas	
	Tidal Marsh
	Wetlands in Dredge Cells
	Drainage Ditch
	Offloader Project Boundary
	Port Sonoma Boundary



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**Site Map  
 Port Sonoma Offloader Project**

Basemap: U.S.G.S. 1:100,000 topo map  
 Quad Sheet Name: Petaluma, CA  
 Scale: 1 inch = 625 feet

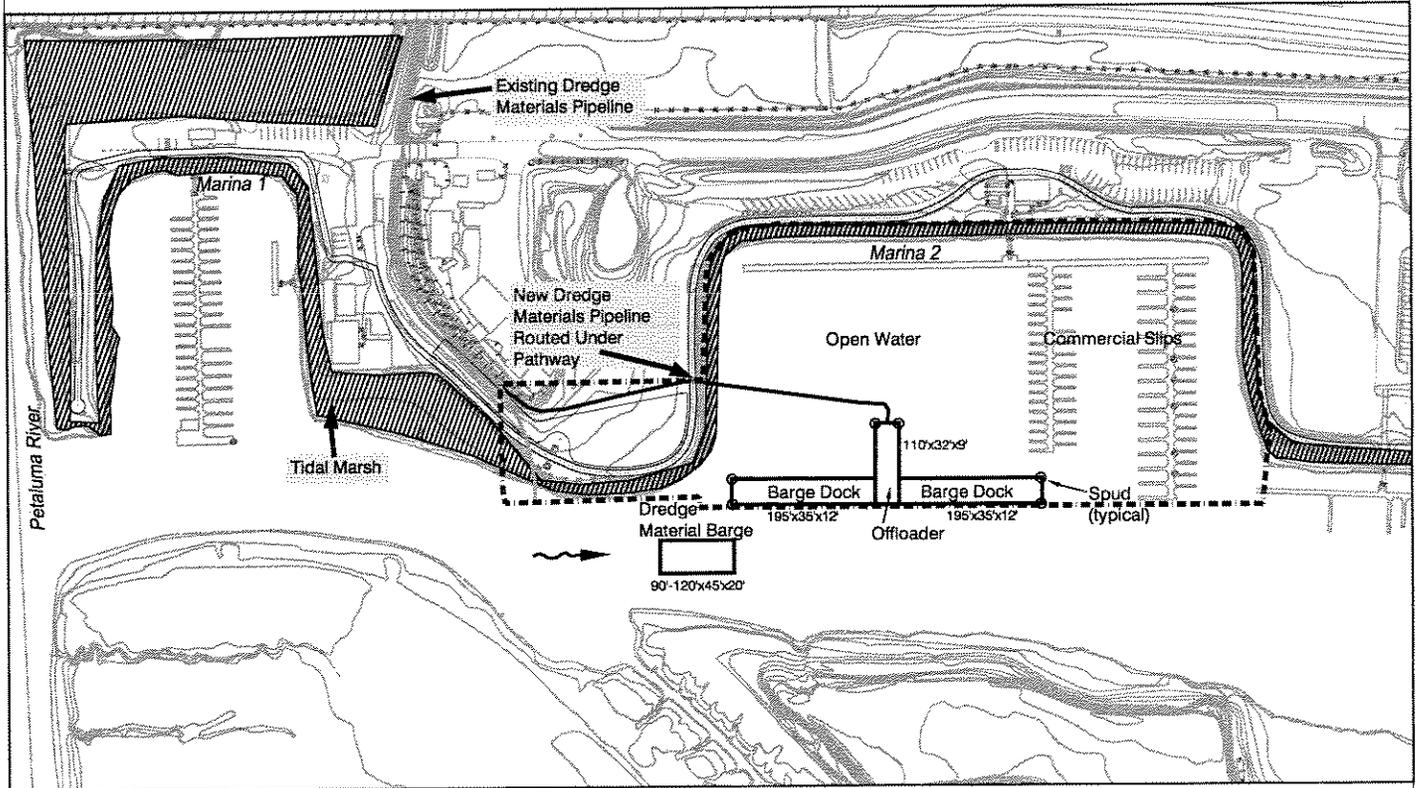


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 At: Southeast Sonoma County, East of Petaluma River, South of Highway 37.

**Legend**

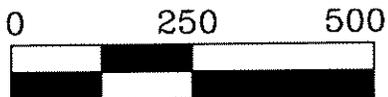
--- Offloader Project Boundary



Purpose: offloader emplacement  
 Datum: NGVD  
 Adjacent Landowners:  
 1. Cameros River ranch  
 2. Mc Clellan Construction

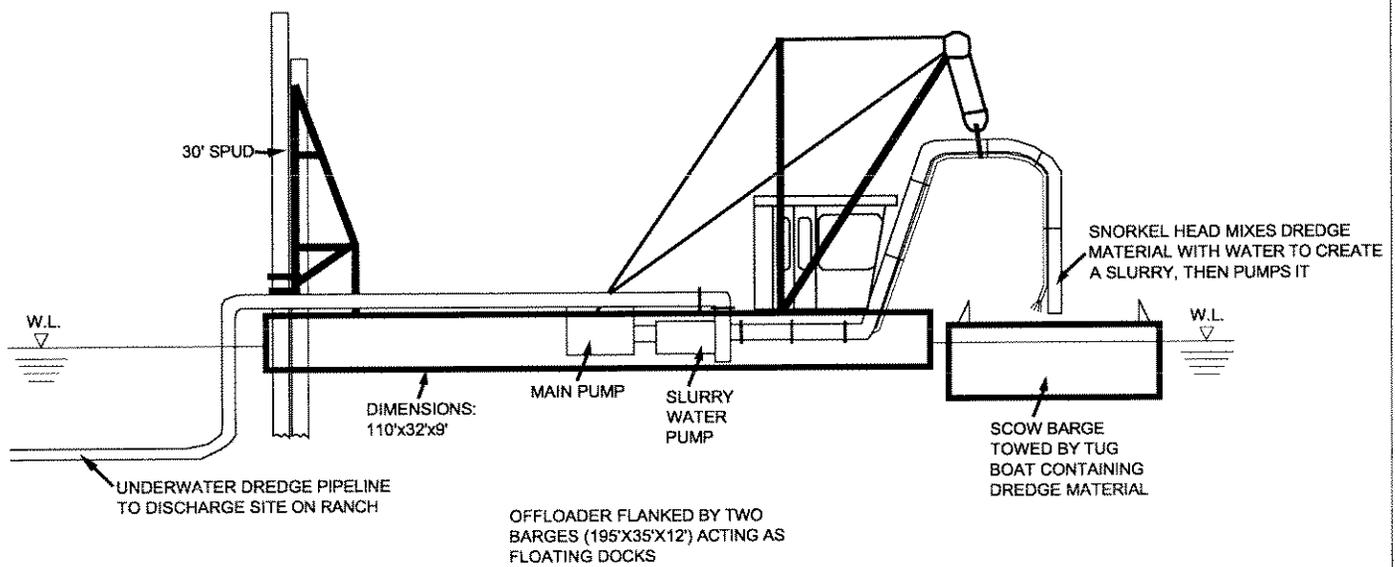
**Offloader Emplacement Map  
 Port Sonoma Offloader Project**

Basemap: U.S.G.S. 1:100,000 topo map  
 Quad Sheet Name: Petaluma, CA  
 Scale: 1 inch = 250 feet



Applicant: Berg Holdings, a CA corporation

In: Open water in Port Sonoma Property.  
 At: Southeast Sonoma County, East of Petaluma River, South of Highway 37.

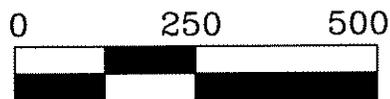


NOT TO SCALE

Purpose: offloader emplacement  
 Datum: NGVD  
 Adjacent Landowners:  
 1. Carneros River ranch  
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**Offloader Detail**  
**Port Sonoma Offloader Project**

Basemap: U.S.G.S. 1:100,000 topo map  
 Quad Sheet Name: Petaluma, CA  
 Scale: 1 inch = 250 feet



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