



US Army Corps
of Engineers®

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

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Burlingame Annual Creek and Channel Maintenance Project

NUMBER: 2008-00317S
PROJECT MANAGER: Paula Gill

DATE: July 30, 2009
PHONE: 415-503-6776

RESPONSE REQUIRED BY: August 21, 2009
Email: Paula.C.Gill@usace.army.mil

1. INTRODUCTION: The City of Burlingame (Mr. Douglas Bell, 501 Primrose Drive, Burlingame, California 94010), through its agent (Ms. Sandra Etchell, 5677 Old Redwood Highway, Santa Rosa, California 95403) has applied for a long-term Department of the Army permit to perform routine on-going maintenance in five creek channels in the City of Burlingame, San Mateo County, 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) and Section 404 of the Clean Water Act of 1972 (33 U.S.C. Section 1344).

2. PROPOSED PROJECT: The project proponents propose to work within specified segments of five creeks including Burlingame, Sanchez, Easton, Mills, and El Portal Creeks within the City of Burlingame. Specified locations for work within the creek channels are diagramed in the enclosed map (Figure 1).

The City of Burlingame has experienced localized flooding during storm events partially due to sediment and debris buildup and vegetation growth in city creeks and drainage channels. To alleviate these flooding concerns, the City has proposed to perform repeat and routine maintenance activities including removal of accumulated sediment, debris (such as garbage, shopping carts, etc.), and non-native vegetation, and cutting or mowing of vegetation in and around the channels. Sediment and debris removal would be performed by hand labor, bob cat and backhoe/clam shell bucket as appropriate.

The Applicant's stated project purpose is to restore and maintain the dimensions and conditions of the creeks and channels to previous, original conditions. The type of maintenance activities and quantities of sediment to be removed will vary from year to year depending on a number of factors. Quantities listed in the enclosed table (Figure 2) are estimates based on maximum volumes that would require removal after a season of heavy rainfall.

A long-term Corps authorization of this nature would require two annual notifications to the Corps. The City would be required to submit a brief work plan every year well before the activity commences. The Notification of Proposed Work would include a map of proposed work locations with the designated five creeks, a description of proposed work, estimates of impacts associated with the proposed activity, when the work is proposed to occur, and specific details on how the work would be performed. At the end of year, the City would be required to submit a Post-Construction Report detailing activities completed in the previous year, documenting minimization, avoidance and compensatory mitigation measures implemented.

Work proposed to occur within the first year of authorization is largely limited to sediment removal which would require temporary coffer dams. The proposed work is summarized below.

Burlingame Creek: removal of 60 cubic yards (cy) of sediment from a box culvert located between Primrose and Park Avenues.

Sanchez Creek: removal of 20 cy of sediment from open channel located between California Drive and the Caltrain tracks and 200 cy from an underground culvert between Carolan Avenue and U.S. Highway 101.

Easton Creek: removal of 25 cy from a box culvert located within Grove Channel, 10 cy from an open-lined channel that parallels California Drive, 40 cy of sediment between Marsten Road and Highway 101, 80 cy from a culvert under Rollins Road, 150 cy from box culverts under Highway 101, and 150 cy from a segment of creek under Bayshore Boulevard.

Mills Creek: removal of 50 cy from a section of creek that parallels the Caltrain Railroad, 200 cy from a portion of tidally influenced creek between the Caltrain tracks and Rollins Road, 80 cy from a culvert under Rollins Road, 100 cy from a section of creek northeast of Rollins Road, 150 cy from a box culvert under Highway 101, 400 cy removed from earthen channel located between Highway 101 and the Bay.

Portal Creek: No work in Corps jurisdiction is proposed.

AVOIDANCE, MINIMIZATION, AND COMPENSATION:

A list of standard Best Management Practices (BMPs), avoidance, and minimization measures would be developed to safeguard the aquatic resource. Among others, BMPs would detail activities such as the use of coffer dams (e.g. sand bag or steel sheet panels) to trap sediments, re-seeding with native species where ground disturbance is required, and measures implemented to protect special-status species. Additionally, impacts to native salt marsh vegetation would be avoided by use of pre-established access corridors to the creeks.

Compensatory mitigation would be required as is determined appropriate after submittal of the annual notification of proposed work when accurate estimates of impacts have been determined. Effects of sediment removal on the aquatic resource within

the described channels for the first annual notification would be minimal and would not result in the loss of Waters of the U.S. therefore compensatory mitigation would be limited to returning disturbed areas including access points, staging and equipment storage areas, etc. to pre-project conditions. This would include, but would not necessarily be limited to, grading to establish pre-project contours, removal of debris and re-planting of any disturbed native vegetation.

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 (USFWS) and 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. Based on materials submitted on behalf of the applicant, the proposed project may affect listed species including California red-legged frog (*Rana aurora draytonii*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), California clapper rail (*Rallus longirostris obsoletus*), and Salt marsh harvest mouse (*Reithrodontomys raviventris*). Affects to federally listed fish species have also been considered

including Green Surgeon (*Acipenser medirostris*), and central California coast and central valley ESU steelhead (*Oncorhynchus mykiss*). Consultation was initiated with NMFS and the USFWS on December 2, 2008. The NMFS concluded consultation on February 5, 2009, and determined that the project is not likely to adversely affect listed fish species. No permit would be issued until consultation for affects to listed species has concluded with the USFWS.

Magnuson-Stevens Fisheries Conservation and Management Act: Essential Fish Habitat (EFH) - The Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with the NMFS on all actions, or proposed actions permitted by the agency that may adversely affect EFH. Consultation was initiated by the Corps on December 2, 2008, consistent with requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

An initial analysis completed by the Corps of potential impacts to EFH determined that adverse affects to EFH are expected to include temporary disturbance of aquatic habitat including freshwater creeks, tidal creeks, and salt marsh. Effects would largely be associated with a temporary increase in water turbidity. These effects would be mitigated through implementation of BMPs. No permanent loss of EFH is expected to occur, however, waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity are present in the area. The project is therefore expected to have minimal adverse affects to EFH. The NMFS concluded the consultation on February 5, 2009, and determined that the proposed work would adversely EFH, but that no EFH conservation recommendations were made.

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 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, 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 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. Portions of the proposed project are within the Coastal Zone.

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) in accordance with Section 106 of the National Historic Preservation Act.

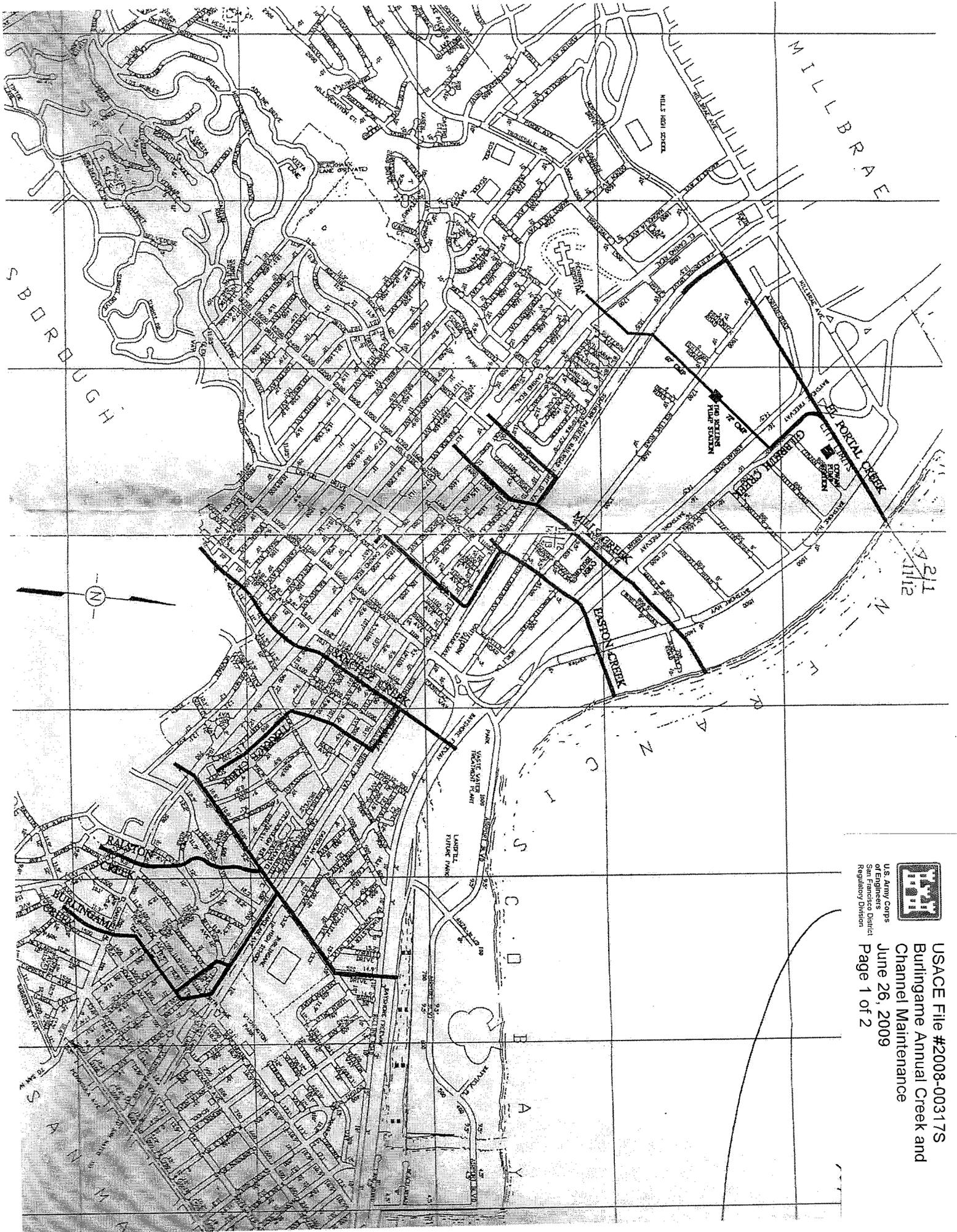
4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of

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.

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 Paula Gill of our office at telephone 415-503-6776 or E-mail: Paula.C.Gill@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.

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 federally listed 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 Division, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include



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Table 1 Removal of Sediment and / or Vegetation

Map Section Number	Creek	Description	Linear Feet of Vegetation Trimming	Waters/Habitat	Sediment Removal Amount (cubic yards)	Linear Feet of Sediment Removal in Natural Channels
1a	Burlingame	Box culvert	None	Freshwater/Aquatic	60	N/A
1b	Burlingame	Earthen and retaining wall	1,500	Freshwater/Urban Exotic riparian cover	None	N/A
2a	Sanchez - California Ditch	Earthen channel	600	Freshwater/Urban Exotic riparian cover	None	N/A
2b and c	Sanchez - Carolan Ditch	Earthen channel	230	Freshwater/Urban Exotic riparian cover	None	N/A
2d	Sanchez	Earthen	60	Freshwater/Urban Exotic riparian cover	20	60
2e	Sanchez	Box culvert	None	Freshwater/Aquatic	200	N/A
3a	Easton - Lincoln channel	Box culvert	200	Freshwater/Aquatic	20	200
3b	Easton - Grove channel	Concrete lined	735	Freshwater/Aquatic	20	200
3c	Easton - RR Tracks to 101	Earthen Box culvert	900	Tidal/Urban salt marsh mosaic Tidal/Aquatic	40	350
3d	Easton - under 101	Box culverts	N/A	Tidal/Aquatic	80	N/A
3e	Easton - under 101	Concrete lined	None	Tidal/Aquatic	150	N/A
4a	Mills - parallel to RR tracks	Earthen	250	Freshwater/Sparse riparian	50	250
4b	Mills - RR tracks to Rollins Rd	Earthen	800	Tidal/Urban salt marsh mosaic	200	250
4c	Mills - Rollins to 101	Box culvert and Earthen	N/A	Tidal/Aquatic	80	N/A
4d	Mills - under 101	Box culverts	400	Tidal/Urban salt marsh mosaic	100	200
4e	Mills - under 101 to Baysshore	Earthen and Box culverts	None	Tidal/Aquatic	150	N/A
5	El Portal Creek	Concrete lined	675	Tidal/Urban salt marsh mosaic Tidal/Aquatic	0	0
Totals			2,700	Freshwater/Aquatic	400	N/A
			9,050		1,720	1,510
			2,775		370	710
			6,275		1,350	800