



US Army Corps
of Engineers®

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

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Stream Maintenance Program – Sonoma Creek and Petaluma River Watersheds

NUMBER: 2009-00136N
PROJECT MANAGER: Jim Mazza

DATE: April 20, 2009
PHONE: (415) 503-6775

RESPONSE REQUIRED BY: May 20, 2009
Email: james.c.mazza@usace.army.mil

1. **INTRODUCTION:** Sonoma County Water Agency, 404 Aviation Boulevard, Santa Rosa, California, 95406 (POC: Mr. Keenan Foster; 707-547-1941) has applied to the U.S. Army Corps of Engineers (USACE) for a Department of the Army permit to conduct routine channel maintenance activities within the Sonoma Creek and Petaluma River watersheds in Sonoma County, California. Previous channel maintenance activities in this area were authorized on a case by case basis under the Department of the Army's Nationwide Permit program. The proposed project and its associated impacts on aquatic ecosystems where activities will occur would be similar, on a reach by reach basis, in scope and magnitude to the previously authorized projects, but the authorization period would be for ten years and would cover the work using a programmatic approach. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

The Stream Maintenance Program (SMP or Program) has been developed by the Sonoma County Water Agency (SCWA) to improve the management of streams and channels in SCWA's maintenance authority through establishing programmatic guidance. An SMP Manual has been developed which provides the organizational framework to oversee routine stream and channel maintenance activities. The SMP Manual will be used by SCWA to guide and implement routine stream maintenance activities. The SMP will be subject to periodic revisions to

reflect updates on resource conditions, maintenance technologies, or management practices.

The SMP has three primary activities: sediment management, vegetation management, and bank stabilization. These core maintenance activities occur mainly in engineered flood control channels, but may also occur in other facilities, including other in-channel engineered structures and sediment basins, on an as-needed basis. In addition to the three core SMP activities, the SMP also involves other smaller and infrequent maintenance activities such as road maintenance, sediment removal around reservoir inlet structures, and debris removal. The SMP also includes the transport and disposal of collected sediment and vegetation. The SMP Manual and EIR documents describe these activities in detail and also provide program area figures. The SMP Manual and figures can be downloaded for viewing by visiting: <http://www.scwa.ca.gov/projects/index.php#SMP>.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): At the conclusion of the public comment period 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. ESA consultation requirements have been initiated with FWS and NMFS.

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). EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act have been initiated concurrently with a formal ESA Section 7 consultation request to NMFS.

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 or waiver before a Corps permit may be issued. The applicant has requested Section 401 Conditional Water Quality Certification and Waste Discharge Requirements from the San Francisco Bay 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, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, CA 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. The proposed project is not within the Coastal Zone.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, several historic and archeological sites have been recorded in the program area of potential effect. However, with the implementation of program best management practices, no adverse effects are expected to result from the implementation of the program activities. In addition, if recorded or unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Officer (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 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 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 Jim Mazza of our office at (415) 503-6775 or E-mail: james.c.mazza@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.