



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

## PROJECT: Main Street Boat Dock Project

Regulatory Division  
1455 Market Street

San Francisco, California 94103-1398

NUMBER: 2010-00013N

DATE: April 23, 2010

RESPONSE REQUIRED BY: May 14, 2010

PERMIT MANAGER: Roberta Morganstern, PHONE: (415) 503-6782, E-mail: Roberta.Morganstern@usace.army.mil

1. **INTRODUCTION:** The City of Napa (P.O. Box 660, Napa, California 94559-9520), through their agent James Martin of Environmental Collaborative has applied for a ten-year, Department of the Army permit to reinstall the Main Street Boat Dock (MSBD) in Napa County, California. Prior to installation, approximately 2,000 cubic yards of material will be dredged from the Napa River and possibly 1200 cubic yards may be dredged annually, to maintain project depth. The proposed dredging would provide safe navigational depths for recreational boats. 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). This Public Notice is re-issued and extended beyond April 30, 2010 to include additional information.

## 2. PROPOSED PROJECT:

The proposed MSBD is a replacement for the old wooden dock which was located on the west shore of the Napa River, south of the Third Street Bridge in downtown Napa. The proposed ADA accessible dock would be located east of the recently completed, mixed-use revitalization project, *The Riverfront*.

The old wooden dock was removed during the Army Corps of Engineers' (Corps) Napa River Flood Protection Project (NRFPP).

Sheet piles would be installed parallel to 245 linear feet of *The Riverfront* flood wall for protection. Remnant wood piles within 30 feet of the project area would be removed and a temporary silt curtain installed around the perimeter of the project site to

reduce sediment discharge from construction disturbance.

A 3-pile dolphin and metal piles from the old dock would remain for use in the proposed project. Components of the new dock which fall under Corps jurisdiction are the following:

- A 226 foot by 10 foot floating mooring dock,
- A kayak launch accessory ramp,
- A 51 foot by 4 foot aluminum gangway system with 2 winches that addresses ADA compliance and includes:
  - 4' by 51' hinged gangway,
  - 6' by 10' platform
  - A 64 foot by 6.5 foot floating concrete supporting dock,
- Twenty six new 12 inch diameter steel piles, installed by impact hammer from a floating barge.

A 115 linear foot debris barrier consisting of four 3-pile dolphins with floating foam-filled steel pipes aligned between the dolphins would be located upstream of MSBD as part of the project.

The applicant plans to remove approximately 2,000 cubic yards (cys) of sediment from the 2,668 square foot dock footprint during an initial dredging episode.

Existing depths range from -5 to -9 feet MLLW. The design depth is -10 feet MLLW plus an additional 1-foot over dredge allowance. The material would be removed using a clamshell or hydraulic dredge, loaded onto a barge for disposal at the Napa River Dredge Disposal Site. Large rocks will be separated out of the sediment and taken to an approved land fill.

The applicant proposes to maintain project design depth by removing up to 10,800 cys of sediment over the ten year duration of the permit, with disposal to the Napa River Dredge Disposal Site according to the method described.

Prior to each dredging episode, the Dredge Material Management Office (DMMO) will evaluate the sediments to be dredged for disposal or reuse suitability. The DMMO includes representatives from the U.S. Environmental Protection Agency, San Francisco Bay Conservation and Development Commission (BCDC), San Francisco Bay Regional Water Quality Control Board (RWQCB), and the U.S. Army Corps of Engineers (Corps). The DMMO is 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.

### **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. The proposed project has the potential to impact Threatened California Coast steelhead (*Oncorhynchus mykiss*) and its designated critical habitat, delta smelt (*Hypomesus transpacificus*) and green sturgeon (*Acipenser medirostris*). The Corps initiated consultation with National Marine Fisheries Service (NMFS) on March 17, 2010 and U.S. Fish and Wildlife Service (FWS) on March 23, 2010 to minimize and reduce impacts to listed species. Special conditions resulting from these consultations would be included in an issued permit.

Central California populations of steelhead trout (*Oncorhynchus mykiss*) were classified as federally threatened in August 1997. The steelhead that occur in San Francisco Bay are included in this ESU (evolutionarily significant unit) and therefore receive protection under the Endangered Species Act. There is concern that steelhead migrating through the Bay to streams in the North Bay might enter the boat dock area. If a permit is issued for this proposed project it will contain a condition that dredging is allowed only from June 1 through November 30 in any year, without consultation (pursuant to Section 7 of the ESA) with an approval from NMFS and the Corps.

On July 6, 2006, NMFS listed the North American green sturgeon (*Acipenser medirostris*) south of the Eel River in California as threatened under the Endangered Species Act.

**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 has initiated EFH consultation on March 17, 2010. The proposed project could impact approximately 0.061 acres of EFH utilized by steelhead. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination

with the NMFS. It is presumed that fish species utilizing the project area would be using it for feeding during a period of growth. When dredging occurs, the fish should be able to find ample and suitable foraging areas in adjacent areas. As the infaunal community recovers in the dredged area, fish species will return to feed.

**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 submitted a copy of their Section 401 Conditional Water Quality Certification and Waiver of Waste Discharge Requirements has been obtained from the San Francisco Bay Regional Water Quality Control Board (File No. 2188.07). 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. The applicant has not submitted an Analysis of Alternatives.

**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, no historic or archeological resources are known 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 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 Roberta Morganstern at 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 Roberta Morganstern of our office at telephone 415-503-6782 or E-mail: Roberta.Morganstern@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.