



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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RESPONSE REQUIRED BY: 2 March 2010

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

PROJECT MANAGER: Bob Smith Phone: (415) 503-6792/e-mail: robert.f.smith@usace.army.mil

1. INTRODUCTION: The California Department of Transportation, 50 Higuera Street, San Luis Obispo, California 923401 (contact: Cathy Stettler, 805-549-3797) has applied for a ten year Department of the Army permit to annually discharge into the Pacific Ocean 30,000 cubic yards (cy) of talus eroded from Waddell Bluffs along State Highway 1 near the Town of Davenport, Santa Cruz 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 (33 U.S.C. Section 1344).

2. PROPOSED PROJECT: The Waddell Bluffs are one of the most active natural landslides along the coast. The construction of Highway 1 interrupted the natural movement of material down the face of the bluffs and into the upper intertidal zone where it was carried away by wave action. Removal of the eroded material (talus) from the base of the bluffs has been a yearly operation since the construction of State Highway 1. Disposal operations were previously carried out under Corps permit No. 20678S.

The purpose of the project would be to keep Highway 1 safe and open by transporting talus across the Highway for ocean disposal. As shown in the attached drawings, Caltrans plans to annually place up to 30,000 CY of talus below the high tide line on the shore of the Pacific Ocean to allow wave action to disperse the talus. During the months of September and October, before the winter rains start, the material captured in the ditch on the east side of the highway would be moved by truck to the west side and stockpiled on the bench above the beach. When storm and tide conditions are at the optimum the material would be pushed over the

edge of the bench onto the beach. Wave action during winter storms would break down the material and carry it away. No material would be placed near the mouth of Waddell Creek.

Based numerous studies conducted since the 1970's and in particular a 2003 study conducted for Caltrans by Dr. John Oliver of Moss Landing Marine Labs, the disposal of talus into the ocean does not affect the coastal biota in any adverse fashion, either the macrofauna or the microfauna of the benthic biota. The reports conclude, after evaluation of several years of monitoring and field experiment data, there is no detectable substantial ecological impact from disposal of the talus. There is no evidence that dumping additional sediment from the slide into the intertidal zone significantly restricts certain species from the area or has the potential to restructure the intertidal habitat. The reports indicate natural processes move a substantially greater volume of sand on and off the shale reefs each year, and play the major role in structuring intertidal communities at the disposal sites.

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, and 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 will not impact any known threatened or endangered species.

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.

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 not 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.

Monterey Bay National Marine Sanctuary – The project occurs within the Sanctuary and will require authorization from the Sanctuary.

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 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, and 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 Bob Smith of our office at telephone (415) 503-6792 or E-mail: Robert.f.smith@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.