



US Army Corps
of Engineers®

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

SAN FRANCISCO DISTRICT SUPPLEMENTAL PUBLIC NOTICE

Project: Port Sonoma Marina – Dredged Material Off-loader

NUMBER: 2008-00038N

DATE: June 6, 2011

RESPONSE REQUIRED BY: June 22, 2011

PROJECT MANAGER: Debra O'Leary

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1. **INTRODUCTION:** Berg Holdings (Port Sonoma Marina), has applied for a Department of the Army permit to construct and operate a dredged material off-loader receiving facility and associated dredged material pipeline at the Port Sonoma Marina (Port), Sonoma County, California. A public notice was issued for this project March 7, 2008 (enclosure 1). Since the publication of the original public notice the project description has changed. Therefore, this public notice is meant to supplement the original public notice issued in 2008. 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 proposes to install an off-loader receiving dock facility which will allow dredgers to berth their off-loaders within the Port Sonoma Marina. Dredged material from the off-loaders will be pumped through the dredged material pipeline onto the nearby Carneros River Ranch (Ranch) upland cells 1 and 2. In order to install the new off-loader receiving dock the following activities are proposed: the removal of eight creosote pilings, 7,431 square feet of floating docks, and two 70 square-foot gangways (figure 1). All debris generated from dock and piling removal activities will be removed using a reach from a boat or barge. Once the material is removed it will be placed in a vessel and transported to the shore where it will then be disposed of in an upland location out of the Corps of Engineers (Corps) jurisdiction. No impacts will occur to the shoreline

as a result of this project. Following the removal of the above structures the area will be dredged under the existing Port Sonoma maintenance dredging permit.

Once the area is dredged, the Port proposes to install two docks and two gangways parallel to the Marina 1 shoreline. One of the docks will be 1,800 square feet and the other one will be 1,610 square feet. Each of the aluminum gangways will be 70 square feet and will attach to the two off-loader receiving docks. To secure the new docks eight 14" steel pilings will be driven into place with a vibratory hammer. Given the location of the new off-loader receiving facility, the current sediment intake pipeline will need to be relocated parallel to the new docks and gangways .

The off-loaders will be placed in Marina 1 as near the shoreline and close to the relocated sediment intake pipe as possible. Each off-loader will be flanked on either side by the two new receiving docks. Material dredged by clamshell from locations throughout the Bay could be transported to Port Sonoma by tug-towed barge. Off-loaders used at the new location will be essentially and simply converted hydraulic dredges operating on electric power. 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 (figure 2).

The dredged sediments would be too stiff and dense to pump immediately. Accordingly, marina water will be pumped into the barges to make a slurry (i.e. 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 according to National Marine Fisheries Service (NMFS) and the Department of Fish and Game (DGF) guidelines. 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 dredged material would then be dried and used for agricultural purposes as occurs on the Ranch presently.

The off-loader and pipeline would not result in the placement of any fill or dredged material in Section 404 waters.

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 NMFS if a Corps permitted project may adversely affect any federally-listed threatened or endangered species or its designated critical habitat.

A number of federally 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;

The Corps initiated informal Endangered Species Act Section 7 consultation with National Marine Fisheries (NMFS) on April 8, 2008 for the above fish species and received a concurrence letter from NMFS on April 29, 2009. During the initial permitting process it was thought that only the above fish species were potentially likely to use the site due to following reasons: the marsh fringe is too narrow, isolated, and affected by daily human activities to support the marsh-dependent species.

Since the original public notice, the project description has changed and additional information regarding California clapper rail (CCR) and salt marsh harvest mouse (SMHS) has become available. As a result the Corps has determined that the project may affect but is not likely to adversely affect CCR or SMHM and will be initiating informal Endangered Species Act Section 7 consultation with the Fish and Wildlife Service (FWS) for these species. In addition, due to the proposed changes to the project description the Corps is in the process of re-initiating informal Endangered Species Act Section 7 consultation with NMFS. Any conditions required as a result of these consultations will be placed within the body of the permit.

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 involves removing approximately 0.17 acre of dock and the construction of approximately 0.081 acre of new docks and gangways, reducing the shaded area by 1/2. Thus improving 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. 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: The proposed activities will not result in the discharge of dredged or fill material into a water of the U.S. and therefore will not be analyzed under the Clean Water Act 404(b)(1) guidelines.

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.

particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting Debra O’Leary of our office at telephone number (415) 503-6807 or by E-mail at: Debra.Oleary@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 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 Debra O’Leary of our staff at the U.S. Army Corps of Engineers, San Francisco District, at 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