Regulatory Division
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US Army Corps of Engineers ®
San Francisco District

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

PROJECT: U.S. Coast Guard Training Center Wastewater Treatment Facility Upgrade

PUBLIC NOTICE NUMBER: 2010-00435-N
PUBLIC NOTICE DATE: 8-24-2011
COMMENTS DUE DATE: 9-24-2011

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1. **INTRODUCTION**: The U.S. Coast Guard Training Center (POC: Carrie Lukacic, 707-523-1010), 599 Tomales Road, Petaluma, California, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to discharge fill material into jurisdictional waters of the United States, associated with the expansion of treatment, storage, and irrigation capacity at their wastewater treatment facility, located at their training center, near the unincorporated community of Two Rock, Sonoma County, California. This Department of the Army permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq).*

2. **PROPOSED PROJECT**:

Project Site Location: 599 Tomales Road, near the unincorporated community of Two Rock, approximately 7 miles northwest of the City of Petaluma, Sonoma County, California. Latitude 38.25106 N, Longitude 122.78621 W (See Figure 1).

Project Site Description: The 52 acre site contains approximately 7.29 acres of seasonal wetlands on site, which drain to Stemple Creek (see Figure 4). These wetlands are located within the treatment facility, unnamed tributary, and adjacent agricultural fields. The existing treatment plant has 6 operating storage ponds and provides treatment and storage for 13.7 million gallons of treated effluent and 28 acres of sprayfield disposal.

Within the treatment facility, the dominant plants are annual ryegrass (*Lolium multiflorum*) and velvet grass (*Holcus lanatus*). Other grasses present include Mediterranean barley (*Hordeum marinum*, bentgrass (*Agrostis sp.*), bristly ox-tongue (*Picris echiodes*), clovers (*Trifolium spp.*), curly and fiddle docks (*Rumex crispus and pulcher*), and rough cat's ear (*Hypchaeris radicata*).

An unnamed tributary bisects the site. Wetland vegetation in the tributary includes soft rush (*Juncus effuses*), water parsley (*Oenanthe sarmentosa*), pennyroyal (*Mentha pulegium*) and umbrella sedge (*Cyperus eragrostis.*)

The fields adjacent to the treatment facility are used for wastewater disposal through sprayed irrigation and leased to a local farmer who plants, a mix of oat, rye, and barley for hay production. The seeded agricultural fields occur in the northwest and eastern portions of the project area.

Project Description: As shown in the attached drawings, the applicant proposes to construct a new 7,300 square foot sludge dewatering building, with associated paved access road, parking area, berm and bioswale. This work would result in the placement of fill in 0.07 acre of seasonal wetland.

A total of 215 acre feet of seasonal storage volume is required for the treatment facility, based on the 25-year design storm. This extra storage will be provided by the expansion of five existing ponds, and the construction of a new storage pond in an agricultural field. The ponds will be single lined with high density plastic and covered with rock slope protection on the inside, and planted with grasses on the outside slop. Construction of these ponds will result in a loss of 0.88 acre of seasonal wetland.

An existing 72" culvert will be removed in the unnamed tributary and the area recontoured to match the surrounding channel. A 60 by 30 foot area will be disturbed during construction and planted with native

grass after construction. A new bridge will be constructed in uplands for access across the tributary.

An agricultural irrigation system will be installed using open trenching. This would disturb 0.12 acre of seasonal wetland, which will be backfilled and reseeded post construction. Work to install utility crossings will prevent additional fill through directional drilling.

The existing wastewater facility will remain operational during construction. This will require a two season construction period. The first construction will occur between April 1 and October 30, 2012. During this time, the new wastewater facility and a new storage pond will be constructed, and flows will be rerouted to the new facility. The second construction period will be April 1 and October 30, 2013, when the existing storage ponds will be expanded.

Basic Project Purpose: The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by USACE to determine whether the project is water dependent. The basic project purpose is to to provide waste water treatment.

Overall Project Purpose: The overall project purpose serves as the basis for the Section 404(b)(1) alternatives analysis, and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, while allowing a reasonable range of alternatives to be analyzed. The overall project purpose is to improve the wastewater treatment capacity of the Coast Guard Training Center to comply with the standards set forth by the State Water Quality Control Board. The current facility is not in compliance with these standards.

Project Impacts: As stated in the above project description, 0.95 acres of seasonal wetlands will be permanently filled as a result of this project, and an additional 0.12 acres of seasonal wetlands will disturbed to install new irrigation lines. This totals 1.07 acres of fill impacts to jurisdictional wetlands, which requires Corps authorization.

Proposed Mitigation: In the area of the new irrigation lines, all trenched areas will be returned to pre-project condition and revegetated with native plants. The applicant proposes onsite mitigation for the remaining 0.95 acres of wetland impact, through the establishment of 1.675 acres of new seasonal wetlands on site, connected three existing seasonal wetlands (see Figures 6 and 9). The existing 0.46 acre of wetlands will be enhanced through the removal of non-native species and plantings of native species. In addition, the onsite unnamed tributary will be rehabilitated through the removal of a culvert and the planting of native riparian grasses and trees along the channel, within a 2.23 acre area.

3. **STATE AND LOCAL APPROVALS**:

Water Quality Certification: State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1341 *et seq*.). The applicant has recently submitted an application to the California Regional Water Quality Control Board (RWQCB) to obtain water quality certification for the project. No Department of the Army Permit will be issued until the applicant obtains the required certification or a waiver of certification. A waiver can be explicit, or it may be presumed, if the RWQCB fails or refuses to act on a complete application for water quality certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

Water quality issues should be directed to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403 by the close of the comment period.

Coastal Zone Management: Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq*.), requires a Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Determination that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be granted until the appropriate State agency has issued a Consistency Determination or has waived its right to do so. The project does not occur in the coastal zone, and a *preliminary* review by USACE indicates the project would not likely affect coastal zone resources.

Other Local Approvals: The applicant has applied for the following additional governmental authorizations for the project: a Lake and Streambed Alteration

Agreement to be issued by the California Department of Fish and Game.

4. **COMPLIANCE WITH VARIOUS FEDERAL LAWS**:

National Environmental Policy Act (NEPA): Upon review of the Department of the Army permit application and other supporting documentation, USACE has made a *preliminary* determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA. At the conclusion of the public comment period, USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's Regulations at 40 C.F.R. Parts 1500-1508, and USACE Regulations at 33 C.F.R. Part 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Regulatory Division.

Endangered Species Act (ESA): Section 7(a)(2) of the ESA of 1973, as amended (16 U.S.C. § 1531 *et seq*.), requires Federal agencies to consult with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) to insure actions authorized, funded, or undertaken by the agency are not likely to jeopardize the continued existence of any Federally-listed species or result in the adverse modification of designated critical habitat. As the Federal lead agency for this project, the applicant will be responsible for determining the presence or absence of Federally-listed species and designated critical habitat, and the need to conduct consultation. To complete the administrative record and the decision on whether to issue a Department of the Army Permit for the project, USACE will obtain all necessary supporting documentation from the applicant concerning the consultation process. The applicant has determined that the project may affect California red-legged frogs. Any required consultation for red-legged frog must be concluded prior to the issuance of a Department of the Army Permit for the project.

Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA): Section 305(b)(2) of the MSFCMA of 1966, as amended (16 U.S.C. § 1801 *et seq*.), requires Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. EFH is designated only for those species managed under a Federal Fisheries Management Plan (FMP), such as the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP, and* the *Pacific Coast Salmon FMP*. As the Federal lead agency for this project, the applicant will be responsible for determining the presence or absence of EFH, and the need to conduct consultation. The applicant has determined that this project will have no effect on EFH. To complete the administrative record and the decision on whether to issue a Department of the Army Permit for the project, USACE will obtain all necessary supporting documentation from the applicant concerning the no effect determination. If further information determines an effect on EFH, the required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

Marine Protection, Research, and Sanctuaries Act (MPRSA): Section 302 of the MPRS of 1972, as amended (16 U.S.C. § 1432 *et seq*.), authorizes the Secretary of Commerce, in part, to designate areas of ocean waters, such as the Cordell Bank, Gulf of the Farallones, and Monterey Bay, as National Marine Sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values. After such designation, activities in sanctuary waters authorized under other authorities are valid only if the Secretary of Commerce certifies that the activities are consistent with Title III of the Act. No Department of the Army Permit will be issued until the applicant obtains the required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project would not likely affect sanctuary resources. This presumption of effect, however, remains subject to a final determination by the Secretary of Commerce, or his designee.

National Historic Preservation Act (NHPA): Section 106 of the NHPA of 1966, as amended (16 U.S.C. § 470 *et seq*.), requires Federal agencies to consult with the appropriate State Historic Preservation Officer to take

into account the effects of their undertakings on historic properties listed in or eligible for listing in the *National Register of Historic Places.* Section 106 of the Act further requires Federal agencies to consult with the appropriate Tribal Historic Preservation Officer or any Indian tribe to take into account the effects of their undertakings on historic properties, including traditional cultural properties, trust resources, and sacred sites, to which Indian tribes attach historic, religious, and cultural significance. As the Federal lead agency for this project, the applicant will be responsible for determining the presence or absence of historic properties or archaeological resources, and the need to conduct consultation. To complete the administrative record and the decision on whether to issue a Department of the Army Permit for the project, USACE will obtain all necessary supporting documentation from the applicant concerning the consultation process. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until USACE concludes Section 106 consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer to take into account any project related impacts to those resources.

5. **COMPLIANCE WITH THE SECTION 404(b)(1) GUIDELINES**: Projects resulting in discharges of dredged or fill material into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. § 1344(b)). An evaluation pursuant to the Guidelines indicates the project is not dependent on location in or proximity to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a less environmentally damaging practicable alternative to the project that does not require the discharge of dredged or fill material into special aquatic sites. The applicant has been informed to submit an analysis of project alternatives to be reviewed for compliance with the Guidelines.

6. **PUBLIC INTEREST EVALUTION**: The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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.

7. **CONSIDERATION OF COMMENTS**: USACE is soliciting comments from the public; Federal, State and local agencies and officials; Native American Nations or other tribal governments; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental or public interest factors addressed in a final environmental assessment or environmental impact statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

8. **SUBMITTING COMMENTS**: During the specified comment period, interested parties may submit written comments to Philip Shannin, San Francisco District, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, California 94103-13978; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the Regulatory Permit Manager. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All substantive comments will be forwarded to the applicant for resolution or rebuttal. Additional project information or details on any subsequent project modifications of a minor nature may be obtained from the applicant and/or agent, or by contacting the Regulatory Permit Manager by telephone or e-mail cited in the public notice letterhead. An electronic version of this public notice may be viewed under the *Current Public Notices* tab on the USACE website: http://www.spn.usace.army.mil/regulatory/.