

# **APPENDIX R**

## **Coastal Zone Management Act**

## MEMORANDUM FOR RECORD

**SUBJECT:** Corte Madera Flood Risk Management Project and compliance with the Coastal Zone Management Act (CZMA) of 1972, as amended (16 U.S.C. § 1451 *et seq.*) and the act's implementing regulations, Federal Consistency with Approved Coastal Management Programs, 15 C.F.R. Part 930.

1. **PURPOSE:** The purpose of this memorandum is to demonstrate that the Corte Madera Flood Risk Management Project is outside of the jurisdiction of the San Francisco Bay Plan (BCDC 1969, as amended), and therefore, does not require a Coastal Zone Management Act federal consistency determination.

2. **BACKGROUND:** On December 18, 2015, the USACE published a Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Corte Madera Flood Risk Management Project. A 30-day public scoping period extended from December 23, 2015, to March 1, 2016, and a public scoping meeting was held on January 28, 2016, in the Town of Ross, California. Since that time, the San Francisco District has continued to prepare a draft integrated feasibility study and EIS (integrated study) pursuant to the requirements of NEPA (42 United States Code [USC] § 4321 *et seq.*) and the associated regulations (40 Code of Federal Regulations [CFR] 1500-1508, USACE Engineer Regulation [ER] 200-2-2). The integrated study is also being prepared pursuant to the water resources program reforms and streamlining regulations found in Sections 1001, 1002, and 1005 of Water Resources Reform Development Act of 2014 (Public Law 113-121) and USACE's SMART planning guidance, including the March 20, 2018, implementation guidance for Section 1005 of WRRDA 2014 (hereinafter, collectively SMART planning).

As part of the SMART planning process, with the exception of a Clean Water Act section 401 water quality certification, all environmental permit applications must be included in draft EIS documents for USACE water resources feasibility studies, this includes consistency determinations required by the Coastal Zone Management Act.

4. **PROJECT LOCATION:** The proposed action includes completing Unit 4 and modifying Unit 3 and a portion of Unit 2 of the authorized Corte Madera Creek Flood Risk Management Project; Unit 1 would not be altered. Corte Madera Creek is tidally influenced from downstream end of Unit 1 at the mouth of the creek, upstream to the approximate location of the Kentfield Hospital in Unit 3. The proposed project would occur along approximately 1.4 miles (7,490 linear feet) of Corte Madera Creek, from the Sir Francis Drake Boulevard Bridge to the end of the concrete channel. The project only includes three units of the four-unit creek segment, including a portion of Unit 2 and all of Units 3 and 4. The four Corte Madera units are described below.

- **Unit 1.** Unit 1 extends approximately 2 miles from Bon Air Bridge to the creek’s mouth at San Francisco Bay. Unit 1 is not included in the proposed action. All of Unit 1 is tidal and has an earthen channel.
- **Unit 2.** Unit 2 begins at the College Avenue Bridge and extends approximately 1.33 miles downstream to Bon Air Bridge. A portion of Unit 2 channel bottom is concrete lined, from the College Avenue Bridge to about 450 feet downstream of Stadium Avenue; the remaining portion is an earthen channel. All of Unit 2 is tidally influenced. Only the upper 0.33-mile concrete lined portion of Unit 2 is included in the proposed project.
- **Unit 3.** Unit 3 begins at the Denil fish ladder and the upstream end of the concrete channel and continues for approximately 0.67 mile to the College Avenue Bridge. The upper 1,900 feet of Unit 3 contains 28 small concrete pools placed in the center of the stream spaced about 64 feet apart. These pools were to serve as resting pools for salmonids; most of the pools fail to reduce flow velocity and provide inadequate cover. Approximately a third of Unit 3 is tidal, up to the Kent Field Hospital. All of Unit 3 is concrete lined.
- **Unit 4.** Unit 4 starts at the confluence of Ross and San Anselmo creeks where the stream becomes Corte Madera Creek and extends approximately 0.4 mile before terminating at the Denil fish ladder. Unit 4 has a natural channel bottom.

5. **CZMA JURISDICTION:** The San Francisco Bay Conservation and Development Commission (BCDC) regulates the CZMA in the San Francisco Bay Region. The BCDC has developed a Coastal Zone Management Plan, the San Francisco Bay Plan, which identifies areas within the San Francisco Bay region for which BCDC has jurisdiction, as well as the enforceable policies to protect the coastal zone areas within its jurisdiction. The Bay Plan specifies the areas within Corte Madera Creek which are under the jurisdiction of BCDC, these areas include:

“Corte Madera Creek in Marin County, to the downstream end of the concrete channel on Corte Madera Creek which is located at the U.S. Army Corps of Engineers Station No. 318 50 on the Corte Madera Creek Flood Control Project.”

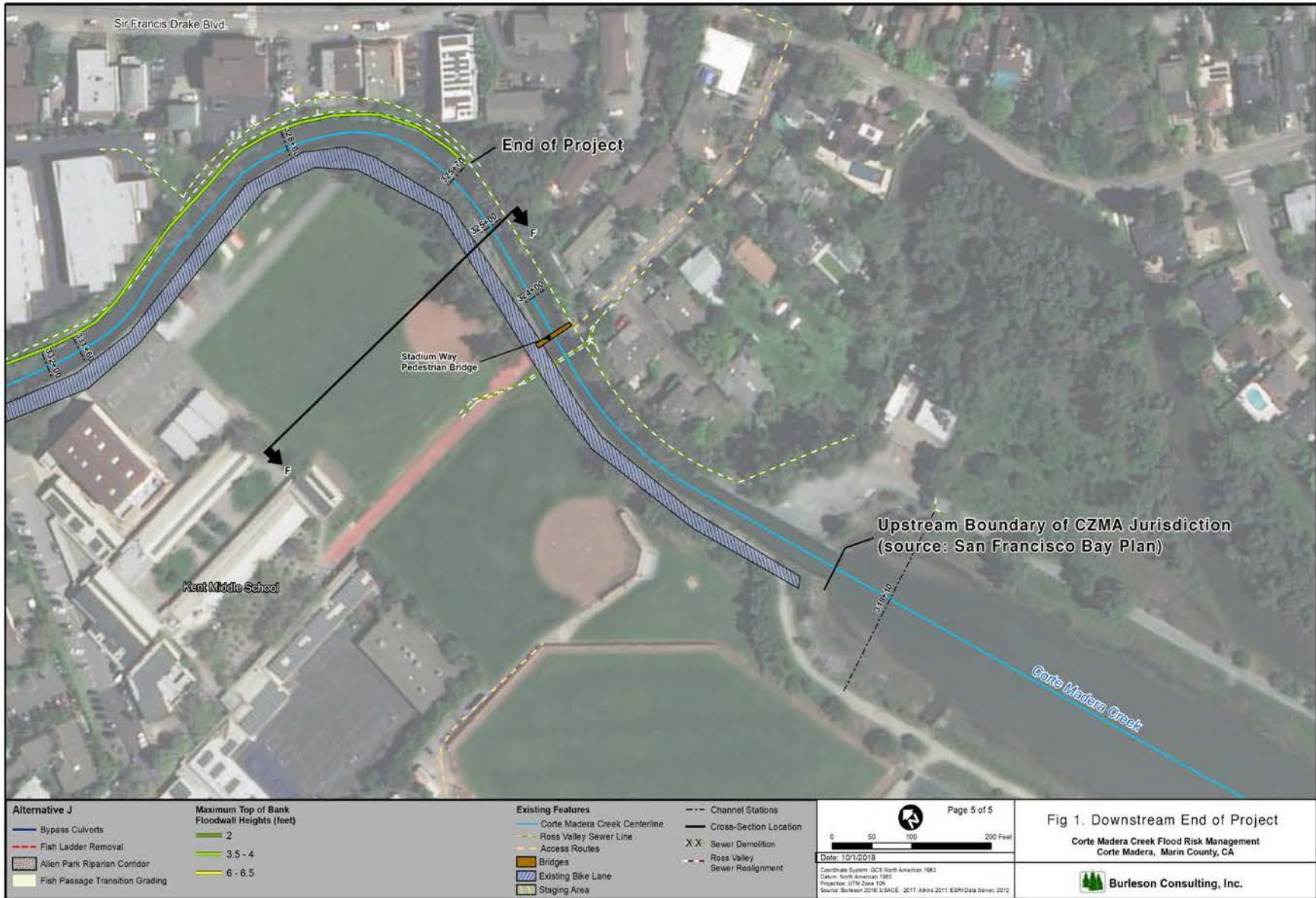
The project’s study area extends from the beginning of Unit 4, at the at the confluence of Ross and San Anselmo creeks where the stream becomes Corte Madera Creek, and terminates at the end of the concrete channel in the vicinity of BCDC’s jurisdiction. However, the project footprint where construction activities would occur terminates approximately 700 feet upstream of the end of the concrete channel, outside of BCDC jurisdiction (Figure 1).

Only floodwalls would be installed within the 100-foot band of Corte Madera Creek’s tidally influenced creek waters. Construction of the floodwalls would occur outside of the channel during the dry season (June 15 through October 15), outside of the creek. Construction activities that involve grading and fill within the creek would occur in Unit 4 and the upstream portion of Unit 3, areas which are not subject to tidal influence. Further, as discussed in the

draft integrated document, during construction of the floodwalls and other project components, avoidance and minimization measures would be implemented to protect water quality in the creek from runoff, erosion, and elevated concentrations of turbidity that could affect areas downstream of the project footprint

6. CZMA CONSISTENCY DETERMINATION: Because the proposed project would occur outside of BCDC jurisdiction, as defined by the Bay Plan, and project activities would not impact downstream waters within BCDC jurisdiction, the Corte Madera Creek Flood Risk Management Project is not required to prepare a Consistency Determination.

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Alternative J	
	Bypass Culverts
	Fish Ladder Removal
	Allen Park Riparian Corridor
	Fish Passage Transition Grading
<b>Maximum Top of Bank Floodwall Heights (feet)</b>	
	2
	3.5 - 4
	6 - 6.5

Existing Features	
	Corte Madera Creek Centerline
	Ross Valley Sewer Line
	Access Routes
	Bridges
	Existing Bike Lane
	Staging Area

	Channel Stations
	Cross-Section Location
	Sewer Demolition
	Ross Valley Sewer Realignment

Page 5 of 5

0 50 100 200 Feet

Date: 10/12/2018

Coordinate System: GCS North American 1983  
 Datum: North American 1983  
 Projection: UTM Zone 10N  
 Source: Bentley 2018; USACE, 2011; Akira 2011; ESRI Data Server, 2012

**Fig 1. Downstream End of Project**

Corte Madera Creek Flood Risk Management  
 Corte Madera, Marin County, CA

Burleson Consulting, Inc.