



US Army Corps
of Engineers®
San Francisco District

Regulatory Division
450 Golden Gate Avenue
San Francisco, CA 94102-3404

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

PROJECT: Eureka 2017 Dredging and Mitigation

PUBLIC NOTICE NUMBER: 1996-22215
PUBLIC NOTICE DATE: September 3, 2020
COMMENTS DUE DATE: October 3, 2020

PERMIT MANAGER: Debra O'Leary

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1. **INTRODUCTION:** The City of Eureka dredged approximately 700 cubic yards of sediment from three locations along the Eureka waterfront in 2017 and disposed of the sediment at the Humboldt Open Ocean Disposal Site (HOODS). The city has applied for an after-the-fact permit for the dredging and to remove three 42 inch circumference wood pilings from Humboldt Bay as compensatory mitigation. This application is being processed pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 *et seq.*) and Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (33 U.S.C. § 1413 *et seq.*).

2. PROPOSED PROJECT:

Project Site Location: The material was dredged from the Samoa Boat Launch Ramp, F Street Dock, and the I Street Dock in Eureka, Humboldt County, California and disposed at HOODS in the Pacific Ocean. The disposal site, HOODS is located approximately 1.5 miles northwest of the mouth of Humboldt Bay. The mitigation site is part of the Parcel 4 property located east of the Bayshore Mall.

Project Site Description: The three dredge sites are part of the developed Eureka Waterfront. The F Street and I Street Dock sites contain industrial wharves. They are bounded by parking lots and commercial buildings. The Samoa Boat Launch is a public access facility. HOODS is an open ocean disposal site. The mitigation site is part of the Parcel

4 property located east of the Bayshore Mall in Humboldt Bay.

Project Description: As shown in the attached drawings, the applicant removed approximately 700 cubic yards (cys) of sediment from approximately 0.48 acres in Humboldt Bay. After the dredging all the sites had depths of less than -15 feet mean lower low water (MLLW).

Basic Project Purpose: The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by the Corps to determine whether the project is water dependent. Although the purpose of the project, as stated above, is for safe navigational depths, for consideration in Section 404(b) (1) (Clean Water Act), the basic purpose of the project is the disposal of dredged material.

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 maintaining safe navigational depths for recreational vessels to access the city of Eureka waterfront properties.

Project Impacts: The detrimental effects of dredging include changes in erosion/sedimentation

rates, substrate, water quality, fish habitat, air quality, and noise are all expected to be minor and short term. No permanent negative effects such as undesired substrate alteration, decreased water quality, loss of fish habitat, decrease air quality, and noise pollution are anticipated. The beneficial effects of the dredging on economics, employment, safety and navigation, and of the removal of contaminants, are major and long term.

Proposed Mitigation: In order to mitigate for the performed dredging, the applicant proposes to remove three wooden pilings. The pilings to be removed as mitigation for the dredging are 42 inches in circumference and occupy approximately 3 square feet of bay floor.

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 received after-the-fact certification for the dredging from the California Regional Water Quality Control Board (RWQCB) (Identification Number CW-836652). Any water quality issues may be directed to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403.

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 non-federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Certification 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 Certification or has waived its right to

do so. The California Coastal Commission made a no effect determination for the proposed project (Ne-0005-17). Coastal zone management issues should be directed to the District Manager, California Coastal Commission, North Coast District Office, 710 E Street, Suite 200, Eureka, California 95501.

Other Local Approvals: The applicant also obtained a permit from the Humboldt Bay Harbor and Recreation District prior to the dredging.

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, the Corps 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, the Corps 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 the Corps 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 the Corps and other non-regulated activities the Corps 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. The Corps has made a preliminary determination that it is unlikely that California coast Chinook salmon (*Oncorhynchus tshawytscha*), north coast steelhead trout (*Oncorhynchus mykiss*), southern Oregon northern California coast coho salmon (*Oncorhynchus kisutch*), North American green sturgeon (*Acipenser medirostris*) were affected when dredging occurred.

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 Corps has conducted a review of digital maps prepared by NMFS depicting EFH to determine the presence or absence of EFH in the project and mitigation areas. The proposed project is located within an area managed under the Pacific Groundfish, the Coastal Pelagic and/or the Pacific Coast Salmon FMPs. Based on this review, the Corps has made a preliminary determination that EFH is present at the project location or in its vicinity, and that the critical elements of EFH may be adversely affected by project implementation. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in California waters.

This determination is based on the fact that the Eureka waterfront has been dredged several times in the past, the disposal site has been used several times for disposal of dredged sediments and, therefore, both sites are considered disturbed by the Corps and the proposed activity will result in no new impacts to EFH. The recently-deposited bottom sediments to be dredged during maintenance dredge activities are composed mainly of silts and clays (mud). It is presumed that fish species utilizing the 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 Humboldt Bay along the Eureka and Woodley Island shorelines. As the infaunal community recovers in the dredged area, fish species will return to feed. Therefore, the proposed dredging is expected to have only short-term, minor adverse effects on EFH. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with NMFS.

Eelgrass is component of EFH. The mitigation site is located in an area where eelgrass is known to occur. In addition providing a slightly larger area for eelgrass to occupy; the proposed mitigation would also remove a potential source of contamination (treated wooden pilings can leach polycyclic aromatic hydrocarbons (PAHs) into the surrounding water) and remove perch sites for raptors and other birds which could prey on fish.

Marine Protection, Research, and Sanctuaries Act (MPRSA): Section 302 of the MPRSA 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 MPRSA. The project does not occur in sanctuary waters, and a *preliminary*

review by the Corps 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, by the close of the comment period.

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 NHPA 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.

Because the dredge site had been previously dredged, historic or archeological resources are not expected to have occurred in the project vicinity. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until the Corps 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 disposal of dredged material 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 waters of the U.S.

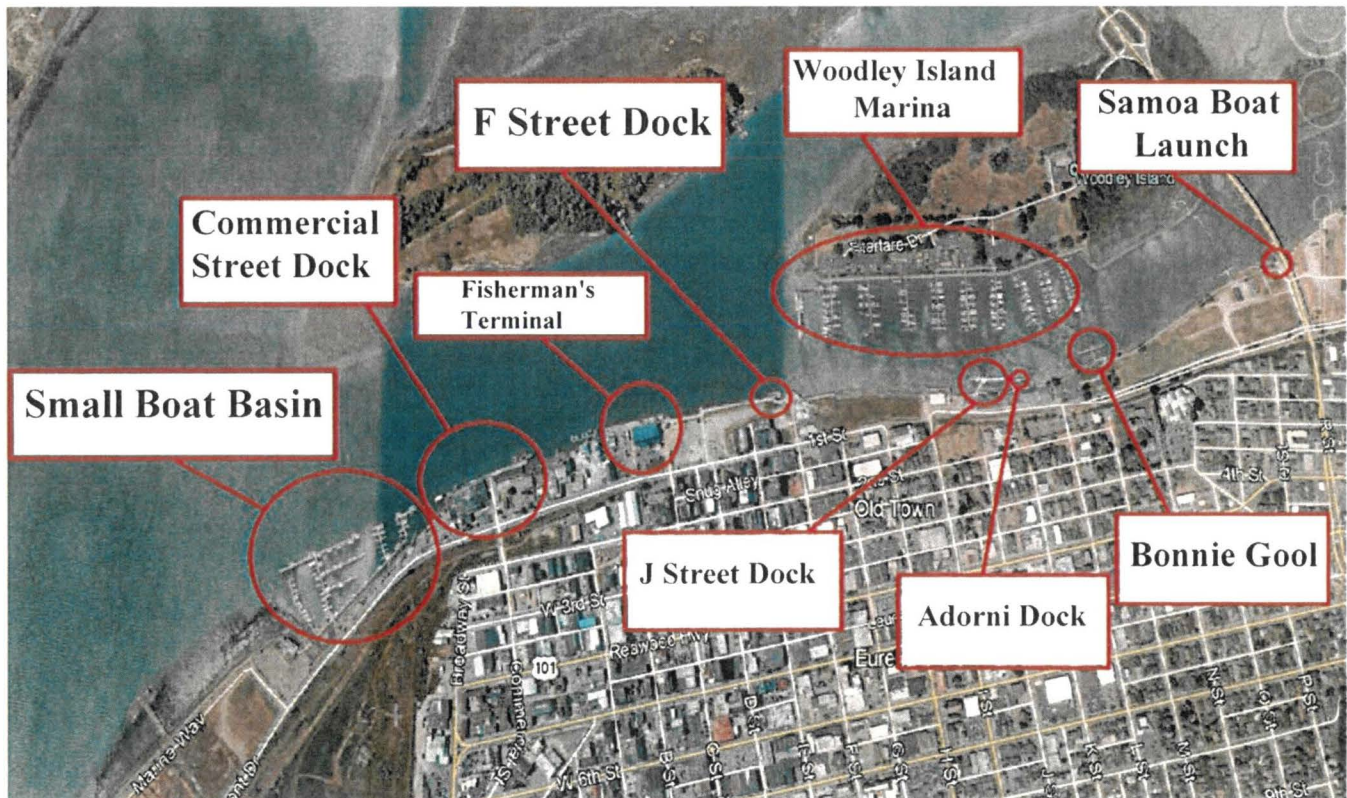
The applicant has submitted an analysis of project alternatives which is being reviewed by the Corps for compliance with the Guidelines to determine if the project is the least environmentally damaging practicable alternative.

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: The Corps 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 the Corps 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 Debra O'Leary, San Francisco District, Operations and Readiness Division, 450 Golden Gate Avenue, 4th Floor, Room 1111, San Francisco, California 94102-3404; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the 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 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 US Army Corps of Engineers, San Francisco District website:
<http://www.spn.usace.army.mil/Missions/Regulatory>.



A horizontal number line with tick marks at 0, 600, 1,200, and 2,400. A bracket is drawn above the line, starting at 0 and ending at 1,200. The number 12 is written above the bracket.



PACIFIC AFFILIATES
CONSULTING ENGINEERS
990 W WATERFRONT DRIVE EUREKA CA 95501
TEL 707/445-3001 FAX (707) 445-3003

11



11.

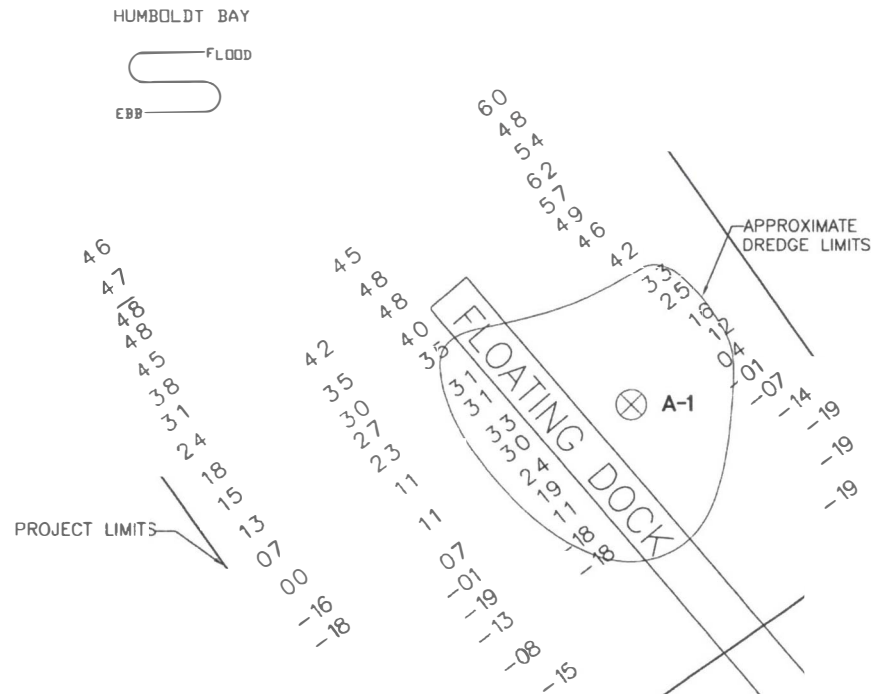


Conditiona
Bathymetric Su

SAMOA BOAT LAUNCH
1701 Waterfront Drive

7-23-18
Singer
1°-20' U.O.N.
Drawn by:
AZ

SHEET
C-1




SURVEY NOTES

[illegible]

LAUNCH RAMP

LEGEND

-  SAMPLE LOCATION
 PROJECT LIMITS
 DREDGE LIMITS

NOTE: NEGATIVE SOLACING DENOTES ELEVATION ABOVE MLLW DATUM

HUMBOLDT BAY

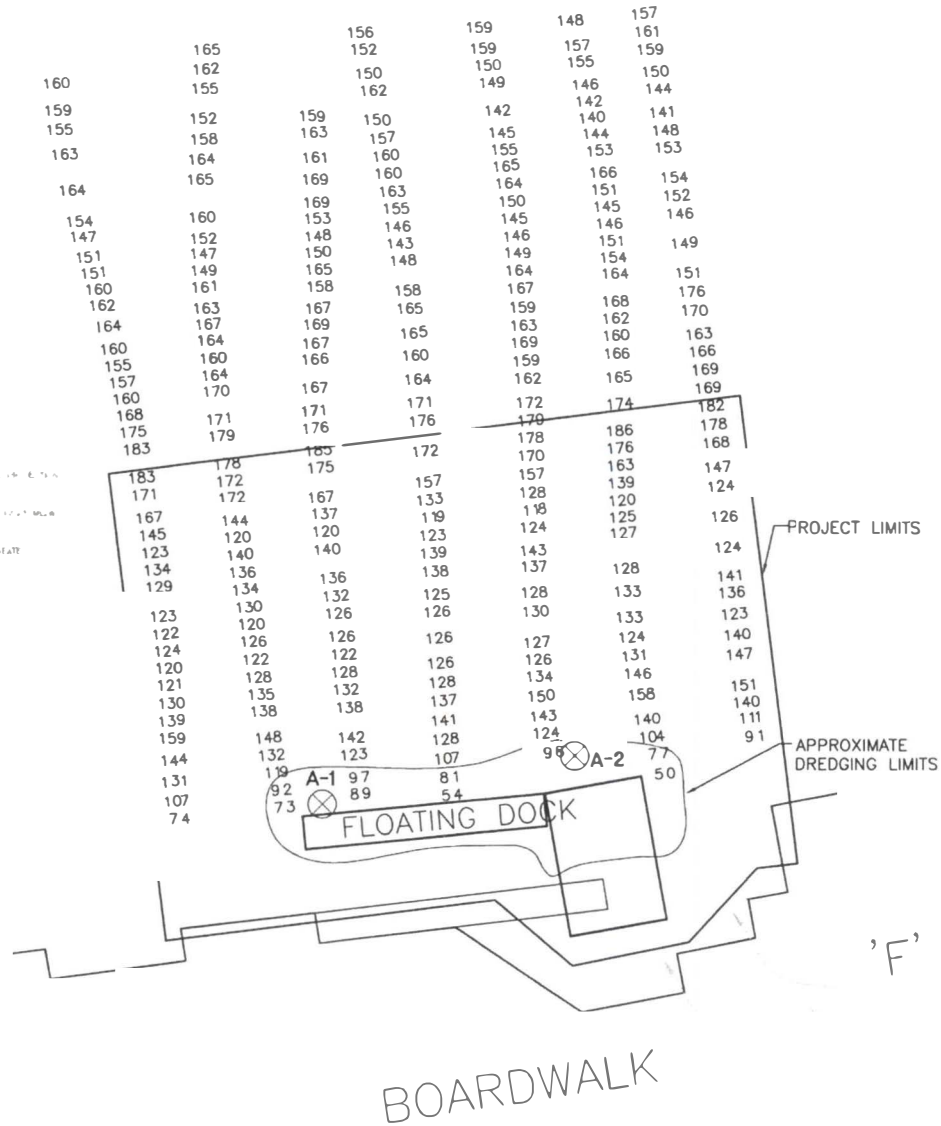


SURVEY NOTES

ALL DATA WAS OBTAINED FROM A SINGLE SURVEY
 AND IS SUBJECT TO THE USACE FIELD MANUAL
 SURVEYING AND MAPPING MANUAL
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LEGEND

- ⊗ SAMPLE LOCATION
 — PROJECT LIMITS
 --- DREDGE LIMITS



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City of Eureka
Maintenance DredgingSheet 3 of 6
September 2020

SCALE: 1"=30'

REVISIONS BY



APPROVED
 DATE: 9/1/20
 BY: [Signature]

PAID
 DATE: 9/1/20
 BY: [Signature]



Conditional
 Ymetric Survey
 This is a conditional survey and is not to be used for any other purpose without the approval of the City of Eureka.

F STREET DOCK
 1 F Street
 Eureka, CA 9550

Date: 7-24-18
 Scale: 1"=30' U.O.N.
 Drawn by: AZ

SHEET
 C-2

+

— APPROXIMATE
DREDGE LIMITS

FIXED DOCK

GANGWAY




J STREET DOCK

DREDGE LIMITS

SHEET
C-4

[illegible]

Region 9 Ocean Dumping Sites

-  HOODS Dump Site
-  3-mile Maritime Limit (Nautical Miles)
-  10-meter Bathymetric Contour Lines

Data Sources:

Bathymetric Contours: California Department of Fish and Game, 10 meter bathymetric contour lines to 600 meters depth on the California coast, July 2000

3-mile Maritime Limit: NOAA's Office of Coast Survey (OCS), September 2005

Shaded Relief: USGS National Elevation Data (100K)

WTR0601347.1 May 2006

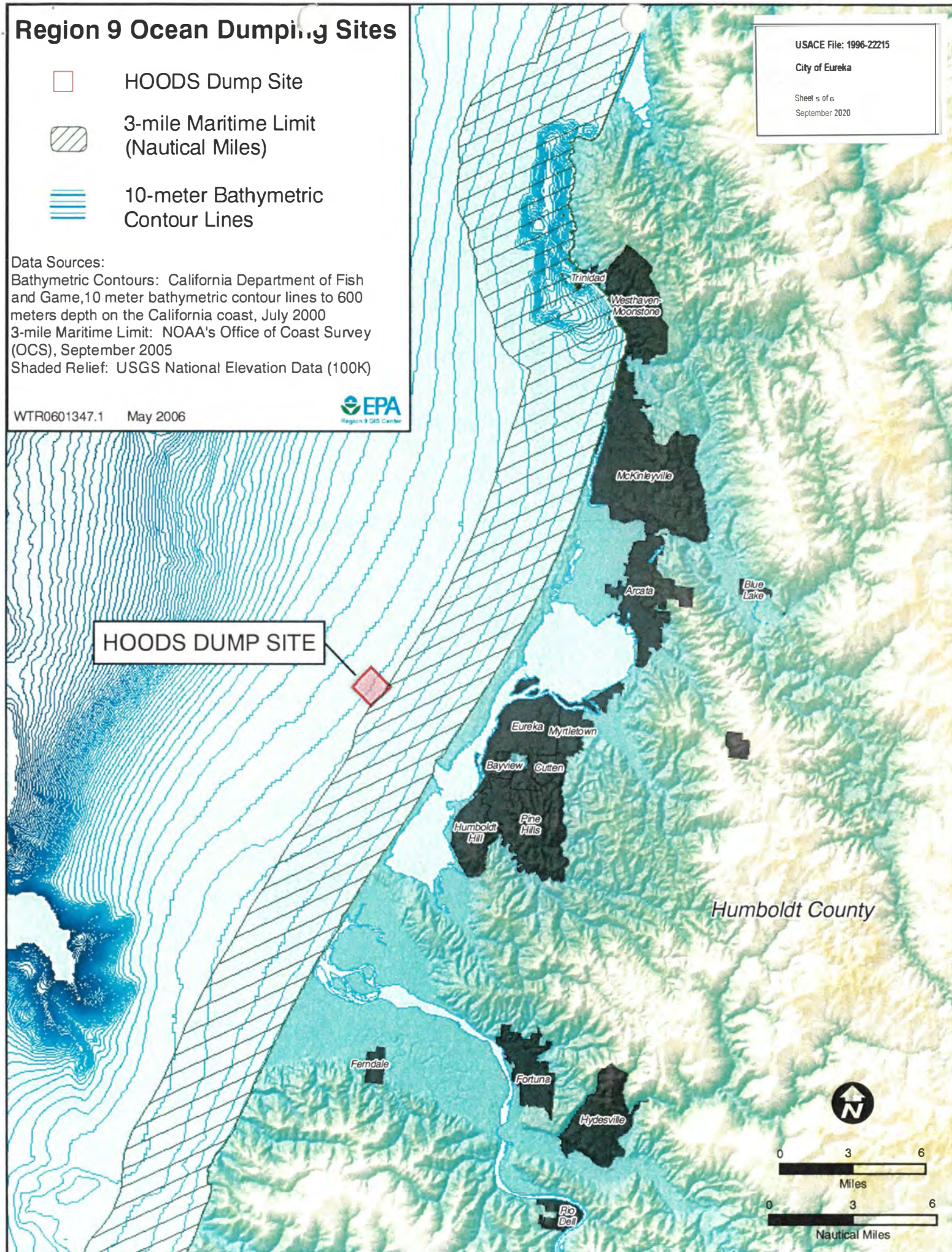


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City of Eureka

Sheet 5 of 6

September 2020



Below is a map of the property off of east of Broadway, behind the Bayshore Mall in Eureka, CA.



Below is a map of the area indicating the pilings that will be removed.

