



US Army Corps
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San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division
450 Golden Gate Ave., 4th Floor
San Francisco, CA 94102-3406

PUBLIC NOTICE

PROJECT: Pillar Point Harbor West Trail Living Shoreline Project

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COMMENTS DUE DATE: September 13, 2020

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1. **INTRODUCTION:** The San Mateo County Harbor District (POC: James Pruet; 650-583-4400; 504 Ave Alhambra, El Granada, California 94018), through its agent, Brad Damitz (POC: 415-259-5766; 869 Estancia Way, San Rafael, California 94903), has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to conduct shoreline improvements along an eroded segment of the Pillar Point Harbor West Trail. 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.*), and Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 *et seq.*).

and other recreationists, located along the western edge of the Harbor. The trail extends approximately 2,300 feet and is an unpaved, unvegetated, densely compacted dirt pathway, varying in width from 8 to 18 feet. The edges of the trail are generally well-defined and is bounded by rock and sand beach to the east of the trail and a steep hillside to the west. The 300-foot segment of trail and shoreline that would be affected by the proposed project have been gradually eroding for many years, resulting in the loss of the sand beach and damage to the West Trail and an outfall. The outfall is associated with a concrete-lined drainage ditch and corrugated metal pipe along the bluff abutting the west side of the trail. Repairs to the outfall most recently occurred in 2016.

2. PROPOSED PROJECT:

Project Site Location: As displayed in Figure 1, the project is located along a 300-foot stretch of the Pillar Point Harbor West Trail in unincorporated San Mateo County, California, just north of the City of Half Moon Bay (APN: 047-413-030). Pillar Point Harbor is situated on the east side of Pillar Point, west of Highway 1, south of the James V. Fitzgerald Marine Reserve, and west of Granada Breach in the community of El Granada. The West Trail is located along the western shore of the Harbor, providing pedestrian access from the West Point Avenue parking area to Maverick's Beach. The approximate center coordinates of the project site are Lat: 37.499717°, Long: -122.49586°.

Project Site Description: Pillar Point Harbor is a boat harbor created by two rock breakwaters. It is the only harbor between Santa Cruz and San Francisco along the California coastline. The West Trail is a popular public pathway used daily by pedestrians, dog owners, surfers,

Project Description: As shown in Figures 2-4, the applicant proposes to construct a living shoreline to protect and restore the eroded trail and to improve local stormwater facilities. The living shoreline would consist of a nourished beach with an elevated dune adjacent to the trail. A cobble berm (i.e., a dynamic revetment) and two rock fingers extending perpendicular from the trail would be buried beneath the surface of the sand beach and dune. Up to 10,000 cubic yards (CY) of sand, 4,000 CY of one to four-inch-diameter rock, and 280 CY of four to ten-ton stones would be discharged along the shoreline. Sand would be sourced from the Harbor, including 1,600 CY from a previous dredging project that is currently being stored at the Half Moon Bay Airport. The remainder of the sand would be sourced from two areas within the Harbor with surplus sand (Figure 5). Dredging would be conducted from the shoreline during low tide using a clamshell or bucket dredge attached to a long-reach excavator.

Also, the applicant proposes to address drainage issues in the vicinity of the living shoreline project site. The concrete-lined drainage ditch along the bluff would be removed and replaced; a corrugated metal pipe between the ditch and the trail would be replaced with a concrete channel, check dam, and concrete energy dissipator; a bioretention basin with native vegetation would be constructed along the western edge of the trail, channeling runoff from the drainage ditch north to Pillar Point Marsh; an existing overflow discharge pipe would be improved to feed water from the basin to upland portions of Pillar Point Marsh; and removing the existing outfall pipe that discharges direction into the Harbor.

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 maintain recreational values.

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 repair and stabilize degraded shoreline infrastructure along the West Trail in a manner that maximizes ecological, recreational, and aesthetic benefits while minimizing maintenance requirements.

Project Impacts: Impacts to waters of the U.S. would result from the dredging of sand for the living shoreline construction and the construction of the living shoreline and the bioretention basin. Dredging of sand for the living shoreline would include the excavation of up to 8,400 CY of sand from 1.96 acres of Pillar Point Harbor. Construction of the living shoreline would include the discharge of up to 11,000 CY of sand and rock over 0.95 acre (300 linear feet) of the Harbor. Construction of the bioretention basin would include the discharge of approximately 320 CY of soil and 130 CY of gravel within 0.008 acre of non-tidal waters.

Proposed Mitigation: The applicant has proposed several measures to avoid and minimize impacts to aquatic resources and enhance ecological functions and values on the project site:

- Stormwater from the drainage ditch along the bluff would be re-directed into a bioretention swale rather than continue to be discharged directly into the Harbor, thereby improving water quality and increasing wetlands.
- Eelgrass in the Harbor would be avoided.
- All fill materials would be clean with minimal inclusion of fine sediments.
- The living shoreline would be constructed to mimic native environmental features of the surrounding area. Local native perennial foredune and beach species would be planted, as well as three historically native species.
- Existing concrete debris would be removed from the shoreline.
- Areas within which construction activities and staging are to take place would be minimized in size and sited and designed to avoid impacts on coastal waters and marine life.
- Standard best management practices for erosion control and spill prevention would be implemented.
- Dredging would be conducted from the shoreline using a long-reach excavator when the area is natural dewatered (low tide).
- A Solid Debris Management Plan would be developed to ensure that solid debris generated during the project is retained and properly disposed.

The project is anticipated to result in a net benefit to the aquatic environment, so no compensatory mitigation would be required.

Project Alternatives: The applicant has described multiple alternative project designs considered during the planning process, including a soldier pile wall, rock slope protection with and without vegetation, shotcrete and soil nail wall, beach nourishment, native oyster reef living shoreline, dynamic revetment alone, wider beach and dune, and no action. The soldier pile wall, rock slope protection, and shotcrete and soil nail wall alternatives were eliminated from consideration because they are not consistent with the nature-based living shoreline approach favored by the Board of Harbor Commissioners and the California Coastal Commission. Beach nourishment without the dynamic revetment was eliminated because of uncertainty regarding how long sand would remain in place and the resulting long-term maintenance requirements. The native oyster reef living shoreline alternative was eliminated because the harbor does not

have the right conditions to support native oyster populations, and oyster reefs did not historically occur in the project area. The dynamic revetment alone was eliminated because it would eliminate habitat value and recreational use. The wider beach and dune alternative was eliminated because the placement of additional sand was determined to result in increased erosion due to the beach being out of equilibrium with the natural condition. The no action alternative was eliminated because no action would result in the continued erosion of the shoreline and the eventual loss of the trail.

USACE has not endorsed the submitted alternatives analysis at this time. USACE will conduct an independent review of the project alternatives prior to reaching a final permit decision.

3. STATE AND LOCAL APPROVALS:

Water Quality Certification: State water quality certification or a waiver thereof 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 is hereby notified that, unless USACE is provided documentation indicating a complete application for water quality certification has been submitted to the RWQCB within 30 days of this Public Notice date, the District Engineer may consider the Department of the Army permit application to be withdrawn. 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, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, 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 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. 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. Since the project occurs in the coastal zone or may affect coastal zone resources, the applicant is hereby advised to apply for a Consistency Certification from the California Coastal Commission to comply with this requirement.

Coastal zone management issues should be directed to the District Supervisor, California Coastal Commission, North Central Coast District Office, 45 Fremont Street, Suite 2000, San Francisco, California 94105-4508, by the close of the comment period.

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. § 1500-1508, and USACE regulations at 33 C.F.R. § 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 ensure 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, USACE has conducted a review of the California Natural Diversity Data Base, digital maps prepared by USFWS and NMFS depicting critical habitat, and other information provided by the applicant to determine the presence or absence of such species and critical habitat in the project area. Based on this review, USACE has made a preliminary determination that the following Federally-listed species are present at the project location or in its vicinity and may be affected by project implementation:

- Central California Coast (CCC) steelhead DPS (*Oncorhynchus mykiss*)
- Central California Coast (CCC) coho salmon ESU (*O. kisutch*)
- North American green sturgeon southern DPS (*Acipenser medirostris*)
- Marbled murrelet (*Brachyramphus marmoratus*)
- Western snowy plover (*Charadrius nivosus nivosus*)
- California least tern (*Sterna antillarum browni*)
- San Francisco garter snake (*Thamnophis sirtalis tetrataenia*)
- California red-legged frog (*Rana draytonii*)

To address project related impacts to these species, USACE will initiate informal consultation with USFWS and NMFS, pursuant to Section 7(a) of the Act. Any required consultation 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 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). As the Federal lead agency for this project, USACE has conducted a review of digital maps prepared by NMFS depicting EFH to determine the presence or absence of EFH in the project area. Based on this review, USACE 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. EFH for species managed under the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP*, or the *Pacific Coast Salmon FMP* is present in the project area. To address project related impacts to EFH, USACE will initiate consultation with NMFS, pursuant to Section 305(5)(b)(2) of the Act. Any 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 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 Act. No Department of the Army Permit will be issued until the applicant obtains any required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project is not likely to 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

undertaking, USACE has conducted a review of the latest published version of the *National Register of Historic Places*, survey information on file with various city and county municipalities, and other information provided by the applicant to determine the presence or absence of historic and archaeological resources within the permit area. Based on this review, USACE has made a *preliminary* determination that historic or archaeological resources are not likely to be present in the permit area and that the project either has no potential to cause effects to these resources or has no effect to these resources. USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by the State Historic Preservation Officer, the Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, and Native American Nations or other tribal governments. 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 submitted an analysis of project alternatives which is being reviewed by USACE.

6. PUBLIC INTEREST EVALUATION: 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 in the project.

8. SUBMITTING COMMENTS: During the specified comment period, interested parties may submit written comments to Naomi Schowalter, San Francisco District, Regulatory Division, 450 Golden Gate Avenue, 4th Floor, San Francisco, California 94102-3404; 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 *Public Notices* tab on the USACE website: <https://www.spn.usace.army.mil/Missions/Regulatory>.