



US Army Corps
of Engineers®

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

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Vallejo Yacht Club Expansion

NUMBER: 2006-301810N
PROJECT MANAGER: Justin Yee

DATE: 5 DEC 2008
PHONE: 415-503-6788

RESPONSE REQUIRED BY: 5 JAN 2008
Email: Justin.J.Yee@usace.army.mil

1. **INTRODUCTION:** The City of Vallejo, Redevelopment Agency of the City of Vallejo (contact: Steve England, P.O. Box 3068, Vallejo, CA 94590-5934, 707-649-4848), and the Vallejo Yacht Club (485 Mare Island Way, Vallejo, CA 94590, 707-643-1254), through their agent B.K. Cooper or Russell Barnes (Western Dock Enterprises, P.O. Box 2540, Novato, CA 94948, 415-892-2778) have applied for a Department of the Army permit to remove an old breakwater and expand the existing yacht harbor by 190,000 square feet (sq ft) by installing a new breakwater. The yacht harbor is located adjacent to 485 Mare Island Way, in the City of Vallejo, Solano County, California 94590 (APN: 0055-160-410; Lat: 38.104° N, Lon: 122.2669° W). 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:** The project would remove the existing 894-foot (ft) long degraded timber breakwater and install a new, 1,355 ft long breakwater in order to create a larger harbor area. The new breakwater is proposed to be made of steel sheet pile and will expand the footprint of the existing marina approximately 80 linear ft beyond the existing breakwater, on all sides, and will add approximately 190,000 sq ft of new water surface area to the harbor. The new outer wall will be approximately in line with the outer face of the adjacent Vallejo Marina breakwater and will tie into adjacent breakwaters to the north and south. No expansion or relocation of the dock facilities is proposed, although one dock finger and berth would

be removed to improve navigation through the entrance. The sheet pile will measure a vertical length of 40 - 50 ft and will be installed to a minimum of 30 ft below the existing mud line. The method of removal and installation for the existing timber pile and the new sheet pile wall will be with a vibratory hammer. No Section 404 fill discharges will be made. See plan drawings in Figures 1-4. Project construction will require approximately 3 months to complete.

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 National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. The proposed project is within 200 feet of a NMFS Central Coast Steelhead (*Onchorynchus mykiss*) Critical Habitat Area and Distribution Area. Informal consultation with NMFS was initiated November 19, 2008. Kristin Joseph, of Cooper Crane/Western Dock Enterprises, has been in contact with David Woodbury, of NMFS, and has noted that use of a vibratory hammer would allow work year round.

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). The aforementioned letter to NMFS initiated the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would impact approximately 1,685 sq ft [net after construction] of Bay waters, part of EFH utilized by listed salmonids. The Corps' initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in California Waters. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

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 Engineer 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: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is water dependent.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. The proposed project is within the Coastal Zone and an amended BCDC permit (Permit No. M99-26) was issued October 29, 2008.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known 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.

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 particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Justin Yee of our office at telephone 415-503-6788 or E-mail: Justin.J.Yee@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 the U.S. Army Corps of Engineers, San Francisco District, Regulatory Division, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps'