



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Southwest Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802- 4213

OCT 27 2009

In response refer to:  
2008/00878

Lieutenant Colonel Laurence M. Farrell  
Commander, San Francisco District  
U.S. Army Corps of Engineers  
1455 Market Street  
San Francisco, California 94103-1398

Dear Colonel Farrell:

On July 13, 2009, NOAA's National Marine Fisheries Service (NMFS) received the U.S. Army Corps of Engineers (Corps) July 9, 2009, letter and Biological Assessment (BA), requesting initiation of informal consultation on the issuance of a permit (File Number 400318) to the Cher-Ae Heights Indian Community of the Trinidad Rancheria (Trinidad Rancheria), pursuant to section 7(a) (2) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations (50 CFR 402). The permit would allow implementation of the Trinidad Rancheria Pier Reconstruction Project (Project). The Project will replace an existing wooden pier and pilings with a pier comprised of a pre-cast concrete deck and concrete pilings. The Project is located in Trinidad Bay in the City of Trinidad, California, Humboldt County

The Corps also requested consultation on Essential Fish Habitat (EFH), pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267, 16 U.S.C. 1801 *et seq.*) and its implementing regulations [50 CFR 600.920(a)]. The Corps determined that the Project would adversely affect EFH for species managed under the Pacific Coast Salmon, Pacific Coast Groundfish, and Coastal Pelagics Fishery Management Plans.

This letter constitutes informal consultation for the following federally threatened species: (1) Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*; June 28, 2005, 70 FR 37160); (2) California Coastal (CC) Chinook salmon (*O. tshawytscha*, June 28, 2005, 70 FR 37160); (3) Northern California (NC) Steelhead (*O. mykiss*; January 5, 2006, 71 FR 834). In addition, this letter completes EFH consultation, and serves as consultation under the authority of and in accordance with provisions of the Fish and Wildlife Coordination Act of 1934 (FWCA). A separate letter will complete NMFS' consultation on Federally threatened Steller sea lion (*Eumetopias jubatus*, November 26, 1990, 55 FR 49204), and address requirements of Project effects relative to the Marine Mammal Protection Act of 1972.



## PROPOSED ACTION

Trinidad Bay, a commercial port located between Humboldt Bay and Crescent City, contains numerous vessel moorings which include permanent commercial fishing vessel anchors as well 100 moorings that are placed for recreational vessel owners. The Trinidad Rancheria pier, provides services for: (1) commercial fisherman, (2) recreational boaters, kayakers, and whale-watching cruises; and (3) education and research by housing the Humboldt State University (HSU) Telonicher Marine Laboratory saltwater intake pipe and the California Center for Integrated Technology (CICORE) water quality data sonde. The Project area is comprised of the 0.31 acre pier over marine habitats and a staging area (the gravel parking lot located west of the pier) covering 0.53 acres of upland area.

The purpose of the Project is to demolish the existing wooden structure, construct a new pier and upgrade pier utilities (water, sewer, electricity, telephone). The new pier will be (1) constructed within the existing pier footprint; (2) 540 ft long, and (3) vary in width from 24 ft at the shore to 26 ft at the pier end. Prior to demolition, all utilities (water, electrical, power and phone lines) and structures (ladders hoists, sheds, benches) will be removed.

A total of 205 wooden piles (12-inch diameter) will be removed using a vibratory hammer, and 115 cast-in-steel-shell (CISS) concrete piles (18-inch diameter) installed using a vibratory hammer. Installation of the CISS piles will require (1) removal of 100 yds<sup>3</sup> of sediment by augering, (2) dewatering of the shells, and (3) pouring of concrete to fill the shells. Five CISS concrete piles will be separated at 5-foot intervals along each 25-foot long concrete bents. A total of 22 bents separated 25 feet apart shall be used. The decking of the new pier (approximately 13,500 ft<sup>2</sup>) will be constructed of 20-foot-long concrete sections. Lighting will be embedded in the decking and railing of the pier to minimize light pollution from the pier. The pier decking will be sloped to the west in order to direct water runoff from the pier to the stormwater collection pipe, and conveyed by gravity to a new upland manhole and storm chamber containing treatment media. The new saltwater intake pumps for HSU will be screened in accordance with NMFS standards for such intakes.

The staging area will be used to area to store construction equipment and materials. Sediment removed from CISS pile installation (approximately 10 to 100 yds<sup>3</sup>) will be stockpiled in containers at the staging area until transported to an approved upland disposal site. Seawater removed from the piles will be discharged through percolation within a temporary pit excavated at the staging area. The edge of the staging area will be at least 50 ft from the beach to the west in order to avoid impacts to the beach. All applicable temporary construction best management practices (BMPs) for construction activities, staging area and site access will be implemented in accordance with California Stormwater Quality Association (CASQA) Construction Handbook (<http://www.cabmphandbooks.com/Construction.asp>) including: NS-4 Material Over Water, NS-5 Demolition adjacent to Water , WM-3 Stockpile Management; WM-4 Spill Prevention Control; NS-9 Vehicle Equipment and Fueling; WM-10 Liquid Waste Management. A Storm Water Pollution Prevention Plan (SWPPP) will be prepared and approved by the North Coast Regional Water Quality Control Board. A detailed project description is provided in the BA, and is summarized below.

### **Project Timing and Sequencing**

The Project is expected to be completed within nine months, commencing on August 1, 2010, and terminate on May 1, 2011. Pile removal and installation will require approximately six months (August through January), and deck and utilities reconstruction will be completed in the remaining three months (February through April). Construction activities will occur five days per week between 7 a.m. and 7 p.m. Should severe weather conditions result in delays in the construction schedule, construction may occur seven days per week as needed to ensure completion by May 1, 2011.

Removal of the existing piles and installation of new piles will occur successively, beginning from the north end (shore) to south end (water terminus) of the existing pier. Each day, one wooden pile will be removed, one new steel shell installed, and a concrete seal poured, with a total of six to eight hours required for the process. Each week, one row of five concrete piles and concrete bents will be constructed. Following the installation of two successive pile bents at 25 ft intervals, a new precast concrete deck section will be installed.

### **Pier Decking and Piling Removal**

The pier decking will be removed prior to piling removal. Piles will be unseated from the sediment by and slowly lifting up on the vibratory hammer with the aid of a crane. Once unseated, the crane will continue to raise the hammer and pull the pile from the sediment. When the bottom of the pile reaches the mudline, the vibratory hammer will be disengaged. A choker cable connected to the crane will be attached to the pile, and the pile will be lifted from the water and placed upland. Each such extraction will require approximately 40 minutes of vibratory hammer operation.

Waters shall be protected from incidental discharge of debris by providing a protective cover directly under the pier and above the water to capture any incidental loss of demolition or construction debris. A floating oil containment boom surrounding the work area will be deployed during removal of the pressure treated decking and creosote-treated timber pile removal to collect any floating debris. Oil-absorbent materials will be deployed if a visible sheen is observed. The boom will remain in place until all oily material and floating debris have been collected. Debris and used oil-absorbent materials will be disposed at an approved upland disposal site.

Removed piles shall be temporarily stored at the upland staging areas until demolition activities are completed (approximately 6 months). Following the cessation of demolition activities, the creosote treated piles will be transported by the Contractor to Anderson Landfill in Shasta County. This landfill is approved to accept construction demolition, wood wastes, and non-hazardous/non-designated sediment. The pressure-treated decking and railing will also be stored at the staging area until demolition is complete, and will be retained by the Trinidad Rancheria for potential future use.

### **CISS Pile Installation**

Steel casings will be vibrated to a depth of approximately 2.5 ft above the top elevation of the

proposed pile (25 to 35 ft below the mud line), and an auger drill will be used to excavate the sediment and rock from the steel shell. The sediment and cuttings excavated shall be temporarily stockpiled in 50-gallon drums (or another authorized sealed waterproof container) at the staging area until all excavations are complete and then transferred for upland disposal at the Anderson Landfill or another approved upland sediment disposal site.

Concrete will be poured using a tremie to seal the area below the shell. A tremie, a steel pipe long enough to pass through the water to the required depth of placement, will be used to deliver concrete to seal the bottom 3 ft. of the hole below the bottom of the steel shell and above the ground. After the concrete seal has been poured, the water will be pumped out of the steel shells. In the unlikely event of leaking of concrete during tremie seal pouring, the following measures will be taken: (1) construction activities will cease; (2) the Regional Water Quality Control Board will be notified; (3) the cause of leaking of concrete will be determined and remedied; and (4) spill containment and clean-up measures implemented.

Following pouring of the concrete seal, pumping of water from steel casings will be required to maintain a dewatered work area. The pH of the water in each casing will be tested one day following pouring of the seal to ensure that the pH of the water did not change from the ambient pH. The water shall then be pumped into 50-gallon drums and transported to the staging area for discharge through percolation to eliminate solids. If the pH of the water changes from ambient pH, then the water will be hauled to the Eureka Wastewater Treatment Plant for treatment prior to discharge. A volume of approximately 450 gallons will be dewatered from the steel casing for each pile installation. Following dewatering, steel rebar cage installed prior to pouring the remaining concrete to fill the shell.

## **EFFECTS OF THE PROPOSED ACTION**

Juvenile SONCC coho salmon, CC Chinook salmon, and NC steelhead may migrate and rear within Trinidad Bay, primarily from April through June. During migration from the ocean to spawning tributaries, adult SONCC coho salmon could be present from November through January, CC Chinook from September through November; and NC steelhead adults from August through October. Since 1989, only four CC Chinook salmon (1 juvenile, 3 adults) have been collected during annual beach seine sampling in September and December in the vicinity of the Trinidad Rancheria pier, and no SONCC coho salmon or NC steelhead have been collected.

The substrate of the intertidal and subtidal habitats under and adjacent to the Trinidad pier includes bedrock benches, boulders, concrete slabs, and sand. The wooden pier pilings serve as attachment sites primarily (50 to 75 percent cover) for red algae (*Polyneura lastissima*) and secondarily (25 percent cover) kelps (*Alaria marginata*, *N. luetkeana*, *Pterogophora californica*, and *Laminaria* spp.). The attached algae and kelps provide habitat for prey species as well as cover for EFH species (e.g., juvenile rockfish).

Implementation of the Project could result in the following: (1) underwater sound generated from pile removal and pile placement; (2) diminished water quality due to debris from demolition; increased turbidity from sediment during piling removal and installation; uncured concrete, minor fuel and oil spills, and surface erosion; and; (3) water quality beneficial effects.

NMFS believes will the following operational measures reduce any impacts to SONCC coho salmon, CC Chinook salmon, and NC steelhead to insignificant or negligible levels: (1) underwater construction activities (pile removal and installation, concrete pumping) will occur between August 1 and January 31, between 7 a.m. and 7 p.m.; (2) a vibratory hammer will carefully remove and install piles; (3) debris collection devices above, and on the surface of, the water will be employed to collect any material generated during removal of the wooden deck and pilings; (4) all activities in the staging area will incorporate erosion control and sediment detention devices (e.g., silt fences, straw bales, or equivalent similar structure that meet sediment and water control requirements) to reduce the discharge of materials into the nearshore waters of Trinidad Bay; (5) any fueling of equipment will occur in the staging area or offsite, and equipment will be maintained to ensure that there is no leakage of fuels, lubricants or other similar material; and (6) an emergency spill clean up plan, response training, and clean up material will be on site. In addition, because suspension of sediment, and associated turbidity, during pile removal and installation will be (1) brief due to the physical characteristics of the site (sand size or coarser sediment, high energy wave and tidal environment); and (2) limited to the estimated 40 minutes of vibratory removal, and 30 minutes of vibratory placement of the steel casing, each day, NMFS believes the effects of turbidity associated with the Project to be insignificant.

Based on the timing of the Project (August 1, 2010 and May 1, 2011) and results of past sampling efforts; NMFS believes few, if any, juvenile or adult salmonids will be present during Project implementation. Therefore, NMFS believes the exposure of individual SONCC coho salmon, CC Chinook salmon, or NC steelhead to the Project is unlikely, and effects to individuals are discountable.

The Project is expected to result in beneficial effects to water quality because the replacement of creosote treated piles with CISS concrete piles will eliminate a source of polycyclic aromatic hydrocarbons, phenols and cresols from the existing treated wood piles. The proposed pier has full stormwater collection, treatment and detention, with no stormwater to any surface water body. The HSU seawater intake will have screens with mesh size consistent with NMFS specifications: round openings - maximum 3/32-inch diameter; square openings-maximum 3/32-inch diagonal, and slotted openings-maximum 1/16-inch width (<http://swr.nmfs.noaa.gov/hcd/WaterDrafting-02.PDF>).

## **ESA CONCLUSION**

Based on our review of the documents you have provided, NMFS concurs with the Corps determination that the proposed Project is not likely to adversely affect Federally threatened SONCC coho salmon; CC Chinook salmon, or NC steelhead. This concludes ESA consultation in accordance with 50 CFR 402.14(b)(1) for the proposed Project. Further consultation may be required if: (1) new information reveals effects of the action may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) current Project plans change in a manner that causes an effect to the listed species that was not previously considered; or (3) a new species is listed or critical habitat designated that may be affected by the identified action.

## EFH CONSULTATION

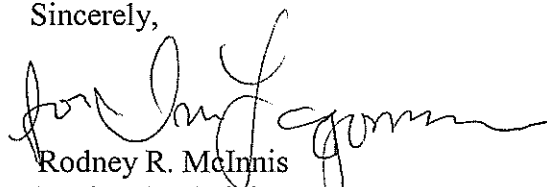
NMFS determined that the Project would adversely affect EFH for species managed under the Pacific Coast Salmon, Pacific Coast Groundfish, and Coastal Pelagics Fishery Management Plans. Habitat (attachment surface and associated community as described earlier) will be lost during removal of wooden pilings; however, NMFS expects recolonization of the new pilings within a year. NMFS believes the Project has been designed to minimize and reduce the magnitude of potential effects during Project implementation. Therefore, NMFS provides no additional conservation recommendations. In addition, NMFS expects EFH will improve in the vicinity of the pier due to the following: (1) removal and replacement of creosote-treated wooden piles with CISS concrete pilings; (2). a stormwater collection and treatment system where all stormwater will be collected and routed by gravity feed to an upland treatment cell that will provide detention, settling, and active filtering prior to complete infiltration; (3) reduced artificial lighting effects; and (4) the HSU marine lab water intake associated with the pier will be fitted with NMFS approved screens, minimizing the risk of entrainment of small prey fish species.

## FWCA CONSULTATION

The purpose of the FWCA is to ensure that wildlife conservation receives equal consideration, and is coordinated with other aspects of water resources development (16 U.S.C. 661). The FWCA establishes a consultation requirement for Federal departments and agencies that undertake any action that proposes to modify any stream or other body of water for any purpose, including navigation and drainage [16 U.S.C. 662(a)]. Consistent with this consultation requirement, NMFS may provide recommendations and comments to Federal action agencies for the purpose of conserving fish and wildlife resources. NMFS has no recommendations to make beyond the methods for avoiding impact already incorporated into the Project design.

Please contact Ms. Diane Ashton at (707) 825-5185, or via e-mail at [diane.ashton@noaa.gov](mailto:diane.ashton@noaa.gov) if you have any questions concerning these consultations.

Sincerely,



Rodney R. McInnis  
Regional Administrator

cc: David Ammerman, Corps  
Jacque Hostler, Trinidad Rancheria  
Vicki Frey CDFG  
Robert Merrill, California Coastal Commission  
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