



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200200255

Date: August 26, 2003

Comments Due: September 25, 2003

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act to dredge approximately 7,500 cy of material and fill approximately 5.57 acres of wetlands to construct a residential subdivision and private marina in Sandmound Slough, as shown in the attached drawings.

APPLICANT: Rock Island Homes
695 Town Center Drive, Suite 410
Costa Mesa, CA 92626-7105

LOCATION: The proposed Rock Island Homes Marina project is located along Sandmound Slough, Section 34, Township 2 North, Range 3 East, MDB&M, Latitude 37-51.5409 Longitude 121-37-19.7588, UTM Zone 10, 621008.22 North, 4204397.85 East, Contra Costa County, California.

PROJECT DESCRIPTION: The applicant is proposing to construct a residential subdivision and a private marina consisting of 13 new docks in Sandmound Slough. As part of the project, the applicant would also replace an existing irrigation return pipe in a ditch in the north portion of the site that is also jurisdictional waters. Approximately 3.62 acres of wetlands were filled by the applicant without Department of the Army permit for site grading, road construction, and landside levee improvements.

The applicant is proposing to dredge 7,500 cubic yards across 3.60 acres of jurisdictional waters consisting of tidal shallow water habitat within Sandmound Slough. This dredging would be undertaken to achieve a minimum depth of 6 feet throughout the marina area to accommodate the proposed boat docks and allow boat access. The dredged material would be pumped to a temporary on-site 2 acre spoils pond and allowed to dry.

Thirteen docks consisting of 100 slips are proposed to be constructed along the east edge of the property to provide one slip for each of the 91 new homes, plus a common 4-slip dock with pump-out facilities and 5 other common slips. The docks would involve a total of 91 30-inch diameter Class B ACZA PT douglas fir piles that would cover an area of 447 square feet (0.010 acres) and fill of 413 cubic yards of jurisdictional waters. The docks would shade approximately 23,450 square feet (0.54 acres) of jurisdictional waters.

The applicant proposes to replace an existing 50-HP pump in the irrigation ditch in the north portion of the site and replace the associated 18" irrigation return pipe that conveys return water to Sandmound Slough. The 20' by 20' intake structure in the irrigation ditch would consist of sheet piles within approximately 80 square feet (0.002 acres) of jurisdictional waters. The irrigation return pipe will be situated above jurisdictional waters. The new intake structure in the irrigation ditch will be built to accommodate a future additional 50-HP pump and second 18" irrigation return pipe unrelated to this project. On the waterside of the levee, the new return pipe will lay on top of the existing rock slope protection, in the same manner as the existing pipe. Other than the terminal 7 feet of the return pipe there will be no fill within the jurisdictional waters of Sandmound Slough related to this component of the project.

The applicant placed 1,467 tons of rock slope protection on the waterside of the levee. This work occurred Fall 2002 within portions of a 23,800 square foot (0.55 acres) area above the ordinary high water line and above jurisdictional waters. The rock slope protection was placed in gaps of the existing rip-rap surface to achieve uniform coverage of at least 18 inches of rock slope protection. According to the applicant this levee maintenance work resulted in no fill within jurisdictional waters.

AREA DESCRIPTION: The 36 +/- acre Rock Island Marina project site historically consisted of irrigated pasture used for cattle grazing and grains, with 1,700 feet of levee along Sandmound Slough. Most of the site (i.e., areas to the west of the levee) is cleared of vegetation and rough-graded; a few new homes are already under construction in the northeast portion of the site. The portion of Sandmound Slough within the site offers shallow water habitat.

ADDITIONAL INFORMATION:

The Corps believes there are no sites listed, determined or potentially eligible historic properties on the National Register within or immediately adjacent to the project. The applicant has submitted a cultural resources report to address Section 106 of the National Historical Preservation Act issues as part of this permit process.

The Corps has determined the proposed activity may affect the following threatened or endangered species or their critical habitat: giant garter snake (*Thamnophis gigas*), delta smelt (*Hypomesus transpacflcus*), Sacramento splittail (*Pogonichthys macrolepidotus*), Central Valley steelhead (*Oncorhynchus mykiss*), winter-run chinook salmon (*Oncorhynchus tshawytscha*), and Central Valley spring-run chinook salmon (*Oncorhynchus tshawytscha*). The Corps of Engineers initiated consultation with the U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries) pursuant to Section 7 consultation under the Endangered Species Act (ESA) and essential fish habitat for Pacific Salmon pursuant to Section 305 (b)(2) of the Magnuson-Stevens Act. In a letter dated August 13, 2003, USFWS determined that the project is not likely to jeopardize the continued existence of the delta smelt, Sacramento splittail. Consultation with USFWS on the Giant Garter Snake is pending. Consultation with NOAA Fisheries has not yet concluded.

The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **September 25, 2003**. Personal information in comment letters is subject to release to the public through the Freedom of Information Act. Any person may request, in writing, within the comment period specified in this 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.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

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 of Engineers to determine whether to issue, modify, 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 of the proposed activity.

If additional information is required, please contact Rock Island Homes, Incorporated, telephone 714-755-1084, or William Guthrie, at the letterhead address, telephone 916-557-5269, or email William.H.Guthrie@usace.army.mil.

Mark W. Connelly
Lieutenant Colonel,
Corps of Engineers
Acting District Engineer

Enclosures: 8 Drawing(s)