



DEPARTMENT OF THE ARMY

SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS

1455 MARKET STREET

SAN FRANCISCO, CALIFORNIA 94103-1398

DEPARTMENT OF THE ARMY

PERMIT EVALUATION AND DECISION DOCUMENT

Applicant: City of Arcata Environmental Services Department, Attn: Karen Diemer,

File Number: **Unknown**

This document constitutes the Environmental Assessment (EA), Statement of Findings, and review and compliance determination according to the Section 404(b)(1) guidelines for the proposed work described in the attached Public Notice (PN).

I. PROPOSED PROJECT: **City of Arcata Rail with Trail Connectivity Project**

The proposed Arcata Rail with Trail Connectivity Project involves construction, operation and maintenance of an approximately 4.5 mile long Class I, ADA accessible, non-motorized, multiuse, paved trail. According to the American Association of State Highway Transportation Officials (AASHTO), a Class I Trail is a paved or unpaved non-motorized facility physically separated from motorized vehicular traffic by an open space or barrier. The northern 3.25 miles of the project are located in the City of Arcata (City) and the southern 1.25 miles are located in the County of Humboldt south of the City. The project is west of Highway 101 (Attachment B, Figure 1).

The proposed project includes three potential trail alignments (See Section II. B - Alternatives, below), which would run from northern Arcata at Larson Park (near Sunset Avenue and the Arcata Skate Park), through the City and the Arcata Marsh and Wildlife Sanctuary (Arcata Marsh), and along the eastern edge of Humboldt Bay southward to the Highway 101 and Bracut intersection. The trail, under any of the alignments, would be along or within the NCRA ROW, a portion of the Highway 101 corridor, City-owned ROW, and would also cross private property.

This Environmental Assessment (EA) evaluates three trail alignment alternatives, including a Selected Alignment, an Interim Alignment, and a Secondary Alignment. Each of these alternatives is summarized below (II. B. Alternatives). See Attachment B of this EA for detailed segment-by-segment trail alignment maps. See Attachment A for a detailed project description including background, existing site conditions, list of permits and agency approvals, and trail design standards.

II. ENVIRONMENTAL AND PUBLIC INTEREST FACTORS CONSIDERED:

A. Purpose and Need (40 C.F.R. Section 230.10(a) and 40 C.F.R. Section 1508.9(b)):

The Arcata Rail with Trail Connectivity Project is needed to improve non-motorized transportation within the existing rail corridor from northern Arcata at Larson Park, through the City of Arcata and the Arcata Marsh, and along the eastern edge of Humboldt Bay south to Bracut. The City of Arcata currently has bicycle and pedestrian facilities providing non-motorized routes within the City. However, several large gaps in this system make navigation for non-motorized traffic difficult (Alta Planning, 2010 Corridor Mgmt Plan). The City's existing non-motorized transportation facilities are generally not well linked to routes beyond the City and therefore do not contribute to a cohesive regional transportation or recreation opportunity. Within the rail corridor south of the Arcata Marsh, public access to Humboldt Bay is severely limited and non-motorized transportation facilities do not currently exist. Bicycle traffic between Eureka and Arcata currently utilizes the paved shoulders of Route 101, Old Arcata – Myrtle Road, or Highway 255 on the Samoa Peninsula. There is currently no developed pedestrian access to Humboldt Bay south of the Arcata Marsh.

The purpose of the project is to construct, operate, and maintain an approximately 4.5 mile long Class I, ADA accessible, non-motorized multiuse trail within the rail corridor. The primary objectives of the project are to:

- Provide a safe and enjoyable non-motorized commuter and recreational transportation facility within the existing rail corridor;
- Provide increased connectivity for non-motorized transportation routes within Arcata and the surrounding region;
- Avoid conflicts with future railroad operation;
- Minimize environmental impacts associated with trail construction.

As identified in the City of Arcata Pedestrian and Bicycle Master Plan Update (City of Arcata, 2010), development of the rail corridor as a non-motorized transportation route is important for providing increased connectivity between several import Arcata destinations. The proposed project is also consistent with the goals and objectives outlined in the Humboldt Bay Trail Feasibility Plan (Alta, 2007) and the Completing the California Coastal Trail report (California Coastal Conservancy, 2003) completed pursuant to 2001 California Senate Bill 908.

B. Alternatives (33 C.F.R. Section 320.4(b)(4) and 40 C.F.R. Section 230.10(a)):

This section describes and compares the alternatives considered for the Arcata Rail with Trail Connectivity Project. It includes a description of each alternative considered. This section presents the alternatives in comparative form, defining the differences between each alternative and providing a basis for choice among options by the decision maker and the public.

1. **Proposed Action – “Selected Alignment”** The Proposed Action is a Rail with Trail configuration that includes construction, operation, and maintenance of an approximately 4.5 mile long Class I, ADA accessible, non-motorized multiuse trail generally running adjacent to the NCRA railroad tracks within the railroad right-of-way. The Proposed Action alignment would run from northern Arcata at Larson Park, through the City of Arcata and the Arcata Marsh, and along the eastern edge of Humboldt Bay south to the Highway 101 intersection with the Bracut exit. The Proposed Action deviates from the railroad right-of-way in several areas, including: Foster Avenue to Alliance, and through most of the Arcata Marsh and Wildlife Sanctuary. See Figure 1 (Attachment B) for a map of the project vicinity and Figures 2-1 through 2-28 (Attachment B) for a series of maps regarding the project Study Area.

The Selected Alignment would satisfy each of the primary objectives of the project. The Proposed Action alignment would meet all trail objectives while not conflicting with future use of the existing railroad tracks for rail traffic. However, because this alternative places the trail parallel to the existing tracks, it requires significant earthwork to bring the trail to an acceptable grade. The alignment avoids sensitive habitat to the extent practicable (i.e. avoids salt marsh habitat west of the tracks), but the fill required by the Proposed Action will impact more Waters of the US and riparian vegetation than other alternatives.

2. **No Action** – Consideration of the “No Action” (or “No Build”) alternative is required under NEPA regulations as a benchmark for comparison of the environmental effects of the various alternatives. The “No Action” alternative would result in no new trail construction within the existing rail corridor. This alternative would not change the existing non-motorized transportation facilities within or beyond the City of Arcata. The several large gaps in the City’s existing non-motorized transportation system would not be addressed. The City’s existing non-motorized transportation facilities would remain un-linked to routes beyond the City and therefore would not contribute to a cohesive regional transportation or recreation opportunity. Within the rail corridor south of the Arcata Marsh, public access to Humboldt Bay and non-motorized transportation facilities would remain severely limited or non-existent. Bicycle traffic between Eureka and Arcata would continue to utilize the paved shoulders of Route 101 and other available routes.

The “No Action” alternative would not meet the objectives of the proposed project, but would avoid all potential positive and negative environmental effects associated

with the other project alternatives. For each environmental resource discussed in Sections C and D, below, the “No Action” alternative would result in “No Effect.”

3. Alternative 1 - “Interim Alignment” This alignment would be within the railroad right-of-way, but would be constructed predominantly on top of the existing railroad prism following removal of the tracks. The Interim Alignment would deviate from the Selected Alignment and occupy the railroad prism for all trail segments except: (1) along L Street (Segments 3.3 and 3.4) and (2) through the Arcata Marsh (Segments 5, 6.1 and 6.2). This alignment would deviate from the NCRA’s Rail with Trail Guidelines (with respect to setbacks from the tracks, etc.) and would be implemented with Railroad Authority permission to temporarily build on the tracks, allowing the City to defer construction costs and create options for project construction phasing. This alignment would occupy the existing railroad track prism in certain locations and avoid the need at these locations to build additional prism, reducing the amount of fill required for trail development reducing associated costs, and potentially reducing impacts to wetlands, biological habitat, etc. The potential for eventual relocation of the trail off the tracks is not evaluated in this document and would be subject to further environmental review.

The Interim Alignment would meet all project objectives and would reduce environmental impacts. The avoidance of conflict with future railroad operation would require trail removal in the event the railroad was reactivated.

Alternative 2 - “Secondary Alignment” This alignment would be adjacent to Arcata High School and would run from Sunset Avenue to 15th Street (Segments 1, 2 & 3.1), to join with one of the other alignments for the balance of its southward route to Bracut (Appendix A). This alignment would primarily occupy an existing service road on the high school property and, therefore, would avoid impacts to Jolly Giant Creek. The Secondary Alignment would require Northern Humboldt Union High School District Board review and approval before it could be implemented.

C. Impacts on the Aquatic Ecosystem (33 C.F.R. Section 320.4(a); 33 C.F.R. Part 325, Appendix B, Part 7 and 40 C.F.R. Sections 230.20-60):

1. Physical/Chemical Characteristics and Anticipated Changes

The following resources are not expected to be affected by the proposed project and were, therefore, eliminated from further consideration:

Currents/Circulation - All “Build Alternatives:” No effect. The project would not interfere with currents or water circulation.

Aquifer Recharge - All “Build Alternatives:” No effect. The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the water table.

Substrate - All “Build Alternatives:” No effect. The project would not impact any areas where the water depth is greater than 6.6 feet or that will not support rooted or emergent plants and will, therefore, have no effect on the substrate.

Drainage Patterns - All “Build Alternatives:” No effect. The proposed project would redefine ditches along Highway 101 following existing drainage patterns. Overland runoff along open areas in the Arcata Marsh would drain to the existing city drainage system or following existing drainage patterns. The project would, therefore, not alter the existing drainage pattern of the site.

Streamflow - All “Build Alternatives:” No effect. The proposed project will not cause any change to existing flow of water in streams, rivers, or other channels.

Baseflow - All “Build Alternatives:” No effect. The proposed project will have no effect on baseflow.

Storm, Wave, Erosion Buffer of Wetland - All “Build Alternatives:” No effect. The project will not cause any changes to storm, wave, or erosion buffer function of wetlands.

Erosion/Sedimentation Rate - All “Build Alternatives:” No effect. The project would not create or contribute runoff water which would provide substantial additional sources of polluted runoff or result in substantial erosion or siltation onsite or offsite. Project BMPs have been designed to eliminate erosion and sedimentation.

Water Supply (Natural) - All “Build Alternatives:” No effect. The project will not contribute to any changes to natural water supply.

Water Quality - All “Build Alternatives:” No effect. Project construction activities will not create or contribute runoff water which would provide substantial additional sources of polluted runoff or result in substantial erosion or siltation onsite or offsite during construction. Project BMPs have been designed to eliminate significant impacts to water quality.

Flood Control Function of Wetland

Effect - All “Build Alternatives” would have a minor, short-term, direct, negative effect on wetland flood control function that would be offset through the construction of mitigation wetlands mostly off site and the minimization measures listed below.

Discussion - The “Selected Alignment” would result in impacts to palustrine emergent wetlands, estuarine intertidal emergent wetlands, and estuarine intertidal shore wetlands (mudflats), and estuarine emergent wetlands. The Study Area contains 4.15 acres of palustrine wetlands and 3.22 acres of estuarine wetlands. Temporary and permanent impacts to palustrine wetlands would total 0.67 acres, and 1.38 acres respectively. Temporary and permanent impacts to estuarine wetlands

would total 0.24 acres, and 0.4 acres respectively. Without mitigation, these impacts could cause a minor reduction in the flood control function of impacted wetlands.

The “Interim Alignment” would result in approximately 85% less wetland impact because it would be constructed mostly on top of the existing railroad tracks. The impacts to flood control function would be similarly reduced compared with the “Selected Alignment.”

The “Secondary Alignment” would avoid a minor amount of wetland impacts because it runs through upland areas on Arcata High School property. The impacts to flood control function would be less than that of the “Selected Alignment.”

Avoidance, Minimization, Mitigation Measures - To mitigate for the loss of wetland functions (including flood control function) of impacted wetlands, the City of Arcata shall create mitigation wetlands as described in Section 2: Biological Characteristics and Anticipated Changes – Wetlands, Waters, and Mud Flats, below.

2. Biological Characteristics and Anticipated Changes

The following resources are not anticipated to be affected by the proposed project and were, therefore, eliminated from further consideration:

Vegetated Shallows (Special Aquatic Sites) – All “Build Alternatives:” No effect. Vegetated shallows are permanently inundated areas that under normal circumstances support communities of rooted aquatic vegetation, such as turtle grass and eelgrass in estuarine or marine systems as well as a number of freshwater species in rivers and lakes. Vegetated Shallows were not identified in the Study Area.

Coral Reefs (Special Aquatic Sites) - All “Build Alternatives:” No effect. Not present in Study Area.

Pool and Riffle Areas (Special Aquatic Sites) - All “Build Alternatives:” No effect. Not present in Study Area.

Wildlife Sanctuaries – All “Build Alternatives:” No effect. The trail would pass through the Arcata Marsh and Wildlife Sanctuary on existing trails and would parallel the eastern edge of the Humboldt Bay National Wildlife Sanctuary. The trail is not expected to contribute to any adverse impacts to either wildlife sanctuary.

Wetlands, Waters, and Mud Flats (Special Aquatic Sites) –

Effect – All “Build Alternatives” and any off-site wetland mitigation construction would have a minor, short-term, direct, negative effect on wetlands that would be

offset through the construction of mitigation wetlands and the minimization measures listed below.

Discussion – Detailed wetland delineation maps are included in Appendix F. Wetlands are also shown on Figure Series 4 (Maps 4-01 through 4-28 in Attachment B). Table 3 and 5 (Attachment C) provide a detailed evaluation of Study Area habitat resources and “Selected Alignment” and “Interim Alignment” impacts, respectively.

There are 4.15 acres of palustrine wetlands, 3.22 acres of estuarine wetlands, and 1.04 acres of Waters of the U.S within the project area. Several areas within the proposed project corridor are defined as “Waters of the U.S./State,” including Jolly Giant Creek (at Shay Park), Butcher Slough, Gannon Slough, Jacoby Creek, Old Jacoby Creek, and Brainard’s Slough.

The “Selected Alignment” would result in impacts to palustrine emergent wetlands, estuarine wetlands, and Other Waters. Temporary and permanent impacts to wetlands and waters would total 0.94 acres, and 1.78 acres respectively.

The “Interim Alignment” would result in just 0.12 acres of permanent and 0.5 acres of temporary wetland and Other Waters impacts because it would be constructed mostly on top of the existing railroad tracks.

The “Secondary Alignment” would avoid approximately 0.25 acres of wetland impacts because it runs through upland areas on Arcata High School property, avoiding Jolly Giant Creek and wetlands in Shay Park. Because the “Secondary Alignment” is short and would join with one of the other two alignments, the overall impacts to wetlands would remain nearly identical to the other alignments.

The construction of off-site mitigation of wetlands has the potential to disturb wetland resources.

Avoidance, Minimization, Mitigation Measures - To mitigate for adverse impacts to wetlands and Waters, the City of Arcata shall create mitigation wetlands for the loss of palustrine and emergent wetlands. The created wetland must have a minimum created-to-filled ratio of 1:1. The City shall prepare a planting plan and a Mitigation Monitoring Plan, which will include planting tree and/or plant species to complement the existing vegetation and describes the success criteria.

In the area south of Samoa Boulevard where a boardwalk/bridge would traverse from the railroad bed across existing wetlands in order to join with existing Arcata Marsh berm, special precaution would be required in order to reduce temporary impacts to the wetlands. Equipment staging and access would occur in this wetland area, although the size of the temporary impact area would be minimized by storing supplies and equipment in upland areas. Minimization measures would include the

placement of protective pads (metal/wood/rubber sheets) on top of the wetlands where equipment access/staging would be required to prevent the equipment tracks/wheels from rutting and compressing the soil and uprooting or destroying existing wetland vegetation. The area would also be revegetated with native wetland plants where bare ground is observed.

To ensure that no wetland resources are impacted at any off-site mitigation area, a wetland field investigation will be conducted by a qualified individual prior to construction. If wetlands are determined to be present, they will be avoided or further mitigated as a part of mitigation construction. Any delineated wetland areas will be demarcated and fenced in order to avoid impacts during construction.

Threatened and Endangered Species

Effect- All “Build Alternatives” and construction of any off-site mitigation wetlands would have the potential for minor, short-term, negative, direct and indirect effects on Threatened and Endangered Species that would be offset through implementation of minimization and mitigation measures.

Discussion – Special status fish species such as tidewater goby, southern Oregon/northern California Coho salmon, California coastal Chinook salmon and coastal cutthroat trout are known to use the tributaries in Arcata and Humboldt Bay. Therefore, the sloughs, streams, and ditches located immediately adjacent to the alignment are potentially utilized by these fish species. The brackish to saltwater areas of Butcher Slough, Gannon Slough and tidally influenced lower portion of Jacoby Creek are considered potential habitat for several special status fish species.

No sensitive species were observed within the proposed trail corridor during the field survey. The terrestrial habitats surrounding the trail corridor have limited potential to support special status terrestrial animal species because of the proximity to Highway 101 and the ongoing noise, high-level vehicular presence, and ongoing road maintenance activities. None of the special status terrestrial animal species from the region have been documented within the corridor and these species are not likely to occur because of the lack of suitable habitats.

Under all “Build Alternatives,” pile installation will occur within Threatened and Endangered species habitat (i.e. “Waters of the U.S.”). All “Build Alternatives,” therefore have similar potential to cause direct impacts to any Threatened and Endangered species present in the project area during construction. Indirect impacts could also occur if footings are placed above the Ordinary High Water Mark (OHWM) for additional crossings and/or modifications to existing crossings as summarized below.

The proposed crossings at Jolly Giant Creek near Shay Park and the Arcata Marsh Berm Bridge would not require piles or bridge footings directly in the channels or below the OHWM. The Butcher Slough crossing would not require piles below the HTL, however bridge footings would extend below the HTL. The proposed Old Jacoby Creek and Brainard's Slough crossings would require piles and bridge footings below the HTL. Proposed bridge construction work within Gannon Slough would include pile installation within the channel which may involve temporary dewatering using cofferdams. These activities would implement minimization and avoidance measures such as isolating the pile from flowing water and utilizing barriers to prevent sediment from entering the water, in consultation with NOAA Fisheries, FWS, and DFG. Potential project effects on species spawning would be avoided by seasonal implementation to avoid impacts to spawning streams.

The off-site mitigation of wetlands has the potential to impact Threatened and Endangered species in areas not surveyed for this project.

Avoidance, Minimization, Mitigation Measures - To minimize adverse impacts to Threatened and Endangered Species, pile installation within Gannon Slough shall be implemented seasonally (from July 1 to September 31) to avoid impacts to potential special status species spawning. If piles are installed using temporary dewatering cofferdams, the construction contractor will, in consultation with NOAA Fisheries, FWS, and DFG, implement minimization and avoidance measures such as isolating the pile from flowing water and utilizing barriers to prevent sediment from entering the water.

To ensure that Threatened or Endangered species are not impacted at any off-site wetland mitigation area, a field investigation will be conducted by a qualified biologist prior to construction. If Threatened or Endangered species are determined to be present, or suitable habitat for such is located, it will be avoided as a part of off-site mitigation construction.

Habitat for Fish, Other Aquatic Organisms, and Wildlife

Effect – All “Build Alternatives” would have the potential for minor, short-term, negative, direct effect on Habitat for Fish, Other Aquatic Organisms, and Wildlife, that would be offset through the minimization measures listed below.

Discussion - See also, Wetlands, Waters, and Mudflats, above. The Humboldt Bay area provides habitat for a large diversity of native aquatic and terrestrial animal species. The biotic environmental setting within the proposed trail corridor includes wetlands, sloughs, freshwater marsh, coastal salt marsh, creeks, ditches, mudflats, and natural communities, including aquatic, riparian, upland habitat, shorebird roosting habitat and sensitive species. Existing urban development, the railroad tracks, and Highway 101 each limit the diversity and abundance of habitat for use by wildlife species.

Detailed habitat impact tables for the “Selected” and “Interim” alignments are located in Appendix C, Tables 3 and 5. Detailed wetland delineation maps are included in Appendix F. The trail corridor currently contains 0.03 acres of shorebird roosting/rocky shoreline habitat, 2.06 acres of riparian habitat, 4.15 acres of palustrine wetlands, 3.22 acres of estuarine wetlands, and 1.04 acres of Waters of the U.S.

Proposed trail development through the City along L Street would be on existing City streets and through disturbed areas; therefore, would not impact riparian habitat or other sensitive natural communities in these areas. However, trail development through Shay Park, South of Samoa Blvd., through the Arcata Marsh and along Humboldt Bay would result in impacts to riparian habitat, palustrine emergent wetlands, estuarine intertidal emergent wetlands, and estuarine intertidal shore wetlands (mudflats).

Riparian Habitat

Construction of the “Selected Alignment” trail prism would result in the removal of trees, shrubs and riparian vegetation along some trail segments, especially in Shay Park, the Arcata Marsh, and along South G Street. Of the 2.06 acres of existing riparian areas within the proposed trail corridor, approximately 0.14 acres would be permanently impacted (i.e. vegetation / tree removal) and there would be 0.12 acres of temporary impacts.

The “Interim Alternative” would contribute to 0.17 acres of permanent and 0.29 acres of temporary riparian habitat impacts, each more than the “Selected Alignment.”

The “Secondary Alignment” would predominantly avoid riparian habitat impacts, but because it would rejoin one of the other two alternatives beyond Arcata High School property, it would include the combined impacts with the other chosen alignment. This alignment may require removal of trees/shrubs and riparian vegetation on the Hillside below Arcata High School to allow for construction of a retaining wall or additional structural support required for the trail.

Shorebird Roosting / Rocky Shoreline

Approximately 0.03 acres of shorebird roosting habitat exists within the proposed trail corridor, however none of the alignments would result in significant permanent or temporary impacts to these areas. The actual railroad alignment is likely used for roosting mostly during high tides when more preferred locations are unavailable along the Bay margin. Except on piles within the intertidal zone, roosting was not observed within the railroad alignment. Since shorebird use of the railroad alignment within the project footprint does not appear to be frequent based on several high-tide site visits by the project biologist, it is unlikely that human movement effects associated with use of the new trail would alter current shorebird use of the project site.

Waters of the U.S. and Wetlands – See Wetlands, Waters, and Mudflats, above.

Avoidance, Minimization, Mitigation Measures – To minimize adverse impacts to fish and wildlife habitat, soils and slopes exposed due to project-related earthwork

shall be re-vegetated with native ground cover, understory species, and trees. Trees shall be replaced with native species at a 1:1 ratio in the impacted areas.

D. Impacts on Resources Outside the Aquatic Ecosystem:

1. Physical Characteristics and Anticipated Changes

Air Quality

Effect – All “Build Alternatives” would have minor, short-term, direct, negative impacts on air quality in the vicinity of the project site that would not exceed the de minimis threshold.

Discussion – The project site is located within the North Coast Air Basin (NCAB) and the jurisdiction of the North Coastal Unified Air Quality Management District (NCUAQMD). The North Coast Air Basin currently meets all federal air quality standards; however, it has been designated as non-attainment (exceeds maximum limits) for California Ambient Air Quality Standards for particulate matter less than ten microns in size (PM₁₀). To address this, the NCUAQMD adopted a Particulate Matter Attainment Plan in 1995. This plan presents available information about the nature and causes of PM₁₀ standard exceedance, and identifies cost-effective control measures to reduce PM₁₀ emissions, to levels necessary to meet California Ambient Air Quality Standards.

The proposed project would generate construction emissions associated with mechanical clearing, grading, base laying, surface application and re-vegetation activities. While the NCAB is in non-attainment for PM₁₀, the temporary nature of construction activities combined with implementation of standard NCUAQMD dust and CO₂ emission reduction measures during construction (e.g., watering of construction site, covering haul trucks, street sweeping haul routes, landscaping/covering freshly graded areas immediately after grading, etc.) would avoid significant impacts. The proposed project would also provide a multi-use, ADA accessible trail through central Arcata south towards Eureka, thus potentially reducing vehicle miles traveled (VMT) and resulting in a beneficial air quality impact. The proposed project would not obstruct implementation of the NCUAQMD Particulate Matter Attainment Plan, violate air quality standards, or contribute substantially to an existing or projected air quality violation. Additionally, the project is consistent with Arcata’s General Plan Air Quality Element.

Some of the project’s construction activities would likely temporarily increase PM₁₀ levels (e.g., exposing and moving soil can increase airborne particulate matter). The City of Arcata’s standard permit conditions regulate construction practices to avoid and minimize adverse effects on air quality. The proposed project will carry out the City’s standards and best management practices during the construction phase, and thereby minimize the project’s short-term PM₁₀ impacts.

In the long term, the proposed project would not add any significant level of PM10 emissions that would cause a cumulatively considerable net increase. As stated previously, the project would potentially reduce motorized vehicle trips or miles traveled. The project is designed to encourage less motorized trips. If the project does succeed in reducing current or future motorized vehicle travel, it will help reduce emissions of PM10, ozone precursors, carbon monoxide, and other toxics in the air basin.

Based on the relative minor size of the proposed project and limited to an evaluation of air quality impacts only within Corps of Engineers' (Corps) jurisdictional areas, the Corps has determined that the total direct and non-direct project emissions would not exceed the de minimis threshold levels of 40 C.F.R. Section 93.153.

Noise Conditions

Effect – All “Build Alternatives” will cause insignificant, short-term, direct, negative effect on noise conditions.

Discussion - Current conditions within the project area generate no, or low intermittent noise associated with use of the NCRA ROW and existing Arcata Marsh trails as pedestrian pathways. The majority of the area is within existing transportation ROW through both urban and natural resource land uses. The project area is exposed to off-site noise caused primarily by traffic on adjacent City Streets and Highway 101.

Under all “Build Alternatives”, operational noise associated with trail use and maintenance activities would be generated adjacent to limited noise-sensitive uses (residences, Arcata High School). However, the noise would include pedestrian/bicycle activity noise and occasional landscaping and trail repair which are typical of an urban setting. For the overall trail alignment, this incremental increase in noise would not expose persons to noise levels in excess of applicable standards and would not represent a substantial increase in ambient noise.

During the construction phase, earth-moving and compacting activities would generate groundborne vibration or groundborne noise; the level of vibration or noise would typically be moderate. These activities would be temporary, during the initial stage of construction. In addition, pile driving machines would be used for driving piles for proposed bridge replacements over Butcher Slough, Gannon Slough, Jacoby Creek, and Rocky Gulch. While these pile driving activities could generate high levels of groundborne vibration and noise, they would be temporary, and they would occur along Humboldt Bay between the Arcata WWTP and Bracut which is well away from existing noise-sensitive uses (e.g., residences, schools, etc.).

Construction activities would temporarily increase ambient noise levels, mainly from heavy equipment and construction-related truck traffic. Constructing the trail would include using heavy equipment for earth moving, grading and compaction, paving, and hauling. The construction phase would increase localized truck trips to transport

materials and equipment to and from the proposed trail corridor. Construction-related noise would be unavoidable; however, its temporary and intermittent nature would moderate the environmental impact. The proposed project would comply with all applicable City policies to abate construction-related noise impacts. General Plan Policy N-5d which requires limiting construction activity to the hours of 8 a.m. and 7 p.m. Monday through Friday, and between 9 a.m. and 7 p.m. on Saturdays, and Policy N-5e which requires that all construction equipment be maintained in good working order and fitted with factory approved mufflers.

Construction related noise could be temporarily disruptive to adjacent residences along the proposed trail alignment. However, these residences already experience daily urban traffic noise from adjacent streets. Since construction noise would be temporary and limited to daytime hours per above policies, the project's impact would be minor.

Topography, Geology, and Soils

Effect – All “Build Alternatives” would have a minor, short term, direct negative effect on Topography, Geology, and Soils that would be offset by implementation of Avoidance, Minimization, and Mitigation Measures.

Discussion - The entire project area is along the shoreline of the Humboldt Bay, thus it is flat and subject to seismic forces and liquefaction. The principal underlying soil is coarse to fine grained alluvium and consists mostly of unconsolidated, coarse-to-fine-grained sand and silt (alluvium) typically found on coastal plains, valley bottoms and along river flood plains. In the vicinity of Bracut, the soil primarily consists of non-marine sandstone with clay and gravel (Hookton Formation). The sandstone is typically medium-grained, well sorted, and poorly cemented. Minor beds of well-rounded pebbles and cobbles of chert, quartz, and green stone are also present. Elsewhere in the corridor there are areas of non-native marine deposits and sand indicative of fill that was brought in to construct embankments for the railroad and for the highways.

Because the proposed project would comply with California UBC and local building codes which have been designed to allow structures to withstand strong seismic ground shaking, and because the project would comply with the site-specific recommendations of the project's Geotechnical Report, the project would not expose persons or structures to potential substantial seismic ground shaking hazards.

Avoidance, Minimization, Mitigation Measures - The City would implement and maintain erosion control measures during construction and implementation of the project. Construction activities that would potentially disturb soil include: removing vegetation, cutting slopes, digging, moving and filling ground material, and moving heavy equipment on site. During the project's construction phase, the City would practice and/or enforce temporary erosion control measures on all disturbed areas. After construction, the City would implement permanent erosion control measures as necessary. All disturbed areas would be re-vegetated with native, non-invasive species or non-persistent hybrids that would serve to stabilize site conditions and

prevent invasive species from colonizing. For the duration of the project, the City would follow applicable erosion control measures as defined in the City's Land Use Code and Best Management Practices (BMP) Manual. Implementing these measures would avoid substantial erosion or topsoil loss.

2. Biological Characteristics and Anticipated Changes

Riparian Habitat – Please refer to Habitat for Fish, Other Aquatic Organisms, and Wildlife, above.

Other Terrestrial Habitat – All “Build Alternatives:” No effect. The terrestrial habitats surrounding the trail corridor have limited potential to support special status animal species because of the proximity to Highway 101 and the ongoing noise, high level vehicular presence, and ongoing road maintenance activities. No federally-listed special status terrestrial animal species from the region have been documented within the corridor and these species are not likely to occur because of the lack of suitable habitats.

Special Wildlife Areas - All “Build Alternatives:” No effect. The trail would pass through the Arcata Marsh and Wildlife Sanctuary on existing trails and would parallel the eastern edge of the Humboldt Bay National Wildlife Sanctuary. The trail is not expected to contribute to any adverse impacts to either wildlife sanctuary.

3. Socioeconomic Characteristics and Anticipated Changes

The following resources are not expected to be affected by the proposed project and were, therefore, eliminated from further analysis:

Commercial Fishing - All “Build Alternatives:” No effect. Commercial fishing does not occur in the Study Area and will not be impacted by the project.

Agricultural Activity - All “Build Alternatives:” No effect. The project does not involve agriculture, farmland, or timberland.

Recreational Fishing - All “Build Alternatives:” No effect. Recreational fishing does not occur in the Study Area and will not be impacted by the project.

Silviculture – No effect. There are no timberlands or other timber-related facilities in the project Study Area.

Population/Growth Inducement - All “Build Alternatives:” No effect. The project is not expected to have any impact on population or result in growth inducement.

Prime and Unique Agricultural Lands - All “Build Alternatives:” No effect. The project area does not include any Prime or Unique Agricultural Lands.

Transportation/Navigation - All “Build Alternatives:” No effect. The project does not involve water-based transportation or navigation.

Water Supply (Municipal & Industrial) - All “Build Alternatives:” No effect. The project is not expected to have any effect on municipal or industrial water supply.

Wild & Scenic Rivers - All “Build Alternatives:” No effect. The project is not in the vicinity of any Wild and Scenic Rivers.

Mineral Resources - All “Build Alternatives:” No effect. No mineral resources and no mineral resource extraction currently occurs within any part of the proposed trail corridor. The proposed trail would not affect the availability of a known mineral resource that would be of value to the region. Construction of the trail would utilize local gravel for engineered fill, which is readily available.

Public Health and Safety - All “Build Alternatives:” No effect. The proposed trail is not expected to have any impacts to Public Health and Safety.

Aesthetic Quality

Effect – All “Build Alternatives” would have a moderate, long-term, direct, neutral effect on aesthetic resources with the implementation of minimization and mitigation measures.

Discussion – Visual resources within the proposed trail corridor include both natural and man-made features. Scenic resources surrounding the trail corridor include natural areas adjacent to creeks and riparian vegetation, urban areas along City streets, the Arcata Marsh, and Humboldt Bay and tidelands.

Trail development for all “Build Alternatives” would occur on existing Marsh trails and, for the most part, along the east side (Selected Alignment) or on top of the existing railroad tracks (Interim Alignment), and at the same elevations, along the Bay and therefore would not substantially alter the shoreline or obstruct Bay views. The project will include approximately four-foot tall, split rail fencing and/or physical barriers in most sections.

The proposed Urban Interface Trail along L Street would include features to enhance the existing visual character of this area such as differentiated pavement coloring/pathway materials, significant landscaping including native trees, shrubs, raised planter beds, and trail lighting. These features are expected to create an inviting and comfortable environment that is visually appealing and would encourage non-motorized transportation.

Construction of the trail prism in some trail sections would result in the removal of trees, shrubs and riparian vegetation along some trail segments, especially in Shay Park, the Arcata Marsh, and along South G Street. The removal of trees and vegetation will be offset by revegetation and replanting to reduce the potential to substantially degrade existing visual character in these areas.

There is existing street lighting near the trail corridor along Sunset Avenue, Alliance Road, L Street, and Samoa Boulevard. Safety lighting would be installed at all trail/road crossings and decorative street lighting would be installed on L Street where no street lights currently exist. To minimize potential impacts, the City has General Plan and Land Use Code policies to control light impacts on- and off-site. To maintain existing natural areas along the trail corridor and prevent potential impacts, lighting would not be installed along the natural areas of the trail (i.e. Shay Park, Arcata Marsh, and along the Bay).

The “Interim Alignment” would result in the removal of fewer trees/shrubs and a smaller area of riparian vegetation because portions of the trail would be constructed predominantly on the existing railroad track prism rather than requiring construction of an adjacent prism.

The “Secondary Alignment” could result in the removal of trees/shrubs and riparian vegetation on the hillside below Arcata High School to allow for construction of a retaining wall or additional structural support required for the trail.

Avoidance, Minimization, and Mitigation Measures:

To minimize adverse impacts to aesthetics, soils and slopes exposed due to project-related earthwork shall be re-vegetated with native ground cover, understory species, and trees. Trees shall be replaced with native species at a 1:1 ratio in the impacted areas.

Community Cohesion

Effect – All “Build Alternatives” would have a minor, short-term, direct, negative effect associated with construction disturbance that will likely be offset by a moderate, long-term, direct, positive effect on Community Cohesion brought by the availability of a non-motorized trail.

Discussion- The National Environmental Policy Act of 1969 as amended (NEPA), established that the federal government use all practicable means to ensure that all Americans have safe, healthful, productive, and aesthetically and culturally pleasing surroundings (42 U.S.C. 4331[b][2]). This requires taking into account adverse environmental impacts, such as destruction or disruption of human-made resources, community cohesion, and the availability of public facilities and services.

Within the City of Arcata in the northern half of the project vicinity, the proposed trail alignments run through residential neighborhoods, commercial areas, and open space. Some of the northern portion of the alignment is within relatively densely populated City blocks, and other portions are less heavily populated. The southern portion of the project runs between State Route 101 and Humboldt Bay on or in close proximity to the NCRA railroad tracks. The southern portion of the alignment is generally not within a typical community environment. The City of Arcata is well served by public facilities and services.

No minority or low-income populations have been identified that would be adversely affected by the proposed project. Therefore, this project is not subject to the provisions of Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low- Income Populations.

All “Build Alternatives” would provide non-motorized connectivity from northern Arcata at Larson Park (near Sunset Avenue and the Arcata Skate Park), through the City of Arcata and the Arcata Marsh, and along the eastern edge of Humboldt Bay south to the Highway 101 and Bracut intersection. The proposed project would not remove existing streets, would not develop impediments to cross-town vehicular, pedestrian or bicycle movement, and would not otherwise physically divide an established community.

Residences, businesses, and park users within the northern portion of the alignment may be affected by noise and other short-term disturbances from trail construction activities. Construction of the project will occur in distinct sequenced stages to avoid potential detrimental impacts to the community that may occur if all aspects of the project were constructed concurrently. Construction staging will be managed such that access to residences, businesses, parking areas, and parks will be maintained throughout the sequenced construction. The sequencing of trail construction will likely minimize construction-related disturbance in any given area. The project will not result in a loss of human-made resources, lower community cohesion, or loss of public facilities.

Economics and Employment

Effect- All “Build Alternatives” would have a minor, short-term, direct, positive effect associated with construction employment and local provision for construction materials.

Discussion-

All Alternatives: Construction may have a minor beneficial economic impact by increasing local and regional employment and tourism. The number of positions and length of employment would vary depending on the construction schedule and the contractors selected. There may also be opportunities for local provision of construction materials, such as gravel/fill material, and other services related to construction, which could result in increased earnings for suppliers of materials and services locally and in the region.

Public Facilities and Services

Effect- All “Build Alternatives” would have no effect upon Public Facilities and Services.

Discussion – The trail itself will be a public facility and will represent an improvement to public non-motorized transportation facilities in the area.

Emergency response and evacuation in the project area is the responsibility of the APD located at 736 F Street, and the AVFD located at 631 9th street and 3235 Janes Road. These provide critical emergency response services and serve as the community’s primary response agencies under the City’s Emergency Response Plan. Both the APD and AVFD are part of the multiagency Standardized Emergency Management System emergency response network. In addition, a California Highway Patrol (CHP) office is located at 255 East Samoa Boulevard and regularly provides back-up services to APD within city limits and serves as the primary emergency responders along the Highway 101 corridor. The Humboldt County Sheriff’s Office also serves the Highway 101 Corridor.

The proposed trail corridor would occur in the Arcata Elementary School District and the Northern Humboldt Union High School District.

All “Build Alternatives” would result in no significant adverse effects on service ratios for police, fire departments, schools or other public services. This is because: (1) trail users already work or reside in the area and would not represent an increased service population; and (2) the proposed trail corridor is already served by AVFD, APD, CHP and County Sheriff, and public schools so that the trail would not require extension of fire, police protection services, or schools into areas not already served.

Recreational Opportunities

Effects- All “Build Alternatives” would have a moderate, long-term, positive direct effect on Recreational Opportunities.

*Discussion-*The proposed trail would increase recreational opportunities within Arcata and the trail corridor and is an important piece of developing a regional active transportation network. It is identified in both the City Parks & Recreation Master Plan (2009, adoption pending) and the Pedestrian and Bicycle Master Plan (2010) as a priority bicycle project. The entire trail would be an overall recreational benefit to the community and would represent a net increase of multi-use trails in the area.

The proposed trail could incrementally increase the use of existing neighborhood and regional parks or other recreational facilities such as Larson Park, Shay Park, and the Arcata Marsh.

Traffic/Transportation

Effect- All “Build Alternatives” would have a moderate, long-term, positive direct effect on Traffic/Transportation.

Discussion- Under all “Build Alternatives,” the proposed multi-use trail would provide increased opportunities and routes for safe non-motorized travel within the City, as well as for commuters traveling to/from Eureka. The project has been designed to meet the operational needs of adjacent and intersecting roadways, the railway system, area businesses, and a variety of potential trail users.

The loss of 20 existing 45-degree un-striped parking spaces on L Street between 9th and 10th Streets, and seven parallel parking spaces between 8th and 9th Street that will be partially offset by adding parallel parking between 9th and 10th Streets. Additional removed parking spaces may be offset by utilizing existing parallel parking on nearby streets.

The proposed project would not increase vehicle traffic on City streets; in fact, the project could potentially decrease vehicle trips within the City by encouraging non-motorized travel. It would not conflict with effective circulation system performance or intersection level of service standards.

Trail development could affect transportation/traffic safety: (1) along existing City Streets; (2) at existing City street crossings; (3) at access points along Highway 101; and (4) along existing Arcata Marsh trails. The proposed trail would be separated from all existing City streets by curbs, striping, fences, or other features, except along L Street where the trail would be integrated into the street design. In this segment, trail design would focus on encouraging non-motorized transportation as the dominant use, while vehicular use would be maintained as a secondary function. The proposed narrow street width (around 12 feet) would keep vehicle speeds very low and encourage safe driving. Trail safety features in this segment would include differentiated pavement coloring, barricades, trail lighting, intersection signage, speed tables at intersections, and landscaping. In addition to the main travel lane, a pedestrian pathway would be constructed which would provide pedestrians with an alternate path. With the provision of these proposed features, substantial hazards due to design features would be avoided along L Street.

The trail would intersect and/or cross the following streets (from north to south): Sunset Avenue, Foster Avenue, Alliance Road, M Street, 12th Street, 11th Street, 10th Street, 9th Street, 8th Street, Samoa Boulevard (Hwy 255), I Street, City of Arcata WWTP Driveway (accessing South G St), and Bracut Industrial Park Driveway (accessing Highway 101). In general, roadway and driveway crossings would be ADA accessible and include warning signage and markings both on the trail and the approaching vehicular way. The trail would include yellow centerline striping and additional warning signage and striping approaching intersections with existing roads and railroad crossings. In addition, signage would be added along the trail warning

users of curves, bends, and other hazardous situations. Speed control can only be maintained through signage and striping; speed bumps or other surface irregularities are not permitted to control the speed of bicycles and other non-motorized vehicles. The above design features would be implemented at the intersections as shown in the detailed Design Plans, Appendix K, and would avoid substantial hazards at those trail crossings.

In compliance with FHWA and Caltrans standards for a Class I Bikeway, segments of the trail adjacent to roadways would be separated by at least five feet and include a physical barrier (concrete barrier or fence). The proposed trail along Highway 101 would meet all Caltrans safety requirements including physical barriers between the trail and Highway 101. The proposed trail would also be elevated above the highway travel lanes to approximately the elevation of the existing railroad tracks. This would keep trail users separated from vehicles traveling on Highway 101.

The proposed trail would be directly adjacent to an inactive rail line. There is a perceived hazard associated with trails adjacent to active rail lines; however the project has been designed to meet all applicable NCRA policies and includes the following safety design features: fencing between the trail and the RR track along the entire alignment with a minimum setback of 8.5 feet from RR centerline, RR crossing pavement markings and signage at all crossing locations, minimum 45° angle for all trail / RR crossing, and the City would work with NCRA to install additional bar crossing as required if the RR becomes active. These features would avoid any substantial conflicts between the rail line (which is currently inactive) and trail users.

The proposed trail would overlay existing trails within the Arcata Marsh that are used by walkers, runners, and bird watchers. There could be potential conflicts between these users and bicyclists due to the difference in these activities. However, since the proposed trail would have striping, signage, and unpaved shoulders on both sides which could be used by birdwatchers and other users who want to get out of the main travel lanes, substantial safety related conflicts between trail users and bird watchers would be avoided.

In addition to design safety features, a Trail Safety Plan is included as part of the proposed project to satisfy the 2009 NCRA Policy and Procedures Manual requirements for a public agency proposing a Rail with Trail facility. As specified in the NCRA Policy and Procedures Manual, the public agency shall prepare a Safety Plan including certain design, maintenance and operations measures.

With incorporation of the design features described above and compliance with the safety standards outline in the Trail Safety Plan, the proposed project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses.

The proposed trail would be adjacent to existing street and highway systems. Emergency access to the project area already exists from these streets, and would continue to exist under the proposed project. Bollards would be placed at trail intersections and entrances to prevent all but emergency and maintenance vehicles

from entering. See the Public Services discussion in this Initial Study for additional information regarding potential fire and police protection impacts. The trail corridor is already served by AVFD, ADP, CHP and the County Sheriff and the trail would not slow or hinder emergency response, the trail would not require additional emergency services, and there would be emergency access to all trail segments.

4. Historic - Cultural Characteristics and Anticipated Changes

Archaeological Resources

Effect – For all “Build Alternatives,” there is moderate potential for short-term, direct, negative impacts to archaeological resources, paleontological resources, and/or human remains during trail construction and wetland mitigation construction that is offset by avoidance, minimization, and mitigation measures.

Discussion - An archaeological records search at the North Coast Information Center (NCIC) was conducted by Roscoe & Associates, December 2009. According to the records search, none of the proposed alternative alignments intersect known archaeological sites. However, there are six previously recorded archaeological sites within 0.5 miles of the project area. Proposed alignments through property that is already impacted (i.e. railroad prism, substantially developed parcels) have less of a potential of impacting cultural resources than alignments through property that has not been previously disturbed. As indicated above, most of the proposed trail segments are either directly adjacent to the NCRA ROW or transect urban/previously developed areas. However, there would still be a potential to unearth archaeological resources, paleontological resources, and/or human remains during trail construction.

Additionally, after completion of an intensive pedestrian survey, including several days of monitoring geologic borings, correspondence with local Tribal representatives, and background research, Roscoe and Associates have concluded that implementation of the Rails with Trails Access Project will have No Effect on cultural resources.

The off-site mitigation of wetlands has the potential to disturb previously undiscovered human remains or cultural or historical resource.

Avoidance, Minimization, and Mitigation Measures - Earthmoving and excavation activities will be monitored for presence of archaeological or paleontological artifacts and immediately stopped if such activities uncover suspected cultural resources; any suspected cultural resources sites will be inspected by a qualified archaeologist, and any reporting/curation/ preservation recommendations made by the archaeologist will be implemented. Also, if human remains are uncovered, the City of Arcata and the appropriate Native American representative will be notified immediately, and the remains will be treated in accordance with all applicable federal, state, local and tribal requirements.

If human remains are uncovered during trail construction activities, construction activities in the immediate vicinity of the remains shall be halted, the City of Arcata Planning Department, Humboldt County Coroner, Native American Heritage Commission (NAHC), and the relevant Native American representative(s) shall be notified, and the remains shall be treated in accordance with NAHC treatment and disposition requirements.

To ensure that no cultural/historic resources are impacted at the off-site mitigation area, a cultural resources field investigation conducted by a professional archaeologist that meets the Secretary of the Interior's Standards and Guidelines prior to construction. If historical/cultural resources are determined to be present and are determined significant, they will be avoided as a part of construction of the mitigation wetlands on the off-site mitigation parcel. Any such areas will be demarcated and fenced in order to avoid impacts during construction.

To avoid creating a significant impact if human remains or cultural resources are discovered during earthmoving activities at the off-site mitigation parcel, construction personnel will be required to monitor the excavations and stop work if any of the following items are observed: obsidian or chert flakes and/or tools, projectile points, heat-affected rock, locally darkened midden, groundstone artifacts, deposits of shell, dietary bone, and human burials, stone foundations or walls, structures and remains with square nails, and glass. In the event that such materials are encountered, a qualified cultural resources specialist will be called in to evaluate the situation and recommend an appropriate course of action. Project personnel may not collect cultural resources. If human remains are discovered, the County Coroner must be contacted. Required procedures to be followed in the event of accidental discovery of cultural materials or human remains are described in sections 15064.5(e) and 15064.5(f) the State CEQA Guidelines (California Code of Regulations, Title 14, Sec 15000-15387).

National Register Properties

Effect – All “Build Alternatives:” No effect.

Discussion – None of the proposed alternative alignments would impact any properties listed in the National Register of Historic Places or the California Register of Historical Resources (Roscoe & Associates, December 2009). Furthermore, the proposed trail would not impact any existing buildings or structures eligible for listing in these registers. **[Confirm Interim]**

National Natural Landmarks

Effect – All “Build Alternatives:” No effect.

Discussion – None of the proposed alternative alignments would impact any National Natural Landmarks (http://www.nature.nps.gov/nnl/Registry/USA_Map/States/California/california.cfm).

E. Summary of Indirect Impacts:

Indirect noise and vibration impacts to Threatened and Endangered species could occur if footings or piles are placed above the OHWM for additional crossings and/or modifications to existing water crossings.

Avoidance, Minimization, Mitigation Measures - To minimize adverse impacts to Threatened and Endangered Species, pile installation within Gannon Slough shall be implemented seasonally (from July 1 to September 31) to avoid impacts to potential special status species spawning. [Insert additional mitigation information when available] If piles are installed using temporary dewatering cofferdams, the construction contractor will, in consultation with NOAA Fisheries, FWS, and DFG, implement minimization and avoidance measures such as isolating the pile from flowing water and utilizing barriers to prevent sediment from entering the water.

F. Summary of Cumulative Impacts (40 C.F.R. Section 230.11(g)):

None have been identified.

G. Conclusion and Recommendations:

Based on an analysis of the above identified impacts, a determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) since the proposed action would not have a significant impact on the quality of the human environment.

III. FINDINGS:

A. Other Authorizations:

1. Clean Water Act Section 401 Water Quality Certification (33 C.F.R. Section 325.2(b)(1)):
2. Coastal Zone Management Act Consistency Determination (33 C.F.R. Section 325.2(b)(2)):

B. A Preconstruction Notice describing the project was issued on (date), and was sent to all interested parties including appropriate Federal and State agencies. All comments received on this action have been reviewed and are summarized below:

1. Summary of Comments Received:

- a. Federal Agencies:
 - (1) U.S. Environmental Protection Agency (EPA):
 - (2) U.S. Fish and Wildlife Service (FWS):
 - (3) National Marine Fisheries Service (NMFS):
 - (4) U.S. Coast Guard (CG):
 - (5) Other Federal Agency(ies):
 - b. State and Local Agencies:
 - (1) California Department of Fish and Game (CDF&G):
 - (2) Regional Water Quality Control Board
 - (3) California Coastal Commission
 - c. Organizations:
 - d. Individuals:
2. Evaluation: I have reviewed and evaluated, in light of the overall public interest, the documents and factors concerning this permit application and the stated views of other interested agencies and the concerned public. In doing so, I have considered the possible consequences of this proposed work in accordance with regulations published in 33 C.F.R. Parts 320 to 331 and 40 C.F.R. Part 230. The following paragraphs include my evaluation of comments received and how the project complies with the above cited regulations:
- a. Consideration of Comments: The public notice did not generate any substantive comments by the public or by governmental agencies. None of the Federal resource agencies identified the project as causing “substantial and unacceptable impacts to aquatic resources of national importance” in accordance with the Section 404(q) MOA; therefore, these agencies have relinquished their options to elevate specific objections on permit issuance for reconsideration by higher authority.
 - b. Evaluation of Compliance with the Section 404(b)(1) Guidelines (40 C.F.R. Section 230.10):
 - (1) Alternative Test (40 C.F.R. Section 230.10(a)): The applicant has reasonably demonstrated that there are no other locations to accommodate the project or alternative designs to further reduce adverse impacts to aquatic resources. Based on this evaluation, the Corps concludes there are no other practicable alternatives to the project with less adverse impact on the aquatic ecosystem or without other significant adverse environmental consequences.

(2) Special Restrictions (40 C.F.R. Section 230.10(b)): The proposed fill discharge will not:

- (a) violate State water quality standards;
- (b) violate toxic effluent standards (under Section 307 of the Clean Water Act);
- (c) jeopardize endangered or threatened species or their critical habitat; or
- (d) violate standards set by the Department of Commerce to protect marine sanctuaries.
- (e) evaluation of the information in Sections II.C and II.D indicates that:

the dredged or fill material is not a carrier of contaminants.

the dredged or fill material complies with the testing exclusion criteria and no contamination would be associated with the disposal materials.

the levels of the contaminants in the proposed dredged or fill material are substantially similar at the extraction and disposal sites and the discharge is not likely to result in degradation of the disposal site and pollutants will not be transported to less contaminated areas.

acceptable constraints are available and will be implemented to reduce contamination to acceptable levels within the disposal site and prevent contaminants from being transported beyond the boundaries of the disposal site.

(3) Other Restrictions (40 C.F.R. Section 230.10(c)): The discharge will not cause or contribute, by the discharge of pollutants, to significant degradation of Waters of the United States by adversely effecting, individually or collectively:

- (a) human health or welfare including, but not limited to, municipal water supplies, plankton, fish, shellfish, wildlife, and special aquatic sites;
- (b) life stages of aquatic life and other wildlife dependent on aquatic ecosystems, including the transfer, concentration, and spread of pollutants or their by-products outside the disposal site through biological, physical and chemical processes;
- (c) aquatic ecosystem diversity, productivity, and stability including, but not limited to, loss of fish and wildlife habitat, or loss of the capacity of a wetland to assimilate nutrients, purify water, or reduce wave energy; or
- (d) recreational, aesthetic and economic values.

- (4) Actions to Minimize Potential Adverse Impacts (40 C.F.R. Section 230.10(d)):
- c. General Evaluation/Public Interest Review (33 C.F.R. Section 320.4(a))
 - (1) Extent of the Public and Private Need:
 - (2) Alternative Locations and Methods:
 - (3) Extent and Permanence of Beneficial and Detrimental Effects:
- d. Significant National Issues (33 C.F.R. Section 320.4(j)(4)): No national issue of overriding importance to State and local issues was identified that would cause the issuance of a permit to be contrary to the public interest.

IV. DETERMINATIONS:

- A. CLEAN AIR ACT CONFORMITY RULE (40 C.F.R. Section 51.850): The project has been analyzed for conformity applicability in accordance with regulations implementing Section 176(c) of the Clean Air Act (CAA). The Corps concludes any increase in direct emissions of a criteria pollutant or its precursors associated with the permitted fill discharges would be clearly de minimis and are; therefore, exempt from the requirement of a CAA conformity determination, pursuant to 40 C.F.R. Section 93.153. Any indirect emissions associated with later phases of the project would not be a continuing program responsibility of, nor practicably controlled by, the Corps and, for these reasons, a conformity determination is not required for this permit.
- B. SECTION 404(b)(1) COMPLIANCE/NON-COMPLIANCE REVIEW (40 C.F.R. Section 230.12):
 - _ the discharge complies with the Section 404(b)(1) Guidelines and represents the least environmentally damaging practicable alternative.
 - _ the discharge complies with the Guidelines with the inclusion of the appropriate and practicable special conditions listed above [See III.B.2.b(4).] to minimize pollution or adverse effects to the affected ecosystem and now represents the least environmentally damaging practicable alternative.
 - _ the discharge fails to comply with the requirements of these Guidelines because.
 - _ there is a practicable alternative to the proposed discharge that would have less adverse effect on the aquatic ecosystem and the alternative does not have other significant adverse environmental consequences.

- _ the proposed discharge will result in significant degradation of the aquatic ecosystem under 40 C.F.R. Section 230.10(b) or (c).
- _ the discharge does not include all appropriate and practicable measures to minimize potential harm to the aquatic ecosystem
- _ there is not sufficient information to make a reasonable judgment as to whether the proposed discharge will comply with the guidelines.

C. FINDING OF NO SIGNIFICANT IMPACT (33 C.F.R. Part 325, Appendix B): Based on a review of information incorporated in the final environmental assessment, including views of the applicant, general public, and resource agencies having special expertise or jurisdiction by law, the Corps concludes the permitted activity would not significantly affect the quality of the human environment. Pursuant to the provisions of the National Environmental Policy Act of 1969, the preparation of an Environmental Impact Statement (EIS) will, therefore, not be required.

D. PUBLIC INTEREST DETERMINATION (33 C.F.R. Section 320.4(a)): The decision on whether to issue a permit is based on an evaluation of probable effects, including cumulative effects, of the project and its intended use on the public interest. This evaluation reflects the national concern for both the protection and utilization of important resources identified at 33 C.F.R. Section 320.4(a)(1). The Corps has reviewed the administrative record for the permit application and considered all pertinent comments received on the project. Upon completing this evaluation and weighing all factors relevant to the project, I find that issuance of a Department of the Army permit, with special conditions, as prescribed by regulations published in 33 C.F.R. Parts 320 to 331 and 40 C.F.R. Part 230 **Is /Is not** contrary to the public interest.

Recommended by:

PM Name

Date

Project Manager

Regulatory Division

Concurred with:

Chief Name

Date

Chief, North/South Branch

Regulatory Division

Approved by:

Craig W. Kiley

Date

Lieutenant Colonel, U.S. Army

District Commander