



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Maziar Bozorginia
City of Brisbane

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**San Francisco District
Permit Application No. SPN-2014-00396**

TO WHOM IT MAY CONCERN: The San Francisco District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Maziar Bozorginia
City of Brisbane
50 Park Place
Brisbane, California, 94005

AGENT: Kara Dewhurst
Anchor QEA
33 New Montgomery Street, Suite 1210
San Francisco, California, 94105

WATERWAY AND LOCATION: The project would affect the San Francisco Bay. The Brisbane Marina is located on the eastern shoreline of Sierra Point and along the southwestern edge of the San Francisco Bay in Brisbane, San Mateo County, California. (Latitude 37.674619, Longitude -122.379864)

EXISTING CONDITIONS: The 37.3-acre proposed dredge footprint is located at the Brisbane Marina, a public recreational marina comprised of six docks and 580 berths, and the entrance channel. The marina is separated from open water on three sides by seawalls with an opening to the entrance channel in the southeast corner of the marina. Located to the south of the marina is the Oyster Point Channel and Oyster Point Marina, with the City of Brisbane located to the west of the marina. The land use is a mixture of residential and light industrial, with upland parking lots adjacent to the marina. The sediment in the dredge footprint is composed mainly of silts and clays.

PROJECT PURPOSE:

Basic: To establish safe navigational depths at the Brisbane Marina and entrance channel

Overall: The overall project purpose is the disposal of dredged material from maintenance dredge projects that support navigation in the San Francisco Bay Region consistent with the adopted LTMS (Long Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region) EIR/EIS and LTMS Management Plan of 2001.

PROPOSED WORK: As shown in the attached drawings, the applicant plans to remove approximately 223,000 cubic yards (cys) of sediment from the 37.3-acre (approximately) dredge footprint in an initial episode and a total of 446,000 cys over the life of the permit. Existing depths range from -3.3 to -7.9 feet mean lower low water (MLLW) in the Brisbane Marina. The design depth for the marina is -8 feet MLLW plus an additional 2-foot overdredge allowance. The material would be removed using a clamshell or excavator bucket and removed by barge to a designated dredged material placement site, permitted beneficial reuse site, the SF Deep Ocean Disposal Site (SF-DODS), or an upland site outside Corps jurisdiction.

Prior to each dredging episode, the Dredge Material Management Office (DMMO) will evaluate the sediments to be dredged for disposal or reuse suitability. The DMMO includes representatives from the Corps, U.S. Environmental Protection Agency (EPA), San Francisco Bay Conservation and Development Commission (BCDC), and the San Francisco Bay Regional Water Quality Control Board (RWQCB). The DMMO is tasked with approving sampling and analysis plans in conformity with testing manuals, reviewing the test results and reaching consensus regarding a suitable disposition for the material.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The proposed maintenance dredging would not result in a permanent loss of waters of the United States. Temporary impacts to aquatic resources would be mitigated by proposed minimization and avoidance measures, including the use of silt curtains and conducting work only within the permitted environmental work windows. Therefore, no compensatory mitigation is proposed or required.

CULTURAL RESOURCES:

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties. Because the Marina has been previously dredged, historic or archeological resources are not expected to occur in the project vicinity. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until the Corps concludes Section 106 consultation with the State Historic Preservation Officer or the

Tribal Historic Preservation Officer to take into account any project related impacts to those resources

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) West Coast Section 7 Mapper, the NMFS ESA Critical Habitat Mapper, and the NMFS Essential Fish Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project following federally-listed species and designated critical habitat are present at the project location or in its vicinity, and may be affected by project implementation.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Central Valley Spring-Run ESU Chinook salmon	<i>Oncorhynchus tshawytscha</i>	Threatened (September 16, 1999, 64 FR 50394)
Central California populations of steelhead trout	<i>Oncorhynchus mykiss</i>	Threatened (March 19, 1998, 63 FR 13347)
The Central Valley California Distinct Population Segment (DPS) steelhead	<i>Oncorhynchus mykiss</i>	Threatened (March 19, 1998, 63 FR 13347), reconfirmed (January 5, 2006, 71 FR 834)
North American green sturgeon	<i>Acipenser medirostris</i>	Threatened (July 6, 2006, 71 Fed. Reg. 17757)
Longfin smelt	<i>Spirinchus thaleichthys</i>	Endangered (August 29, 2024, 89 FR 61029)

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. If a permit is issued for this proposed project, it will contain a condition that dredging is allowed only within appropriate environmental work windows. Programmatic biological opinions (BOs) were issued by USFWS (March 12, 1999, February 7, 2025) and NMFS (July 9, 2015) for the LTMS. As a result of the BOs there are allowable time frames to dredge to protect the habitat for threatened (and endangered) species and the species themselves per Section 7 of the Endangered Species Act of 1973, as amended. If the dredge work is conducted within those time frames, consultation may not be needed.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information. The Corps has made a preliminary determination that EFH is present at the project location or in its vicinity, and that the critical elements of EFH may be adversely affected by project implementation. The proposed project is located within an area managed under the Pacific Groundfish, the Coastal Pelagic and/or the Pacific Coast Salmon FMPs.

The Corps and NMFS completed a programmatic EFH consultation on June 9, 2011 for maintenance dredging. One of NMFS's key concerns with dredging is potential impacts to eelgrass beds. The "Baywide Eelgrass Inventory of San Francisco Bay," prepared by Merkel and Associates, dated October 2004, does not show the area in and around the Brisbane Marina and entrance channel as having any eelgrass beds. Therefore, eelgrass is not expected to be established in this area and the Corps does not anticipate that the proposed dredging would affect eelgrass. Therefore, eelgrass minimization measures are not required.

Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: Based on the location information provided by the applicant, the waterward edge of the proposed structure is approximately 3,400 feet away from the edge of the San Bruno Shoal federal channel. The proposed dredge footprint would not overlap with the federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612.

COASTAL ZONE MANAGEMENT: The applicant must obtain a Consistency Certification that indicates the activity conforms with the state's coastal zone management program from the San Francisco Bay Conservation and Development Commission, 375 Beale Street, Suite 510, San Francisco, California 94105.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The San Francisco District will receive written comments on the proposed work, as outlined above, until April 16, 2026. Comments should be submitted to Brianna Saldana at dll-spn-dmmo@usace.army.mil. Alternatively, you may submit comments in writing to the U.S. Army Corps of Engineers, San Francisco District, Attention: DMMO, 450 Golden Gate Avenue, 4th Floor, San Francisco, California 94102-3404. Please refer to the **permit application number** in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.