



US Army Corps
of Engineers®
San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

PUBLIC NOTICE

Project: Giacomini Ranch Wetland Restoration Phase II

NUMBER: 2002-27398N

DATE: May 16, 2008

RESPONSE REQUIRED BY: June 16, 2008

PERMIT MANAGER: Bryan Matsumoto

PHONE: 415-503-6786

Email: Bryan.T.Matsumoto@usace.army.mil

1. INTRODUCTION: The National Park Service (NPS) (POC: Ms. Lorraine Parson, NPS, 1 Bear Valley Road, Point Reyes Station, California 94956, (415) 464-5193), has applied to the United States Army Corps of Engineers (Corps) for a Department of the Army Individual Permit to construct the Giacomini Ranch Wetland Restoration (Phase II). The project would remove agricultural infrastructure and conditions, as well as create aquatic habitat. The project would cause the permanent loss of 3.75 acres of jurisdictional waters of the U.S. The duration of authorization, should it be accepted, would be for five years from the date of the permit issuance. This application is being processed pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403) and Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

Project Site: The Giacomini Ranch Wetland Restoration (Phase II) (Project) is located on a 613-acre project site within Point Reyes National Seashore, Marin County, California, and is comprised of the Waldo Giacomini Ranch (Giacomini Ranch) and Olema Marsh (Figure 1). Portions of the site are owned by the NPS, California State Lands Commission (CSLC), Wildlife Conservation Board (WCB), and the Audubon Canyon Ranch (ACR).

The Giacomini Ranch and Olema Marsh lies at the very southern end of Tomales Bay, a 6,800-acre, 12-mile-long, approximately 1-mile-wide estuarine embayment that runs along Point Reyes

National Seashore's (Seashore) northern perimeter (Figure 1). The largest subwatershed within Tomales Bay is Lagunitas Creek, which flows through the center of the Giacomini Ranch, dividing the ranch into the East (adjacent to Point Reyes Station) and West (adjacent to Inverness Park) Pastures. Olema Creek and Bear Valley Creek, which flows through Olema Marsh, are two large tributaries that join with Lagunitas Creek within the Project Area (Figures 1 and 2).

Excessive sedimentation in the Tomales Bay watershed during the late 1800s from logging and agricultural development resulted in large-scale conversion of open water and mudflats to vegetated marsh, nearly doubling vegetated wetland acreage in the bay. However, many of Tomales Bay's tidal marshes were subsequently filled or hydrologically disconnected from creeks and the bay by construction of levees or earthen berms for roads, railroads, livestock ponds, and duck clubs. The largest loss of hydrologically connected wetlands in Tomales Bay came with diking of approximately 550 acres for operation of the Waldo Giacomini dairy ranch and pastures in 1946. A portion of this wetland complex had already been lost around the turn of the 20th century, when a levee was constructed across the mouth of Bear Valley and Olema Creeks for a road.

Since then, the Project Area has been subjected to numerous alterations for maintenance and operations purposes, including: rip-rapping, realignment of creeks, installation of tidegates and culverts, diversion of Lagunitas Creek waters for pasture irrigation, straightening of former tidal

creeks, excavation and maintenance through dredging of drainage and borrow ditches, filling and leveling of wetlands, manure spreading, removal of riparian vegetation, and introduction of non-native herbs and forbs to increase forage for approximately 500-800 head of grazing dairy cattle.

During several visits to the Project Area, the Corps confirmed the extent and location of jurisdictional waters of the U.S. (Figure 3). A total of 539.01 acres of waters of the U.S. subject to Section 404 of the Clean Water Act were confirmed, of which 490.74 acres were determined to be wetland. In addition, there were 249.28 acres of waters of the U.S. subject to Section 10 of the Rivers and Harbors Act.

Project Description: The proposed project involves complete removal of levees in both the West and East Pastures of the Giacomini Ranch. It also incorporates additional removal of agricultural infrastructure such as culverts and ditches; tidal channel creation; grading to restore more stable creek banks and heavily disturbed areas; excavation to lower higher elevation areas to active floodplain and intertidal marshplain elevations; and active revegetation in areas where natural colonization by native plant species is expected to be low or possibly outcompeted by fast-establishing, non-native or even invasive species. The proposed project also includes restoration actions at Olema Marsh. Under this portion of the project, the Bear Valley creek channel that flows through the Olema Marsh would be excavated to allow for better passage of salmon and other fish species, with possible future replacement of the Levee Road and/or Bear Valley Roads culverts should initial restoration efforts not achieve the desired degree of hydrologic connectivity between Olema Marsh and Lagunitas Creek.

In addition, public access improvements are proposed that include improving the existing southern perimeter spur trail system in the East Pasture and extending the Tomales Bay Trail directly northeast of the Giacomini Ranch through creation of a small spur trail on the former railroad

grade that borders the ranch on the east.

An overview of the project can be seen in Figure 4 and Figure 5, and a complete project description, project drawings, and photographs of the project site can be found at the following web address:

http://www.nps.gov/pore/parkmgmt/planning_giacomini_wrp.htm

Purpose and Need: The basic project purpose is to restore wetlands and improve habitat within Giacomini Ranch and Olema Marsh. The overall project purpose is to produce more natural hydrologic and ecological processes in Giacomini Ranch and Olema Marsh, increase functionality of the wetland systems, and increase habitat quality, while also improving public access.

The applicant states that the project is needed to restore the project area to a more natural condition, improve water quality, and improve habitat conditions within the Giacomini Ranch and Olema Marsh. The applicant believes that restoring/improving functionality of the project site may also improve the health of the overall Tomales Bay ecosystem.

Impacts to Corps of Engineers jurisdiction: The construction of the project would result in the permanent loss of 3.75 acres of jurisdictional wetlands and historic Section 10 waters. Additional fill will be placed into 5.86 acres of wetlands, however, these areas would remain jurisdictional wetlands, although the type may change. There will be approximately 3.0 acres of temporary fill due to construction related activities, including, construction of cofferdams, an access road, and stockpiling.

Mitigation: It is anticipated that the project will be self mitigating. If successful, the project will create 10.96 acres of wetland habitat, and will generally enhance the habitat within the 613-acre Project Area.

The NPS has proposed a 20 year monitoring program to ensure project goals are met. The Corps

will require annual monitoring reports for the initial 5 years post project completion, and every other year for the remaining 15 years.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. The Corps has determined that the NPS is the lead Federal Agency and is responsible for completing consultation with FWS and NMFS.

The NPS completed consultation with FWS and NMFS for threatened and endangered species. Consultation with FWS was completed in a letter dated September 24, 2007. The FWS stated that they concurred with the NPS determination that the project is not likely to adversely affect the western snowy plover (*Charadrius alexandrinus nivosus*), CA clapper rail (*Rallus longirostris obsoletus*), Myrtle's Silverspot butterfly (*Speyeria zerene myrtleae*), and the CA brown pelican (*Pelcanus occidentalis californicus*). The FWS issued a biological opinion (BO) for the CA red-legged frog

(*Rana aurora draytonii*), CA fresh water shrimp (*Syncaris pacifica*), tide water gobi (*Eucyclogobius newberryi*), and its proposed critical habitat. Tide water gobi critical habitat has been made final since the completion of consultation, and the NPS is in the process of having the BO amended to reflect the change.

Consultation with the NMFS was completed in a letter and BO, dated September 11, 2007, that stated that the proposed project may affect, but is not likely to jeopardize the continued existence of California Coast threatened steelhead (*Oncorhynchus mykiss*), threatened chinook (*Oncorhynchus tshawytscha*), Central California Coast endangered coho salmon (*Oncorhynchus kisutch*), threatened North American green sturgeon (*Acipenser medirostris*) and designated critical habitat for the *Oncorhynchus* genus.

Magnuson-Stevens Fisheries Conservation and Management Act: The NMFS and several interagency fisheries councils have designated specific water bodies as essential fish habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. The NMFS determined that the project would not adversely affect EFH, and had no conservation recommendations.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has not provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is water dependent. The applicant has submitted an Analysis of Alternatives and has been informed that such an Analysis is required and will be reviewed for compliance with the guidelines.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, and a letter from the State Historic Preservation Office (SHPO), no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the NPS completes consultation with the SHPO in accordance with Section 106 of the National Historic Preservation Act.

Coastal Zone Management Act of 1972 (CZMA): Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456(c)), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to furnish a certification that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be issued until the appropriate State agency has concurred with the certification statement or has waived its right to do so. The proposed project is within the Coastal Zone.

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

5. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to

reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Division, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Bryan Matsumoto of our office at telephone 415-503-6786 or E-mail: Bryan.T.Matsumoto@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.