



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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Regulatory Branch

333 Market Street

San Francisco, CA 94105-2197

PROJECT MANAGER: Bob Smith

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1. INTRODUCTION: County of Santa Cruz, Flood Control and Water Conservation District - Zone 7, 701 Ocean Street, Room 410, Santa Cruz, California 95060, (contact - Justine Walcott, ph: 831-454-3484) has applied for a Department of the Army (DA) permit to discharge fill incidental to the removal of vegetation from the channel bottom of the Pajaro River with mechanized equipment, to remove sandbars from Salsipuedes Creek, and the Pajaro River channel downstream of the confluence with Salsipuedes Creek, and to install bank protection, in Santa Cruz County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. PROJECT DESCRIPTION: As a special condition to the Corps of Engineers Permit, No. 21212S, issued on May 24, 1995, the County of Santa Cruz prepared a management and restoration plan for the Pajaro River. The primary objective of the plan is to implement a management program along the Pajaro River and Salsipuedes and Corralitos Creeks that (1) maintains the flood carrying capacity of the system, (2) installs and maintains bank erosion measures as necessary and (3) enhances and preserves habitat values. To implement the Plan the County has requested DA authorization for the following work:

A. Vegetation Management

A component of the plan is to manage the vegetation in the channel bottom, i.e., the area from the toe of the bank to the toe of the bank excluding the low flow channel and the low flow channel vegetation buffer [see attached drawing for a

graphic depiction of channel nomenclature as used in the Pajaro River Management and Restoration Plan (PRMRP)]. The purpose would be to maintain the hydraulic capacity of the river channel for flood protection. The vegetation would be managed in the nontidal portions of the river starting upstream of the Highway 1 Bridge and continuing upstream to Murphy Road Crossing.

The following techniques would be used to manage vegetation:

- Annual removal of vegetation.
- Woody vegetation would be manually cut, mowed, and/or knocked down with mechanical equipment.
- Woody rootballs may be scarified with a ripper to a depth of 2 feet at selected locations.
- Mechanical equipment may include, but would not be limited to, hydraulic excavators; flail mowers; trac-macs; and dozers with blades and ripper attachments.
- Herbicides registered for use in aquatic areas would be applied with hand held spray bottles (no back pack sprayers would be used) to kill willow stumps that are not physically uprooted or removed from the channel bottom.

The applicant states the following restrictions would apply to the management activities:

- Where possible, existing access roads will be used to reach the channel bottom. Additional

access roads, if necessary, would be revegetated with willow cuttings in the fall immediately following access road clearing.

- Use of all equipment in the channel bottom would be conducted during the dry season (June 1 to October 15).
- All work, including tree removal, would be done in the dry and not encroach upon flowing waters.
- Vegetation cuttings would be removed from the channel bottom for upland disposal or chipped on banks or benches, unless equipment used chips vegetation as it cuts.
- If disturbed by vegetation removal, sandbar contours would be reestablished at natural grades. No sediments would be extracted during vegetation maintenance activities.
- Equipment would be utilized in dry areas and restricted from encroaching upon flowing water, except as necessary for crossing events.
- Equipment crossing flowing water would be restricted to narrow, shallow riffle sites and would be limited to onetime ingress and egress events, for one time access to dry sandbars.
- Crossing locations are expected to vary annually, depending upon sandbar locations. Crossing events are expected to be necessary at intervals of approximately 200 feet, although actual intervals may vary.
- Temporary culverts would be placed at sites where repeated equipment crossings are necessary.
- Standard erosion control devices including straw bales and silt fences would be installed for construction of culvert crossings.
- Herbicide may be used on cut willow trunks.

B. Sandbar Removal

The Pajaro River and Salsipuedes Creek would be surveyed each spring by Public Works maintenance crews to map sandbars and determine which may potentially contribute to some reduction in flood capacity in the Salsipuedes Creek Confluence Zone and in Salsipuedes Creek. Any areas determined to have such a degree of accumulated sediment would be scheduled for mechanized silt removal in the late summer when stream flows are lowest. One of the following mechanized means would be used to remove sediment: (1) skip loader and dump truck in the channel to transport the sediment out of the channel, (2) ripping the sandbar and leaving the disturbed sediment in the channel to be washed out during high stream flow events, and (3) use of a bulldozer to push material to an excavator and dump truck stationed outside of the channel.

Sandbar removal in the Pajaro River channel would be limited to the Salsipuedes Creek Confluence Zone (Reach 5 on Figure 1), which begins 3500 feet downstream of the Pajaro confluence at the Southern Pacific Railroad Bridge and extends to 500 feet upstream of the confluence. Only sandbars greater than 4 feet in height (above water level) and 250 feet in length would be removed.

Silt and sandbars in Salsipuedes Creek that restrict channel capacity and divert water would be removed on an as-needed basis using mechanized equipment.

The applicant states the following restrictions would apply to sandbar removal:

- A meandering low flow channel shall be maintained during sand bar removal or reconstructed following in-channel work. To prevent destabilization of the low flow channel, activities within the low flow channel shall be avoided during sand bar

removal if possible. If impacts to the low flow channel are unavoidable, a low flow channel shall be immediately reconstructed when sand bar removal is completed. A five-foot band of willow cuttings shall be planted along both sides of the re-created channel to reestablish the vegetation buffer.

- Measures shall be implemented to minimize turbidity during any in-water construction. To minimize water turbidity during sandbar removal activities, temporary use of cofferdams or other measures to minimize turbidity shall be implemented if sand bar removal is conducted in areas with surface water.
- Sandbar removal shall be conducted at the end of the summer (June 1 to October 15). No sand bar removal shall be conducted before July 1 to avoid potential impacts to out migrating steelhead smolts.

C. Bank Stabilization Measures

The Pajaro River 1998 Bank Erosion Study (Northwest Hydraulic Consultants, 1998) identified 70 specific sites in need of erosion repair along the Pajaro River on both the Santa Cruz and Monterey County sides. The sites were prioritized into three categories according to the degree to which each site may threaten the integrity of the levee system. Priority 1 sites were those where high flows were considered likely to cause additional erosion that could threaten the levee in a single large event. Priority 2 sites were those where erosion was considered likely to progress into conditions that could threaten the levees in either a single event or series of events. At Priority 3 sites, erosion problems were considered less likely to progress rapidly into conditions that threaten the levees and, in some cases, would likely recover on their own given favorable hydrologic conditions. Following

the 1998 flooding, USCOE repaired Priority 1 sites by installing rock riprap along the eroded slopes.

The plan includes the ongoing evaluation and, if needed, construction of bank stabilization measures at Priority 2 and 3 sites on the Santa Cruz side of the Pajaro River. The County Department of Public Works would conduct ongoing monitoring to determine if erosion is significant warranting installation of bank protection.

Installation of bank protection would be authorized under this permit provided the project meets all of the following criteria:

- Installation of bank protection would not decrease channel hydraulic capacity below the current level.
- Geometric and hydraulic considerations, based upon engineering evaluation, suggest that further retreat of the bank is likely and that this could result in a threat to the levee.
- The bank stabilization activity is less than 500 feet in length.
- The activity will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark.
- The adverse environmental effects are minimal.
- No material is placed in excess of the minimum needed for erosion protection.
- No material is placed in any special aquatic site, including wetlands.
- No material is of the type, or is placed in any location, or in any manner, to impair

surface water flow into or out of any wetland area.

- No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored trees and treetops may be used in low energy areas).
- The permittee notifies the District Engineer prior to construction.

3. STATE APPROVALS: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the Central Coast Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred 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.

4. PRELIMINARY ENVIRONMENTAL ASSESSMENT: The Corps of Engineers will assess the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The documents used in the preparation of this Environmental Assessment will be on file in the Regulatory Branch, Corps of

Engineers, 333 Market Street, San Francisco, California.

Endangered Species - Steelhead trout, *Onchorynchus mykiss*, occur in the river and are listed as threatened under the Endangered Species act. The endangered tidewater goby, *Eucycloglobius newberryi*, occurs in the Pajaro River lagoon and the California red-legged frog, *Rana aurora draytoni*, exist in the project area.

The Corps will initiate consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service as required by Section 7 of the Endangered Species Act.

Historic /Cultural Resources - A Corps of Engineers archaeologist is currently conducting a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, State, and Federal agencies. If, based upon assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

5. EVALUATION OF ALTERNATIVES: Evaluation of this activity's impact on the public interest will also include 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).

6. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may

have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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.

7. **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 of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments

are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. **SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the Regulatory Branch. It is 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 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 address is indicated in the first paragraph of this notice, or by contacting Bob Smith of our office at telephone 415-977-8450 or E-mail: rsmith@spd.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided on request.