



SAN FRANCISCO DISTRICT

US Army Corps
of Engineers

PUBLIC NOTICE

NUMBER: 24484N DATE: MAY 12, 2000
RESPONSE REQUIRED BY: JUNE 11, 2000

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

PERMIT MANAGER: David Ammerman PHONE: 707-443-0855 dammerman@spd.usace.army.mil

1. INTRODUCTION: Mr. Thomas P. Jordan, P.O. Box 203, Orleans, California 95556, (Contact Guy Conversano, Consulting Engineer at phone number (530) 629-3000) has applied for a Department of the Army permit to place approximately 500 cubic yards (CY) of fill onto approximately 800 square feet of seasonal wetlands, at the Jordan property (APN 529-212-03), located immediately south of State Route 96, east of the town of Orleans, in Humboldt County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344). The above project is known as the Pearch Creek Mine landslide disposal site.

Since no project other than the disposal of fill material is currently proposed, the Corps of Engineers has determined that the proposed fill disposal area does not qualify for authorization by a nationwide permit.

2. PROJECT DESCRIPTION: As shown in the attached drawings (Sheets 1 through 5), the applicant plans to place, out of a total of 1.5 million CY of fill, approximately 500 CY on approximately 800 square feet of seasonal wetlands in depressional features created from hydraulic gold mining in the nineteenth century and more recent fill activity in the twentieth century. With the exception of the above wetlands filled, the disposal of up to 1.5 million cubic yards of fill is planned for approximately 18 acres of upland (determined to be outside of Corps jurisdiction) within the 75-acre

parcel. The applicant states the fill material would be derived from landslide material removed from Federal, state, county and private construction projects (i.e., Caltrans and/or county public works along area roads). The landowner is also considering developing the fill site for a future recreational vehicle park.

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 California 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.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Oakland, California 94612, by the close of the comment period of this public notice.

4. **PRELIMINARY ENVIRONMENTAL ASSESSMENT:** The Corps of Engineers has assessed 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 Preliminary Environmental Assessment describes only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers.

The Preliminary Environmental Assessment resulted in the following findings:

a. **IMPACTS ON THE AQUATIC ECOSYSTEM**

(1) **PHYSICAL/CHEMICAL CHARACTERISTICS AND ANTICIPATED CHANGES**

Substrate - The project site is located on a river terrace located east of the Klamath River and south of Peach Creek. The area to be filled was hydraulically mined from the 1850's to 1946. Hydraulic mining removed original soils consisting of sandy, silty, clayey gravels down to bedrock over approximately 75% of the 18 acre area. Portions of the site have already been filled with earth material derived from areas adjacent to Highway 96, north and south of the site. The source of the fill is mainly landslide material. The subsurface consists of uneven outcrops of weathered bedrock and some sandy, silty, clayey gravels. Area A (See Sheet 3 of 5) has exposed bedrock over approximately 90% of the area. Area B has approximately 25 % to 30% bedrock with fill placed in past years covering the remainder. Area C has approximately 75% bedrock, with fill in the remaining area (Conversano, G., 1998).

The proposed project would place approximately 500 cubic yards of fill over 800 square feet of wetlands growing in two small depressions within Area A (Sheet 3 of 5). This would be a long-term, major impact on the substrate for these depressions.

Drainage Patterns - The landowner of this project site receives excess water from the Orleans Community Services District through a 2-inch PVC line that connects to an abandoned fish rearing station (see Sheet 3 of 5). The fish rearing station is located on the drawing adjacent to a round water tank to the right of the words "2" PVC with Overflow Water from Tank". The water from this tank was used to raise salmon smolts and is currently a source of resupply water to the lower pond (the large pond south of Area A on sheet 3 of 5). The lower pond is also fed by ground water seepage. Under the existing situation, water flows to the lower pond over a swale from the fish tank shed to the lower pond during the summer months (between the label "Divert 2" Overflow to Pond" right to left along the white line to the large pond south of Area A in sheet 3 of 5). Some of the district supplied water seeps to the upper pond (located east of Area C and north of the label "100' Min" in sheet 3 of 5). There is overflow from the upper pond through a swale, then down to the lower pond via an old dirt road and via sheet flow (route of this overflow is between the label "100' Min", southwest of Area C down to the south end of the large pond in Sheet 3 of 5). In turn, the lower pond over flows to a swale which flows through a 48-inch culvert under State Highway 96 (the route of this flow is between the north shore of the large pond northeast along the corridor marked "80' Min" to Hwy 96 in sheet 3 of 5) (Conversano, 1999).

The applicant proposes to alter this drainage pattern by the following plan (refer to Sheet 3 of 5): Overflow from the water district supply and storm water draining in a swale between Areas B and C would be diverted to the upper pond (located south of the label "Divert 2" Overflow to Pond") and channelized to drain to the south end of the lower pond (located south of Area A and west of Area C). The proposed drainage channel between Areas A and B would be deepened to 10 feet wide and 3 feet deep with 0.10 to 1.00 side slopes for a total channel width of 16 feet.

Considering that the above existing drainage patterns are largely artificial in nature to begin with, the proposed drainage alteration, as well as the fill

project overall, would have a long-term, but minor impact on drainage patterns.

Erosion/Sedimentation Rate - There would be short-term, direct, moderate sedimentation impacts into the upper and lower ponds during placement of up to 1.5 million cubic yards of fill and during alteration of the existing drainage features. Alteration of the drainage features would reduce erosion of soil (from existing access roads on the property), by diverting the flow to the ponds and improved channels constructed between Area A and B. During high rainfall events, there would be overflow in the channel between Areas A and B which would drain under Highway 96 and eventually enter the Klamath River through sheet flow downslope. This sheet flow would cause short-term, minor sedimentation/turbidity input to the Klamath River relative to the overall sediment load of the Klamath river during high water.

Water Quality - There would be short-term, moderate adverse impacts to water quality (siltation run-off) during project construction.

(2) BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Wetlands (Special Aquatic Site) -

EXISTING WETLANDS: Within Area A (Sheet 2,3, and 4 of 5), there are two irregular shaped pocket, freshwater, seasonal marshes located in depressions. The depressions were likely formed by previous grading and excavation activity on the site. Wetland plants were about 60% Juncus spp and Carex spp. These wetlands were surrounded by upland shrub species (manzanita, coyote brush) and were isolated from any main water source. The proposed fill would completely cover the above wetlands.

The upper and lower ponds (See Sheets 2,3, and 4 of 5) contain wetland emergent, submergent, and floating species including but not limited to Typha spp., Equisetum spp., Sagittaria spp., and Potamogeton spp. in the ponds and along the pond margins. The lower pond is devoid of shrub or tree

species, but the upper pond has a small stand of alders and willows. The upper and lower ponds would not be affected by fill placement but may be impacted by short-term sedimentation impacts during construction.

PROPOSED WETLAND MITIGATION:

The applicant has submitted a proposed wetland mitigation plan for the above project (Sheet 4 of 5). Copies of this plan, Habitat Mitigation and Monitoring Proposal, Thomas P. Jordan, APN 529-212-03, can be obtained by written request from the Eureka Office of the Corps of Engineers, P.O. Box 4863, Eureka, California 95502.

In order to compensate for the loss of approximately 800 square feet of wetlands due to project fill activity, the applicant proposes to create 800 square feet of new seasonal, freshwater wetlands by lowering substrate adjacent to an existing freshwater pond, known as the "upper pond" ("Pond 508+1" on Sheet 4 of 5). The mitigation site is proposed to be located approximately 400 feet east of the Pond 473 between the elevations 505 feet and 510 feet contour lines above Mean Sea Level. An alternate site (should the commenting agencies object to the above described site) is proposed just south of Pond 473 between the 480 foot and 485 foot contour lines. The intent is to expand the area of pond/wetland and mitigate on a 2.5 to one ratio. The new wetland area hydrology would be maintained by the addition of Orleans Community Service District overflow water. The applicants' consultant (Conversano, Mitigation Plan, 1999) states that by maintaining a constant summer and winter pond surface area, the mitigated wetlands below the pond (either the upper or lower pond, which ever is chosen for mitigation) would be enhanced by the increased summer flow. Stable annual water in the mitigated wetland would provide for a stable wetland community in two to five years. Herbaceous, shrub, and tree cover would be transplanted from existing sites within the project area. Species would include willows (Salix spp.), Alders (Alnus spp), and sedges (Carex spp.).

Successful implementation of the above wetland mitigation work would result in a net increase in

wetland habitat (2.5 to one ratio) and would be a long-term, moderate, beneficial project impact.

Endangered Species - No impacts to any federally listed endangered species have been indicated at this time. However, should such an impact be identified, the Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service as required by Section 7 of the Endangered Species Act.

Habitat for Fish, Other Aquatic Organisms, and Wildlife - The proposed fill at the project site would destroy mostly upland shrub habitat in addition to the 800 square feet of wetlands. Birds and mammals that use the upland habitat for cover and food would be most affected by the project. The proposed wetland mitigation would increase the available aquatic habitat that now exists within the upper and lower ponds. These species that may use the aquatic habitat include but are not limited to: Southern Torrent Salamander, Tailed Frog, Foothill Yellow-legged Frog, and resident and non-resident migratory birds and waterfowl. The proposed project would have a long-term, moderate, beneficial impact on aquatic organisms.

b. IMPACTS ON RESOURCES OUTSIDE THE AQUATIC ECOSYSTEM

(1) PHYSICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Air Quality - The proposed activity would have minor, short-term impacts on air quality in the vicinity of the project site. 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 CFR 93.153. Therefore, the proposed project would conform to the State air quality implementation Plan (SIP) for California.

Noise Conditions - The proposed project would have short-term, minor adverse impacts on the ambient noise levels of the project area.

(2) BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Other Terrestrial Habitat - The proposed project would have long-term, major, adverse fill and grading impacts on the remaining upland, shrub habitat, although most of the site is barren of vegetation and the surface is exposed to bedrock. Placement of fill may present an opportunity to develop soils for future replanting of manzanita-mixed deciduous shrub or forest habitat.

(3) SOCIOECONOMIC CHARACTERISTICS AND ANTICIPATED CHANGES

Aesthetic Quality - During placement of the large quantities of fill, there would be a short-term, moderate, adverse impact on the aesthetic quality of this portion of the Highway 96 corridor. However, the proposed wetland mitigation would have a long-term, moderate beneficial impact on area aesthetic quality.

Employment - The proposed project would have a short-term, minor, beneficial impact on area employment for contractors, equipment operators, and mitigation specialists.

Traffic/Transportation - There would be a short-term, minor, adverse impact on Highway 96 and local roads traffic volume due to the operation of dirt haulers transporting soil from a borrow site to the proposed project site.

(4) HISTORIC - CULTURAL CHARACTERISTICS AND ANTICIPATED CHANGES

The San Francisco District's archaeologist has conducted a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, State, and Federal agencies. The archeologist has determined that the proposed fill activity likely will not adversely affect one recorded historic archaeological site on Peach Creek and one recorded prehistoric

archaeological site at Cheenitch Creek. However, the archaeologist recommends that the applicant retain the services of a professional archeologist if artifacts from the historic mining operations (such as flumes, winches, and other mechanical equipment) are found in the 18 acres of the project area. Such artifacts must be recorded and photographed before they are buried or removed. The archaeologist further recommends that the same procedure be implemented on the remaining 57 acres if such historic cultural materials are found on the property. If excavation is planned within the 18 acre project site, the applicant must notify the San Francisco District's archeologist by telephone prior to the start of such work in order to assess the possibility of unearthing or disturbing as yet unknown prehistoric cultural artifacts from Native American use of settlement.

c. SUMMARY OF INDIRECT IMPACTS

None have been identified.

d. SUMMARY OF CUMULATIVE IMPACTS

The project site has been previously disturbed by hydraulic mining for gold between the 1850's and the 1940's. More recently, the site has been used as a disposal area by state and local highway departments for landslide debris and road repair excavation/fills. Artificial drainage for water supply and operation of a fish rearing station, now abandoned have altered natural drainage and left unused structures on site. The proposed project would have cumulative impacts by elevating the existing contours of the site, smothering remaining upland manzanita-oak habitat as well as a small area of seasonal pocket marshes, and creating temporary adverse aesthetic and noise impacts adjacent to Highway 96. On the other hand, there would be beneficial impacts due to the proposed wetland mitigation by increasing wetland and pond habitat. The proposed project overall would have on balance a beneficial cumulative impact in the Orleans area, compared to past human activity prior to the Clean Water Act.

e. CONCLUSIONS AND RECOMMENDATIONS

Based on an analysis of the above identified impacts, a preliminary determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) for the subject permit application. The Environmental Assessment for the proposed action has however, not yet been finalized and this preliminary determination may be reconsidered if additional information is developed.

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) of the Clean Water Act, 33 U.S.C. Section 1344(b).

CITATIONS:

1. Conversano, Guy J., Soils Investigation Report for Thomas P. Jordan, Grading Plan, APN 529-212-03, dated July 1998, Revised October 1998.

2. Conversano, Guy J., Habitat Mitigation and Monitoring Proposal, Thomas P. Jordan, APN 529-212-03, dated January 12, 2000.

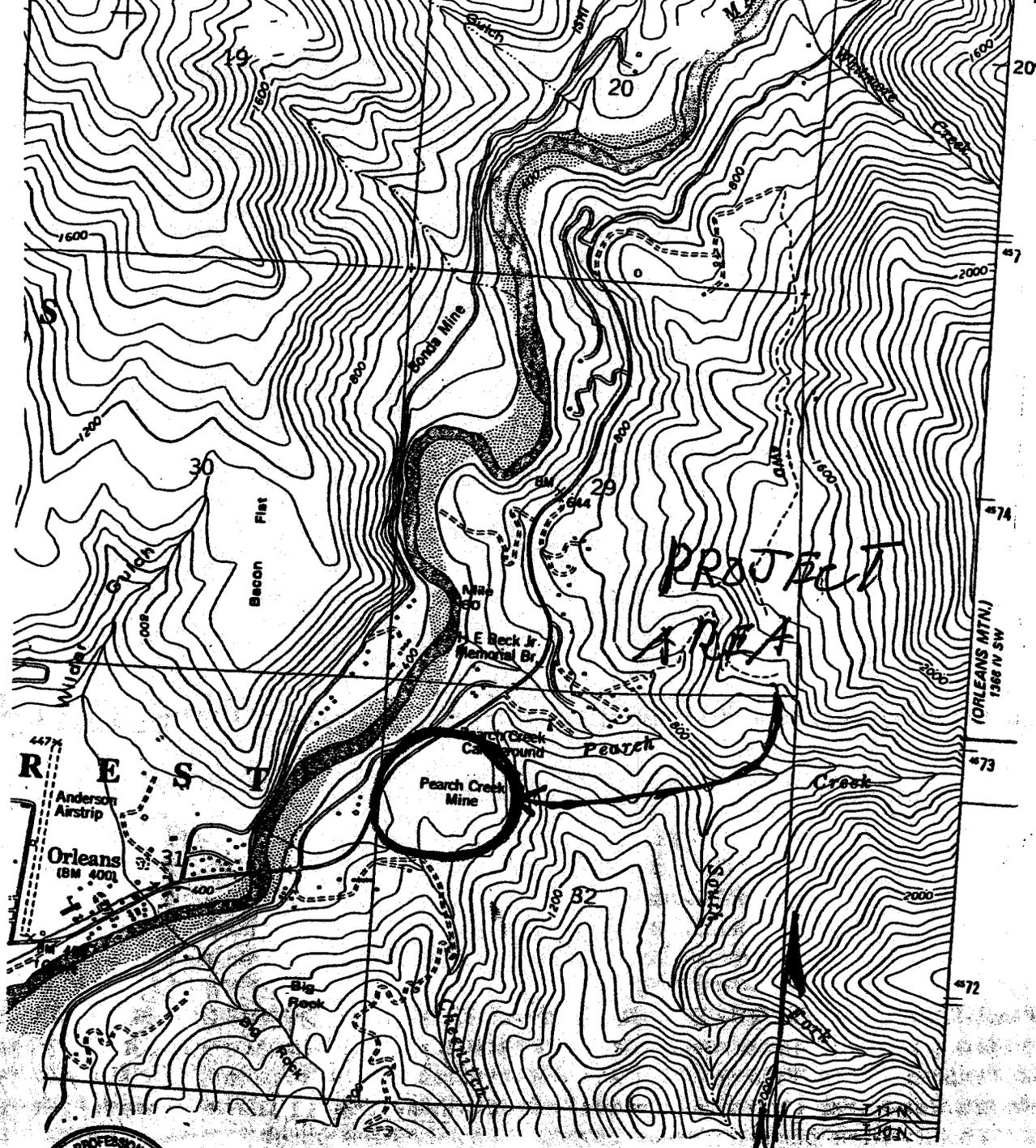
6. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which 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 which 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 which 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 David Ammerman of our Eureka Office at telephone 707-443-0855. The e-mail address is the following: dammerman@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.



PROJECT AREA

APN: 529-212-03



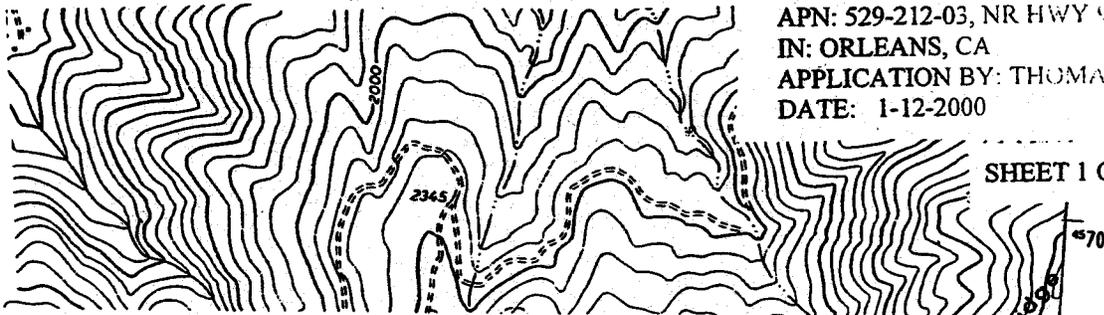
No	Revision	By	Chk	Date
1	HCRD Checklist 9/14/98	GJC		11/8/98

Guy J. Conversano, P.E.
CONSULTING ENGINEER

Post Office Box 1387
Willow Creek, CA 95573
Tel. (530) 629-3000

FILE NO. 24484N

PURPOSE: ROAD MATERIAL &
LANDSLIDE DISPOSAL
AT: PEARCH CREEK MINE.
APN: 529-212-03, NR HWY 96
IN: ORLEANS, CA
APPLICATION BY: THOMAS JORAN
DATE: 1-12-2000



SHEET 1 OF 5

PURPOSE: ROAD MATERIAL & LANDSLIDE DISPOSAL

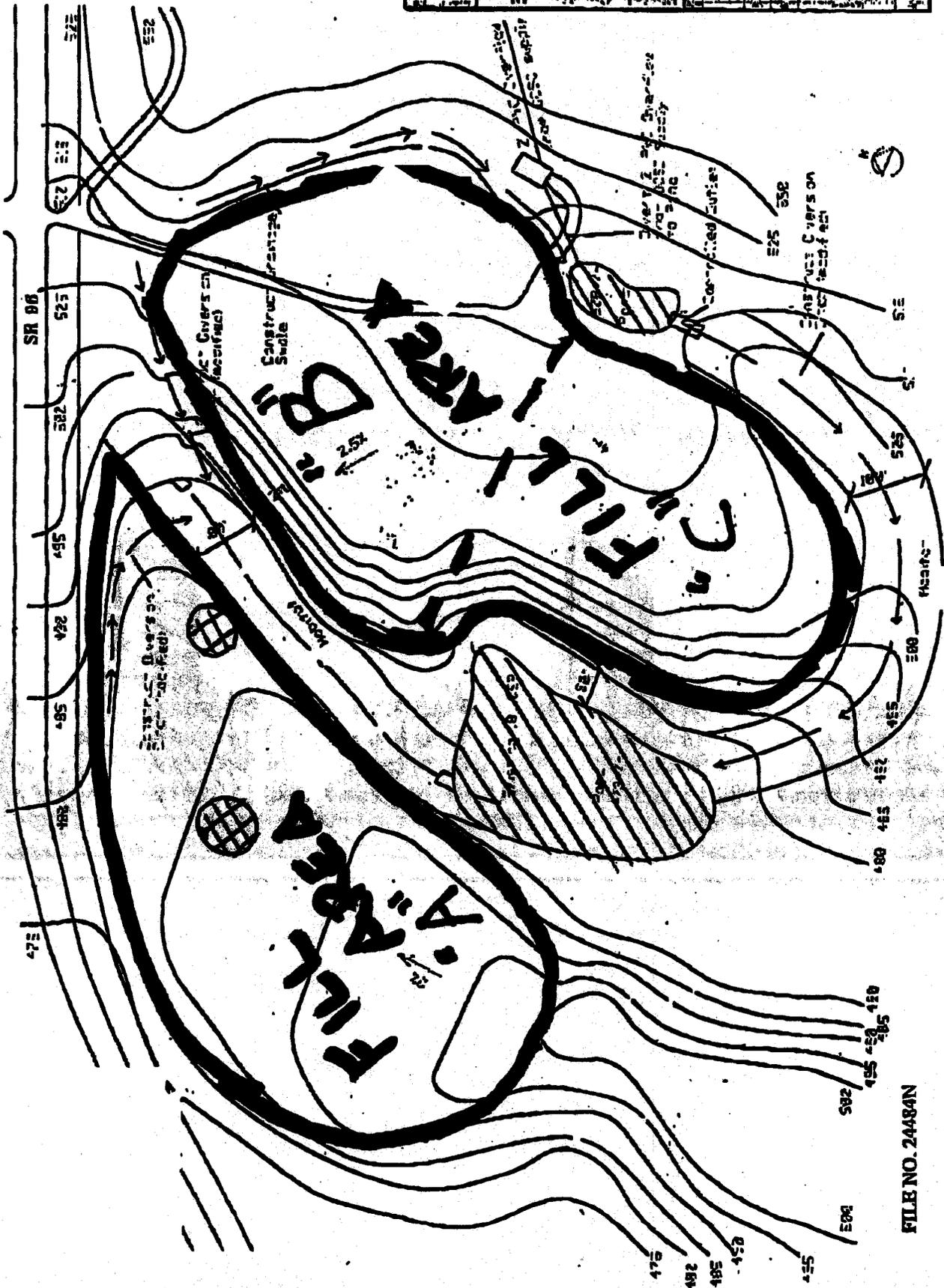
AT: PEARCH CREEK MINE.

APN: 529-212-03, NR HWY 96

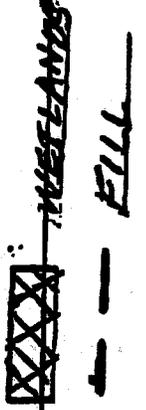
IN: ORLEANS, CA

APPLICATION BY: THOMAS JORI, IN

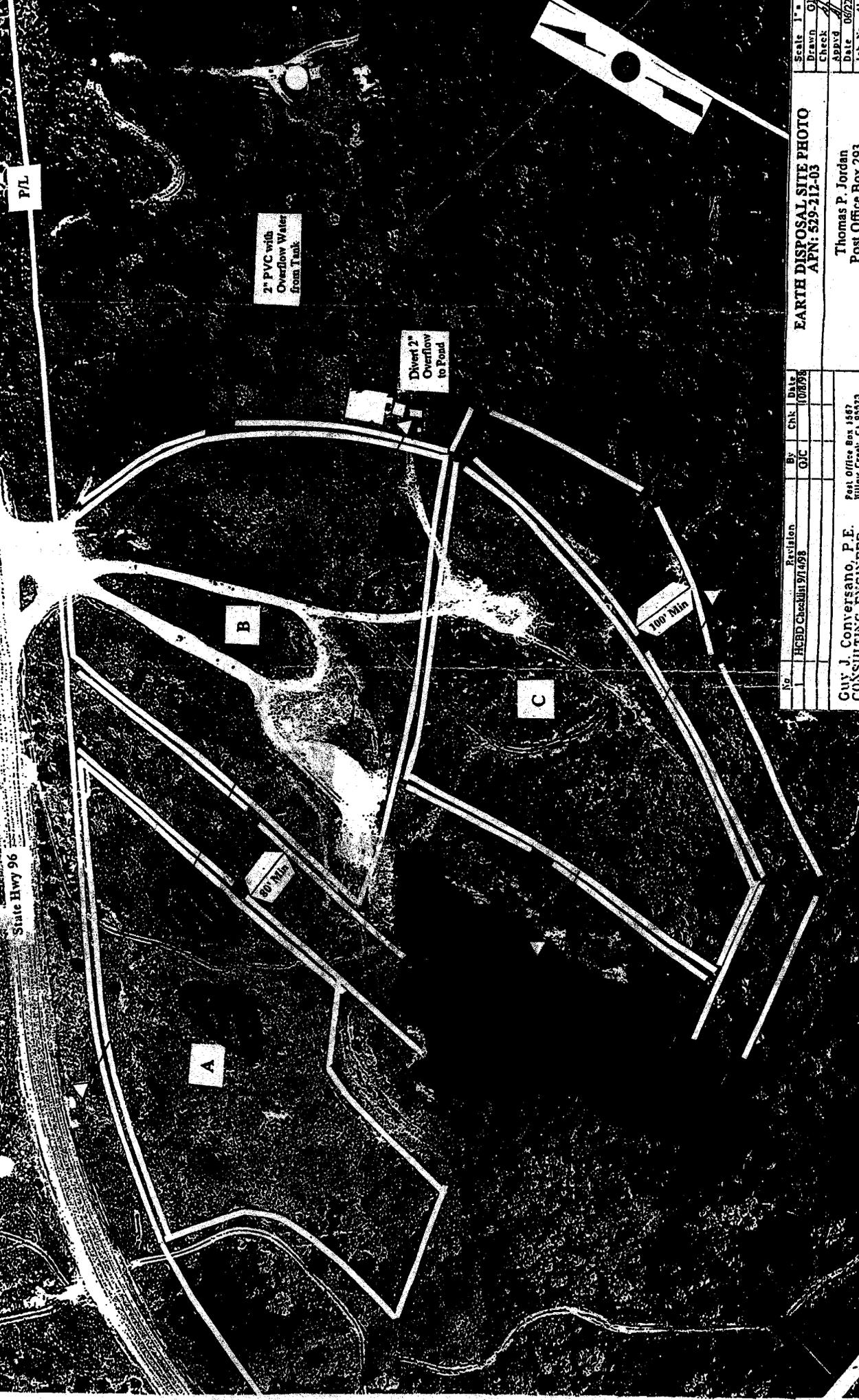
DATE: 1-12-2000



PROJECT NO.	529-212-03
DATE	1-12-2000
SCALE	AS SHOWN
DESIGNED BY	THOMAS JORI
CHECKED BY	THOMAS JORI
APPROVED BY	THOMAS JORI
DATE	1-12-2000



FILE NO. 24484N



P/L

2" PVC with
Overflow Water
from Tank

Divert 2"
Overflow
to Pond

100' Min

State Hwy 96

No.	Revision	By	CHK.	Date
1	HCBID-Chesterlin 9/14/98	GJC		10/08/98
Guy J. Conversano, P.E. CONSULTING ENGINEER Post Office Box 1587 Willow Creek, CA 95573 Tel: (530) 639-3000				
Thomas P. Jordan Post Office Box 293 Orleans, CA 95556				
Scale: 1" = 120' Drawn: GJC Check: JJC Applied: JJC Date: 06/22/98 Job No.: 41 Sheet 3 of 5				

EARTH DISPOSAL SITE PHOTO
APN: 529-212-03

FILE NO. 24484N

SHEET 3 OF 5

PURPOSE: ROAD MATERIAL &
 LANDSLIDE DISPOSAL
 AT: PEARCH CREEK MINE.
 APN: 529-212-03, NR HWY 96
 IN: ORLEANS, CA
 APPLICATION BY: THOMAS JORDAN
 DATE: 1-12-2000

