



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

NUMBER: 25074N DATE: March 1, 2007

RESPONSE REQUIRED BY: March 31, 2007

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

PERMIT MANAGER: Kelley Reid PHONE: 707.443.0855 or e-mail [kelley.reid@smtp.spd02.usace.army.mil](mailto:kelley.reid@smtp.spd02.usace.army.mil)

1. **INTRODUCTION:** County of Humboldt Department of Public Works, 1106 Second Street, Eureka, California 95501, (contact Mr. Richard Stein at 707.445.7652) has applied for a five-year Department of the Army permit to remove vegetation and gravel from the Redwood Creek Flood Protection Project. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. **PROJECT DESCRIPTION:** The County is the steward for the Redwood Creek Federal Flood Protection Project in Orick, California and has responsibilities to maintain the project. As shown in the attached drawings, the applicant plans maintenance activities as required by the Corps of Engineers Operation and Maintenance Manual, dated June 1969. To accomplish this, the County proposes to use heavy equipment to remove vegetation and up to 60,000 cubic yards (cy) of gravel annually, for five years, from the channel bottom (floodway) and use hand-tools, including chainsaws, to remove vegetation from the rip rapped slopes and levees of Redwood Creek.

The applicant proposes two new access ramps over the levees to allow trucks in and out of the floodway without damaging the levees near stations 127+30 (north levee) and 84+59 (south levee), shown on 'Aerial photo showing project details', Sheet 3 of 3. There is currently one existing access ramp at the north end of the project at station 182+10 (north side). The proposed access ramps may require as much as 500 cy of fill material each, which would be pushed up from the gravel bars inside the channel. Additionally, the applicant proposes 6 approaches to the flatcar bridges. The use of the existing

ramp, access #1, would require flatcar crossings to bars 10, 9, 8, and 7, consecutively. The use of access #2 would lead to bar 6 and would require a flatcar crossing to bars 5 and 4. Access #3 leads to bar 3 and would require flatcar crossings to bars 1 and 2. Each approach for each flatcar crossing would require as much as 100 cy of fill material pushed from the gravel bars to the ends of the flatcar bridge.

The gravel would be removed by skimming approximately 75% of each of the ten bars (on the downstream end; see sheet 3), loading it into trucks and stockpiling the gravel at an upland disposal site outside the boundaries of the Flood Protection Project.

3. **SITE DESCRIPTION:** Redwood Creek drains a 280 square mile basin in the northwest corner of Humboldt County, California. In 1947 most of the basin was covered with redwood and Douglas fir forests with a few areas of prairie. In response to the logging industry, the town of Orick grew up on the alluvial terraces in the lower reaches. In 1968 the Corps of Engineers constructed a levee system around the creek to protect the town from flooding. The flood control basin is approximately 250 feet wide, from the toe of the levees and somewhat more than three miles in length. The levees are armored with riprap, but have been populated with various small trees and shrubs. The basin is composed of alluvial gravel and also supports small trees and shrubs.

4. **ON-SITE MITIGATION:** As mitigation of other impacts, the County is offering to leave the vegetation growing along the levee toe; leave the vegetation growing

within the channel wherever it is adjacent to the active channel; leave vegetation of small diameter undisturbed; postpone vegetation removal until after August 15; remove gravel using methods that will maintain the integrity and morphology of the low flow channel and the riffle and pool complex; and leave large woody debris in place.

**5. PURPOSE AND NEED:** Large floods occurred in 1861, 1890, 1953, 1955, 1964, 1972 and 1975.<sup>1</sup> The 1964 flood was especially damaging and may have motivated a Corps watershed analysis and flood protection design, implemented in 1968. As the project proponent, the County of Humboldt is contractually required, by the Operations and Maintenance Manual, to maintain the floodway, including:

- a) "Clearing the channel of debris, weeds and wild growth."
- b) "Assuring that the capacity of the channel is not reduced by the formation of shoals." and
- c) "Assuring that the rip rap is in good condition."

The channel was designed to carry 77,000 cubic feet/second with an available freeboard of 3-6 feet, which has been reduced approximately 20%, mostly due to gravel accumulation.

**6. 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 North Coast Region 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 Rosa, California, 95403l, by

the close of the comment period of this public notice.

Under Section 307 (c) of the Coastal Zone Management Act 16 U.S.C. § 1456 (c)), an applicant for a Corps permit must furnish a certification that the proposed activity will comply with the state's coastal zone management program before a Corps permit may be issued. Portions of the project are in the jurisdictional purview of the California Coastal Commission. The Commission may be contacted at: California Coastal Commission, North Coast District, P.O. Box 4908, Eureka, CA 95502-4908 or phone 707) 445-7833.

## **7. COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

**National Environmental Policy Act of 1969 (NEPA):** At the conclusion of the public comment period, the Corps will assess the environmental impacts of the project in accordance with the requirements of the NEPA (Public Law 91-190), the Council on Environmental Quality's Regulations at 40 CFR 1500-1508, and Corps' Regulations at 33 CFR 230 and 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of the Corps and other non-regulated activities the Corps determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army permit for the project.

**Endangered Species Act of 1973 (ESA):** The project area includes habitat for Federally endangered tidewater goby, California brown pelican and Federally threatened Northern California/Southern Oregon Coasts coho (NCSOCC), bald eagle, western snowy plover, coastal chinook, northern spotted owl, marbled murrelet, and the candidate northern California steelhead. ESA prohibits any federal action or federally permitted projects from activities, which would jeopardize the recovery of any federally threatened or endangered species. The Corps will consult with U.S. Fish and Wildlife Service and National Marine Fisheries Service to determine the effects of the proposed project on the listed species.

**Magnuson-Stevens Fishery Conservation and Management Act of 1996** requires a Federal agency to consult with NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). EFH is defined as “those waters and substrate necessary to (federally managed) fish for spawning, breeding, feeding or growth to maturity.”

**National Historic Preservation Act of 1966 (NHPA):** Based on a review of the General Management Plan for Redwood National and State Parks, most of the prehistoric sites within the park are primarily around Redwood Creek Basin. The Corps will initiate Section 106 consultation with State Historic Preservation Officer and the Tribal councils for the area to take into account any construction-related impacts to these resources.

**8. COMPLIANCE WITH THE 404(b)(1) GUIDELINES:** Projects resulting in the discharge of dredged or fill material into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation pursuant to the guidelines indicates the project is dependent on location in the channel of Redwood Creek. Nevertheless, the applicant and project manager must explore and consider less environmentally damaging practicable alternatives to the project that may minimize the impacts to wetlands and other waters of the United States.

**9. 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 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.

**10. 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.

**11. 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, Eureka Field Office at P.O. Box 4863, Eureka, CA 95502-4863. 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. Details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Kelley

Reid, of our office, at phone 707.443.0855 or e-mail: [kelly.reid@spd02.usace.army.mil](mailto:kelly.reid@spd02.usace.army.mil). Details on any changes of a minor nature that are made in the final permit action will be provided on request.

1. Harden, D.R., R.J. Janda, and K.M. Nolan, 1978. Mass movement and storms in the drainage basin of Redwood Creek, Humboldt County, California—a progress report. U.S.G.S. Open File Report.