



US Army Corps
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SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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

NUMBER: 25878N
DATE: OCTOBER 11, 2002
RESPONSE REQUIRED BY: NOVEMBER 10, 2002

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

1. INTRODUCTION: The City of Eureka Community Development Department, 531 K Street Eureka, California 95501 (contact Ms. Lisa Shikany Meyers at 707-268-5265) has applied for a Department of the Army permit to construct a new 24-inch diameter water pipeline in parallel with the existing 24-inch diameter water pipeline, located in two sections within diked former tidelands, between the City of Arcata and the City of Eureka. The project would involve sub-channel or other types of crossings over waterways at Jacoby Creek, Freshwater Slough, Fay Slough, and other smaller waterways west of Old Arcata Road. The pipeline is located in two sections between the City of Arcata and the Indianola area; and between Indianola and the Myrtle town area of the City of Eureka, 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) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. PROJECT DESCRIPTION: As shown in the attached drawings (See Sheets 1 of 10 through 10 of 10), the applicant plans to construct a phased rehabilitation of the existing City of Eureka Mad River Water Pipeline. This pipeline is the City's existing water supply source and is also the source of about a third of the water delivered by the Humboldt Community Services District. It is generally located

between a metering vault south of Diamond Drive in northern Arcata and the City of Eureka's main reservoir near Sequoia Park in the City of Eureka. Applicant would construct a new 24-inch (inside diameter) high density polyethylene (HDPE) pipeline in parallel with the existing 24-inch steel pipeline. The two segments of pipeline together account for approximately 26,100 feet in length, representing approximately 52 percent of the total project length of approximately 49,700 feet of new or rehabilitated pipeline in the entire project. The implementation of these two elements constitutes the first phase of the overall project.

The first segment of the pipeline rehabilitation (known as "Section 4" in the permit application) involves the construction of approximately 14,500 feet of new HDPE pipeline, to be located approximately eleven feet west of the existing pipeline. Section 6, the second segment, includes the construction of approximately 11,600 feet of new HDPE pipeline, constructed in the same way as in Section 4. The new pipeline would be constructed by placing the pipeline in a trench and the pipeline trench would be backfilled with the excavated material after pipeline installation. The construction process would involve heat-fusing pipe segments into extended lengths, estimated at 1,000 feet or more, then installing the fused segments in one operation. The construction process would include excavating a

trench approximately four feet wide and six feet deep within which the proposed pipeline would be placed on native material. Then the trench would be backfilled with native material to cover the pipeline. The process would be conducted within the existing pipeline right-of-way and in an additional construction right-of-way obtained by the applicant. The cumulative width of the rights-of-way and of the construction corridor would be approximately 60 feet (See Sheet 3 of 10). However, in many places along the construction corridor the contractor would not be able to use a 60 foot width, due to physical or right-of-way constraints or environmental mitigation requirements. Slough crossings are all limited by the project's mitigation measures, and crossing corridor widths would be much less than 60 feet.

The topsoil from the trench (approximately 6 inches to 9 inches) would be separately excavated and stockpiled on site. After pipeline installation and backfilling, this topsoil would be replaced in the top 6 to 9 inches of the trench section. Owing to the displacement volume of the new pipeline, not all of the excavated material can be replaced within the trench. The excess material (approximately 4.5 cubic feet of excavated substrate per linear foot of pipeline) would be spread across the construction corridor prior to the vegetating sowing operation. The excess material would average 0.08 foot (or 0.90 inches) in thickness. The entire construction corridor would be disked by the contractor to break up any soils compacted by the construction process as well as to break up any large soil clumps, and then sown with grass seeds.

3. CORPS OF ENGINEERS JURISDICTION:

The applicant estimates that the total volume of soil material spread across and incorporated into the construction corridor would be the following: (1) Section 4 (North of Indianola) – 2,444 CY; and (2) Section 6 (South of Indianola) – 1,732 CY. In all diked former tidelands (the sum of Section 4 and 6) the total volume would be 4,176 CY. The following

table indicates the total acreage of potential impact from the project fills on waters of the United States:

Diked Former Tidelands:

Affected Length - 24,210 lineal feet

Area Affected – 33.35 acres

Cutoff Sloughs:

Affected length – 290 lineal feet

Area Affected – 0.40 acres

Beith/Grotzman Creek:

Affected Length – 25 lineal feet

Area Affected – 0.03 acres

Rocky Gulch Creek:

Affected Length – 40 lineal feet

Area Affected – 0.06 acres

Jacoby Creek:

Affected length – 35 lineal feet

Area Affected – 0.05 acres

Washington Gulch Slough, Fay Slough and Freshwater Slough are not expected to sustain surface impacts as these crossings would involve subsurface casings without surface excavations (See Sheets 7 of 10 through 9 of 10). The “Area Affected” assumes an average construction corridor width of 60 feet.

Construction staging and lay down (See Sheet 3 of 10) may include areas along the pipeline route that are used for temporary pipe storage (as well as vaults,

valves, and other equipment), and for short-term construction vehicle storage and parking. These staging areas would be located outside of, but adjacent to, the pipeline right-of-way, and may extend into the adjacent diked former tidelands for several hundred feet. At this time, the specific locations for these staging areas has not been determined for certainty, but the Corps will require the applicant to identify these areas prior to permit issuance.

Pipeline construction in non-tidal flowing streams:
At Grotzman/Beith Creeks (Sheet 4 of 10) and Rocky Gulch Creek (Sheet 5 of 10), the water pipeline would be placed by trenching. The streams would be protected from disruption by being routed through culverts or diversion pipes placed within their channels prior to excavation of a trench containing the Mad River Water Pipeline.

Pipeline construction in tidally-influenced flowing waterways: For coarse-grained bedded waterways such as Jacoby Creek (Sheet 6 of 10), pipeline construction would involve routing the active channel flow of Jacoby Creek through an oversized diversion pipe and place sandbags up and downstream of the pipeline crossing to divert the stream into and out of the pipe (See Sheet 10 of 10). The pipeline would be placed in an in-stream trench dug five feet below the channel bed and backfilled with the excavated material. Following trench closure, the contractor would reconstruct the Jacoby Creek channel section to pre-construction dimensions, reconfigure the channel-bottom topography, replace any coarse woody debris disturbed by the construction process, and revegetate the stream banks. For fine-grained bedded waterways, such as Washington Gulch, Fay Slough, and Freshwater Creek/Slough, the applicant would use the “jack and bore” or “pipe-ramming” construction techniques (See sheets 7 of 10 through 9 of 10). These techniques involve excavations of bore pits in diked former tidelands and the pipeline would be injected underneath the channel beds of the three

sloughs, generally five feet below the lowest bottom elevation of the sloughs.

The dominant waters of the United States that would be affected by the Mad River Pipeline Project includes diked former tidelands. Diked former tidelands refers to lands that were historically tidal or salt marsh or tidal sloughs that were reclaimed for agricultural use by the construction of dikes or levees. The lands that are inboard of the dikes or levees were converted during the turn of the 20th Century into agricultural pasture and are mostly composed of seasonal freshwater vegetation and hydrology. Diked former tidelands are generally composed of the following plant species: velvetgrass (*Holcus lanatus*), vernal grass (*Anthozanthum odoratum*), redtop (*Agrostis stolonifera*, ryegrass (*Lolium* spp.), fescue (*Festuca*), and, at very wet sites, water foxtail (*Alopecurus geniculatus*). In wet pastures, silverweed (*Potentilla anserine*) and creeping buttercup (*Ranunculus repens*) are common in mowed/grazed areas. Most pastures in the study area, at nearly all elevations, have rushes (*Juncus* spp.), with the most common being soft rush (*J. effuses*). Other narrow-leaved monocots include spike-rush (*Eleocharis* spp.) and sedges, especially slough sedge (*Carex obupta*).

The botanical studies carried out for the project (Mad River Biologists, Rare Plant Assessment for the City of Eureka Mad River Pipeline Rehabilitation Project, Humboldt County, California, dated September 10, 2001) identified the presence of a widespread plant species not historically described within the diked former tidelands, Lyngbye’s sedge (*Carex lyngbyei*). Lyngbye’s sedge dominates coastal marshes from southern Oregon to Alaska, and appears to be a recent colonist to Humboldt Bay (Roberts, Chad, Wetland Identification and Delineation Mad River Water Pipeline Rehabilitation Project, Roberts, Kemp and Associates LLC, dated May 17, 2002). Lyngbye’s sedge forms dense, rhizomatous mats on mud flats within the intertidal zone of Freshwater

Creek, Fay Slough, and Washington Gulch. In addition, Lyngbye's sedge was observed growing on the banks of lower perennial brackish cutoff sloughs, and several remnant slough channels located north of Jacoby Creek (Mad River Biologists, September 10, 2001).

4. PROJECT PURPOSE: The applicant states that the proposed project would (1) assure the reliability of the primary water supply for residents of the City of Eureka and a substantial element in the water supply of customers of the Humboldt Community Services District (HCSD) (total combined service of City and HCSD of 60,000 persons); (2) establish a redundant water supply line that would enable the City to take the existing Mad River Pipeline out of service for repairs and maintenance; and (3) to establish an emergency water supply line should the existing Mad River Pipeline fail at a time when repairs are not possible (e.g., when the diked former tidelands are flooded). An additional purpose would be to provide a replacement for the existing 65 year old pipeline when repairs are no longer feasible. The existing Mad River Pipeline has a history of recent pipeline failures (1992, 1993, 1995, 1996, 2000 and 2001; with seven failures in 1996). The pipeline was out of service for repair purposes for several days (up to a week) for each failure, during which period the City of Eureka relied upon conservation by users in combination with management of partial secondary supply via the smaller Samoa Peninsula pipeline in combination with in-system storage.

5. STATE APPROVALS: California Regional Water Quality Control Board (RWQCB): 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 before a Corps permit may be issued. The applicant has provided the Corps with evidence that the City of Eureka has submitted a valid request for State water quality certification to the RWQCB. No Corps permit will be granted until the applicant obtains the

required certification. A water quality certification would be presumed authorized 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 95403, by the close of the comment period of this public notice.

California Coastal Commission: Section 307 [c] of the Federal Coastal Zone Management Act of 1972, as amended, (16 U.S.C. 1456 [c]), requires federal agencies conducting activities, including development projects, directly affecting a state's coastal zone, to comply with the maximum extent practicable with an approved state coastal zone management program. The Act also requires any non-Federal applicant for a Federal license or permit to conduct an activity affecting land or water uses in the state's coastal zone to furnish a certification that the proposed activity will comply with the state's coastal zone management program. Generally, no permit will be issued until the state has concurred with the non-Federal applicant's certification (33 C.F.R. Part 320.3 [b], Federal Register, Volume 51, No. 219, November 13, 1986). The City of Eureka applied for a California Coastal Commission coastal Development Permit, File No. 1-02-007, on February 4, 2002, for the above described Mad River Pipeline Rehabilitation Project.

6. COMPLIANCE WITH OTHER FEDERAL LAWS:

Endangered Species: Freshwater streams draining into Humboldt Bay, including those crossed by the project route, are included within the Evolutionary

Significant Units (ESUs – a regional grouping of species) of Federally-listed anadromous fish. The National Marine Fisheries Service (NMFS) lists the following species as threatened under the Endangered Species Act (ESA) of 1973, as amended, (16 U.S.C. 1531 et seq.): coho salmon (*Oncorhynchus kisutch*), chinook salmon (*O. tshawytscha*), and steelhead (*O. mykiss*). All or some of these three species are or have historically been present within the waterways to be crossed by the Mad River Pipeline Rehabilitation Project. In addition, the following streams are designated by NMFS as critical habitat for coho salmon: Jacoby Creek, Fay Slough, Washington Gulch, Freshwater Creek/Slough, Beith/Grotzman Creek, Rocky Gulch Creek, and numerous unnamed cutoff sloughs in the project area. All of these waterways are designated as Essential Fish Habitat (EFH) for coho salmon and chinook salmon as well as a variety of other estuarine and marine fish species pursuant to the Magnuson-Stevens Fishery conservation and Management Act (Public Law 94-265). Based on the above information, the Corps will initiate Section 7 consultation with NMFS under the ESA regarding the potential impacts of the proposed Mad River Pipeline Rehabilitation on the three listed salmonids, on the critical habitat for coho salmon, and EFH for coho salmon, chinook salmon, and a variety of estuarine and marine fish.

The U.S. Fish and Wildlife Service (USFWS) has listed the tidewater goby (*Eucyclogobius newberryi*) as endangered under the ESA. Estuarine streams, such as those within the Mad River Pipeline project area, are the habitat for the tidewater goby. Tidewater gobies occur in near-estuarine tidal stream bottoms, with salinities close to that of seawater and substrates of generally fine (i.e., silty to clayey mud) materials (City of Eureka Engineering Department, May 15, 2002). Likewise, based on the above information, the Corps will initiate Section 7 consultation under the ESA with USFWS regarding the pipeline project's potential impacts to the

tidewater goby.

Historic/Cultural Resources: A Corps of Engineers Archaeologist will be requested to conduct a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, tribal (Wiyot Tribe), 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 (SHPO) or Tribal Historic Preservation Officer (THPO) to take into account any project effects on such properties. A cultural resources survey of the proposed pipeline route was conducted for the City of Eureka: [A Cultural Resources Investigation of the Mad River Water Pipeline Reconstruction, Humboldt County, California](#), prepared by James Roscoe, M.A. of Roscoe and Associates Consulting Archaeologists, dated September, 2001. Cultural resources identified in that investigation will be evaluated by the Corps archaeologist in coordination with SHPO, THPO, and local tribal sources for potential impacts from the Mad River Pipeline Project.

7. EVALUATION OF ALTERNATIVES

Evaluation of this activity's impacts 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. 1344(b)). An evaluation under the 404(b)(1) Guidelines indicates that the project is not water/wetland dependent. However, the applicant has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the Guidelines. The applicant states that there is no practicable alternative for this pipeline project. The Analysis of Alternatives is available for review in the Eureka Field Office of the Corps (see telephone contact below).

8. 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.

9. 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.

10. 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: Lieutenant Colonel Michael McCormick, District Engineer, Attention: Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. 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, by electronic mail at: 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.

