



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 26270S DATE: 18 April 2002

RESPONSE REQUIRED BY: 18 May 2002

Regulatory Branch
333 Market Street

San Francisco, CA 94105-2197

PROJECT MANAGER: Bob Smith

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1. **INTRODUCTION:** The Monterey County Water Resources Agency (MCWRA), P.O. Box 930, Salinas, California 93902, [contact: Mr. Bob Meyers, (408) 755-4860] acting as a sponsor for the growers and property owners adjoining the Salinas River between the State Route 1 Bridge and the San Ardo area, has applied to renew their Department of the Army Regional Permit to undertake the mechanized removal of vegetation and sandbars from the Salinas River in Monterey County, California. The Arroyo Seco River will not be covered under the renewed permit due to potential impacts to the South Central Coast steelhead population. 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:** During the spring of 1995 flooding on the Salinas River destroyed approximately one-fourth of Salinas Valley's projected crop value. More than 30,000 acres of Salinas Valley farmland was damaged, and flood related agricultural losses, not including the permanent loss of farmland, was estimated at \$240 million. The flooding altered the course of the Salinas River in many areas, resulting in the permanent loss of 1100 acres of prime agricultural land to erosion.

The Salinas River, the main artery of the Salinas Valley drainage system, collects runoff from over 4,000 square miles of watershed. Modifications to the historic cycle of a predominately dry river channel occurred when the Nacimiento and San Antonio dams were constructed during the 1950s and 1960s. Dry season releases of water from the reservoirs to recharge the Salinas Valley aquifer have extended the time during which water flows in the river channel. These extended flows, while

providing recharge, also provide for silt transport and sandbar formation in some reaches of the river while universally maintaining wet conditions that encourage in channel vegetation growth. The farmers and property owners adjoining the Salinas River, and agencies involved with flood control believe the most effective long range solution to prevent future crop and property loss due to flooding is to manage and conduct maintenance of the dry river channel.

In December of 1996 the Corps issued a 5-year regional permit covering the Salinas and Arroyo Seco Rivers authorizing the mechanized removal of vegetative obstructions, and the relocation or removal of sandbars from the dry channel of the Salinas River.

The following work was done under the existing permit (the report for 2001 has not been completed).

| YEAR | 1997 | 1998 | 1999 | 2000 |
|---------------------------------|--|-----------------|--------------------|--------------|
| # of Sites worked | SR ¹ -43 AS ² - 3 | 44 0 | 34 1 | 28 0 |
| Spoils removed ³ | SR- 2,470,000 AS- 60,000 | 1,795,200 0 | 1,463,000 8,000 | 784,000 0 |
| Vegetation removed ⁴ | NA ⁵ | NA ⁵ | 312.5 | 240.5 |
| Total miles maintained | SR-38 AS- 3.3 | 36 0 | 25 0.1 | 22.5 0 |

1. SR = Salinas River
2. AS = Arroyo Seco River
3. Cubic Yards
4. Acres
5. Acreage not tabulated in 1997 or 1998
6. The total length of the Salinas covered by the permit is 93 miles. The total length of the Arroyo Seco covered was 11 miles.

Sandbar and vegetation removal in the upper reaches of the river is intended to reduce the probability of bank and levee erosion during normal high flows by removing those obstructions that push the flow towards erodable riverbanks. In the lower 20 miles of the river, removal of vegetative obstructions from the channel, such as willow and cottonwood saplings that encourage the formation of sandbars, and the removal of vegetated and unvegetated sandbars is intended to maintain channel capacity during normal high flow events. The removal of vegetation, predominantly annuals and recently established scrub, results in the loss of some habitat value. The resulting increase in channel width may affect anadromous fish passage.

The renewed regional permit would authorize the following work on the Salinas River:

- a. Mechanized removal of vegetative obstructions and debris from the channel of the river.
- b. Relocation or removal of sandbars and silt deposits that are no greater in elevation than five feet above the relative dry channel bed.

The following conditions would apply:

- a. No work shall be conducted in either running or standing water.
- b. No work shall be conducted on sandbars or silt deposits less than 9 inches above any standing water.
- c. This permit does not authorize the construction of levees. Material relocated within the river channel shall be smoothly contoured away from the center of the channel.
- d. The permittee must comply with the terms and conditions of Biological Opinions issued by the National Marine Fisheries Service and U.S. Fish and Wildlife Service.

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. 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. 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 the Environmental Assessment will be on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

Endangered Species – The South-Central Coast steelhead, *Oncorhynchus mykiss*, found in the Salinas River watershed were listed as threatened on August 18, 1997, and critical habitat was designated on February 16, 2002. The Corps has been conducting a consultation under Section 7 of the Endangered Species Act with the National Marine Fisheries Service on the effects of the regional permit on steelhead. The consultation will be reinitiated for the proposed renewal of the Regional Permit.

The Corps conducted a Section 7 consultation with the U.S. Fish and Wildlife Service (FWS) on the effects of the regional permit on the California red-legged frog, *Rana aurora draytoni*, and the least Bell's vireo, *Vireo microscaphus californicus*. The FWS issued a Biological Opinion for the Regional Permit on November 16, 1998. Since that time critical habitat has been designated for the red-legged frog. The Corps will reinitiate consultation with the FWS.

Historic/Cultural Resources – It is not anticipated the work authorized under this permit will have an impact on historic or cultural resources since the work occurs in the active channel of the Salinas River.

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: bsmith@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.