



US Army Corps
of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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

GRAVEL LOP 2002-1
FILE NUMBER 26366N

DATE: April 2, 2002

RESPONSE REQUIRED BY: May 2, 2002

PERMIT MANAGER: Kelley Reid PHONE: 707-443-0855 e-mail: kreid@sfd02.usace.army.mil

The U.S. Army Corps of Engineers (Corps) is proposing a Department of the Army Letter of Permission (LOP) procedure (hereafter, the Procedure) under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344) for discharges of dredged or fill material associated with gravel mining and other excavation activities in Humboldt County, California.

There are approximately 30 gravel operations within Humboldt County that each remove more than 5,000 cubic yards of material each year from rivers within Humboldt County, California. Some operations have had authorization to remove up to 200,000 cubic yards of material each year. Until recently, these operations have been authorized by an individual permit or by an LOP96-1 authorization.

The Procedure is intended to expedite permit decisions for certain gravel mining activities that have net minor environmental impacts. In addition, the procedure will maintain consistency in permitting conditions and review and will better consider the cumulative impacts of all gravel operations within Humboldt County.

Under the Procedure, each gravel operation would have an abbreviated environmental assessment. Those projects, which would have minimal adverse environmental impacts, would receive a three-year LOP authorization. Each year, however, gravel operators would be required to submit gravel extraction plans, aerial photos, and biological monitoring data. A team of riverine scientists would review the extraction plans and provide recommendations to the applicant that

would reduce the impacts of extraction and improve habitat. The applicant would submit these recommendations with the extraction plan to the Corps.

There would also be an annual review by the resource agencies of the year's past extraction information in March. In addition, all information regarding the Procedure and the activities authorized shall be maintained by the Corps and available to the public.

The enclosed "Proposed Letter of Permission Procedure, Gravel Mining and Excavation Activities within Humboldt County" details the scope and location of work, terms and conditions, and application procedures pertinent to obtaining a Department of the Army LOP under the proposed Procedure. In addition, it lists special conditions and monitoring activities that will be required to provide consistent information for the decision making within this process.

PUBLIC INTEREST REVIEW FACTORS: The proposed procedure will be reviewed in accordance with 33 CFR 320-330, the Regulatory Program of the Corps and other pertinent laws. The decision whether to authorize this procedure, 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 gravel mining in Humboldt County 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.

A Regional Water Quality Control Board (RWQCB) certification is required for work within the State of California, except for work within the boundaries of a Federally recognized Indian Reservation. With this public notice, the Corps is requesting a General 401 Certification for all gravel operations that may be authorized by this LOP procedure. If a General 401 Certification is not available, no authorization pursuant to this LOP will be valid until the applicant obtains a 401 certification.

Those parties concerned with any water quality issues that may be associated with this procedure should write to the Executive Officer, California Regional Water Quality Control, North Coast Region, 5550 Skylane Boulevard, Santa Rosa, California 95403-1064 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. Several gravel operations are within the jurisdictional purview of the California Coastal Commission. The Commission may be contacted at P.O. Box 4908, Eureka, California 95502-4908.

PUBLIC INTEREST EVALUATION: The decision whether to approve this procedure 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.

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 procedure. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, or not issue this procedure. 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.

SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should reference LOP 2002-1 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 Eureka Field Office, P.O. Box 4863 Eureka, California, 95501. 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 Kelley Reid of our office at telephone 707-443-0855, writing to the Eureka Field Office or E-mail: kreid@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.

