



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

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

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1. **INTRODUCTION:** Shamrock Materials, Incorporated (Shamrock), P.O. Box 808044, Petaluma, California 94975-8044, has applied to the U.S. Army Corps of Engineers (USACE) for a five-year Department of the Army Permit to continue the annual removal of sand and gravel from the upper Alexander Valley Reach of the Russian River, approximately one mile east of the Town of Cloverdale, in Sonoma County, California. This individual permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. **PROJECT DESCRIPTION:** As shown in the attached drawings, Shamrock proposes to remove sand and gravel from portions of eleven bars that are exposed during summer low-flow conditions, encompassing 98.3 acres of riverbed below the plane of ordinary high water over a distance of 6.5 miles. The excavation areas are located between river miles 59 and 65 and extend from the confluence of Big Sulphur Creek 2,000 feet upstream (APNs 115-040-03, 116-190-63, -06, 116-260-16, 116-270-01, -07, 116-280-08, 116-310-14, 117-050-17, 116-060-03, 117-060-38, -10, -16, -23, -43, -25). During the first year of the five-year authorization period, approximately 150,000 cubic yards of sand and gravel would be excavated and removed from these bars. In succeeding years, the volume of excavated material would not exceed the seasonal bedload recruitment volume occurring at each bar and reflected by a baseline elevation established after the initial excavation episode.

Sand and gravel excavation would be accomplished by skimming only the surface layer of aggregate material that has accumulated on the exposed areas of each bar since the previous excavation episode. The depth of excavation would typically range from ½ to 5 feet, depending on the net accumulation of aggregate material on each bar. Dozers would scrape and push the sand and gravel into temporary stockpiles that, in turn, would be placed by front-end loaders into dump trucks for transport to the processing plant near the Crocker Road Bridge. The dump trucks would use existing haul roads over and along the outer bank of the Russian River or haul roads constructed on areas of the bars essentially lacking riparian vegetation. The low-flow channel would be crossed at up to nine locations to gain access to several of the exposed bars. At these locations, a temporary flatcar bridge (20 feet long by 8 feet wide) would be lowered by

a crane onto concrete abutments placed on each side of the low-flow channel. Each crossing would require the discharge of approximately 50 cubic yards of sand and gravel skimmed from the adjacent bars to construct approach ramps to the abutments.

The interior areas (12 acres) of several bars contain riparian vegetation that would be relocated to designated buffer areas (13.5 acres) along the low-flow channel and the outer bank, or at the head of the affected bars. The relocated vegetation and root wads would be placed into trenches excavated to the groundwater table to minimize the need for irrigation. Skimming operations on these bars would not likely take place until accumulated fines and organic material were scoured and transported from the excavation areas by subsequent high-flow events.

All excavation work would be performed in accordance with applicable provisions of the Use Permits and Reclamation Plans, the Aggregate Resources Management Plan, and the Surface Mining and Reclamation Ordinance approved by the County of Sonoma, and specific requirements of the California Department of California Department of Fish and Game stipulated in the 1603 Streambed Alteration Permits. In general, these requirements would be as follows: (a) All work activities, including excavation, stockpiling of aggregate material, and reclamation grading, occurring below the plane of ordinary high water are limited to the low-flow period of May 15 to November 1 of each year. For bars requiring the installation of a temporary crossing structure over the low-flow channel, all such work activities are limited to the low-flow period of June 15 to October 1 of each year. (b) No excavation or skimming occurs below the two percent (2 feet vertical to 100 feet horizontal) transverse grade line measured from the edge of the low-flow channel to the outer bank. If no flowing water is present, the two percent transverse grade is measured from the point on the bar that is one foot above the thalweg elevation of the low-flow channel. (c) An undisturbed buffer is maintained along the perimeter of each bar and the flowing water that varies from 25 to 50 feet in width, depending on the presence of riparian vegetation. (d) Riparian vegetation growing along the perimeter or on the outer bank of each bar is not removed or otherwise disturbed. Other riparian vegetation growing in the interior of each bar is only removed and transplanted in accordance with the approved Reclamation Plan. (e) Upon completion of

excavation work, the disturbed areas of each bar are graded to remove any pits and depressions that could otherwise entrap fish, and all compacted areas on each bar are ripped to a depth of 18 to 24 inches. (f) Temporary crossing structures are set a minimum of four feet above the water surface, and are not installed prior to June 1 and are removed by October 1 of each year. Except for the installation of the crossing structures, no equipment operation occurs in the flowing water. Heavy equipment that cannot be otherwise supported by the crossing structures may perform up to two daily wet crossings at each location during the course of work. (g) Except for temporary stockpiling of sand and gravel for loading purposes and separating oversized aggregate materials, all other aggregate processing operations occur landward and above ordinary high water and outside the limits of adjacent riparian vegetation. (h) Prior to excavation work, large woody debris is collected from the interior of each bar and placed in the designated buffer areas to serve as fishery habitat during subsequent high-flow events.

3. **PURPOSE AND NEED:** Shamrock indicates the purpose and need for the project are to continue the seasonal removal of sand and gravel to provide a local source of aggregate materials for construction uses, landscaping, and erosion-control projects in Sonoma and Mendocino Counties. In-stream gravel mining at some of these locations has been conducted by Shamrock since the early 1950s and has been authorized by the USACE since 1989. The volume of sand and gravel excavated throughout the Alexander Valley Reach has varied considerably from year to year, averaging 278,000 cubic yards per year from 1991-2000.

4. **SITE DESCRIPTION:** The Alexander Valley Reach of the Russian River is characterized by a series of low-gradient meander bends and the formation of point bars that tend to accumulate large quantities of sand and gravel originating from the upper watershed. The channel and meander bends are confined by levees constructed along the outer banks. Water flow exhibits extreme seasonal variation, from ephemeral to episodic in nature, even though the daily flows are partially regulated by Coyote Dam. The quality of riparian habitat ranges from relatively intact to highly disturbed, with extensive areas essentially cleared for agricultural purposes and the adjacent banks armored with riprap. Where native riparian vegetation persists on the banks, it is comprised of Fremont cottonwood, Oregon ash, California black walnut, narrow-leaf willow, and arroyo willow. The seasonally scoured areas of the bars are generally devoid of woody vegetation but are seasonally colonized by various herbaceous species, including white sweet clover, cocklebur, Jerusalem oak, birds-foot lotus, and Indian tobacco. Slightly elevated areas of these bars are often characterized by stands of narrow-leaf willow, arroyo willow, Pacific willow, and giant reed.

5. **STATE APPROVALS:** State water quality certification or waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or

pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act (33 U.S.C. 1341). By letter of 14 December 2001, the RWQCB has issued conditional 401 water quality certification for the project.

Water quality issues should be directed to the Executive Officer, Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403, by the close of the public notice comment period.

Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456(c)), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to furnish a certification that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be issued until the appropriate State agency has concurred with the certification statement or has waived its right to do so. The project does not occur in the coastal zone, and a preliminary review by the USACE indicates that the project would not likely affect coastal zone resources. This presumption on effect, however, remains subject to a final determination by the California Coastal Commission.

## 6. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

**National Environmental Policy Act of 1969 (NEPA):** At the conclusion of the public comment period, the USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), the Council on Environmental Quality's Regulations at 40 CFR 1500-1508, and USACE 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 USACE and other non-regulated activities the USACE 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):** Naturally spawned populations of coho salmon (*Oncorhynchus kisutch*), steelhead (*Oncorhynchus mykiss*), and chinook salmon (*Oncorhynchus tshawytscha*) inhabiting the California Coast Province, including the Russian River Basin, have been federally-listed as threatened under the Endangered Species Act. Critical habitat has been also designated for these species to include all estuarine and river reaches accessible to salmonids below longstanding, naturally impassable barriers. Designated critical habitat consists of the water, streambed, and adjacent riparian zone. The Alexander Valley Reach of the Russian

River principally serves as a migratory corridor for adult and juvenile salmonids, although chinook salmon may be spawning in the immediate project area and project vicinity. Adult coho salmon generally enter the Russian River Basin and migrate upstream to spawn from late October to mid-February and die within two weeks after spawning. Yearling juvenile coho salmon tend to migrate downstream to the ocean from March to mid-June. Steelhead are capable of repeat spawning episodes. Adult steelhead enter the Russian River Basin from late fall through April and begin spawning in December. Juvenile steelhead will remain in fresh water from one to three years and tend to migrate downstream to the ocean during the spring and early summer months. Chinook salmon begin their upstream migration in the late fall, with the advent of heavy rains, and spawn shortly after returning to their natal streams; this migratory period may continue into March and generally peaks in December and January. Juvenile chinook salmon begin their downstream migration in late March or early April, with out migration peaking in mid-May. No other federally-listed threatened or endangered species are known to occur within the immediate project area or in the project vicinity.

To address project-related impacts to salmonid fish species and their designated critical habitat, the USACE has initiated formal consultation with the National Marine Fisheries Service, pursuant to Section 7(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). The consultation process must be concluded prior to the issuance of any Department of the Army Permit for the project.

**Magnuson-Stevens Fishery Conservation and Management Act of 1996 (MSFCMA):** The Russian River Basin occurs within essential fish habitat for the Pacific Salmon Fishery that includes both coho and chinook salmon. Essential fish habitat for these species corresponds to their designated critical habitat. The aforementioned Section 7 consultation process will also address project-related impacts to essential fish habitat.

**National Historic Preservation Act of 1966 (NHPA):** Based on a review of survey data on file with various City, State, and Federal agencies, no historic or archaeological resources are known to occur on-site or in the project vicinity. Since the exposed bars are comprised of sediments recently deposited by high water-flow events, aggregate excavation work would not likely encounter intact archaeological resources. If unrecorded historic or archaeological resources were discovered during excavation work, such operations would be suspended until the USACE concluded Section 106 consultation with the State Historic Preservation Officer to take into account any project-related impacts to these resources.

**7. COMPLIANCE WITH THE 404(b)(1) GUIDELINES:** Projects resulting in dredged or fill material discharges 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 not dependent on location in or proximity to waters of the United States to achieve the basic project purpose to extract gravel for commercial use. This conclusion raises the (rebuttable) presumption of the availability of a practicable alternative to the project-related discharges into waters of the United States that would result in less adverse impact to the aquatic ecosystem, while not causing other major adverse environmental consequences. Shamrock has been informed to submit an analysis of project alternatives to be reviewed for compliance with the Guidelines.

**8. PUBLIC INTEREST EVALUTION:** The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include 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 USACE 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 the project. All comments received by the USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental factors addressed in a final Environmental Assessment or Environmental Impact Statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

**10. SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to the San Francisco District, Regulatory Branch, North Section, citing the applicant's name and Public Notice Number in the letter. Comments may include a request for a public hearing on the project prior to a determination on the permit application; such requests shall state, with particularity,

the reasons for holding a public hearing. All comments will be forwarded to Shamrock for resolution or rebuttal. Additional information may be obtained from the Shamrock or by contacting Mr. Peter Straub of the Regulatory Branch at telephone 415-977-8443.