



US Army Corps
of Engineers

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

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

GRAVEL LOP 2002-2

DATE: May 1, 2002

File Number: 26813N

RESPONSE REQUIRED BY: May 29, 2002

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The U.S. Army Corps of Engineers, San Francisco District (Corps) proposes to reauthorize the Letter of Permission 96-2 procedure (hereafter, the Procedure) for gravel mining and related activities in Del Norte County, California. The procedure would be issued pursuant to under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act. (CWA) (33 U.S.C. 1344) and would expire on December 31, 2007. Only activities that do not pose significant adverse individual or cumulative impacts would be eligible for authorization by this Procedure.

There are approximately 15 gravel operations within Del Norte County that each removes more than 5,000 cubic yards of material each year from the streams and rivers within the county. These operations were authorized by an individual permit or the recently expired LOP-96-2 procedure. 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 the county.

In 1996, the attached procedure was authorized to expedite permit decisions for certain gravel mining activities that have net minor environmental impacts within the streams and rivers of Del Norte County. Since then, critical habitat has been identified for the coastal population of western snowy plover and west coast coho salmon, both Northern California/Southern Oregon Coast (SONCC) and Central California coho (*Oncorhynchus kisutch*); and chinook (*Oncorhynchus tshawytscha*). The

Corps will consult with the National Marine Fisheries Service and US Fish and Wildlife Service to develop conditions that will protect these species and designated critical habitat.

Under the Procedure, each gravel operation would have an abbreviated environmental assessment. Those projects that have minimal adverse environmental impacts would receive a three year LOP pending an annual review; those projects that have more than minimal impact would still be eligible for consideration under an individual permit. Each year, gravel operators would be required to submit gravel extraction plans, aerial photos, and biological monitoring data. The Corps reviews the plans and the past year's extraction information with other regulatory agencies in March. All information concerning the Procedure and extraction activities will be maintained at the Eureka Field Office.

PUBLIC INTEREST REVIEW FACTORS: The proposed Procedure will be reviewed in accordance with 33 CFR 320-330, the Regulatory Program of the U.S. Army Corps of Engineers (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 Del Norte 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.

California's Regional Water Quality Control Board's (RWQCB) certification is required for work within the State of California, except for work within the boundaries of a Federally recognized Indian Reservation. Gravel mining extraction activities authorized under the original LOP procedure were activities for which the State had waived site specific prescriptive regulation so long as the activity complies with specific conditions and does not violate the standards. Since the RWQCB no longer issues waivers, the Corps is requesting a "General 401 Certification" for this procedure. In the absence of a general certification for the procedures, each applicant must have a 401 Certification before his/her LOP is valid.

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 or telephone 707-445-7833.

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 2002-2 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.