



US Army Corps
of Engineers

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

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 26867S – Hospital Road Temporary Crossing

DATE: June 17, 2002

RESPONSE REQUIRED BY: July 9, 2002

PERMIT MANAGER Molly Martindale

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1. **INTRODUCTION:** Mr. Doug Koenig, County of San Benito, Department of Public Works, 3220 Southside Road, Hollister, California, 95024, ((831) 636-4170) has applied for a Department of the Army permit to place approximately 2000 cubic yards (cy) of fill in 46,500 square feet (1.1 acre) of the San Benito River at Hospital Road in Hollister, San Benito County, California (Attachments I and II). 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:** As shown in the attached drawings (Attachment III), the applicant plans to construct a seasonal roadbed, using earthen material and a base rock surface, approximately 775 feet long and a maximum of five feet high. The width of the roadway will be 18 feet at the top and 60 feet at the bottom, with a side slope ratio of 2:1. Two 4-foot diameter culverts will be installed to allow any low-flow water to pass under the roadbed. During the rainy season (from November 1 to May 15), the earthen material will be pushed up out of the channel and piled for storage on an upper terrace, above flood stage. Temporary coffer dams using approximately 100 cubic yards of gravel and earthen material may be used to dewater the construction area. No trees or aquatic vegetation are to be removed.

This proposed seasonal low-water crossing is a temporary replacement for a crossing structure that was destroyed by major storm events in 1998 and 1999. The applicant considers the crossing to be vital to

provide a timely emergency response to residents in the area of land between Cienega Road and Southside Road, and expects it to also relieve congestion in the vicinity of the intersections for both Southside Road and Cienega Road at Union Road. This permit for a seasonal crossing will be in effect for three summer seasons. San Benito County hopes to be able to build a permanent crossing in the near future.

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. The Central Coast Regional Water Quality Board issued a Standard Water Quality Certification for this project on March 18, 2002.

4. **ENDANGERED SPECIES:** The Corps is consulting with the U.S. Fish and Wildlife Service on any potential impacts to the California red-legged frog (*Rana aurora draytonii*) and the San Joaquin kit fox (*Vulpes macrotis mutica*) that may occur as a result of the project.

5. **CULTURAL RESOURCES:** A Corps of Engineers archaeologist is currently reviewing a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, 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 to take into account any project effects on such properties.

6. 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 water/wetland dependent.

7. 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.

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 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 Molly Martindale of our office at telephone 415-977-8448 or e-mail: mmartindale@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.