



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:** DeWitt Sand & Gravel (DSG), P.O. Box 7303, Santa Rosa, California 95401, through its agent Carlile-Macy (Mr. Phillips Johannes; 707-542-6451), has applied to the Corps of Engineers (USACE) for a five-year Department of the Army Permit to continue the annual removal of sand and gravel from the lower Alexander Valley Reach of the Russian River, approximately two miles south of the Town of Geyserville, 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, DSG proposes to remove sand and gravel from portions of five bars that are exposed during summer low-flow conditions, encompassing approximately 36 acres of riverbed below the plane of ordinary high water over a distance of 2.5 miles. The bars are located between river miles 47+2640 and 50+0200 on four privately owned parcels of land (APNs 131-050-04, 131-060-24, 131-090-04, 131-090-10). The amount of excavated material would not exceed the seasonal bedload replenishment volume occurring at each bar, as determined by current cross-section survey data, or a total volume of 200,000 cubic yards (cys) of material per year.

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 0 to 3 feet, depending on the net accumulation of aggregate material on each bar. A dozer would scrape and push the sand and gravel into temporary stockpiles that, in turn, would be placed by a front-end loader into dump trucks for transport to the nearby processing plant, located on the west side of the Russian River at 19000 Hassett Lane. The dump trucks would use existing haul roads over the outer bank of the Russian River to avoid further bank disturbance and loss of riparian vegetation. Alternatively, an elevator scraper would perform specific skimming and hauling operations to avoid the necessity of temporary stockpiling. The low-flow channel would be crossed at three locations to gain access to several bars along the east side of the river. At these locations, a temporary flatcar bridge (40 feet long by 10 feet wide) would be placed onto log abutments and gravel access ramps constructed on both sides of the low-flow channel. Each access ramp would be comprised of

approximately 120 cys of sand and gravel skimmed from the adjacent bar.

All excavation work would be performed in accordance with the provisions of the approved Reclamation Plan, requirements of the California Department of Fish and Game that are stipulated in the 1603 Streambed Alteration Agreement, and the applicable provisions of the Aggregate Resources Management Plan and Surface Mining and Reclamation Ordinance for Sonoma County. In general, these requirements are as follows: (a) All work occurring below the plane of ordinary high water is limited to the low-flow period of June 1 to November 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 area is maintained at the upstream end and along the outer perimeter of each bar that is a minimum of 25 feet in width. (d) Riparian vegetation growing along the low-flow channel and on the outer bank of each bar is not removed or otherwise disturbed. Prior to the commencement of work, emergent willow saplings with a trunk base diameter greater than ½-inch are transplanted from the interior of each bar to the designated buffer areas. (e) Upon the completion of work, the disturbed areas of each bar are graded to remove any pits and depressions that could otherwise entrap fish, and all compacted areas 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 November 1 of each year. Except for the installation of the crossing structures, no equipment operation occurs in the flowing water. (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 designated buffer areas to serve as fishery habitat during subsequent high-flow events.

3. **PURPOSE AND NEED:** DSG 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 County. DSG has periodically conducted gravel excavation mining at these locations since 1983.

4. SITE DESCRIPTION: The lower 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 typically confined by levees constructed along the outer banks. The mean annual flow downstream of Big Sulphur Creek is approximately 800,000 acre-feet per year but exhibits extreme seasonal variation, from nearly intermittent to episodic in magnitude. 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 exposed 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. Depressions and backwater areas occur on selected bars and are comprised of wetland vegetation, including pale spikerush, common waterplantain, American slough grass, northern willow herb, and giant horsetail.

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). DSG is hereby notified that, unless the USACE is provided a valid request for water quality certification to the Regional Water Quality Control Board (RWQCB) within 30 days of the date of this Public Notice, the District Engineer may consider the permit application to be withdrawn. No Department of the Army Permit will be issued until DSG obtains the required certification or waiver. A waiver will be explicit, or it may be presumed if the RWQCB fails or refuses to act on a valid request for certification within 60 days after receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

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 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 coho salmon 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 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 will initiate 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. DSG 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 DSG for resolution or rebuttal. Additional information may be obtained from the agent, Carlile-Macy, or by contacting Mr. Peter Straub of the Regulatory Branch at telephone 415-977-8443.