



US ARMY CORPS
of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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

NUMBER: 28684N DATE: June 4, 2004
RESPONSE REQUIRED BY: July 4, 2004

PERMIT MANAGER: David Ammerman PHONE: 707-443-0855 Email: David.A.Ammerman@spd02.usace.army.mil

1. **INTRODUCTION:** The Humboldt Bay Municipal Water District, P.O. Box 95, Eureka, California 95502 (Contact: Ms. Carol Rische, General Manager at 707-443-5018) has applied for a U.S. Army, Corps of Engineers (Corps) permit, of five-year duration (2005 to 2009) to discharge fill in connection with general maintenance of existing structures and flow channels at and downstream of R.W. Matthews Dam and Ruth Lake, at the terminus of Mad River Road, in Trinity County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

Project Site: The project site is located at the terminus of Mad River Road (southeast of Highway 36) at and immediately downstream of the R.W. Matthews Dam and Ruth Lake Reservoir, in Trinity County, California (See Sheets 1 and 2). Matthews Dam and Ruth Lake are all on the property of the Humboldt Bay Municipal Water District (District) or on U.S. Forest Service land. The dam is an earth and rock fill dam with outlet works, a spillway and hydroelectric facilities. Lands north, east and downstream of Ruth Lake are on U.S. Forest Service timberlands.

Matthews Dam provides controlled water releases from Ruth Lake into the Mad River downstream. The District's Essex water diversion structures (upstream from the City of Arcata) are, in part, dependent on water flows from Matthews Dam as well as tributary inflow downstream of the dam.

Project Description: As shown in the attached drawings (See Sheets 3 and 4), the applicant requests renewal of their previous Department of the Army authorization (Corps Permit No. 22677N, expired October 15, 2003) to conduct, on an as-needed basis, maintenance of existing water supply structures and flow channels at and immediately downstream of Matthews Dam. Specifically, the activities include removal of aggraded soil and rock material and sediment from the dam's tailrace channel and spillway plunge pool, located below Ordinary High Water (OHW). Aggraded or deposited material from winter storms removed from the tailrace and plunge pool would be placed in locations above OHW and above levels experiencing floods in the past. The tailrace channel, subject to siltation and gravel deposits, covers an area approximately 30 feet by 80 feet (0.05 acres). The spillway plunge pool, subject to siltation and gravel deposits, covers an area approximately 40 feet by 100 feet

(0.09 acres). The District estimates that up to 250 cubic yards (CY) of aggraded material may need removal from the tailrace and plunge pool.

Another maintenance activity applied for is repair, if needed, to existing rock slope protection structures and revetments located between the plunge pool and tailrace outlet below Matthews Dam (Sheets 3 and 4). The rock slope protection ranges from ¼ ton to 1 ton rock, and volumes would be variable depending on the erosion that has occurred to these structures. The District requests authorization for the above two maintenance activities by January 1, 2005 and requests a five-year permit duration (2005 to 2009), as was the duration for the previous permit.

Purpose and Need: The basic purpose of this project is to clear flow channels of debris (channels such as the tailrace and spillway plunge pool) and repair rock slope protection structures that may have sustained erosion or damage during winter spillway flows. The overall purpose of this project is to protect existing water supply structures from damage or erosion due to winter spillway or other heavy rainfall impacts on the spillway, dam and associated outlet works and the hydroelectric facility at Matthews Dam, Ruth Lake. The applicant states that erosion, resulting from high water events passing over the spillway, periodically results in deposition of material in the plunge pool or tailrace channel outlet (the confluence with the Mad River). In the tailrace channel, aggraded material may collect which, in turn, may increase water surface elevations in the tailrace pool. This

elevated water surface could result in accelerated bank erosion that threatens the dam face, the hydroelectric facility, or the County road located on the right bank. Aggradations in the past have partially or completely closed off the tailrace channel. At the spillway plunge pool, riprap encased in concrete has been applied on the left bank. This riprap should stabilize the bank and minimize erosion. However, erosion during high discharge events may still occur. Additionally, coarse sediment derived from the steep talus slope on the right (east) bank of the spillway may be deposited in the spillway plunge pool.

Impact: The project will result in the removal and/or redistribution of approximately 250 CY of material and sediment from the tailrace below OHW (0.05 acres of waters of the United States) and from the spillway plunge pool (0.09 acres of waters of the United States) for a total impact in Corps jurisdiction of 0.14 acres. The amount of fill that may be required for replacement of rock slope protection or riprap near the spillway or tailrace areas would vary depending on the erosion or damage sustained each winter.

Mitigation: All fill in the spillway plunge pool and tailrace would be removed to locations (uplands) outside of Corps jurisdiction (i.e., above OHW of any stream or waterway and not in wetlands in Corps jurisdiction). Because of the dynamic, high water flows in the flow channels associated with Matthews Dam, little or no riparian or other vegetation would be removed as high flows would likely prevent mature growth of vegetation. No fish habitat would be impacted at the project.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NOAA Fisheries) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. The Mad River and its tributaries support migratory and spawning runs of Coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*O. tshawytscha*) and steelhead (*O. mykiss*). The Mad River is designated by NOAA Fisheries as critical habitat for Coho salmon. In a memorandum from Aldaron Laird, Environmental Planner for Trinity Associates, dated May 1, 1998, Mr. Laird stated (with a supporting Mad River longitudinal profile and watershed map of the Mad River attached to the memorandum), that natural barriers to anadromous fish migration exist on the Mad River. These barriers are generally in the form of elevation jumps that are too

high for adult migrating salmon to negotiate or rock and other structural barriers preventing both up and downstream fish passage. The upper limit of Coho salmon distribution is approximately 38 miles upstream from the Mad River mouth near Wilson Creek, a further upstream limit of Chinook salmon distribution at Bug Creek, and an upper limit of steelhead just downstream from Deer Creek (except for fish of exceptional ability which may be able to reach the channel immediately downstream of Matthews Dam). The Corps has determined that, due to these natural fish barriers, the proposed tailrace and spillway plunge pool maintenance work at Matthews Dam would have no effect on Coho salmon, Chinook salmon or steelhead; and would not destroy or adversely modify critical habitat for Coho salmon. Additionally, the National Marine Fisheries Service (NOAA Fisheries) is preparing a Biological Opinion in response to the Humboldt Bay Municipal Water District's Habitat Conservation Plan (HCP) for all maintenance activities on the Mad River from Matthews Dam downstream to the District's Essex water diversion operations. The HCP and NOAA Fisheries Opinion will guide future maintenance activities with respect to anadromous fisheries and requires monitoring activities for the District's maintenance activities.

Magnuson-Stevens Fisheries Conservation and Management Act: NOAA Fisheries and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. The Mad River upstream

from its mouth to Matthews Dam is EFH for Coho salmon and Chinook salmon. The Corps has determined that there would be no adverse impacts to EFH from the tailrace or plunge pool maintenance activities.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant received what was considered a waiver of Water Quality Certification from the California Regional Water Quality Control Board (RWQCB), North Coast Region, by letter dated August 12, 1997, which covered the previous Corps five-year permit (Permit No. 22677N dated May 25, 1999). The Humboldt Bay Municipal Water District is hereby notified in this Public Notice, that the RWQCB should be re-contacted to determine if further Water Quality Certification authorization is necessary for the 2004-2009 work seasons.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403; by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact 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. Section 1344(b)). The Corps has determined that the project described above is a water dependent activity.

Coastal Zone Management Act of 1972

(CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project will comply with the State's Coastal Zone Management Program, if applicable. The Corps has determined that the Matthews Dam spillway and tailrace maintenance project is approximately 30-35 miles upstream from the designated jurisdictional boundary of the California Coastal Commission and that no Coastal Development Permit is necessary from the Coastal Commission.

National Historic Preservation Act of 1966 (NHPA):

The project site has been subject to previous surveys for historic or archeological resources during the review of the previous Corps permit action issued in 1999. The Corps determined, based on the structural characteristics of the project (project is part of the existing, larger Matthews Dam complex) and the frequent maintenance activities in this project area, that there is no effect on historical or archeological resources from the proposed maintenance activity.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that

reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline 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.

5. 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 to determine whether to issue, 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 in the proposed activity.

6. SUBMISSION OF COMMENTS:

Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the Lieutenant Colonel Michael McCormick, U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public 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 name and address are indicated in the first paragraph of this Public Notice or by contacting David Ammerman of our Eureka Office, at telephone 707-443-0855 or E-mail: David.A.Ammerman@spd02.usace.army.mil. Details on any changes of a minor nature, which are made in the final permit action, will be provided upon request.