



**US Army Corps
of Engineers**

US Army Corps
of Engineers

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

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 256720N DATE: 2 December 2005
RESPONSE REQUIRED BY: 6 January 2006

PERMIT MANAGER: David A. Ammerman

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1. INTRODUCTION: Eco Nutrients, Inc. (Eco), a division of Hambro Forest Products, Inc., P.O. Box 129, Crescent City, California 95531, through their agent, SHN Consulting Engineers and Geologists, Inc. (Contact: Mr. John J. Aveggio, P.E. of SHN at 707-269-1011), has applied for a Department of the Army permit to retain 6,500 cubic yards (CY) of authorized fill on 1.07 acres of freshwater seasonal wetland, to discharge an additional 900 CY of fill on 0.27 acre of seasonal wetlands, and to restore and/or create 2.56 acres of seasonal wetlands adjacent to the Hambro Forest Products facility. The project site is located adjacent to Elk Valley Road (Assessors Parcel Number 117-020-14), east of Highway 101, in Crescent City and in Del Norte County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. PROPOSED PROJECT:

Project Site: The project site is located about 800 feet east of Highway 101 on the south side of Elk Valley Road and southeast of Crescent City (See drawing labeled Figure 1). The parcel (APN 117-020-14) is about 11 acres total in size. The parcel is currently undeveloped, but has been disturbed by past grading activities and is currently used for temporary storage of forest products or related materials associated with the Hambro Forest Products, Inc.

mill. The mill complex is located immediately east of this parcel. Areas west of the parcel are residential lands with a combination of heavy and light industrial uses mixed in with residential parcels. South and west of the project site is an extensive area of wetlands or coastal scrub vegetative communities with patches of young conifer forest to the southeast. South of these areas are commercial properties located along the Highway 101 corridor (motels, etc.). Across Highway 101 to the south is the Crescent City Harbor complex.

Project Description: As stated in the permit application (dated April 2001) project description, the applicant (Hambro Forest Products) placed fill within Del Norte County Assessors parcel # 117-020-14. The fill material consisted of unclassified, excess soils excavated from the California Department of Transportation (Caltrans) Cushing Creek Highway 101 Road Improvement Project, located south of Crescent City, in Del Norte County, California. The agent for the applicant (SHN) states that a local special use permit was obtained to temporarily stockpile soil material for use in Hambro Forest Product's compost operations. As the fill material was deposited on site, the project applicant placed fill over approximately 2.56 acres of wetlands regulated by the U.S. Army Corps of Engineers (Corps) pursuant to Section 404 of the Clean Water Act. Fill was placed at an average depth of 3.5 feet on 1.07

acres of seasonal wetlands. An additional 900 cubic yards of fill at an average depth of 2 feet would be placed on 0.27 acre of wetland that was previously filled but still exhibits degraded wetland characteristics. The remaining 1.22 acres of wetlands affected by fill placement would be restored to their original condition. On-site wetland mitigation would be implemented. Wetlands would be created, restored and increased (uplands converted to wetlands and fills removed from wetlands) to compensate for the loss of 2.60 acres of fill to be retained and proposed fill on the southern portion of the parcel (See Figures 2,3, and 4).

Purpose and Need: Eco Nutrients, Inc. (Eco) proposes to relocate and expand its existing compost operation to the project site. Eco purchases by-products from fish processing plants along the north coast, from Eureka, California to Coos Bay, Oregon. The fish waste is composted with wood mulch to create an organic fish fertilizer that is sold throughout the western United States. The fish processing plants provide Eco with the necessary feedstock for the operation, and in turn, depend on Eco for disposal of their waste. Currently, the only disposal alternative is to truck the fish waste to the White City, Oregon landfill. Eco runs the only commercial compost operation in Del Norte County, and is permitted by the California Integrated Waste Management Agency. The proposed Eco Nutrients Compost Operation would be located on the northern portion (approximately 7.1 acres) of the project site (See Figure 2). The operation would include areas for wood waste mulching and storage, compost processing and curing, and finished compost storage. The project site would also provide staging areas for required operations equipment (i.e., brush hog, chipper, bulldozer, and backhoe). The project applicant also intends to open a retail outlet on the northeast corner of the parcel for sale of landscape materials, including the finished compost from the Eco operation, along with fish and kelp organic fertilizers.

Wetlands (Special Aquatic Sites): The 11.3-acre parcel adjacent to Hambro Forest Products, Inc. mill site contains wet coastal prairie with a mixture of species representing coastal prairie, coastal scrub and freshwater wetland, as described in a letter, dated August 26, 1994, from David K. Imper, currently with the U.S. Fish and Wildlife Service and formerly of LACO Associates. The referenced letter, whose subject is *Botanical Inspection, Proposed Sites for Waste Transfer Station*, describes common representative plant species, including: soft rush (*Juncus effuses* – OBL), silverweed (*Potentilla anserine* – OBL), water parsley (*Oenanthe sarmentosa* – OBL), tufted hair-grass (*Deschampsia cespitosa* – FACW), great burnet (*Sanguisorba officinalis* – FACW), Hooker willow (*Salix hookeriana* – FACW), curly dock (*Rumex crispus* – FACW), and Himalayan blackberry (*Rubus discolor* – FACW). The north half of the parcel is highly disturbed by grading and stockpiling of materials or equipment, and is now recently dominated by exotic plant species including: scotch broom, Himalaya berry, and thistle.

Emergent wetland habitat that was filled and converted to upland encompasses 2.05 acres on the site, including 1.02 acres within the project area. This habitat type is located in both the northern and southern portions of the site. Dominant herbaceous plant species include birdfoot trefoil (*Lotus corniculatus* – FAC), creeping bent grass (*Agrostis stolonifera* – FACW), perennial ryegrass (*Lolium perenne* – FAC), creeping buttercup (*Ranunculus repens* – FACW), and velvet grass (*Holcus lanatus* – FAC). Patches of Pacific bramble and coyote brush are scattered throughout this habitat type. The prominent difference in species composition between the northern and southern sections is that species such as western coltsfoot (*Petasites frigidus* – NI), western buttercup (*Ranunculus occidentalis* – FACW) and northern willow herb (*Epilobium ciliatum* – FACW) occur in the southern section but for the most part are absent from the northern area.

SHN Consulting Engineers states that these wetland indicator species signify the presence of remnant wetland conditions (SHN Consulting Engineers, *Wetland Mitigation and Monitoring Plan, Eco Nutrients Compost Operation, Crescent City, California, APN 117-020-14*, May 2005).

Marginal emergent wetland habitat occurs along the western side of the northern portion of the site and near the southern property boundary occupying a total approximately 0.52 acres. Approximately 0.27 acres of this habitat type occur within the project area. The marginal emergent wetland was previously filled but retains some wetland characteristics, particularly in the southern portion of the site. In this wetland there is a dense herbaceous cover of common St. John's-wort (SHN gives a species name of *Hypericum perforatum* which is not on the National List of Plant Species That Occur in Wetlands: 1988, but three other species in that genera do occur in wetlands and range from Facultative Wet to Obligate in the wetland index rating), white clover (*Trifolium repens* - FACU+), creeping buttercup, common rush, velvet grass, and willow herb. There appear to be more upland plants in this habitat than the wetter emergent wetland habitat described in the paragraph above. There are numerous small ponded depressions that contain standing water that are scattered throughout the marginal wetland habitat but are more prevalent in the southern portion of the project site (SHN, May 2005).

In the southeast section of the site, and along part of the western edge of the property is an emergent wetland habitat that was not impacted by fill. This habitat type occupies approximately 0.87 acres. The existing emergent wetland in the southeast portion of the site is considered to have the highest habitat quality and maximum species diversity observed at the site. The emergent wetland is characterized by a densely vegetate herbaceous under story, with scattered shrub species. Pockets of standing water are present throughout this area. Dominant plant

species include slough sedge (*Carex obmutpa* - OBL), tall flat-sedge (*Cyperus eragrostis* - FACW), silverweed, tufted hair-grass, water parsley, and common rush. These 0.87 acres would not be affected by the proposed project and have not been previously disturbed by grading or filling (SHN, May 2005).

Wetland Mitigation: Mitigation would be provided through the restoration and preservation of wetlands within a 3.5-acre area in the southern portion of the site. Direct wetland impacts would be mitigated at a one-to-one replacement ratio to compensate for the permanent loss of habitat area. A total of 1.34 acres of existing upland area (as delineated as upland by the Corps) would be converted to wetland habitat. In addition, 1.22 acres of previously filled wetlands would be restored to their original condition. Approximately 0.87 acres of existing undisturbed emergent wetland would be set aside and would remain as is (SHN, May 2005).

Wetland creation/restoration would be achieved through the excavation and removal of upland fill material and native upland soil to lower the surface elevation in relation to the ground water table. The grading plan would be designed to create hydrologic conditions necessary to increase the area capable of supporting wetland habitat. The graded mitigation area would be planted with native wetland plants, and maintained and monitored for a five-year period. A 25-foot vegetated upland buffer would be preserved between the mitigation and project development areas (composting operation) to minimize the potential for indirect wetland impacts following project development. The mitigation site is located in the southern portion of the subject parcel under the ownership of Hambro Forest Products, Inc. Further specific mitigation details are described in SHN's Wetland Mitigation and Monitoring Plan for this project (SHN, May 2005). A copy of the mitigation plan can be obtained by making a request in writing to the Corps' Eureka Field Office at the address

found in the last page of this Public Notice.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps of Engineers has assessed the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Corps' Environmental Assessment describes only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers.

Endangered Species Act of 1973 (ESA): Section 7 of The Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (US FWS) and/or the National Marine Fisheries Service (NMFS) if the project subject to Federal permit review may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. The only species currently identified as potentially impacted by the proposed project includes the federally endangered western lily (*Lilium occidentale*). Laco Associates (Imper, D.K., August 1994) stated that a small colony of the western lily was documented at the south property line during a previous survey (Imper, D.K. and J.O. Sawyer, 1992. *Botanical Survey of the Crescent City Marsh Wildlife Area. Unpublished report on file, California Department of Fish and Game, Eureka.*). During the 1994 survey, no western lily was observed within the property. Imper states the time of the observation in 1994 was not optimal for showing the lily due to flowering stages and die back, but stresses that most of the property appeared suitable as western lily habitat, and recommends surveys in late June or July. A subsequent letter from the U.S. Fish and

Wildlife Service to Winzler and Kelly Consulting Engineers dated October 15, 2001, states that the western lily occurs at or near the south boundary of the parcel. The Corps will consult with the USFWS pursuant to Section 7 of the ESA regarding the Eco Nutrients, Inc. (Hambro Forest Products) proposed project's potential for impacts to the endangered western lily.

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 obtain a State water quality certification before a Corps permit may be issued. The applicant is notified by this Public Notice that, unless he provides the Corps with evidence of a valid request for state water quality certification to the California Regional Water Quality Control Board, North Coast Region (RWQCB) within 30 days of the date of this Public Notice, the Corps may consider this application withdrawn. No Corps permit will be granted until the applicant obtains the required certification. Water quality certification shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

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 applicant has submitted an Alternatives Analysis via letter dated April 25, 2005. The applicant has identified five alternatives: (1) No Action Alternative, (2) Remove Unauthorized Fill Alternative, (3) Off-Site Alternative, (4) Full Project Alternative, and (5) Preferred Project Alternative. The applicant has selected the Preferred Project Alternative as the Least Environmentally Damaging Project Alternative (LEDPA) in accordance with EPA Guidelines. The project is considered by the Corps to be not water dependent because the project does not require being located next to waters of the U.S.

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 Hambro Forest Products site is not in the permitting jurisdiction of the California Coastal Commission, but may be subject to local authority under a Local Coastal Plan appeal-able to the Coastal Commission.

National Historic Preservation Act of 1966 (NHPA): A Corps of Engineers archaeologist will be requested to conduct 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.

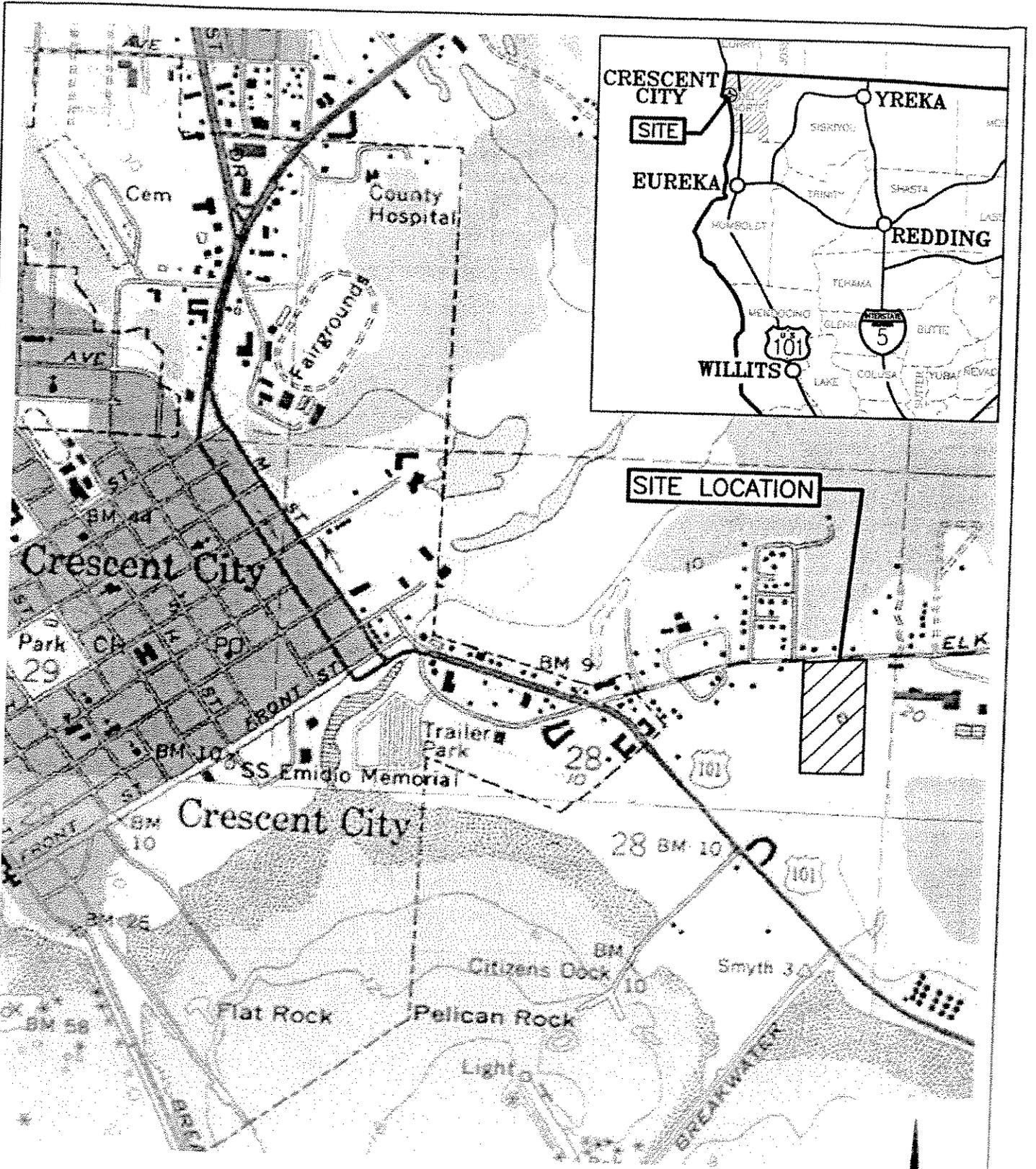
4. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its

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.

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 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 mailed to Eureka Field Office, U.S. Army Corps of Engineers, P.O. Box 4863, Eureka, California 95502. 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 David A. Ammerman of our office at telephone 707-443-0855 or by electronic 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 on request.



SOURCE: USGS 7.5 MINUTE QUADRANGLES OF CRESCENT CITY AND SISTER ROCKS

FILE NO. 2567011

1" = 500' ±

 <p>SHN Consulting Engineers & Geologists, Inc.</p>	<p>Hambro Forest Products Wetlands Mitigation Plan Crescent City, California</p> <p>April, 2005</p>	<p>Site Location Map</p> <p>SHN 001043.100</p>	<p>Figure 1</p>
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ELK VALLEY ROAD

EQUIPMENT
STORAGE

LANDSCAPE MATERIALS SALES

FINAL COMPOST CURRING &
FINISHED COMPOST STORAGE

PROJECT
LIMITS

BRUSH AND STUMP
STORAGE

25' WETLAND SETBACK

WETLAND MITIGATION
AREA



NO SCALE

File No. 25572.11
Conceptual Site Plan

SH
Consulting Engineers
& Geologists, Inc.

Hambro Forest Products
Wetlands Mitigation Plan
Crescent City, California

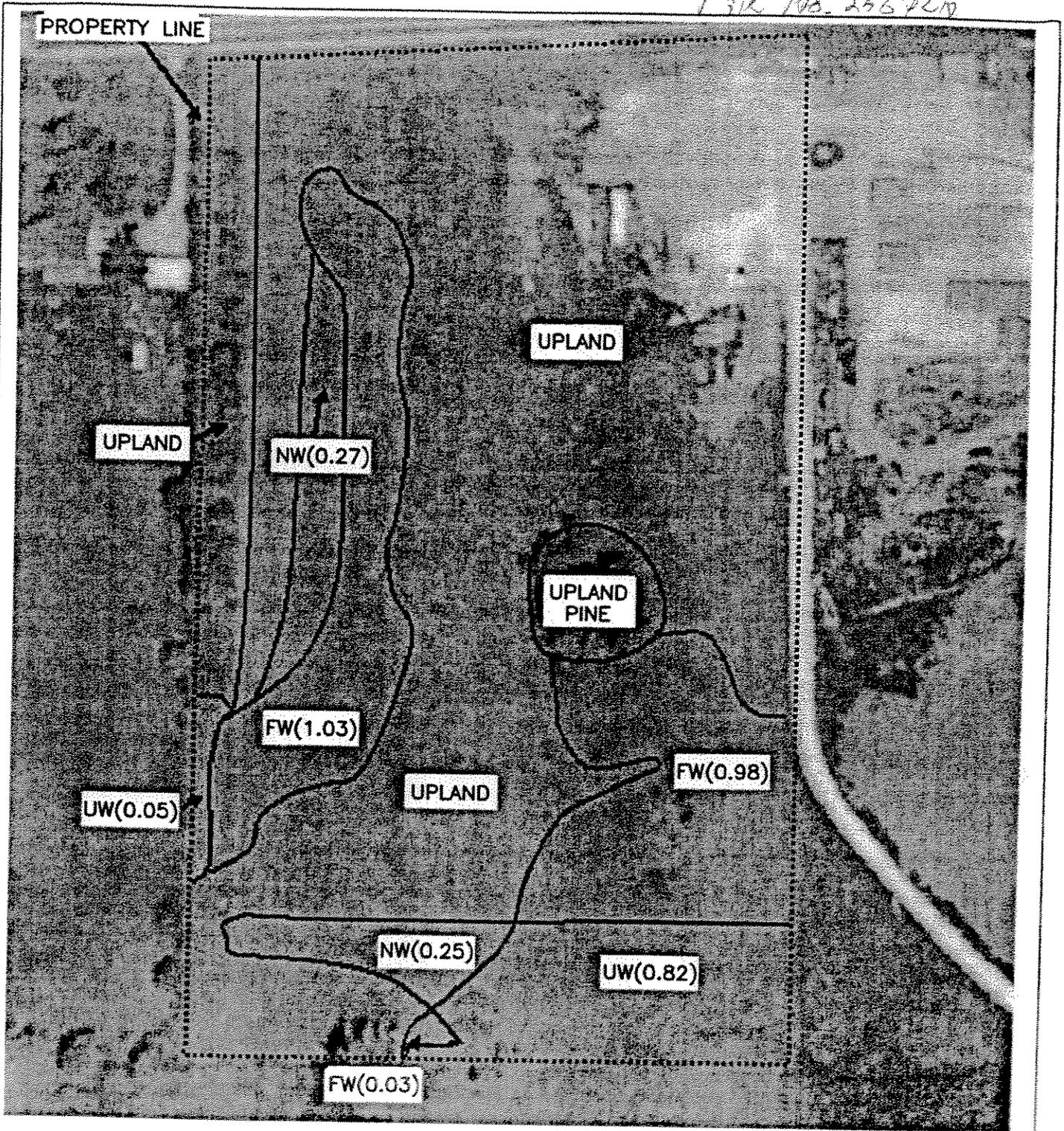
SHN 001043.100

APRIL 2005

001043.100-SITE-PLAN

Figure 2

Folk No. 25672M



EXPLANATION

- FW FILLED WETLAND
- UW UNFILLED WETLAND
- NW NEW WETLAND (ON FILL)
- UPLAND (AS DEFINED BY ACOE)

BASED ON ACOE DELINEATION (MARTEL, 2001)
OVERLAID ON 1996 AERIAL PHOTOGRAPHY



Consulting Engineers
& Geologists, Inc.

Hambro Forest Products
Wetlands Mitigation Plan
Crescent City, California

ACOE Wetland Boundaries

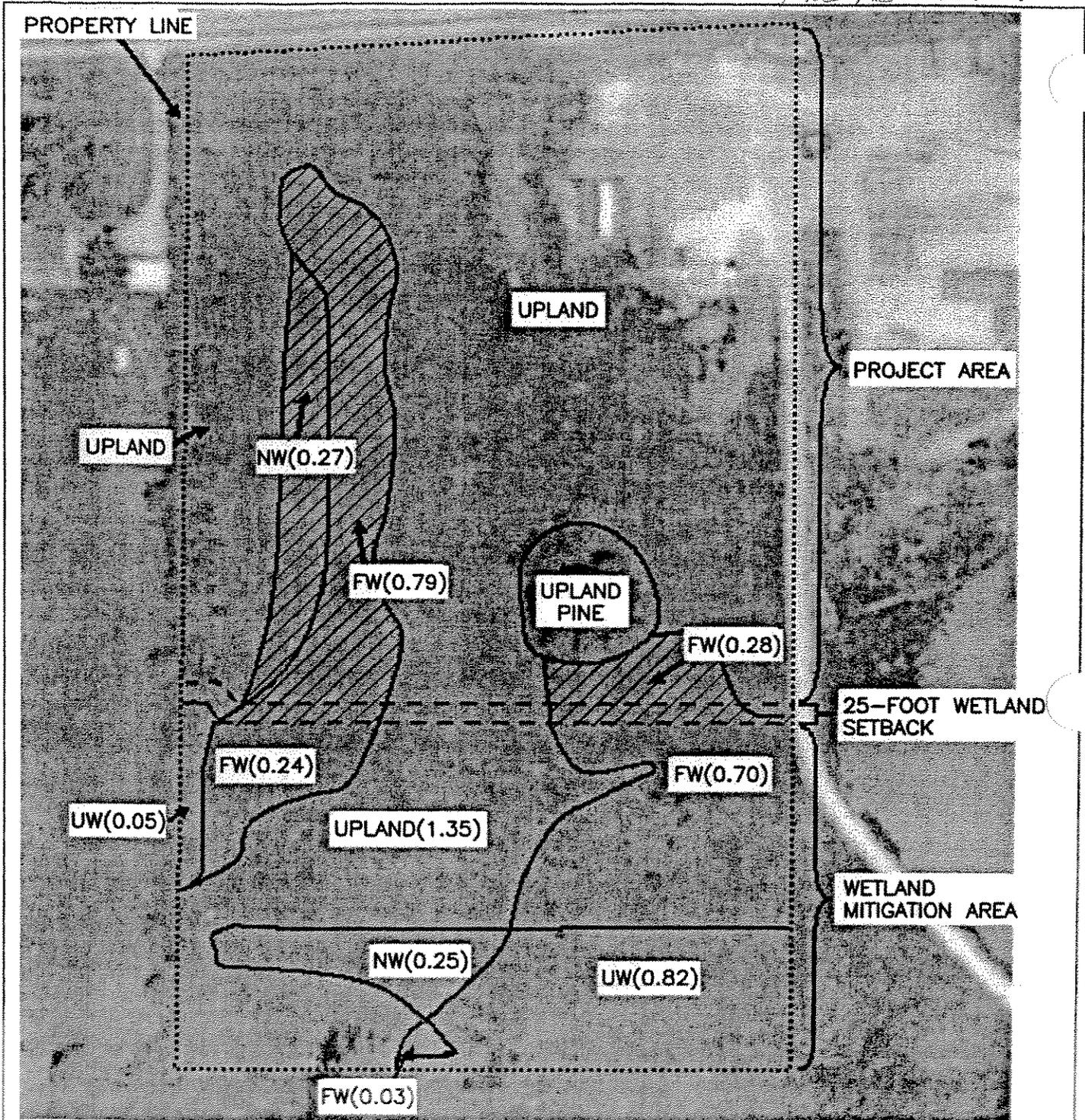
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APRIL 2005

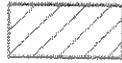
001043.100-FIG-3

Figure 3

File No. 25892A



EXPLANATION

- FW FILLED WETLAND
- UW UNFILLED WETLAND
- NW NEW WETLAND (ON FILL)
- UPLAND (AS DEFINED BY ACOE)
-  PROPOSED PERMANENT WETLAND IMPACTS



BASED ON ACOE DELINEATION (MARTEL, 2001)
OVERLAID ON 1996 AERIAL PHOTOGRAPHY

 Consulting Engineers & Geologists, Inc.	Hambro Forest Products Wetlands Mitigation Plan Crescent City, California	ACOE Wetland Boundaries and Proposed Project Impacts SHN 001043.100
	March, 2005	001043-100-fig-4