



US Army Corps
of Engineers®

Regulatory Branch
1455 Market Street
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Kinsey Ranch Seasonal Bridge Crossing

NUMBER: 400352N

DATE: 18 April 2007

RESPONSE REQUIRED BY: 18 May 2007

PROJECT MANAGER: Kelley Reid

PHONE: 707-443-0855

Email: Kelley.e.reid@spd02.usace.army.mil

1. **INTRODUCTION:** Marjorie Yates, of Kinsey Ranch, (4079 Excelsior Road, Eureka, California 95503), through her agent (Ms. Aimee Weber, of SHN Consulting Engineers and Geologists, Inc.) has applied for a Department of the Army permit to install a seasonal bridge on the East Branch of South Fork Eel River, 3.7 river miles from the confluence with the South Fork Eel River, near the community of Benbow, Humboldt 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).

The applicant requests an authorization to install and remove the bridge each year for the next ten, which, therefore, cannot be permitted with a nationwide permit.

2. **PROPOSED PROJECT:** The applicant proposes to construct the seasonal bridge after May 14 and remove it by November 15, each year. To construct the bridge, the applicant proposes to place a brow log, k-rail, or similar linear abutment along the edge of both sides of the river approximately 80 feet apart. The applicant pushes approximately 80 cubic yards (cy) of sand and gravel from the gravel bars to create an approach ramp for each side, then drags a 90-foot long rail-flatcar onto the abutments and ramp. The approach ramps are smoothed and graded so vehicles can drive over the bridge safely. Approximately ½ acre of gravel bar is disturbed in the process of constructing the approach ramps and installing the flatcar bridge.

The applicant proposes to pull the flatcar off the ramps by November 15, and store it above ordinary high water with the brow logs or k-rails. The gravel from the approach ramps would be pulled away from the wetted river channel and graded smooth with the gravel bar and pre-preconstruction contours.

The gravel borrow location, abutments and approach ramps would be constructed below ordinary high water of the river but outside the wetted channel. The applicant does need to drive to push gravel, or otherwise discharge dredged or fill material into the wetted channel, but only on the gravel bar driving the dozer through the river below ordinary high water of the river. The primary impact to the wetted river channel would result from driving the equipment through the river.

The bridge installation would provide direct vehicular access to the ranch and neighboring properties, while reducing travel times during the summer-fall low-flow period.

Please see the attached Figure 1 for additional information about project location and Figure 2 for additional information about construction.

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. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 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. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398.

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 (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. The proposed project may affect federally threatened Chinook salmon, steelhead trout, their designated critical habitat, and the Corps will initiate consultation with NMFS.

The Corps anticipates the project will have no affect on listed species which are managed by the FWS.

Magnuson-Stevens Fisheries Conservation and Management Act: Essential Fish Habitat - The Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions permitted by the agency that may adversely affect Essential Fish Habitat (EFH). This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would impact approximately 0.5 acres of EFH utilized by Chinook salmon and steelhead trout. The project area is also designated critical habitat for coho salmon but is probably 0.25 miles beyond the range of the species. The Corps' initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in California Waters. Our

final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

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 has obtained a certification (WDID No. 1B06064WNHU), which expires July 19, 2011

Those parties concerned with any water quality issue 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)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is water dependent.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. The proposed project is not within the Coastal Zone.

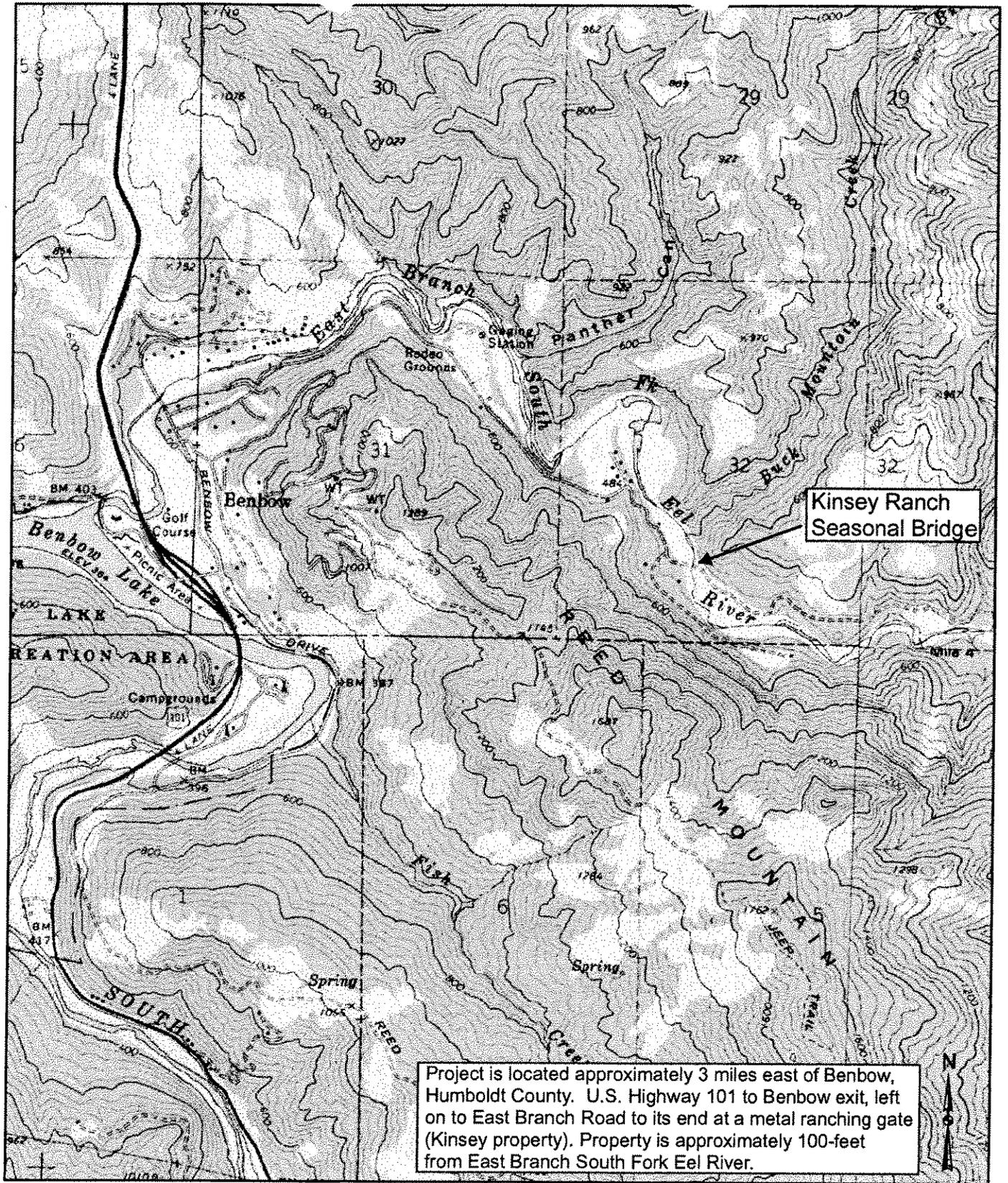
National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various County, City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic

Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

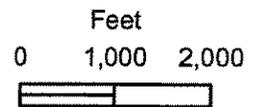
4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources.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

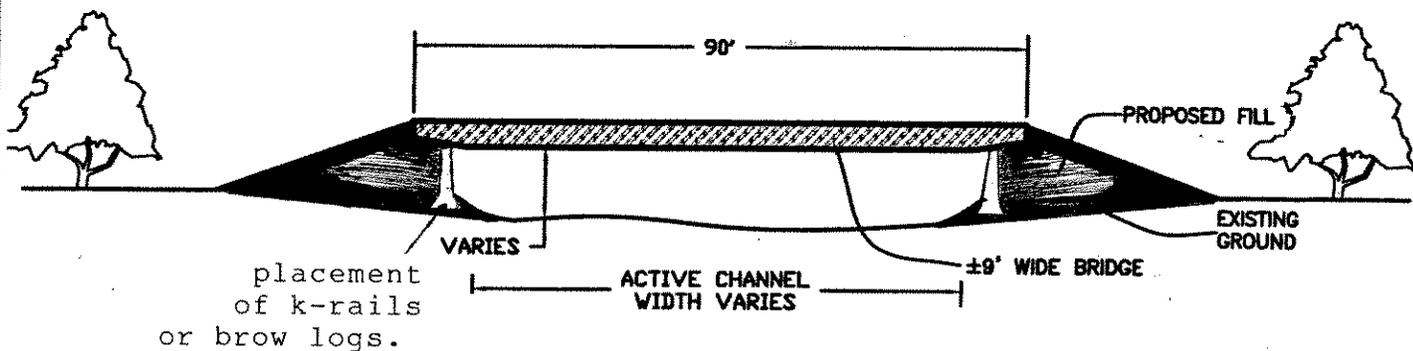
6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Eureka Field Office, P.O. Box 4863, Eureka, California 95502-4863. 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 Mr. Kelley Reid of our office at telephone 707-443-0855 or E-mail: Kelley.e.reid@spd02.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.



Garberville, Harris USGS 7.5 Minute Quadrangles



	Seasonal Bridge Kinsey Ranch Humboldt County, California		Location Map Figure 1
	February 2	sitemap.mxd	SHN 005314.200



TYPICAL CROSS SECTION
NO SCALE

NOTE:
*DRAWING IS APPROXIMATE,
 ACTUAL DIMENSIONS MAY VARY.*