



US Army Corps  
of Engineers®

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

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

## Project: PALCO Summer Bridges

NUMBER: 2003-275650

DATE: 3 March 2008

RESPONSE REQUIRED BY: 4 April 2008

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1. **INTRODUCTION:** The Pacific Lumber Company (PALCO), P.O. Box 37, Scotia, California 95565, (Contact: Mr. Robert Vogt. at 707-764-4268) has applied for a Department of the Army permit to place gravel approach fill for the installation of six low-water (summer) river crossings. Two of the crossings are located on the Eel River (Dyerville and Truck Shop Bar) and four crossings are located on the Van Duzen River (Strongs Station, Root Creek, Cummings Creek, and Ten Mile). PALCO has requested a ten-year duration Corps permit for annual installation of the above crossings (2008-2017). 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:** As shown in the attached drawings (Sheets 1 of 12 through 12 of 12), the applicant plans to install six low-flow summer crossings within the Eel River watershed. All except one crossing (10-Mile Crossing) have been installed in the past several decades and most have been authorized within the last ten years by the U.S. Army Corps of Engineers (Corps) under nationwide or standard permits. The length and width of the individual crossings and the volume of approach fill required for installation vary depending on how wide the low-flow channel of the river is at the time of installation (usually installation begins no earlier than June 1 of any season) and what type of bridge is used, whether log stringer or railcar bridge. In an effort to reduce permit processing and paperwork, the Corps is

processing all of the above six summer crossings into one permit application as a standard Section 404 permit, instead of one permit for each crossing. The Corps issued a previous five-year duration (2003-2007) individual permit on June 26, 2003. PALCO requests the Corps issue a ten-year permit this time around (2008 to 2017 summer seasons). In addition PALCO requests that all the summer bridges be authorized for installation before June 1 (as early as May 1) and allow the bridges to remain installed beyond October 15 (to no later than November 15) dependent on stream and weather conditions and with approval of the Corps, National Marine Fisheries Service and California Department of Fish and Game. Stream and weather conditions would be monitored on a day-by-day and week-by-week basis to determine if early installation in the spring or crossing retention in the fall would be suitable and would not adversely impact anadromous fish and their habitat and the river environment in general.

Construction procedure for all bridges would be similar: Native, river bar gravels or imported gravels would be used to construct two ramp approach fills, one on each end of the bridge. A bulldozer would be employed to create the fills. The approach fills would be placed at or near the low-water level during the dry season. The native material used for fill would be returned to original grade of the gravel bar surface at the time of bridge removal or imported fill would be removed to an upland location not in Corps jurisdiction (above Ordinary High Water). In most

cases the bridges take one day to install and one day to remove. All of the bridges described below are used to provide access to the applicant's property for forest management purposes (including timber harvest or silviculture).

(1) Cummings Creek – The bridge would consist of a log stringer or steel bridge over the Van Duzen River in the vicinity of Cummings Creek, a tributary to the Van Duzen River. The crossing is within the community of Carlotta, approximately 11 miles east of Highway 101 and south of Highway 36 on the Corbett Ranch Road. The bridge would be 60 feet long and 12 feet wide and supported by two logs placed on the river bar. Total fill volume below Ordinary High Water of the Van Duzen River would be less than 400 cubic yards (CY) (Sheets 1 of 12 and 2 of 12).

(2) Root Creek – This bridge would be log stringer or steel bridge over the Van Duzen River near Root Creek. The crossing is south of Highway 36 and about 18 miles east of Highway 101, at Township 1 North, Range 2 East, SE ¼ of Section 10, Redcrest USGS Quadrangle. The bridge at Root Creek would be 60 feet long, 12 feet wide and supported by two logs placed on the river bar. The bridge approach fills would total less than 400 CY. (Sheets 3 of 12 and 4 of 12).

(3) Strongs Station - This bridge is located on the Van Duzen River 13 miles upstream of the confluence of the Eel River and Van Duzen Rivers at Township 1 North, Range 2 East, Southeast ¼ Section 5, Redcrest quad, approximately ½ miles west of the Van Duzen County Park entrance. The crossing at Strongs Station would be a log stringer or steel bridge 60 feet long and 12 feet wide, supported by two logs placed on the river bar. Total approach fill volume would be less than 400 CY (Sheets 5 of 12 and 6 of 12).

(4) Ten (10) Mile Crossing - This bridge would be located approximately ¾ of a mile upstream from the applicant's Cummings Creek summer crossing on the Van Duzen River. The precise location is Southwest

¼ of Section 31, Township 2 North, Range 2 East, Hydesville quad. The bridge would be a log stringer or steel bridge 60 feet long and 12 feet wide and supported by two logs placed on the river bar. Total approach fill volume would be less than 400 CY (Sheets 7 of 12 and 8 of 12).

(5) Dyerville Bar Crossing - This crossing would be a steel bridge 89 feet long and 18 feet wide with support logs at each end. Total approach fill volume is estimated at less than 600 CY. The bridge would cross the Eel River near Dyerville Bar (aka South Fork Bar) at the Southeast ¼, Section 26, Township 1 South, Range 2 East, Weott quad. This crossing is accessed from Highway 101 (Dyerville/Founders Grove Exit) and proceeding east on Dyerville Road, approximately one-half mile upstream from the confluence of the main stem Eel River and the South Fork of the Eel River. The crossing itself is on the main stem Eel River (Sheets 9 of 12 and 10 of 12).

(6) Truck Shop Bar –This crossing would be a steel bridge 120 feet long and 12 feet wide, supported by four logs, two at each end and two in the middle. Total fill volume for the gravel approach fills would be less than 750 CY (Sheets 11 of 12 and 12 of 12).

### 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 Van Duzen River and Eel River along with their tributaries are critical habitat for coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*Oncorhynchus tshawytscha*), and steelhead (*Oncorhynchus mykiss*). All three of these anadromous salmonids are listed as threatened by the National Marine Fisheries Service (NMFS) and are likely present at each of the bridge crossing vicinities. The Corps is initiating formal Section 7 consultation under the Endangered Species Act with NMFS regarding the salmonid species. .

**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 0.23 acres of EFH utilized by coho salmon and Chinook salmon. 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. .

**Wild And Scenic Rivers Act of 1968 (WSRA):** Portions of the Eel and Van Duzen Rivers, including the project reaches, have been designated as *scenic*, *recreational*, or *wild* under the WSRA due to the presence of high quality salmonid fishery habitat, white-water boating, and other recreational resources associated with these rivers. Pursuant to Section 7(a)

of the WSRA, the Corps will consult with the National Park Service to ensure the project does not cause or result in any adverse effects to these recreational resources for which the rivers were designated.

**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 provided the Corps with evidence that PALCO has submitted a valid request for State water quality certification to the California Regional Water Quality Control Board (RWQCB), North Coast Region. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume that water quality certification has been obtained if the State fails or refuses to act on a valid request for certification within 60 days after the 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 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 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 District Engineer at: Lieutenant Colonel Craig W. Kiley, U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398. 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 Field Office at telephone 707-443-0855 or Electronic mail at: David.A.Ammerman@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.