



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

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

PROJECT MANAGER: Bob Smith Phone: (415) 503-6792/E-mail: robert.f.smith@usace.army.mil

1. **INTRODUCTION:** The Monterey County Water Resources Agency, 890 Blanco Circle, Salinas, California [contact: Brent Buche, (831) 755-4860] has applied for a Department of the Army permit to perform, on a preemptive emergency basis, clearing of the main river channels in the Salinas and Arroyo Seco Rivers in Monterey County, California, to maximize debris/sediment transport along the main stem of the Salinas River during the upcoming wet season. This application is being processed pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403) and Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. **PROPOSED PROJECT:** As a result of catastrophic burn damage to the Upper Arroyo Seco Watershed from the Indians / Basin Complex fires occurring during the summer of 2008, the growers and landowners along the Salinas and Arroyo Seco Rivers have requested permission, on a preemptive emergency basis, to perform additional clearing of their respective reaches of the main river channel. This work is necessary to maximize debris / sediment transport along the main stem of the Salinas River during the wet season to help mitigate increased flood risk and help protect against loss of surrounding agricultural lands and infrastructure. Work would be conducted generally in areas below the toe of the riverbanks and away from running water. Removal of vegetation, obstructions, and silt deposits (sandbars) would be performed with mechanized equipment at critical locations determined by the growers and landowners. Approximately 25 landowners would work a total of 50 sites along both rivers. Please refer to the attached location maps.

The Salinas River, the main artery of the Salinas Valley drainage system, collects storm runoff from over 2,560,000 acres of watershed. The Arroyo Seco River collects storm runoff from about 189,000 acres of the Arroyo Seco Watershed and drains into the Salinas River just west of Soledad, CA. Historically these rivers were generally dry during the summer months but could become flood prone during extreme winter and spring storm events. Flooding of Salinas Valley adjacent to the river may occur whenever high flows become impeded by sand bars that have been vegetated by natural willow and other plant species growth. Modifications to the historic cycle of a predominantly dry channel occurred when the Nacimiento and San Antonio reservoirs were constructed during the 1950's and 1960's. Releases of water stored by these reservoirs are used to recharge the Salinas Valley aquifer and have extended the time in which the channel now continues to flow. These extended flows, while providing recharge, also provide for silt transport and sandbar formation in some reaches of the river while universally maintaining wet conditions that encourage in-channel vegetation growth. Because of both confinement of the channel by levee systems and the controlled releases of water, the river has become primarily a managed river system requiring channel maintenance.

During the summer of 2008, a dry lightning storm swept through inland and coastal areas of California sparking numerous fires within remote areas of the central coast. Two of these fires, Indians and Basin Complex, burned a total of 240,000 acres between King City and the Big Sur coast. As noted in the State Emergency Assessment Team (SEAT) Draft Report issued shortly after the fires, 63,000 acres

(33%) of the Arroyo Seco watershed had a burn severity of high to moderate producing various levels of hydrophobic (water repelling) solids in the barren soil. Elevated runoff into the main stem of the Salinas River from the watershed area (106,000 acres) burned in the upper reaches of the Arroyo Seco River was predicted to be 263% of normal which could potentially produce devastating debris and high sediment flows during severe storms. Should these storm events occur, vegetation within buffer strips along the low flow channel of the river could trap transported debris and silt, potentially inhibiting high flow and increasing flood risk to the surrounding prime and unique agricultural lands.

On September 23, 2008, the Monterey County Board of Supervisors, passed and adopted Resolution No. 08-291 - Declaration of Local Emergency and Recognition of Conditions of Extreme Peril in the aftermath of the Basin Complex Fire. This resolution was in response to the complete devastation of the watershed areas, including canyons, stream beds and roads throughout the Basin Complex Fire burn area, and the possibility of immense and immediate threat to persons and property caused by the release of water and debris during or after a winter storm.

A US Department of Interior Geological Survey memo to Rob Clyburn of the Monterey County Office of Emergency Services determines a 'Combined Relative Hazard Ranking' for the occurrence of a debris flow event. It states: "Calculated debris flow volumes ranged from between 114 cubic meters and 126,000 cubic meters" with "debris flows greater than 10,000 cubic meters for 152 of the 829 basins." "The Combined Relative Hazard Rankings determined for each basin were either 'moderate, 'high', 'very high', or 'extreme'. None were classified with a 'low' relative ranking."

The memo goes on to explain: "In addition to the potential dangers within the basins evaluated here (i.e., in the report), areas downstream from the defined basin outlets are at risk. Debris flows can

travel long distances over fairly gentle slopes ... Neighborhoods, buildings, roads and bridges located along drainages within or below the burned basins can be impacted by debris flows. There is a great possibility of culverts and bridges plugging or being overwhelmed, and of roads washing out." The MCWRA states the need to provide a clear river channel to maximize sediment transport from these potentially deadly debris flows is of paramount importance.

Major financial impacts would result from the temporary loss of available agricultural lands for crop production subjected to a flood. Under the California Leafy Green Products Handler Marketing Agreement (LGMA), rigid food safety standard controls are now in place for production of crops in recently flooded areas. The LGMA standard states the grower/landowner must till under any existing flooded areas, allow the soil to dry sufficiently, and perform active tillage therein for at least 60 day following the receding of the flood water before planting a new crop. This tillage work is required to provide additional protection against the survival of pathogenic organisms.

The proposed emergency work would occur before the start of the winter rains. This interim time period prior to the commencement of the rains, provides a dry channel window of opportunity for growers/landowners to help protect adjacent lands and infrastructure from flooding due to impacts from a potentially devastating 2008 - 2009 wet season.

## **PROPOSED EMERGENCY WORK**

All emergency work would be performed in a dry or non-flowing river channel in areas generally below the toe of the river bank. Limited work would also be allowed in areas above the toe of the riverbank where dense overhanging vegetation or obstructions would reasonably impede flood flow. The allowable work is categorized in the following tasks:

- Mechanical removal of vegetation

- Mechanical removal of obstructions.
- Mechanical relocation or removal of sandbars

These specific tasks are designed to provide for unobstructed flows, thus affording the opportunity to minimize loss of property during periods of high water or flooding.

Illustrative examples of river geometry and typical river cross sections are shown in the Example Sections A-A through J-J attached below. The geographic limits of the emergency work are identified in the attached maps. Any work outside of these task or geographical limits would require the participant to secure separate individual permits from the involved agencies covering the specifics of their project.

### **VEGETATION REMOVAL**

Mechanized vegetation removal of native and non-native species would be conducted within areas below the toe of the riverbanks. Residual roots of native species may be left intact within the sediment surface. Methods of mechanized removal will include mowing, disking, or bulldozing, excavator, or backhoe, etc.

In areas of dense, overhanging riverbank vegetation, removal of native vegetation above the toe of the bank will be limited to the following prescriptive requirements:

- Willow trees measuring greater than 6 inches diameter at breast height (DBH) and all other trees greater than 4 inches DBH will not be removed. These trees are referred to as Size Class 1. Within this size class, branches; may be pruned by hand up to six feet above the existing ground.
- Trees measuring equal to or greater than one inch, 12 inches above the existing ground (up to Size Class 1) may be thinned by hand. These trees are referred to Size Class II. These trees may be thinned to 2,000 stems

per acre or 5 stems per 100 square feet in the unconstrained reach and 1,000 stems per acre or 3 stems per 100 square feet in the constrained reach. The stem counts cannot include Size Class 1 or III (described below). Within this size class, branches may be pruned by hand up to six feet above the ground. Stems per acre will be measured by taking 1/1,000 acre circular plots (the radius of the circular plot is 3.7 feet).

- Trees measuring less than one inch diameter, 12 inches above the existing ground shall not be removed. These trees are referred to as Size Class III.

Non-native vegetation existing in stands with visual concentrations greater than 50% will be considered non-native for purposes of determining its method of removal. Vegetation, other than *Arundo*, may be removed from the channel and disposed of, or it may be gathered and burned in approved areas above the riverbanks.

If *Arundo* is present within the area of channel maintenance, it must be completely destroyed and removed to the extent possible from the river channel and floodplain. In areas where infestations are extensive, heavy equipment may be used such as backhoes, front loaders, and bulldozers. Alternatively, *Arundo* may be cut off near ground level and the stumps treated with 50 to 100% solution of AquaMaster® or any other approved aquatic herbicide. AquaMaster® is currently the only herbicide approved by the U.S. Environmental Protection Agency for application in and around aquatic habitats. Treatment with herbicide is most effective if applied during summer or fall. It is important that cut or uprooted *Arundo* is removed from the river channel and floodplain to avoid re-colonization. *Arundo* may be removed from the channel through burning, chipping, or physical transport out of the area. If chipped and left on site, pieces must be chipped to about 1/4 to 1 inch to prevent re-sprouting.

## **OBSTRUCTION REMOVAL**

Removal of obstructions may involve use of mechanical equipment. Disposal of slash and vegetative debris generated during this work will be removed from the channel to locations outside of the project site, or burned in the channel.

## **SANDBAR RELOCATION OR REMOVAL**

Removal of sandbars or silt deposits would be performed by mechanized equipment. Removal would be limited to those areas below the toe of the riverbank that are either dry or more than 9-inches above any standing water. The sand will be pushed or deposited upslope and away from the channel bottom towards the riverbank. There would be no sandbar work conducted below the toe of the riverbank in areas containing running water or within any areas above the toe of the river bank. Mining of sand would not be permitted under this permit.

## **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 Division, 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. Federally listed species that may be affected by this proposed project include the California red-legged frog (*Rana aurora draytonii*) and the south-central California coast steelhead (*Oncorhynchus mykiss*). The Corps is initiating consultation with the USFWS and NMFS concurrent with the release of this Public Notice.

## **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. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification 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.

**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)).

**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, Regulatory Division, 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 Bob Smith of our office at telephone (415) 503-6792 or E-mail: Robert.f.smith@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.