



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

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

PUBLIC NOTICE

Project: Salt River Ecosystem Restoration Project

NUMBER: 2010-00282 DATE: September 10, 2010
PROJECT MANAGER: David Ammerman PHONE: 707-443-0855

RESPONSE REQUIRED BY: October 10, 2010
Email: David.A.Ammerman@usace.army.mil

1. **INTRODUCTION:** The Humboldt County Resource Conservation District, 5630 South Broadway, Eureka, California 95503 through its agent, Winzler and Kelly (Contact: Jeremy Svehla or Misha Schwarz at 707-443-8326) has applied for a twelve (12) year duration Department of the Army permit (2010-2021) to discharge fill into navigable waters of the United States and other waters of the United States including adjacent wetlands (Salt River and Francis Creek tributaries to Eel River) for the purpose of implementing the Salt River Ecosystem Restoration Project. The work would include but not be limited to large scale river channel excavation of Salt River and Francis Creek, tidal marsh channel excavation, realignment and excavation of Eastside Drainage channel, floodplain contouring, removal and construction or realignment of levees, construction of drainage ditches, installation of water control structures and temporary coffer dams or other water diversion structures, and placement of excavated fill onto agricultural land. The overall volume of material resulting from the project's cut and fill activities is approximately 806,190 cubic yards. The proposed project is located approximately one half mile north of the City of Ferndale. The project boundaries extend from approximately 425 lineal feet upstream of the confluence with Williams Creek downstream to the confluence of the Salt River with Cutoff Slough (a total channel length of approximately 7.5 miles), in Humboldt County, California (See Sheet 1A of 39). This application is being processed as an U.S. Army Corps of Engineers (Corps) individual permit 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 stated in the permit application (July 29, 2010) prepared by Winzler and Kelly for the Humboldt County Resource Conservation District (RCD), the Salt River Ecosystem Restoration Project has four main components: (1) Salt River main channel restoration, (2) restoration of Riverside Ranch, (3) channel maintenance, and (4) upslope sediment reduction. The overall goals of the project include: (a) restore hydrologic capacity, fish habitat and water quality in the lower Salt River and lower Francis Creek; (b) benefit native species by re-establishing natural ecological processes; (c) benefit drainage, fish passage and water quality by restoring hydraulic function; (d) address sediment sources in headwater areas of the Salt River watershed; and (e) increase the tidal prism (the volume of water exchanged on each tidal cycle) into the Salt River and the extent of estuarine habitat through restoration activities on Riverside Ranch. The Riverside Ranch, (Sheets 7 through 19 of 39) an approximately 400 acre property with over 2.5 miles of frontage adjacent to lower Salt River was acquired by the Western Rivers Conservancy. Supported by funding from the State Coastal Conservancy, U.S. Fish and Wildlife Service and Wildlife Conservation Board, Riverside Ranch will eventually be transferred from the Western Rivers Conservancy to the California Department of Fish and Game for long-term management (Winzler and Kelley, permit application, July 29, 2010).

Channel Restoration - The main element of the proposed project, a defined channel on the Salt River would be re-established with a connected floodplain for approximately 7.5 miles of river channel. The project also proposes to improve connectivity of the Salt River with Francis Creek and the Eastside Drainage (See Sheets 20 through 36 of 39). Approximately 2,900 feet of lower Francis Creek would be relocated to approximately the historical creek alignment and to eliminate an existing 90 degree turn (See Sheet 23 of 39). In addition, the Eastside Drainage would be reconnected to Francis Creek near the City of Ferndale Wastewater Treatment Plant (WWTP) by constructing a 500 foot long channel (Sheet 23 of 39). Sheet 1B of 39 contains Table 2 of the permit application. This table itemizes the approximate volume in cubic yards of cut and fill associated with the Phase 1 component of the project (Salt River channel excavation and related activities at Riverside Ranch) which total 416, 190 cubic yards of material moved to perform channel restoration. Table 3 in sheet 1B of 39 shows the in-situ earthwork volume balance for Salt River Restoration during the Phase 2 component which includes channel excavation of non-tidal portions of the Salt River upstream of Riverside Ranch, Francis Creek realignment and Eastside Drainage reconnection to Francis Creek and related activities. The Phase 2 component would involve approximately 390,000 cubic yards moved to perform the Salt River restoration. Both Phase 1 and 2 channel excavation activities include placement of excavated material for recontouring of floodplain along the Salt River, placement of fill to construct the Riverside Ranch levee berms, and application of fill on adjacent agricultural lands (on property of cooperating landowners).

Restoration of Riverside Ranch - Among the more important goals associated with the Riverside Ranch restoration activities is to (1) use the increase in tidal prism to maintain Salt River geomorphology and improve drainage and water quality in the lower Salt River and Eel/Salt River estuary; (2) restore tidal connectivity to historic wetlands to allow for the natural evolution of diverse and self-sustaining salt

and brackish water tidal marshes, intertidal mudflat and shallow water habitats; (3) promote the development of a complex tidal drainage network, particularly to enhance rearing and migration conditions for estuarine-dependent species including coho salmon, Chinook salmon, steelhead, coastal cutthroat trout, tidewater goby and commercially and recreationally valuable species such as redbtail perch; and (4) provide public access to the extent feasible without compromising the physical and biological project objectives.

Both Phase 1 and 2 excavation methods available include track-mounted excavators, scrapers and large clam-shell type equipment. Rubber-tired scrapers may be used to excavate material about the saturated zone, and for transport and emplacement in specified areas. Haul roads are anticipated to be constructed adjacent to the excavation area to provide equipment access and allow transport of excavated material to designated fill or disposal sites. Haul trucks that will use Humboldt County roads to transport material would likely be 10- to 18-wheel end and belly dump trucks. It would be the responsibility of the contractor to ensure the haul trucks are street legal and that local speed and weight limits are complied with.

Salt River channel corridor maintenance - The applicant and its agent anticipate that periodic maintenance of sediment and vegetation would be required maintaining the tidal prism and maintaining the restored channel design width and depth. Maintaining the channel, drainage ditches and levee berms, would require re-excavation of deposited sediments and vegetation maintenance. The new low flow channel and floodplain of the Salt River and tributaries would require periodic re-excavation due to the high sediment loads entering the lower reaches from the upper watershed during the storms of fall, winter and early spring months. Channel maintenance would occur during summer or early fall months when the new floodplain is generally dry to minimize disturbance to surface waters and adjacent wetlands.

Options being considered for vegetation maintenance include: intermittent cattle or goat grazing, manual removal and mechanical removal. Special attention would be given to removing non-native invasive species such as Chilean cordgrass (*Spartina densiflora*) and maintenance activities would be coordinated with any regional eradication program.

Upslope Sediment Reduction - Upslope sediment reduction is mentioned in the RCD's permit application to the Corps for the Salt River Ecosystem Restoration Project, however, the applicant's agent states upslope sediment reduction is not a part of this permit action. Some of the upslope sediment reduction activities may require separate Corps permits or may already be covered under Corps permits. The work would include but not be limited to: culvert replacement or bridge installation, placement of bank stabilization measures such as rip-rap or other construction in streams or wetlands. Some activities may not require Corps permits if they do not involve a discharge of fill into streams or wetlands or are activities the Corps does not regulate. Among the other activities proposed are construction of sediment retention basins, stream bank stabilization and other road drainage improvements. The purpose of this activity is to aid the Salt River Ecosystem Restoration Project by reducing the amount of fine sediments entering streams in the upper watersheds and minimize slope erosion during construction of any land development activities.

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): The Salt River and its tributaries and the Eel River and its tributaries are critical habitat for Southern Oregon/Northern California Coastal (SONCC) Evolutionarily Significant Unit (ESU) coho salmon (*Oncorhynchus kisutch*), the California Coastal (CC) ESU Chinook salmon (*O. tshawytscha*), and the Northern California (NC) Distinct Population Segment (DPS) steelhead (*O. mykiss*). All three of these anadromous fish species are listed as threatened under the Endangered Species Act (ESA) by the National Marine Fisheries Service (NMFS). Winzler and Kelly states in their biological assessment for the above project (Winzler and Kelly, *Biological Assessment for the Salt River Ecosystem Restoration Project, Humboldt County, California*, August 3, 2010, that other Federally-listed fish that may be present in the lower reaches of the Salt River or Eel River estuary include the threatened Southern DPS green sturgeon (*Acipenser medirostris*), the threatened Southern DPS Pacific eulachon (*Thaleichthys pacificus*) and the endangered tidewater goby (*Eucyclogobius newberryi*). The last mentioned fish, the tidewater goby is listed as endangered by the U.S. Fish and Wildlife Service (USFWS). While these appear unlikely to be in the immediate project area, three listed bird species may be present in the general area including the threatened western snowy plover (*Charadrius alexandrinus nivosus*), the endangered marbled murrelet (*Brachyramphus marmoratus*), and the threatened Northern Spotted Owl (*Strix occidentalis caurina*). These three species are Federally-listed by USFWS. 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.

As of this writing, the Corps is currently preparing consultation letters to both NMFS and USFWS.

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 12 acres of EFH utilized by coho salmon, Chinook salmon and a variety of estuarine and marine fish managed under the Pelagic Fishery Management Plan, Pacific Salmon Fishery Management Plan and the Groundfish Management Plan as administered by the Pacific Fishery Management Council. 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 submitted a copy of their application for Section 401 Conditional Water Quality Certification. 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.

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 (EPA) 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 portion of the project that includes ecosystem restoration is water dependent, however the portions of the project that involve placement of excavated sediment onto private agricultural land is not water dependent. The applicant's agent, Winzler and Kelly, is preparing a comprehensive Alternatives Analysis to be submitted to the Corps of Engineers and U.S. EPA for review.

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. The California Coastal Commission (CCC) states (Letter to Humboldt County Resource Conservation District, CCC, June 3, 2010) that the majority of the Salt River project site (except for the proposed upslope sediment reduction areas and portions of Francis Creek within the city limits of Ferndale) is located within the California Coastal Zone as defined in Chapter 2.5 of the California Coastal Act (Public Resources Code Section 30150 *et seq*). The CCC's permit jurisdiction includes Riverside Ranch, the Salt River channel, portions of the Francis Creek channel (downstream of the city limits of Ferndale) and other channels, the lower two proposed "channel confinement fill areas", and potentially parts of the upper channel confinement fill areas and some of the agricultural areas proposed for sediment reuse. A Coastal Development Permit (CDP) from the CCC must be obtained before the Corps can issue its permit.

National Historic Preservation Act of 1966

(NHPA): Section 106 of the NHPA of 1966, as amended (16 U.S.C. § 470 *et seq.*), requires Federal agencies to consult with the appropriate State Historic Preservation Officer to take into account the effects of their undertakings on historic properties listed in or eligible for listing in the *National Register of Historic Places*. Section 106 of the Act further requires Federal agencies to consult with the appropriate Tribal Historic Preservation Officer or any Indian tribe to take into account the effects of their undertakings on historic properties, including traditional cultural properties, trust resources, and sacred sites, to which Indian tribes attach historic, religious, and cultural significance. As the Federal lead agency for this undertaking, USACE has conducted a review of latest published version of the *National Register of Historic Places*, survey information on file with various city and county municipalities, and other information provided by the applicant, to determine the presence or absence of historic and archaeological resources within the permit area. Based on this review, USACE has made a *preliminary* determination that historic or archaeological resources are present in the permit area, and that such resources may be adversely affected by the project. To address project related impacts to historic or archaeological resources, USACE will initiate consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer, pursuant to Section 106 of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until USACE concludes Section 106 consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer to take into account any project related impacts to those resources.

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 David Ammerman of our office at telephone number 707-443-0855 or by electronic mail at: David.A.Ammerman@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.