



**US Army Corps  
of Engineers**®  
San Francisco District

SAN FRANCISCO DISTRICT  
**PUBLIC NOTICE**  
PROJECT: Alexander Valley In-Stream Mining

Regulatory Division  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, CA 94103-1398

PUBLIC NOTICE NUMBER: **2010-00343N**

PUBLIC NOTICE DATE: April 28, 2011

COMMENTS DUE DATE: May 27, 2011

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1. **INTRODUCTION:** At the request of the applicant, Syar Industries, Inc. this public notice will be extended until May 27, 2011. Mr. John Perry, representing Syar Industries, Inc. (contact: Jennifer Gomez 707-259-5826) has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Individual Permit to discharge fill within waters of the U.S. for an extraction project along 6.5 miles of the Russian River in lower Alexander Valley. Figure 1 outlines the project location. Figure 4 identifies each of the 15 bars the project proposes to mine. At the end of this notice, there are aerial photographs of each bar beginning at the northern boundary of the project. Each bar is labeled and the proposed work is drawn on the photograph with cross section details on the same page. Proposed oxbow details are labeled Figure 2A and 2B. This Department of the Army permit application is being processed pursuant to the provisions of (Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*).

2. **PROPOSED PROJECT:**

**Project Site Location:** The project area is the stretch of the Russian River defined by Gill Creek in the north and Jimtown Bridge on the southern boundary. The reach is River Mile (RM) 46 to 55, located along the west side of Alexander Valley, longitude -122°53'45.04"W, latitude 38°42'45.62" N beginning at the northern end. The project requires travel on private roads, accessed with property owner permission. Access locations are 22291 River Road, 1701 Alexander Valley Road and 3125, 3845, 4849, 5125 and 526 Highway 128, Geyserville, California. Figure 6 lists proposed properties included affected by extraction from the first eight bars to be mined. Gravel would be extracted up and down stream of the Geyserville Bridge on Highway 128.

**Project Site Description:** Syar Industries, Inc. proposes to mine gravel from the gravel bars of the Russian River in Sonoma County on property owned by

the company. The headwaters of the River begin in the hills north of Ukiah and flow south into the Alexander Valley where the River occupies a portion of the Valley floor. Alexander Valley is surrounded on both sides by hills, the Coast Range to the west and Mayacamas, to the east. The project area is within the southern portion of the Alexander Valley. The River continues beyond the project area south to Healdsburg before turning west to discharge into the Pacific Ocean. An area of 1,485 square miles in Mendocino, Sonoma and Lake Counties contributes drainage to the River flow. Figure 1 outlines the project area within the region.

Regional geology consists of mixtures of rock types and is influenced by on-going tectonic activity. Slopes adjacent to the River, north of Alexander Valley contain steep terrain and are easily weathered by "flashy" seasonal precipitation. These conditions can deliver large volumes of sediment to the Russian River. Forestry practices have increased the area of easily weathered slopes by removing stabilizing vegetation. Gravel has been mined from the river for close to 100 years. Historically, the River occupied a wider portion of the Valley floor which now contains up to 50 feet of gravel in some places. Agricultural land use to maximize crop production has confined and narrowed the channel to maximize use of the fertile soils. Restricting the ability of the River to "meander" contributes to a disturbance in the natural equilibrium of flow and sediment transport.

**Project Description:** Figure 4 identifies the gravel bars to be mined. The applicant proposes to extract 350,000 tons of sand and gravel per year from deposits within the designated reach of the Russian River. Only one bar would be mined at a time but as many as four bars may be mined within a season. An updated plan would be prepared annually prior to the start of work and submitted to oversight agencies and the County for revision and approval. Annual monitoring would provide participants with information to determine the best plan for each successive mining year. The bars designated for

extraction cover a total area of 110 acres. Syar Industries, Inc, headquartered in the City of Napa, proposes to utilize the “horseshoe” skimming method shown in Figure 5 for extraction of gravel from River gravel bars. The “horseshoe” method excavates material starting 1/3 the distance downstream from the start (head) of the bar. The head of the bar remains in place as a buffer and side bar buffers remain as well. The amounts of side bar remaining are equal to 30% of the active channel plus bar width or fifty feet. Gravel is extracted from within the interior of the bar to 12 inches above low flows. The excavated area would be re-graded to parallel and outlet to the active channel. Figure 5 shows a diagram of the method in overview, with cross and longitudinal sections. This method provides undisturbed gravel bar buffers surrounding the excavated area. Since an initial submission in 2007, Syar has developed the current application by working closely with National Marine Fisheries Service (NMFS). As part of annual monitoring and mitigation required by NMFS, data would be generated which would help shape future extraction methods.

In addition to extraction activities, the applicant requests authorization to discharge 530 cubic yards of fill annually, (generic detail shown in Figure 6) disturbing a maximum area of 0.25 acres of jurisdictional waters and wetlands to construct abutments to support a span for river access to the gravel bars. A maximum of 6 temporary crossings with associated fill would be constructed in a given annual mining season. Machinery, such as a front end loader and bulldozer, and access structures would be removed at the end of the mining season each year and re-constructed at the beginning of the following season.

The mining schedule, construction details, and location information are accompanied by an “Adaptive Management Strategy” and “River Enhancement Plan”.

Annual monitoring and reporting allow gravel extraction to adjust to changes that occur over time. Reports would be reviewed by the agencies overseeing the project and can provide guidance for the next season’s extraction.

**Basic Project Purpose:** The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by USACE to determine whether the project is water dependent. The basic project purpose is gravel extraction.

**Overall Project Purpose:** The overall project purpose serves as the basis for the Section 404(b)(1) alternatives analysis, and is determined by refining the project purpose in a manner that specifically describes the applicant’s goals, while allowing a reasonable range of

alternatives to be analyzed. The overall project purpose is to supply sand and gravel for construction to satisfy the development needs of Sonoma County on a sustainable basis.

**Project Need:** Department of Conservation within California Geological Survey publishes maps projecting 50 year demand and permitted aggregate resources. Cost of aggregate varies, influenced by transport costs. In addition to infrastructure needs such as roads, bridges and buildings, aggregate is required for maintenance of existing structures and to support growth and development.

Market analysis supports the need for aggregate in Sonoma County. The County maintains production reports which generally indicate increasing demand within the framework of economic variability. The quality of aggregate from the River is excellent in terms of shape and purity. Alternative sources for obtaining high quality aggregate are limited and would be reviewed to satisfy 9(b)(4) of Appendix B, 33 C.F.R. Part 325 and 40 C.F.R. Parts 1500-1508. Lower quality aggregate which can be excavated from upland mines, can be used for road construction and infrastructure needs not requiring Portland Cement Concrete.

**Project Impacts:** The applicant proposes to extract 350,000 tons of sand and gravel per year from deposits within the designated reach of the Russian River. Only one bar would be mined at a time but as many as three bars may be mined within a season. The bars designated for extraction cover a total area of 110 acres. In addition to extraction activities, the applicant requests authorization to discharge 530 cubic yards of fill annually, disturbing a maximum area of 0.25 acres of jurisdictional waters and wetlands to construct abutments to support a span for river access to the gravel bars. A maximum of 6 crossings with associated fill would be constructed in a given annual mining season.

In addition to the direct impacts listed above, indirect impacts associated with the extraction activities may include disruptions of the natural process of sediment transport within the River. Therefore, the Corps will also be examining the potential effects of the project on the overall stability of the Russian River system, within our scope of analysis.

**Proposed Mitigation:** A “River Enhancement Plan for Syar Industries Reach of the Russian River - Alexander Valley” was prepared by Swanson Hydrology and Geomorphology, Santa Cruz, California in August 2008. The plan has been proposed as compensatory

mitigation for impacts to waters of the U.S. Construction of 3 oxbows and 4 alcoves are required by NMFS to create specific habitats needed for survival by salmonids. Figures 2a and 2b detail plans for oxbow construction. Replanting vegetation, replacing large woody debris from areas to be mined and aggressive removal of invasive species, particularly giant reed (*Arundo donax*) followed by re-vegetation with native species are planned. The plan includes annual monitoring of topography, water quality, fish and vegetation counts. Performance criteria can refine quality and quantity of enhancement and need to be determined prior to approval. Funding to support enhancement would come from a dedicated fee based on amount of gravel extracted. An adaptive management strategy would review data at the end of each mining season to provide input for gravel extraction the next season.

**Project Alternatives:** The applicant has submitted a draft alternatives analysis prepared by Freeman Associates, dated August 27, 2010, and described below. The Corps will complete an independent, formal analysis of alternatives to satisfy Section 404 (b)(1) guidelines.

The No Project Alternative describes other sources of high quality aggregate. British Columbia, Canada could satisfy demand but would impose a greater carbon impact and cost because of increased transportation demands. Department of Conservation – California Geological Survey prepares and published 50 year aggregate projections. The most recent projection, published in 2005, includes resource locations and permitting status. The projection for the North San Francisco Bay study area which contains the project area, indicate permitted resources are well below projected needs. Cost of aggregate increases incrementally with distance transported as well as processing for specific uses.

Alternative 2 differs from the applicant's proposed alternative, as presented for this application in that gravel is extracted with less attention to post extraction form of the gravel bar. The method is identified as bar skimming and removed a greater amount of gravel, not preserving the head of the bar as described in the horse shoe method.

Alternative 3 describes mining of gravel from flood plain terraces.

Alternative 4 is upland mining. Active sites exist and have been investigated. Hard rock quarries can supply aggregate. The quality of material does not consistently meet the standard required to be considered a dependable source with comparable economic gain.

### 3. STATE AND LOCAL APPROVALS:

**Water Quality Certification:** State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. Part 1341 *et seq.*). No Department of the Army Permit would be issued until the applicant obtains the required certification or a waiver of certification. A waiver can be explicit, or it may be presumed, if the RWQCB fails or refuses to act on a complete application for water quality certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

Water quality issues should be directed to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skyline Boulevard, Suite A, Santa Rosa, California 95403.

**Coastal Zone Management:** Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Certification that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit would be granted until the appropriate State agency has issued a Consistency Certification or has waived its right to do so. The project does not occur in the coastal zone, and a *preliminary* review by USACE indicates the project would not likely affect coastal zone resources. This presumption of affect, however, remains subject to a final determination.

**Other Local Approvals:** The applicant has applied for the following additional governmental authorizations for the project:

County of Sonoma Board of Supervisors is responsible for certifying the EIR, approving amendments to the Aggregate Resource Mining Plan, County Mining and Reclamation Ordinance, and approving a use permit, a reclamation plan and rolling permit.

The County Permit and Resource Department would review annual plans and reclamation activities.

California Department of Fish and Game would oversee the project in the form of a streambed alteration agreement. Section 2080.1 requirements would be considered.

California Department of Conservation would review the reclamation plan along with financial assurance cost

estimates.

#### 4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

**National Environmental Policy Act (NEPA):** At the conclusion of the public comment period, USACE would assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's Regulations at 40 C.F.R. Parts 1500-1508, and USACE Regulations at 33 C.F.R. Part 325. The final NEPA analysis would normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis would be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project. The final NEPA analysis and supporting documentation would be on file with the San Francisco District, Regulatory Division.

**Endangered Species Act (ESA):** Section 7(a)(2) of the ESA of 1973, as amended (16 U.S.C. § 1531 *et seq.*), requires Federal agencies to consult with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) to insure actions authorized, funded, or undertaken by the agency are not likely to jeopardize the continued existence of any Federally-listed species or result in the adverse modification of designated critical habitat. As the Federal lead agency for this project, USACE has conducted a review of the California Natural Diversity Data Base, digital maps prepared by USFWS and NMFS depicting critical habitat, and other information provided by the applicant, to determine the presence or absence of such species and critical habitat in the project area. Based on this review, USACE has made a preliminary determination that the following Federally-listed species and designated critical habitat are present at the project location or in its vicinity, and may be affected by project implementation. The project reach of the Russian River contains Federally-listed endangered Steelhead (*Oncorhynchus mykiss*, Coho salmon (*Oncorhynchus kisutch*, and threatened Chinook salmon (*Oncorhynchus tshawytscha*). Designated critical habitat consists of the water, streambed, and the adjacent riparian zone. The overall project could potentially induce changes in

channel morphology, including the loss of pool and riffle habitat and degradation of the riverbed; promote the stranding of salmonids on the affected bars; result in direct mortality of salmonids during installation of the bridge crossings and relocation of juvenile salmonids from the excavated pools; cause the loss of riparian vegetation and large wood debris; and generate turbidity and downstream sedimentation, the deposition of which would likely contribute to the degradation of spawning habitat. To address project related impacts to these species and designated critical habitat, designated May 5, 1999 (64 FR24049), USACE would initiate formal consultation with NMFS, pursuant to Section 7(a) of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

**Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):** Section 305(b)(2) of the MSFCMA of 1966, as amended (16 U.S.C. § 1801 *et seq.*), requires Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. EFH is designated only for those species managed under a Federal Fisheries Management Plan (FMP), such as the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP*, and the *Pacific Coast Salmon FMP*. As the Federal lead agency for this project, USACE has conducted a review of digital maps prepared by NMFS depicting EFH to determine the presence or absence of EFH in the project area. Based on this review, USACE has made a *preliminary* determination that EFH is present at the project location or in its vicinity, and that the critical elements of EFH may be adversely affected by project implementation. Critical habitat has been designated for Coho salmon to include all estuarine and river reaches accessible to salmonids below longstanding, naturally impassable barriers. To address project related impacts to EFH, USACE would initiate consultation with NMFS, pursuant to Section 305(5)(b)(2) of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

**Marine Protection, Research, and Sanctuaries Act (MPRSA):** Section 302 of the MPRSA of 1972, as amended (16 U.S.C. § 1432 *et seq.*), authorizes the Secretary of Commerce, in part, to designate areas of ocean waters, such as the Cordell Bank, Gulf of the

Farallones, and Monterey Bay, as National Marine Sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values. After such designation, activities in sanctuary waters authorized under other authorities are valid only if the Secretary of Commerce certifies that the activities are consistent with Title III of the Act. No Department of the Army Permit would be issued until the applicant obtains the required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project would not likely affect sanctuary resources. This presumption of effect, however, remains subject to a final determination by the Secretary of Commerce, or his designee.

**National Historic Preservation Act (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 not likely to be present in the permit area, and that the project either has no potential to cause effects to these resources or has no effect to these resources. USACE would render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by the State Historic Preservation Officer, the Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, and Native American Nations or other tribal governments. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources would 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.

**5. COMPLIANCE WITH THE SECTION 404(b)(1) GUIDELINES:** Projects resulting in discharges of dredged or fill material into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. § 1344(b)). An evaluation pursuant to the Guidelines indicates the project is not water dependent. This conclusion raises the (rebuttable) presumption of the availability of a less environmentally damaging practicable alternative to the project that does not require the discharge of dredged or fill material into special aquatic sites. The applicant has submitted an analysis of project alternatives which is being reviewed by USACE.

**6. PUBLIC INTEREST EVALUTION:** The decision on whether to issue a Department of the Army Permit would be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance would, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include 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.

**7. CONSIDERATION OF COMMENTS:** USACE is soliciting comments from the public; Federal, State and local agencies and officials; Native American Nations or other tribal governments; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by USACE would be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental or public interest factors addressed in a final environmental assessment or environmental impact statement. Comments are also used

to determine the need for a public hearing and to determine the overall public interest of the project.

**8. SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to Roberta Morganstern San Francisco District, Regulatory Division, 1455 Market Street, 16<sup>th</sup> Floor, San Francisco, California 94103-13978; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the Regulatory Permit Manager. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All substantive comments would be forwarded to the applicant for resolution or rebuttal. Additional project information or details on any subsequent project modifications of a minor nature may be obtained from the applicant and/or agent, or by contacting the Regulatory Permit Manager by telephone or e-mail cited in the public notice letterhead. An electronic version of this public notice may be viewed under the *Current Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/regulatory/>.