



US Army Corps
of Engineers®
San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

PUBLIC NOTICE

PROJECT: Dry Creek Habitat Enhancement Demonstration Project

PUBLIC NOTICE NUMBER: 2012-00036N

PUBLIC NOTICE DATE: 03-28-2012

COMMENTS DUE DATE: 04-28-2012

PERMIT MANAGER: Mr. James Mazza

TELEPHONE: 415-503-6775

E-MAIL: James.C.Mazza@usace.army.mil

1. **INTRODUCTION:** Sonoma County Water Agency (POC: David Cuneo (707) 547-1935), 404 Aviation Boulevard, Santa Rosa, California 95403, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to implement a habitat enhancement project within a one mile reach of Dry Creek, in Dry Creek Valley, northern Sonoma County, to demonstrate how effective similar improvements to endangered coho salmon and threatened Chinook salmon and steelhead habitat may ultimately be if implemented on a larger scale. 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 located within the Dry Creek Valley, approximately 4.5 miles northwest of the town of Healdsburg, along Dry Creek from approximately ½-mile upstream of Lambert Bridge Road to ½-mile downstream of Lambert Bridge Road, Sonoma County, California (Lat. 38.6541° N / Lon. - 122.9274° W). Multiple landowners are located along the proposed project reach and have indicated to the applicant that they want to be part of the demonstration project.

Project Site Description: The Dry Creek watershed is located in the interior coast range of northern Sonoma and southern Mendocino counties, approximately 30 miles from the Pacific Ocean and 60 miles north of San Francisco Bay. Dry Creek drains 217 square miles of rugged terrain. The Dry Creek watershed is approximately 32 miles long and 7 miles wide and is in the southwestern portion of the Russian River Basin. Dry Creek flows into the Russian River just downstream from the town of Healdsburg. The confluence of Grape Creek with Dry

Creek marks the upstream extent of the project area, while the confluence of Crane Creek with Dry Creek marks the downstream end of the project area. It is estimated that approximately 18.4 acres of jurisdictional Waters of the U.S. in the project area, within the limits of ordinary high water in Dry Creek, which flows perennially. Elevations within the project site range from 145 feet to 130 feet. The project reach is characterized as a gravel bed creek that flows through a relatively flat agricultural valley, 0.5 to 1 mile wide, with approximate average gradient of 0.2%. Throughout the proposed project area, bank heights range from 5 to 30 feet high.

Project Description: As shown in the attached drawings, the applicant proposes the construction of four off-channel habitat areas, seven constructed riffles, two bank stabilization areas, boulder clusters, installation of approximately 1,600 logs and root wads, and the vegetation management (removal of non-natives, planting of natives).

The off-channel habitat areas will require the excavation and removal of material from areas along the stream channel in order to achieve areas of adequate depth to function as wetted off-channel habitat areas. A total of approximately 28,100 cubic yards of material will be removed to create 4 off-channel habitat areas (12,000 cubic yards from off-channel Area A, 1,600 cubic yards from off-channel Area B, 11,500 cubic yards from off-channel Area C, and 1,500 cubic yards from off-channel area D).

Seven riffle areas will be constructed within the main channel of Dry Creek as part of the habitat enhancements. The constructed riffles will require approximately 3,900 cubic yards of various size rock/aggregate material (approximately 550 cubic yards per constructed riffle).

Two bank stabilization areas will require the excavation of approximately 9,500 cubic yards of bank material along approximately 1,000 linear feet of Dry Creek. The bank stabilization areas would also include the replacement of soil, rock/aggregate, and logs in order to re-build and stabilize the bank. Approximately 1,078 cubic yards of soil and 1,860 cubic yards of rock/aggregate would be used to construct the bank stabilization. See Large Woody Debris section below for log estimates.

Five boulder clusters are proposed for the area downstream of Lambert Bridge. Approximately 21 cubic yards of boulders will be installed. Numerous log structures throughout the project area will be installed to provide refuge and habitat areas within the demonstration reach of Dry Creek. Approximately 1,600 logs (3,657 cubic yards) will be installed within or near the constructed alcoves, constructed riffles, and bank stabilization areas. Installation of these logs will require the installation of approximately 460 cubic yards of ballast boulders to anchor the logs.

An existing storm drain outfall near one of the constructed alcoves at the downstream end of the project area will require the installation of rock material to dissipate the energy from the outfall to avoid potential impacts or erosion of the constructed habitat areas. Approximately 50 cubic yards of rock will be necessary to protect the existing storm drain outfall.

Temporary fill material during construction activities will be required for dewatering activities. The project area can be broken up into five distinct construction zones, each with temporary dewatering or water diversion requirements. Diversion at each of these sites could consist of clean gravel in bags, plastic sheeting, and bypass piping. The gravel filled bags and plastic sheeting would be required to create temporary cofferdams at the upstream and downstream ends of each isolated work area, with the bypass piping running between the upstream and downstream ends. Temporary excavation within the isolated work area may be required in order to install the bypass piping to achieve adequate gravity flow for the bypass. Each cofferdam would require approximately 55 cubic yards of temporary fill material. Therefore, each diversion zone would require 110 cubic yards of temporary fill material (55 cubic yards at the upstream end and 55 cubic yards at the downstream end). If the five construction zone areas each utilize a temporary bypass, the entire construction area would require approximately 550 cubic yards of temporary fill material.

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 to enhance aquatic habitat.

Overall Project Purpose: The overall project purpose serves as the basis for the Section 404(b)(1) alternatives analysis, and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, while allowing a reasonable range of alternatives to be analyzed. The overall project purpose is to comply with the reasonable and prudent alternative identified in the National Marine Fisheries Service's (NMFS) *Biological Opinion for Water Supply, Flood Control Operations, and Channel Modifications conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed* (Russian River Biological Opinion), issued on September 24, 2008, requiring habitat enhancement of six miles of Dry Creek to improve summer rearing conditions for Coho salmon and steelhead while allowing Sonoma County Water Agency to maintain the existing flow range for water supply purposes. The proposed project would be the first phase of a multi-phase approach that allows for evaluation of their effectiveness. The Russian River Biological Opinion stipulates that the six miles of habitat enhancement are to be distributed over the entire length of Dry Creek below Warm Springs Dam to its confluence with the Russian River and implemented at a minimum of eight locations on the creek.

Project Impacts: A total of approximately 28,100 cubic yards of material will be removed to create 4 off-channel habitat areas. Two bank stabilization areas will require the excavation of approximately 9,500 cubic yards of bank material along approximately 1,000 linear feet of Dry Creek. Approximately 1,078 cubic yards of soil and 1,860 cubic yards of rock/aggregate would be used to construct the bank stabilization. Approximately 1,600 logs (3,657 cubic yards) will be installed within or near the constructed alcoves, constructed riffles, and bank stabilization areas. Installation of these logs will require the installation of approximately 460 cubic yards of ballast boulders to anchor the logs. Five boulder clusters are proposed for the area downstream of Lambert Bridge. Approximately 21 cubic yards of boulders will be installed. The seven constructed riffles will require approximately 3,900 cubic yards of various size rock/aggregate material (approximately 550 cubic yards

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Proposed Mitigation: The proposed project has been designed to offset the effects of high summer flows that result from the operation of an upstream dam which have been determined by NMFS to be too high for optimal juvenile Coho salmon and steelhead habitat. Aquatic habitat enhancement is the primary objective and therefore the resulting project will be self-mitigating by providing improved summer rearing conditions for affected salmonids and other aquatic wildlife, in addition to also providing improved winter rearing and refugia habitat. The expected results of the proposed activities are an overall increase in the quality and area of Corps jurisdictional features in Dry Creek. Therefore, compensatory mitigation is unnecessary for this project.

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. § 1341 *et seq.*). The applicant has recently submitted an application to the North Coast Regional Water Quality Control Board (RWQCB) to obtain water quality certification for the project. The applicant is hereby notified that, unless USACE is provided documentation indicating a complete application for water quality certification has been submitted to the California Regional Water Quality Control Board (RWQCB) within 30 days of this Public Notice date, the District Engineer may consider the Department of the Army permit application to be withdrawn. No Department of the Army Permit will 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 Skylane Boulevard, Suite A, Santa Rosa, California 95403, by the close of the comment period.

Coastal Zone Management: 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 effect, however, remains subject to a final determination by the California Coastal Commission.

Coastal zone management issues should be directed to the District Supervisor, California Coastal Commission, North Central Coast District Office, 45 Fremont Street, Suite 2000, San Francisco, California 94105-4508, by the close of the comment period.

Other Local Approvals: The applicant has applied for the following additional governmental authorizations for the project: a *Lake and Streambed Alteration Agreement to be issued by the California Department of Fish and Game.*

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act (NEPA): Upon review of the Department of the Army permit application

and other supporting documentation, USACE has made a *preliminary* determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA. At the conclusion of the public comment period, USACE will 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 will 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 will 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 will 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 Dry Creek contains Federally-listed endangered Central California Coast Coho salmon (*Oncorhynchus kisutch*), threatened California Coastal Chinook salmon (*Oncorhynchus tshawytscha*) and threatened Central California Coast steelhead (*Oncorhynchus mykiss*). Critical habitat has been also designated for Coho, Chinook and steelhead salmon to include all estuarine and river reaches accessible to salmonids below longstanding, naturally

impassable barriers in Dry Creek. Designated critical habitat consists of the water, streambed, and the adjacent riparian zone. The proposed work will require temporary dewatering of the channel and may result in the need to relocate fish. However, as this project is mandated by the Russian River Biological Opinion, the authorization of take is presumed to be granted under that opinion. To address project related impacts to these species and designated critical habitat, USACE will request concurrence from NMFS consultation, pursuant to Section 7(a) of the Act, that the proposed work is authorized under the reasonable and prudent alternative requirement listed in the Russian River Biological Opinion. 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. Dry Creek provides EFH for Central California Coast Coho salmon (*Oncorhynchus kisutch*) and California Coastal Chinook salmon (*Oncorhynchus tshawytscha*). The proposed project may cause temporary adverse affects to EFH during the implementation phase, but should result in a net enhancement of EFH through the improvement of rearing grounds, establishment of improved summer rearing conditions for affected salmonids and other aquatic wildlife, in addition to also providing improved winter rearing and refugia habitat. To address project related impacts to EFH, USACE will 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 MPRS 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 will 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 reviewed the report submitted by the applicant, titled *An Archaeological Survey for the Dry Creek Habitat Enhancement Demonstration Project, Sonoma County, California*, prepared by Tom Origer and Associated (dated December 23, 2010), which consists of a review of the latest published version of the *National Register of Historic Places*, survey information on file with various city and county municipalities, and a field survey, 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 the project either has no potential to cause effects to these resources or has no effect to these resources. The known historic resource present in the project area is the Lambert Bridge, which was found eligible for inclusion on the National Register of Historic Places on a local level as a contributor to a

thematic district. USACE will 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. 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.

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 dependent on location in or proximity to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a practicable alternative to the project that would result in less adverse impact to the aquatic ecosystem, while not causing other major adverse environmental consequences. The applicant has been informed to submit an analysis of project alternatives to be reviewed for compliance with the Guidelines.

6. PUBLIC INTEREST EVALUTION: The decision on whether to issue a Department of the Army Permit will 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 will, 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 will 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 Mr. Jim Mazza, San Francisco District, Regulatory Division, 1455 Market Street, 16th 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 will 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 and additional detailed drawings and plan sheets provided by the applicant may be viewed under the *Current Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/regulatory/>.