



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: McCann Bridge Installation, Eel River

PUBLIC NOTICE NUMBER: 2000-25816N

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COMMENTS DUE DATE: 3/6/2012

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1. **INTRODUCTION:** The County of Humboldt, Department of Public Works, 1106 Second Street, Eureka, California 95501 (POC: Mr. Doug Dinsmore at 707-445-7741), has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a ten-year permit (2012-2021) to discharge fill into waters of the United States (Eel River) for the purpose of periodic installation and maintenance of the McCann Bridge or low water crossing. Annually, the high flows in the fall and winter remove the crossing fill, and McCann residents request the County to re-install the low flow crossing when long-term forecasts indicate extended periods of dry weather. When the McCann bridge is washed out, the local residents can only access their homes on the east side of the river by motorboat ferry, which is not large enough to accommodate their vehicles. The McCann bridge or low water crossing would be installed and maintained whenever river flow is low enough to enable installation of a crossing (when river flow is well below the permanent partial bridge structure). The crossings would be re-installed several times during the winter periods, but only during low flow conditions. The project site is located on the main stem Eel River adjacent to the community of McCann, approximately 45 miles south of Eureka, in Humboldt County, California. 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 is located at the McCann crossing on the main stem Eel River, between Dyerville Road and the community of McCann. McCann is located adjacent to the east or right bank of the Eel River. The bridge structure and area of operations is

located within parcels APN 211-311-001, 211-311-012 & 211-283-008, Section 4, Township 2 South, Range 3 East, HB&M on Myers Flat 7.5' USGS quadrangle map. The project is at River Mile 47.

Project Site Description: Current conditions at the site consist of a dynamic riverine aquatic environment on the main stem of the Eel River and with a riparian vegetation corridor located above the Ordinary High Water Mark (OHWM) of the river. Beyond the east bank of the river there are a few open agricultural fields separated by a row of young conifer trees and vestigial riparian shrubs. Behind the fields, the terrain consists of relatively steep forested slopes. Beyond the west bank of the river is Dyerville Road, a county road that parallels the river and an inactive railroad grade (formerly Northwestern Pacific Railroad). Redwood and Douglas fir forest (some old growth) also parallels the river. A high and steep landslide that was accelerated by the 1995 and 1996 winter storm flows into the river just upstream from the McCann crossing. The river floodplain at McCann is approximately ¼ mile in width. Spring and summer low flows expose an extensive gravel bar adjacent to the east bank of the river. A partial structural crossing (built after the 1964 flood) consists of a section 300 feet in length between the west bank extending part way across the river channel. This structure consists of concrete decking and series of steel pilings for support. Every winter at river high flows, the partial bridge is submerged. During low flows there is a gap of approximately 50-100 feet between the end of the structural bridge and the east bank of the river. The crossing is not functional during low flows until gravel fill is placed in the 50-100 foot gap to complete the crossing. The bridge serves a small community of residents (approximately 25 families) living at McCann on the east side of the river. When the bridge is out for the winter, the County of Humboldt has, in the

past operated a small motor boat to haul residents and their supplies from the west side of the river to the east side. This “ferry” cannot accommodate motor vehicles, only passengers and associated supplies and provisions can be taken on this small vessel.

Project Description: As shown in enclosure 1 (Sheets 1 through 3), the applicant proposes to place 100 cubic yards (cy) of gravel fill into the riverbed to complete the gap in the bridge mentioned above. In addition, if necessary (depending on gravel and sediment accumulation) the applicant proposes to excavate gravel and sediment from underneath the existing partial permanent bridge to ensure free flow under this structure. Gravel for the gap connecting the bridge with the far bank would be obtained from existing gravel stockpiles located above the river’s OHWM. The stockpiles would be placed in the gap with an excavator or front-end loader. The approaches to the bridge on both ends of the McCann crossing would also be graded and smoothed to make a transitional ramp onto the bridge sections. Excavated sediment and gravel would be transported to the west side of the river to an upland location out of the Corps’ jurisdiction (above OHWM) for future use as approach fill. The County of Humboldt would re-install the crossing during the summer low flow periods and during the winter when river levels recede to where the permanent partial structure re-emerges above the river water level. The winter river flow can also reach this lower elevation during dryer than normal winter seasons. The McCann crossing can be installed when the flow reaches as low as 1,500 cubic feet per second (cfs) (as measured at the Fort Seward river gauge) or possibly higher at 2,500 cfs with river stage heights at approximately 9 to 10 feet. The gap of gravel is allowed to wash out during high river flow events.

The USACE authorized the project via an individual Section 404 Permit No. 25816N for a period of five years on March 11, 2005 to install and maintain the McCann Bridge. This permit expired on October 15, 2009. On May 23, 2011, the applicant, County of Humboldt Department of Public Works (DPW) submitted a Pre-Construction Notification for specific work located below OHWM of the Eel River near the McCann crossing. The McCann crossing was re-installed in 2010 and 2011 without USACE permits. After consultation with the National Marine Fisheries Service (NMFS) regarding potential impacts to endangered/threatened fish species and critical habitat, USACE issued a short-term authorization under Nationwide Permit 3 – Maintenance

on August 29, 2011 for the DPW to perform the following work for the remainder of the 2011 summer season:

(1) Periodic reconstruction of the right bank approach ramp by regrading or discharging 50 to 150 cy of river bar substrate material;

(2) Removal of sediment and debris accumulations from the river bar adjacent to the bridge in an area approximately 26,000 square feet (0.60 acres) which may have been a volume as high as 3,850 cy (actual amount was 2,500 cy). This includes relocation of woody debris from upstream to downstream areas of the bridge structure (permanent portion of bridge);

(3) Storage of all excavated or removed sediment, debris and gravels at stockpile at designated upland areas located above OHWM of the river; and

(4) Re-positioning and maintenance of rock slope protection on the right bank approach ramps, which would involve relocating rock slope protection or rip-rap from upstream of the bridge to downstream of the bridge.

The nationwide permit also authorized re-installation and re-opening of the McCann Bridge to traffic during any possible river draw-down periods during the winter of 2011 to early March 2012.

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 provide site access.

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 maintain the McCann Bridge crossing for safe vehicle and pedestrian travel over the river.

There are no roads in and out of McCann that provide access to main arteries such as Highway 101 or other county through roads in Humboldt County.

Project Impacts: (1) The McCann bridge installation and maintenance would involve the discharge of approximately 100 cy of gravel fill below OHWM of the Eel River to complete the bridge gap of 50-100 feet in length) gravel fill approach ramp on the northeast or right bank side of the river. Another 150 to 300 cy of gravel would be graded or discharged to form the bridge ramps.

Large rip-rap boulders may also be placed on both sides of the road near the bridge and ramp for erosion control. (2) During the winter months sediment and debris carried by high flow events are often deposited adjacent to and under the bridge, reducing flow capacity. On a periodic or annual basis the applicant would remove sediment and debris adjacent to the bridge (usually the west upstream side) or under the permanent bridge structure. Sediment is occasionally removed immediately downstream of the bridge structure as well. The size of the proposed work area includes 6,000 square feet or 0.14 acres of river bed below OHWM of the river. In certain years sediment would be excavated to a depth of 8 to 9 feet and would result in the net removal of approximately 2,000 cy of sediment gravel and debris. In 2011, the applicant removed material from approximately 0.60 acres on the riverbed upstream of the bridge and the volume removed was approximately 2,500 cubic yards of sediment (County of Humboldt Post-Construction Report 2011, October 24, 2011). All sediment and debris removed under and near the bridge project area was hauled off to upland disposal sites near Dyerville Road.

Proposed Mitigation: All in stream work must occur during river low flow periods or when the permanent bridge structure portion and its road surface is completely exposed and not submerged under river flow. No riparian or wetland vegetation would be removed during project implementation. During excavation and grading of the riverbed vertical and horizontal offsets would be maintained between the extraction area and the river low flow channel. Most of the excavated sediment and debris from the bridge site would be removed to the designated upland disposal sites located adjacent to Dyerville Road or other locations that are well above the OHWM (approximately 98 feet above Mean Sea Level) of the Eel River. Some excavated material from the river channel would eventually be used for reconstruction of the east approach ramp for given episodes of bridge completion or installation. No heavy equipment would be allowed to work in the wetted river channel. Large woody debris found upstream of the bridge would be moved to the downstream side of the bridge and placed on the gravel bar.

Project Alternatives: Local roads in the McCann area on the east side of the river do not connect with any major county road networks or to Highway 101 which would in turn connect to full service communities like Eureka or Garberville. The McCann Bridge is the only vehicle access to the west side of the river for private

residents of McCann as well as for emergency vehicles such as fire, law enforcement or medical services. When the bridge is washed out during the winter and cannot be used for crossing, the County of Humboldt has operated a small motorboat ferry shuttle to take passengers (no cars or other vehicles) across the river in both directions under a given schedule (several times a day, seven days a week). However, the applicant states this shuttle operation is extremely hazardous during high flow events when river currents are very strong and when the river is choked with floating debris, including full length trees or logs. There was some interest in the past of constructing a much larger and higher elevation permanent bridge across the Eel River at McCann. However, this alternative was determined by the County, especially in current times of economic downturn and budget austerity, to be very expensive due to high costs for engineering and design, abutment preparation on both sides of the river and road realignment, the high cost of bridge construction materials, contractor costs during construction and labor, and transport of materials to this remote site. According to the applicant the proposed project with periodic bridge installation and maintenance is the only preferred and economical alternative available at this time. The Corps will conduct an independent review of project alternatives.

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.*). In a letter dated September 7, 2011, the applicant has obtained Section 401 Water Quality Certification from the California Regional Water Quality Control Board (RWQCB), North Coast Region (WDID No. 1B01013WNHU), for the above described work. This Certification expires on September 6, 2016.

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: 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 for 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 will 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.

Other Local Approvals: The applicant will be applying for a Streambed Alteration Agreement from the California Department of Fish and Game for the above work.

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 or 1973, as amended (16 U.S.C. § 1531 *et seq.*), requires Federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) and/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 main stem Eel River, including the project location, is critical habitat for the Southern Oregon/Northern California Coastal (SONCC) Evolutionarily Significant Unit (ESU) coho salmon (*Oncorhynchus kisutch*), the California Coastal (CC) ESU Chinook salmon (*O. tshawytscha*), the Northern California (NC) Distinct Population Segment (DPS) of steelhead (*O. mykiss*) and Southern DPS green sturgeon (*Acipenser medirostris*), which are also listed as threatened species by NMFS under the ESA.

To address project related impacts to these species and designated critical habitat, USACE initiated informal consultation with NMFS, pursuant to Section 7(a) of the Act by letter dated June 24, 2011 and requested the ESA consultation consider two permit actions: (1) Nationwide Permit authorization for the 2011 season only for removal of sediment under and near the bridge and maintenance of the bridge, expiring on March 18, 2012, and (2) USACE would begin processing of a ten-year duration (2012-2021) individual Section 404 permit (at the County's request) for installation and maintenance of the McCann bridge crossing during river low flow periods and on a year round maintenance basis. During this consultation period, USACE received the documents, *McCann Low Water Crossing (McCann Road), Project Description, Addendum A*, dated July 13, 2011 and *McCann Bridge (McCann Road), Maintenance Proposal 2011*, dated July 15, 2011. These documents went into greater detail on certain elements of the project. USACE, by letter dated August 5, 2011, amended the informal Section 7 ESA request to NMFS adding the supplemental information provided by the applicant. By Letter of Concurrence dated August 19, 2011, NMFS concurred with USACE Determination that Proposed Action as described above is not likely to adversely affect SONCC coho salmon, CC Chinook salmon, NC steelhead, Southern DPS green sturgeon, or these species' designated critical habitats. This ESA coverage does NOT include the completion of

the McCann Bridge in 2010 and 2011 with fill placement of 100 cubic yards into the 50-100 lineal foot gap between the permanent bridge structure and the right bank or northeast bank of the river. Placement of this fill to complete the bridge was done in 2010 and 2011 without USACE authorization as the original 2005 USACE permit expired in 2009. For 2012 and beyond, the individual permit applied for by the County and described in this Public Notice would authorize completion of the bridge at McCann and NMFS would cover this activity under the ESA.

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. EFH species in the McCann project area on the Eel River include SONCC coho salmon and CC Chinook salmon. To address project related impacts to EFH, USACE initiated EFH consultation with NMFS concurrently with ESA consultation on June 24, 2011 and August 5, 2011, pursuant to Section 305(5)(b)(2) of the Act. In the NMFS Letter of Concurrence of August 19, 2011, NMFS concluded that while the proposed action would have minor adverse effects on EFH, NMFS does not recommend any EFH Conservation Recommendations for this 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 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 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 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. 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 submitted an analysis of project alternatives which is being reviewed by USACE.

6. PUBLIC INTEREST EVALUATION: 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 Nina Cavett-Cox, San Francisco District, Regulatory Division, 1455 Market Street, 16th floor, San Francisco, California 94103-1398; or by email to Christina.Cavett-Cox@usace.army.mil. 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 may be viewed under the *Current Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/regulatory/>.