



**US Army Corps
of Engineers**

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER 26897N DATE: September 10, 2003
RESPONSE REQUIRED BY: October 10, 2003

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

PERMIT MANAGER: David A. Ammerman

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1. INTRODUCTION: The Natural Resources Division, Department of Public Works, County of Humboldt, 1106 Second Street, Eureka, California 95501-0579, (Contact: Mr. Adam Forbes at 707-445-7741) has applied for a Department of the Army permit to discharge fill in connection with the annual, seasonal installation and fall removal of the Holmes Flat-Larabee low water road crossing. The applicant has requested a permit of five-year duration covering the years of 2004 through 2008. The project site is located east of Highway 101 and the Avenue of the Giants (Highway 254) frontage road, at the end Of Holmes-Larabee access road, over the Eel River, in Humboldt County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. PROJECT DESCRIPTION: As shown in the attached drawings (See Sheets 1 of 3 through 3 of 3), the applicant plans to, on an annual and seasonal basis (over a five year permit duration), discharge approximately 200 cubic yards (CY) of fill into the Eel River below the Ordinary High Water mark for construction of bridge approach ramps and bridge gap fill on the west and east channels of the Eel River. The bridge would be installed by approximately June 1 of each season and removed by October 15 of each season. The low water summer crossing is installed annually to allow residents of the Holmes-Larabee area to reach their property located on the east side of the Eel River. In addition, Pacific Lumber Company and other forest products firms use

Holmes-Larabee for access to timber harvest areas. During the summer crossing is also used incidentally to reduce response time for fire and medical emergency vehicles. The applicant states that the only alternative route for residents to reach the Holmes Flat-Larabee area on the east of the river is to take a narrow, winding detour on Shively Road. Shively Road branches off from Highway 101 just south of the town of Scotia. The detour is approximately seven miles. Due to ongoing timber harvest activities, local residential traffic mixes with commercial log traffic on this winding road. This mix of traffic is a potential driver safety issue, especially during inclement weather (rain/fog). This does not explain how the residents cope when the bridge is out during the winter, although the commercial truck traffic during that time of year may be largely absent.

The above summer crossing was previously authorized by the Corps under an individual Section 404 Permit No. 21636N15 on June 12, 1996; a Letter of Modification No. 216361N dated June 19, 1997, and a Letter of Modification No. 216362N on October 21, 1999. On November 28, 2001, the County of Humboldt applied for an individual Section 404 Permit and requested a Department of the Army Permit for a five-year permit duration. The crossing was installed without Corps authorization in 2002 as well as 2003. The Corps issued Nationwide Permit No. 14, Linear Transportation Projects under Permit No. 26897N dated August 21, 2003, as an

after-the-fact authorization. The Corp is currently processing an individual Section 404 Permit, which is intended to authorize the Holmes-Larabee crossing for five years (2004 to 2008).

County file records (County of Humboldt Department of Public Works, Eureka, California) indicated that the Holmes Flat-Larabee Bridge (County Bridge 4C-171) was originally constructed by the Pacific Lumber Company in 1937 and was bought by Humboldt County in 1959. The bridge originally consisted of a reinforced concrete deck about 30 centimeters thick and 3.7 meters wide on a continuous railroad-rail superstructure (Source: U.S. Army Corps of Engineers, San Francisco District, *Eel and Van Duzen River, General Assessment of Historical Change in Channel Morphology*, May 1999). Currently, there exists a permanent concrete bridge in place that extends part of the way across the Eel River at the above project site. Special conditions in the previous Corps permits required installation of the crossing no earlier than June 1st and removal of the crossing no later than October 15th. Installation of the crossing involves placing riverbed and gravel bar fill material at two locations (See Sheets 2 of 3 and 3 of 3).

The primary fill is located at the gap approximately half way across the permanent concrete bridge over the west channel. The gap is 35 feet long and 15 feet wide. The amount of fill needed to fill the gap varies from 150 CY to 200 CY. In some years, depending on sediment and gravel accumulation over the winter, gravel is removed from underneath and from between the existing bridge pilings.

The second fill is located on the east channel of the river (the main river flow migrates laterally back and forth depending on frequency and intensity of high winter flows, channel/bank configuration and other factors). This fill creates an approach road or ramp to a temporary flatcar bridge. The length of the approach road is 25 to 100 feet, varying with morphological changes in the river. The size and volume of fill would vary from year to year. The

maximum anticipated fill volume for this side of the bridge is 250 CY, but in most years the fill volume is 50 to 100 CY. After completion of the approach road or ramp, the flatcar bridge is placed over the east channel. A series of culverts with backfill has been substituted in the past for the flatcar bridge, but this configuration is unacceptable to the Corps due to its effect of water impoundment and inadequate fish passage.

Removal of the summer crossing consists of removal of the flatcar bridge and log abutments. Generally, it would not be necessary to remove the gravel fills, as they would be removed naturally by high flows during the subsequent winter (the flatcar bridge would have to be removed first, however). During the bridge removal and well as installation, the adjacent gravel bar (which would be used as a source of fill) would be recontoured to slope toward the river channels and any mounds, berms or holes would be graded to pre-excavation elevations and contours. This recontouring is for the purpose of preventing fish entrapment during fluctuating river water levels. Installation of the crossing requires one day of work as does removal of the crossing. Typical equipment used either singly or in combination includes an excavator, bulldozer, and/or "gradall". Equipment would enter the low flow channel only when necessary to cross the channel for flatcar bridge installation or to access the bar or concrete bridge. All work would be done at low water periods.

3. SITE DESCRIPTION: The riverbed at the above project location is approximately 800 feet wide between Ordinary High Water (OHW), with a 300-foot wide gravel bar in the center (shape and size of the gravel bar may vary after each winter). During the winter months, flows average 8,000 cubic feet per second (CFS) to 20,000 CFS. These flows would submerge the existing permanent low-level concrete bridge and the adjacent gravel bar. In the summer months, average river flows are reduced to less than 1,300 CFS. At this flow rate, the gravel bar is exposed, as is the permanent bridge (County of

Humboldt, Biological Assessment, 28 Nov 2001 permit application).

Corps documents (USACE, General Assessment, May 1999) state that local aggradations of sediment and gravel (accumulation of flood sediment on the river bed and banks; and higher river bed elevations) took place along the Eel River in the vicinity of the low water bridge at Holmes Flat-Larabee crossing. When this crossing was first built, it stood about 6 meters above the river bottom and was approximately at the same height above the river in 1959 when the County acquired the bridge. Since the 1964 flood, County records indicate substantial aggradations of sediment and gravel. The Corps stated that photographs taken at the crossing in August 1987 and again in October 1996, show that aggradation continued. In the summer of 1996, the channel bed was about 0.5 meters below the deck of the bridge. Due to this aggradation situation, the County (or those delegated to do the work) often must clear gravel from underneath the permanent bridge structure to about 3 or 4 feet to improve water flow and bridge clearance over the water surface.

4. STATE APPROVALS: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification before a Corps permit may be issued. The applicant obtained Section 401 Water Quality Certification from the California Regional Water Quality Control Board (RWQCB), North Coast Region by letter dated March 19, 2002 for the above Holmes-Larabee summer crossing activity. The 2002 Water Quality Certification expires on March 19, 2007. Any substantial changes to the project description may require recertification from RWQCB.

Those parties concerned with any water quality issues 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.

5. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps of Engineers will assess the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers.

Endangered Species Act of 1973: Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) requires formal Section 7 consultation if a federally permitted project may adversely affect Federally listed threatened or endangered species. The Eel River supports migratory and spawning runs of the following species of anadromous fish listed as threatened by the National Marine Fisheries Service (NOAA Fisheries): coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*O. tshawytscha*), and steelhead (*O. mykiss*). The Eel River is designated as critical habitat for coho salmon by NOAA Fisheries. Prior to issuance of a permit for any project affecting the above species and critical habitat, the Corps must consult with NOAA Fisheries.

Magnuson-Stevens Fisheries Conservation and Management Act: NOAA Fisheries and several interagency fisheries councils under the Magnuson-Stevens Fisheries Conservation and Management Act designate The Eel River as Essential Fish Habitat for coho salmon and Chinook salmon. The Corps must consult with NOAA Fisheries regarding the Holmes-

Larabee summer crossing's potential impacts on Essential Fish Habitat (EFH). The consultation for EFH is generally conducted concurrently with Endangered Species Act consultation.

6. EVALUATION OF ALTERNATIVES:

Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation under the 404(b)(1) Guidelines indicates that the project is not water/wetland dependent. The applicant has considered other alternatives to installation of a summer crossing, including "No Project" or continued use of the Shively Road detour, and installation of a permanent bridge crossing. The "No Project" option was rejected by the applicant due to the hazardous driving route and long detour for Holmes-Larabee residents and also rejected a permanent bridge due to the excessively high cost of constructing a permanent bridge high enough to clear river flood flows.

7. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are 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.

8. 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 of Engineers to determine whether to issue, modify, 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 of the proposed activity.

9. SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the District Engineer, Attn: Regulatory Branch, San Francisco District, 333 Market Street, San Francisco, California 94105-2197. It is 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 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 address is indicated in the first paragraph of this notice, or by contacting David A. Ammerman of our Eureka Field Office at telephone 707-443-0855 or E-mail: David.A.Ammerman@spd02.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.