



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

NUMBER 27565N DATE: March 21, 2003  
RESPONSE REQUIRED BY: APRIL 20, 2003

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

PERMIT MANAGER: David A. Ammerman PHONE: 707-443-0855 David.A.Ammerman@spd02.usace.army.mil

**1. INTRODUCTION:** The Pacific Lumber Company, P.O. Box 37, Scotia, California 95565, (Contact Mr. Robert Vogt, Assistant Director of Environmental Services at 707-764-4268) has applied for a Department of the Army permit to place gravel approach fill for the installation of six low water (summer) river crossings. Two of the crossings are located on the Eel River (Dyerville and Truck Shop Bar) and four crossings are located on the Van Duzen River (Strongs Station, Root Creek, Cummings Creek, and Ten Mile), 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).

**3. PROJECT DESCRIPTION:** As shown in the attached drawings, the applicant plans to install six low flow, summer crossings within the Eel River watershed. All except one crossing (10-Mile Crossing) have been installed in the past decades and most have been authorized within the last five years by the U.S. Army Corps of Engineers (Corps) under nationwide or standard permits. The length and width of the individual crossings and the volume of approach fill required for installation vary depending on how wide the low flow channel of the river is at the time of installation and what type of bridge used, whether log stringer or railcar bridge. In an effort to reduce permit processing and paperwork, the Corps is processing all of the above six summer crossings into one permit application as a standard or individual Section 404 permit, instead of one permit for each crossing. Pacific Lumber Company has requested that a permit for all six crossings be authorized for a

duration of five years between 2003 and 2008. The applicant requests authorization to install all crossings on or after May 1 and remove all crossings prior to or on November 15 of each year. Construction procedures for all bridges would be similar: Native, river bar gravels or imported gravels would be used to construct two ramp approach fills for the bridge. A bulldozer would be employed to create the fills. The approach fills would be placed at or near the low water level during the dry season. The native material used for fill would be returned to original grade at the time of bridge removal or imported fill would be removed to an upland location not in Corps jurisdiction (above Ordinary High Water). In most cases the bridges take one day to install and one day to remove. All of the bridges described below are used to provide access to the applicant's property for forest management purposes (including presumably timber harvest or silviculture).

(1) Cummings Creek - This bridge was last authorized by the Corps under Nationwide Permit No. 14, Linear Transportation Projects, File No. 22964N, dated July 24, 2001, expiring on July 24, 2003. The bridge would consist of a log stringer or steel bridge over the Van Duzen River in the vicinity of Cummings Creek, a tributary to the Van Duzen River. The crossing is within the community of Carlotta, approximately 11 miles east of Highway 101 and south of Highway 36 on the Corbett Ranch Road. The bridge would be 60 feet long and 12 feet wide and supported by two logs placed on the river bar. Total fill volume below Ordinary High Water of the Van Duzen River would be less than 400 cubic

yards (CY). (See Sheets 1, 2 and 3 of 18).

(2) Root Creek - This bridge was last authorized by the Corps under Nationwide Permit No. 14, Linear Transportation Projects, File No. 22114N, dated August 24, 2001, expiring on August 24, 2003. Root Creek Bridge would be a low water log stringer or steel bridge over the Van Duzen River near Root Creek. The crossing is south of Highway 36 and about 18 miles east of Highway 101, at Township 1 North, Range 2 East, SE ¼ of Section 10, Redcrest USGS Quadrangle. The bridge at Root Creek would be 60 feet long, 12 feet wide and supported by two logs placed on the river bar. The bridge approach fills would total less than 400 CY. (See Sheets 4, 5 and 6 of 18).

(3) Strongs Station - This bridge was last authorized by the Corps under Nationwide Permit No. 14, File Number 22965N, dated August 24, 2001, expiring on August 24, 2003. Strongs Station is located on the Van Duzen River 13 miles upstream of the confluence of the Eel River and Van Duzen Rivers at Township 1 North, Range 2 East, Southeast ¼ Section 5, Redcrest USGS Quadrangle, approximately ½ mile west of the Van Duzen County Park turnoff. The crossing at Strongs Station would be log stringer or steel bridge over the Van Duzen River. The bridge would be 60 feet long and 12 feet wide, supported by two logs placed on the river bar. Total approach fill volume would be less than 400 CY. (See Sheets 7, 8 and 9 of 18).

(4) 10 (Ten) Mile Crossing - This is a new bridge location proposed by the applicant. No previous Corps permits have been issued for a bridge at this location. The bridge would be located approximately ¾ of a mile upstream from the applicant's Cummings Creek summer crossing on the Van Duzen River. The location on the Southwest ¼ of Section 31, Township 2 North, Range 2 East, Hydesville USGS Quadrangle and is just upstream from the label on the quadrangle that reads, "Mile 10" (See Sheets 10, 11

and 12 of 18). This bridge would be a log stringer or steel bridge 60 feet long and 12 feet wide and supported by two logs placed on the river bar. Total approach fill volume would be less than 400 CY.

(5) Dyerville Bar Crossing - This bridge was last authorized by the Corps under Nationwide Permit 14, Linear Transportation Projects, No. 22113N, dated June 19, 2001, expiring on June 19, 2003. The Dyerville Bar crossing would be a steel bridge 60 feet long and 12 feet wide, with support logs at each end. Total approach fill volume is estimated at less than 600 CY. The bridge would cross the Eel River near Dyerville Bar at the Southeast ¼, Section 26, Township 1 South, Range 2 East, Weott USGS Quadrangle. This crossing is accessed from Highway 101 (Dyerville/Founders Grove Exit) and proceeding east on Dyerville Road, approximately one half mile upstream from the confluence of the main stem Eel River and the South Fork of the Eel River. The crossing itself is on the main stem of the Eel River. See Sheets 13, 14 and 15 of 18).

(6) Truck Shop Bar - This bridge was last authorized by the Corps under an Section 404 standard or individual permit, File No. 21639N, dated August 14, 1997, which expired on October 1, 2002. The Truck Shop Bar crossing would be a steel bridge 120 feet long and 12 feet wide, supported by four logs, two at each end and two in the middle. Total fill volume for the gravel approach fills would be less than 750 CY. See Sheets 16, 17 and 18 of 18).

**3. 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 has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the North Coast Region Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the

required certification. Water quality certification will be presumed issued if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality 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.

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

**National Environmental Policy Act of 1969 (NEPA):** At the conclusion of the public comment period, the USACE will assess the environmental impacts of the proposed projects in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), the Council on Environmental Quality's Regulations at 40 CFR 1500-1508, and USACE Regulations at 33 CFR 230 and 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of the USACE and other non-regulated activities the USACE determines to be within the 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 projects.

**Endangered Species Act of 1973 (ESA):** The following aquatic species listed as threatened by the National Marine Fisheries Service (NOAA Fisheries) and are known to occur in the project vicinity (Eel River and Van Duzen River and their tributaries):

coho salmon (*Oncorhynchus kisutch*), chinook salmon (*O. tshawytscha*), and steelhead (*O. mykiss*). All three are anadromous fish. In addition, the Eel River and Van Duzen and their respective tributaries are critical habitat for coho salmon as designated by NOAA Fisheries.

The Corps will be initiating Section 7 consultation with NOAA Fisheries pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), regarding impacts on the above three listed salmonids and their critical habitat from the installation of the above six summer crossings. Pacific Lumber Company will be implementing a Habitat Conservation Plan (HCP) with specific recommendations from NOAA Fisheries regarding possible crossing impacts to threatened salmonids and their critical habitat.

**Magnuson-Stevens Fishery Conservation and Management Act of 1996 (MSFCMA):** All six bridge crossing sites occur within designated Essential Fish Habitat (EFH) for the Pacific Salmon Fishery, specially the crossings sites are EFH for coho salmon and chinook salmon.

#### **5. 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. Alternatives are limited to consideration of different types of crossings and alternate routes of travel to reach the specific destination. Alternative overland routes by truck or other vehicle as opposed to use of the river crossings were considered impractical due to the much longer routes of travel, longer travel times, or the lack of alternative truck routes to the same destination. The applicant states that there are no practicable alternative for his project.

**6. 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.

**7. 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.

**8. 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 Regulatory Branch. 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 Ammerman of our Eureka Office at telephone 707-443-0855 or by electronic mail: dammerman@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.

