



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

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Regulatory Branch

333 Market Street

San Francisco, CA 94105-2197

PROJECT MANAGER: Bob Smith

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1. **INTRODUCTION:** The Granite Rock Company, P.O. Box 50001, Watsonville, California 95077, (831) 768-2000, through its agent, Resource Design Technology, Inc. (contact: Mr. Bruce Steubing, (916) 983-9193) has applied for a U.S. Army, Corps of Engineers (Corps) permit to fill 8.2 acres of wetlands and waters to expand the existing Wilson Quarry fines settling basin located at Soda Lake about nine miles east of Watsonville along State Route (SR) 129 in Santa Cruz County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. **PROPOSED PROJECT:** The Soda Lake Facility as, shown in the attached drawings, is a storage area for fine-grained rock materials (fines) that are produced as a byproduct of construction aggregate production at Granite Rock's Wilson Quarry, located southwest of the storage facility in San Benito County. Soda Lake is located about nine miles east of Watsonville, and approximately two miles northeast of Aromas, adjacent to State Highway 129 (Figure 1 and 2). The project site is situated on private property currently used for agricultural purposes as dry grazing land.

The existing storage facility has been in use since 1967, and consists of earth fill embankments (Figure 3) 174 feet in height that create an impoundment area where the fines are deposited. Quarry fines are mixed with water and pumped via a pipeline to the storage facility. After the fines settle out, the water at the surface is returned to the quarry via another pipeline for re-use. If elevated to the current permitted height, 205 feet, the capacity of the existing facility is approximately 3.6 million cubic yards, within an area of about 90

acres. At the average rate of fines production the facility was predicted reach maximum capacity by this fall.

The applicant is proposing to re-align and heighten the current embankments, or levee system, to provide an additional 50 years of storage capacity at the facility. This will entail: a) extending the south levee approximately 2,500 linear feet to connect with existing topography at the southeastern limit of Soda Lake, b) raising the height of the western and southern levees (Figure 6), and c) partially deconstructing about 2,900 linear feet of the northern and eastern levees (Figure 4). The project would be phased over approximately five years, with an estimated three to six-month construction period each year between April 15 and October 15. This would allow for incremental capacity increases to meet immediate fines disposal needs.

Project construction would require filling 8.1 acres of freshwater marsh and 0.15 acres of waters of the U.S. The discharged fines would inundate an additional 19.3 acres of wetlands (wet alkali grassland and willow riparian woodland) and a 0.12-acre spring fed pond. The fines are considered to be mine waste, and are not regulated under Section 404 of the Clean Water Act.

All of the levees would ultimately be constructed to elevations higher than 205 feet to allow for predicted minor slumping in the event of a major earthquake. The west levee would be constructed to an elevation of 208 feet and all others to an elevation of 210 feet. The maximum water elevation in the basin would be limited to 202 feet.

Most of the levee construction would be accomplished using earthen materials on site. An elevated ridge of the Purisima geologic formation, about 450 feet wide (east-west) and 1,700 feet long (north-south), lies in the center of the planned facility and would be used as the primary borrow material for the new south levee. Material for raising the western levee would also be derived from this source, as well as from dismantling the existing northern and eastern levees. Any additional materials required would come out of the westerly portion of the hillside to the east of the storage area below elevation 205 feet. A limited volume of construction aggregates (about 150,000 cubic yards) from Wilson Quarry would also be used. The total volume of material to be used in levee construction would be about 1,430,000 cubic yards.

The resulting facility would be bounded on the south and west by levees, and on the north and east by natural topography. The fill area would have dimensions of approximately 4,000 feet east to west, and 3,000 feet north to south, encompassing about 240 acres. The existing western levee would be raised approximately 30 feet, and the southern levee would be constructed at the same height. The increased surface area of 150 acres (about 1.7 times the existing footprint) would provide an increased storage capacity of approximately 10.4 million cubic yards (3.8 times the existing capacity). The final surface area of the settling basin would be about 215 acres, and would provide a total storage capacity of approximately 14 million cubic yards. Ultimately, once the basin reached maximum storage capacity, the surface would be allowed to dry out, and topsoil recovered prior to construction would be placed on the surface to return the area to non-irrigated agriculture.

**ENDANGERED SPECIES** – The general project vicinity has a mosaic of wetland habitats that provide favorable conditions for red-legged frog. The applicant states frogs have been observed breeding in

the spring-fed pond, and utilizing the adjacent wet grasslands for occasional nighttime foraging trips. Frogs have also been observed traveling along the cattail marsh channels extending to the east and north of the spring-fed pond. At times frogs have traveled from the spring-fed pond and spent periods of time foraging in the complex of open water pits and cattail marsh that were present within the settling basin in previous years. The proposed project is likely to affect the red-legged frog. The Corps will initiate a consultation with the U.S. Fish and Wildlife Service (FWS) in accordance with Section 7 of the Endangered Species Act on the affects of the project on the California red-legged frog.

The California tiger salamander is a candidate for Federal listing as threatened. The applicant states there are several known occurrences of tiger salamanders in ponds east of Soda Lake, with the closest known location approximately 3 miles to the northeast of this project site. The spring-fed pond just north of the existing basin was considered potential salamander breeding habitat. However, aquatic surveys for larvae were negative. During the course of other studies on the red-legged frog at this pond, including two years worth of nighttime work; no tiger salamanders were observed. The marsh to the west of the existing levee does not provide suitable habitat for salamanders because it is usually dry by early spring, and thus does not hold water long enough to allow transformation of larvae to juveniles. The California tiger salamander is not expected to occur on this site.

**MITIGATION** – The applicant states the goal of their proposed Mitigation Plan is to create wetland and water habitats that equal or exceed the functions and values of the existing wetland and water habitats that will be affected by the Project. This would be accomplished by designing the created wetlands with the same or better hydrological conditions, planting the created wetland with native, locally-collected plant stock, and monitoring and adjusting the conditions as described below in the

monitoring and contingency plans. The long-term goal is to create a self-sustaining mosaic of wetland habitat types with hydrologic conditions favorable to a stable amphibian population and creating native plant cover to sustain a diversity of other wildlife.

Two mitigation sites (Windy Pass and Western Basin) have been selected and are located immediately adjacent to the Project site (on the John Rocha Ranch). See Figure 7, Mitigation Sites. The types of habitats to be created include seasonally wet grasslands, freshwater marsh, open water (new spring fed ponds), and willow riparian woodland. The wet alkali grassland habitat type is dependent upon associated alkali soils; such soils are not present at the mitigation sites, and therefore, this habitat type will be replaced with seasonally wet grassland and/or freshwater marsh. The types of habitats to be created and the location of each type of created habitat are listed below.

ponds and 0.3 acre of surrounding willow riparian woodland. The total area of the watershed above the mitigation area is approximately 19 acres. The wetlands mitigation area in Windy Pass is shown on Figure 9, Detail of Windy Pass (Site 1).

The source of water for the wetlands mitigation area will be a combination of direct precipitation, surface runoff from the watershed area, and lateral inflow of shallow percolation from the upland areas. There is currently very little surface-water runoff from the mitigation area. Most of the rainfall in the upland area percolates into the shallow colluvium and travels downslope above the bedrock surface. This shallow subsurface flow eventually recharges groundwater beneath the basin. Due to the minimal size of the Windy Pass mitigation area, there is no anticipated impact on the overall groundwater recharge in the basin.

Habitat Type	Mitigation Site	Proposed Area (acres)
<b>Wetlands</b>		
Freshwater Marsh	Western Basin	10.6 (1.5:1 replacement ratio)
Seasonally Wet Grassland*	Western Basin	16 (1:1 replacement ratio)
Willow Riparian Woodland	Western Basin Windy Pass	1 0.4 (2:1 replacement ratio)
<b>Total Wetlands</b>		<b>28 acres</b>
<b>"Other Waters of the U.S."</b>		
Open Water (spring-fed pond)	Windy Pass	0.6 (5:1 replacement ratio)
Waterways (average width of 1-foot)	Western Basin	0.4 (3:1 replacement ratio)
<b>Total Other Waters of the U.S.</b>		<b>1 acres</b>

\* These grasslands are intended to replace wet alkali and seasonally wet grassland

#### Windy Pass (Site 1)

The Windy Pass (Site 1) mitigation area occurs within the lower part of the upland area directly above the proposed expansion of Soda Lake. As discussed in Section II.A, the Windy Pass mitigation area consists of 0.6 acre of open water

#### Western Basin (Site 2)

The mitigation area occurs within the lowest part of the basin, with relatively minor topographic slopes.

A maximum area of 37 acres is potentially available for wetlands mitigation within the basin. The actual wetlands mitigation area, however, occupies an area of 19.8 acres. The total area of the entire watershed above the mitigation area is approximately 319 acres. Due to variations in topographic slopes and distance from the mitigation area, the actual maximum area that may reasonably act as a watershed for the mitigation area is conservatively estimated at approximately 203 acres, which includes approximately 174 acres of upland area and 29 acres in the basin, along the north and west sides of the mitigation area. The watershed areas described above do not include the acreage of the actual mitigation area. The wetlands mitigation area in the Western Basin (Area 2) is shown on Figure 10, Detail of Western Basin (Site 2).

The source of water for the wetlands mitigation area will be a combination of direct precipitation, surface runoff from the watershed area, and lateral inflow of shallow percolation from the upland areas. Surface-water runoff currently discharges along the open waterway located at the eastern margin of the basin, southward through an existing culvert under Highway 129, to the Pajaro River. Overflow from the mitigation area will use the same open waterway and drainage structures. During periods of heavy rainfall, local flooding may occur in the eastern part of the basin. Flooding has also historically occurred on the Pajaro River. Due to the holding capacity of the mitigation area, however, flood flows from the basin will be attenuated.

### 3. COMPLIANCE WITH FEDERAL LAWS:

**National Environmental Policy Act of 1969 (NEPA):** The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps' 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 Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

### Clean Water Act of 1972 (CWA):

**a. Water Quality:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant is notified by this Public Notice that, unless he provides the Corps with evidence of a valid request for State water quality certification to the Central Coast Regional Water Quality Board within 30 days of the date of this Public Notice, the Corps may consider this application withdrawn. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification 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.

**b. Alternatives:** Evaluation of this proposed activity's impact 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. Section 1344(b)).

**National Historic Preservation Act of 1966:** Pacific Legacy, Inc., conducted archeological investigations at the project site, which included a records search at the Northwest Information Center at Sonoma State University; a sacred lands search conducted by The Native American Heritage Commission and a

pedestrian surface survey of the area of potential effects. Based on these investigations no previous surveys, sites, or cultural resources, i.e., prehistoric or historic sites, were identified within or near current project boundaries. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office in accordance with Section 106 of the National Historic Preservation Act.

**4. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline 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.

**5. 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 to determine whether to issue, 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 in the proposed activity.

**6. SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the 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 Public 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 name and address are indicated in the first paragraph of this Public Notice or by contacting Bob Smith of our office at telephone 415-977-8450 or E-mail: [rsmith@spd.usace.army.mil](mailto:rsmith@spd.usace.army.mil). Details on any changes of a minor nature that are made in the final permit action will be provided upon request.