



**US Army Corps
of Engineers.**

SAN FRANCISCO DISTRICT

US Army Corps
of Engineers

PUBLIC NOTICE

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

NUMBER: 27725N DATE: April 11, 2003
RESPONSE REQUIRED BY: May 12, 2003

PERMIT MANAGER: Kelley Reid PHONE: 707-443-0855. E-mail: kelley.reid@spd02.usace.army.mil

1. INTRODUCTION: Mr. Robert McLaughlin, of Eureka Ready Mix Concrete Company, Inc., 1955 Hilfiker Lane, Eureka, California 95501, (707-443-2791) is applying to mine gravel from the Hauck Bar located on the Eel river.

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, the applicant plans to extract gravel as he has in the past to provide material to commercial markets. This gravel extraction proposal includes a variety of interconnected activities; of these activities, temporary installation of a flatcar bridge, stockpiling aggregate, haul road maintenance, removal and replacement of large woody debris are regulated activities pursuant to Section 404 of the Clean Water Act. Riparian vegetation must be replaced when impacted by one of these gravel extraction processes.

Eureka Ready Mix's Hauck Bar is approximately 152 acres at 1909 Fowler Lane, near Alton, Humboldt County, California in the shared corners of sections 14, 15, 22, and 23, T2N-R1E, HBM; approximately 66,000 cy was extracted from the Hauck Bar in the 2002 extraction season and an average of 57,900 cy has been extracted annually since 1996. See attached

drawings for more information concerning proposed operations at the Hauck Bar.

Although there are a variety of extraction methods employed in the industry, gravel companies in Humboldt County have largely been required to skim gravel from the surface of exposed bars during the summer (June to October, inclusive) and, upon annual completion, grade the site to slope gently (1-2%) towards the river. Trench excavations, outside but immediately adjacent to the low-flow channel, are also being considered where appropriate. In addition to this Section 404 permit process, the gravel operations also receive an annual review by California Department of Fish and Game (DFG), County of Humboldt Extraction Review Team (CHERT), and the Corps of Engineers (Corps). After a mostly bare gravel bar (unvegetated, with some scattered woody debris) is skimmed, a lower bare gravel bar remains. Please see the attached maps and diagrams for more information about the proposed activities. Final extraction plans have not been included in this application process since the final plans depend upon the available gravel recruited during the winter high flows. Final plans will be provided to the agencies in the spring as part of each annual review process.

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 is aware that the Corps permit will not be granted until the applicant obtains the required certification from the North Coast Regional Water Quality Control Board.

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, Santa Rosa, California 95403-1064, by the close of the comment period of this public notice.

The applicant must also obtain a Streambed Alteration Agreement from DFG before the any extraction activities commence. Applicants or concerned citizens may contact DFG at 619 Second Street, Eureka, California 95501.

There may be other State agencies with an interest or regulatory jurisdiction over gravel mining. It is each gravel operator's responsibility to know of and obtain all the necessary State, local and federal permits.

4. EVALUATION OF ALTERNATIVES:

An evaluation under the 404(b)(1) Guidelines indicates that the project is not water dependent. Evaluation of this activity's impact on the public interest will also include 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).

5. 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, which 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, which 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.

6. ENDANGERED SPECIES: The Corps will consult with the National Marine Fisheries Service on impacts to Federally listed threatened salmonids in this project area.

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; Please reference the file number 25562N-1 for concerns about the Hauck Bar. 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 Kelley Reid of our Eureka Office at phone 707-443-0855 or E-mail: kelley.reid@spd02.usace.army.mil. Details on changes of a minor nature that are made in the final permit action will be provided on request.