



US Army Corps
of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

US Army Corps
of Engineers

NUMBER: LOP 96-1C

DATE: August 28, 2003

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

LETTER OF PERMISSION PROCEDURE GRAVEL MINING ACTIVITIES WITHIN HUMBOLDT COUNTY

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INTRODUCTION: The U.S. Army Corps of Engineers is issuing another extension of the Letter Of Permission Procedure (LOP) for gravel mining activities in streams and rivers of Humboldt County until December 31, 2003 pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344), and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

PROJECT SUMMARY: The procedure applies to gravel extraction on the unvegetated gravel bars within the streams and rivers of Humboldt County. Gravel may be extracted by excavation of "horseshoe pits," alcoves, trenches and "wetland pits," or by skimming the surface of the gravel bar as pertinent (based on CHERT recommendations and compliance with the incidental Take Statement of the Biological Opinion(s)). This procedure is valid for the 2003 extraction season only.

BACKGROUND: On August 19, 1996, the U.S. Army Corps of Engineers (Corps) adopted a Letter of Permission (LOP) procedure for the authorization of work described herein. The previous LOP procedure expired on August 19, 2001, but was extended to October 31, 2001. In the spring of 2002, the Corps issued a new proposal for another LOP procedure but was unable to resolve the disputes, and instead re-issued an extension of the LOP 96-1. In the fall of 2002, the Corps proposed to re-issue a variant of the initial LOP96-1 for a 5-year duration. However, the 2002 version with proposed conditions was not

acceptable to NOAA Fisheries, and it proposed to issue a jeopardy biological opinion pursuant to Section 7 of the Endangered Species Act. The attached version of the LOP 96-1C is intended to provide adequate environmental protection for some limited gravel extraction for one year. Individual LOPs (with conditions) for specific gravel bars will be issued based on CHERT and NOAA Fisheries' recommendations.

ENDANGERED SPECIES: The Corps has requested the US Fish and Wildlife Service and the NOAA Fisheries Service to provide a biological opinion and incidental take statement for this extension of the LOP 96-1. A copy of each Incidental Take Statement is attached as separate appendices. *If the procedure is implemented after September 15, 2003, for the lower Eel River, the extraction season would be after the conclusion of the nesting, rearing and fledging season, and consultation with U.S. Fish and Wildlife Service will not be necessary.*

FOR MORE INFORMATION: For copies of the LOP procedure, please contact Mr. Michael Shirley at 707-443-0855. Additional details may be obtained by contacting Mr. Kelley Reid at 707-443-0855 (email Kelley.reid@spd02.usace.army.mil).