



**US Army Corps
of Engineers**®
San Francisco District

SAN FRANCISCO DISTRICT
PUBLIC NOTICE
PROJECT: Gravel Augmentation on the Trinity River

Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

PUBLIC NOTICE NUMBER: 2012-00369N
PUBLIC NOTICE DATE: February 17, 2017
COMMENTS DUE DATE: February 27, 2017

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1. **INTRODUCTION:** The Trinity River Restoration Program was established in 2000 by the Record of Decision (ROD) summarizing the concept of active rehabilitation of the Trinity River between Lewiston Dam and the confluence of the North Fork of the Trinity River. Under the auspices of the United States Department of Interior (USDI) Bureau of Reclamation (BOR) (Contact: Brandt Gutermuth Telephone: 530 663-1806) located at 1313 South Main Street in Weaverville, California has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to discharge well defined gravel fill into jurisdictional waters of the United States associated with replenishing spawning size gravel (3/8 inch to 5 inches) withheld below the Lewiston Dam in the Trinity River in Trinity County, California. This Department of the Army permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*).

2. **PROPOSED PROJECT:**

Project Site Location: Five possible locations are proposed for adding gravel to the Trinity River in any given year. These are shown on the map identified as Figure 1. The locations are labeled as #1. T.R. Fill Hatchery, #2. Lewiston Upstream (Weir Hole), #3. Lewiston downstream, #4 Sawmill, and #5. Lowden Ranch. In 2017, gravel augmentation is proposed at locations #2. Lewiston Upstream (Weir Hole) and #5. Lowden Ranch. The Weir Hole is a diversion pool at River Mile (RM) 111.2 with coordinates 40.7201N, -122.80322W. The Weir Hole is at the Sven Olbertson site within the Lewiston-Dark Gulch channel rehabilitation project on land owned by the U.S. Forest Service which was constructed in 2008. The Lowden Ranch site is located between RM 104.0 and 105.4 at 40.69475° N Lat, -122.85575°W Long, on parcels owned by Bureau of Land Management.

Project Site Description: The gravel introduction sites were identified, and subsequently permitted, to ensure

that as introduced material is transported downstream, more might be added to replenish the mobilized portion. The gravel would be dumped into the river at a time and place where the flow is at peak rates for the year, so that the gravel would be carried downriver by fast flows, forming dynamic gravel bars, spawning gravels and channel complexity. Discharge locations have been chosen where enough space exists for construction activities, where property owners have provided access permission and where the discharge travels to appropriate locations based on previous augmentations.

Project Description: The fundamental purpose of the TRRP is to restore historic processes to the river via implementation of the 2000 Record of Decision (ROD) for the Trinity River Management Final Report Final Environmental Impact Statement/Environmental Impact Report (TRMFR FEIS/EIR). It is the intent of the TRRP to recreate a properly functioning river, albeit on a smaller scale, in order to increase naturally spawning anadromous fish populations to levels which existed prior to construction of the Lewiston Dams. The target reach for Trinity River restoration is the approximately 40-mile length of river downstream of Lewiston dam to the confluence of the North Fork Trinity River. Under the guidance of the Trinity River Final Environmental Statement (FES), the Trinity River Environmental Impact Statement / Report and the Implementation Plan, partners formed the Trinity Management Council (TMC) that reviews data generated by the team of technical experts and guides annual projects. Based on the study of data generated in previous years, the team support the current regime of gravel augmentation.

Basic Project Purpose: The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by USACE to determine whether the project is water dependent. The basic project purpose is to supplement the Trinity River with gravel that is held behind the Lewiston Dam, that is necessary for

salmonid spawning. The basic project purpose is water dependent.

Overall Project Purpose: The overall project purpose serves as the basis for the Section 404(b)(1) alternatives analysis, and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project. The overall project purpose is to discharge clean river rock (3/8 inch – 5 inch) suitable for salmonid spawning at one of five locations shown on map. Contributions of spawning size gravel to reaches of the Trinity River downstream of the Lewiston Dam are necessary because the dam holds back and interferes with the flow of sediment. Since beginning active rehabilitation in 2005, the Adaptive Environmental Assessment and Management component have reviewed annual gravel additions and have arrived at the amount best suited to river flow for a given year. The ROD describes flow allocations based on five different water-type years. Based on annual monitoring results, TRRP (Gaeuman, D.) has determined the preferred alternative supported by more than ten years of scientific data to justify this alternative for evaluation under the 404(b)(1) Guidelines, paragraph 9.b.(4) of Appendix B to 33 C.F.R. Part 325 and 40 C.R.F. Section 230.10(a)(2).

Project Impacts: Trinity River Restoration Program partners hypothesize that increasing coarse sediment storage in the Trinity River will result in increased bar amplitude and channel complexity. The goal of the Program is to restore the movement of sediment (as gravel), increase coarse sediment storage, and reestablish a balanced coarse sediment budget downstream of Lewiston Dam to Indian Creek by adding clean gravel to the river at a rate approximately equal to the long-term transport rates of the ROD flow regime. Since the start of the project, the Trinity River Restoration Program staff have monitored and evaluated the impacts of gravel augmentation based on scientific analyses and calculation of a gravel budget. For 2017, the TRRP requests authorization to place up to 3,500 cubic yards of gravel at the Weir Hole and Lowden Ranch sites during high spring flows.

Proposed Mitigation: Avoidance and minimization measures are incorporated into the project design. These include Best Management Practices (BMPs) for heavy equipment use in a waterway and placement of coarse sediment during peak record of decision (ROD) flows starting May 1 to avoid detrimental effects on fish.

Project Alternatives: Re-evaluation of the effects of gravel augmentation occurred in 2015. Contributions of spawning size gravel to reaches of the Trinity River downstream of the Lewiston Dam are necessary because the dam holds back and interferes with the flow of sediment. Since beginning active rehabilitation in 2005, the Adaptive Environmental Assessment and Management component have reviewed annual gravel additions and have arrived at the amount best suited to the flow for a given year. The ROD describes flow allocations based on five different water-type years. Based on annual monitoring results, TRRP (Gaeuman, D.) has determined the preferred alternative supported by more than ten years of scientific data justify this alternative.

3. STATE AND LOCAL APPROVALS:

Water Quality Certification: State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1341 *et seq.*). Based on a 2015 re-evaluation by BOR and NCRWQCB, the NCRWQCB reissued to the TRR a 5 year water quality certification for gravel augmentation (WDID No. 1A09154WNTR).

Water quality issues should be directed to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403.

Coastal Zone Management: Per Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), no federal license or permit will be granted until the appropriate State agency has issued a Consistency Certification or has waived its right to do so. The project does not occur in the coastal zone, and a *preliminary* review by USACE indicates the project would not likely affect coastal zone resources. This presumption of effect, however, remains subject to a final determination by the California Coastal Commission to comply with this requirement.

Coastal zone management issues should be directed to the District Manager, California Coastal Commission, North Coast District Office, 710 E Street, Suite 200, Eureka, California 95501.

Other Local Approvals: The applicant has obtained a 2016 NCRWQCB reissued 5 year water quality certification for gravel augmentation (WDID No. 1A09154WNTR).

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act (NEPA): Upon review of the Department of the Army permit application and other supporting documentation, USACE has made a *preliminary* determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA. At the conclusion of the public comment period, USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's Regulations at 40 C.F.R. Parts 1500-1508, and USACE Regulations at 33 C.F.R. Part 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE determines to be within its 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 project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Regulatory Division.

Endangered Species Act (ESA): Section 7(a)(2) of the ESA of 1973, as amended (16 U.S.C. § 1531 *et seq.*), requires Federal agencies to consult with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) to ensure actions authorized, funded, or undertaken by the agency are not likely to jeopardize the continued existence of any Federally-listed species or result in the adverse modification of designated critical habitat. As the federal lead agency, TRRP has determined that Coho salmon (*Oncorhynchus kisutch*) and Chinook salmon (*Oncorhynchus tshawytscha*), Federally-listed species with designated critical habitat are present at the project location or in its vicinity, and may be affected by project implementation. To address project related impacts TRRP has initiated informal consultation with NMFS who are already participating in the project as a member of the TMC Fishery Restoration. Pursuant to

Section 7(a) of the Endangered Species Act, NMFS is currently engaged in updating the 2000 BO.

Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA): Section 305(b)(2) of the MSFCMA of 1966, as amended (16 U.S.C. § 1801 *et seq.*), requires Federal agencies to consult with the NMFS on all proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. EFH is designated only for those species managed under a Federal Fisheries Management Plan (FMP), such as the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP*, and the *Pacific Coast Salmon FMP*. As the Federal lead agency for this project, BOR has conducted a review of digital maps prepared by NMFS depicting EFH to determine the presence or absence of EFH in the project area. USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by NMFS. }{Based on this review, USACE has made a *preliminary* determination that EFH is present at the project location or in its vicinity, and that the critical elements of EFH may be adversely affected by project implementation. Coho and chinook salmon are both managed under the Pacific Coast Salmon Fisheries Management Plan. To address project related impacts to Pursuant to Section 305(5)(b)(2) of the Act., NMFS has suggested Conservation Measures that avoid young salmonid by discharging sediment during high flows. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project. To complete the administrative record and the decision on whether to issue a Department of the Army Permit for the project, USACE will obtain all necessary supporting documentation from the applicant concerning the consultation process. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

Marine Protection, Research, and Sanctuaries Act (MPRSA): Section 302 of the MPRS of 1972, as amended (16 U.S.C. § 1432 *et seq.*), authorizes the Secretary of Commerce, in part, to designate areas of ocean waters, such as the Cordell Bank, Gulf of the Farallones, and Monterey Bay, as National Marine Sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values. After such designation, activities in sanctuary waters authorized under other authorities are valid only if the Secretary of

Commerce certifies that the activities are consistent with Title III of the Act. No Department of the Army Permit will be issued until the applicant obtains the required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project would not likely affect sanctuary resources. This presumption of effect, however, remains subject to a final determination by the Secretary of Commerce, or his designee.

National Historic Preservation Act (NHPA): Section 106 of the NHPA of 1966, as amended (16 U.S.C. § 470 *et seq.*), requires Federal agencies to consult with the appropriate State Historic Preservation Officer to take into account the effects of their undertakings on historic properties listed in or eligible for listing in the *National Register of Historic Places*. Section 106 of the Act further requires Federal agencies to consult with the appropriate Tribal Historic Preservation Officer or any Indian tribe to take into account the effects of their undertakings on historic properties, including traditional cultural properties, trust resources, and sacred sites, to which Indian tribes attach historic, religious, and cultural significance. Based on a review of information submitted by BOR, USACE has made a *preliminary* determination that historic or archaeological resources are not likely to be present as a result of a Programmatic Agreement negotiated between BOR and SHPO that allows TRRP to proceed when no adverse impacts will take place. USACE will render a final determination on the need for consultation at the close of the comment period, taking into account any comments provided by the State Historic Preservation Officer, the Tribal Historic Preservation Officer, the Advisory Council on Historic Preservation, and Native American Nations or other tribal governments. Tribal members participate in decision making as members of the TMC to conduct consultation. To complete the administrative record and the decision on whether to issue a Department of the Army Permit for the project, USACE will obtain all necessary supporting documentation from the applicant concerning the consultation process. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until USACE concludes Section 106 consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer to take into account any project related impacts to those resources.

5. COMPLIANCE WITH THE SECTION 404(b)(1) GUIDELINES: Projects resulting in discharges of dredged or fill material into waters of the United States must comply

with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. § 1344(b)). An evaluation pursuant to the Guidelines indicates the project is dependent on location in or proximity to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a practicable alternative to the project that would result in less adverse impact to the aquatic ecosystem, while not causing other major adverse environmental consequences.

6. PUBLIC INTEREST EVALUTION: The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include 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: USACE is soliciting comments from the public; Federal, State and local agencies and officials; Native American Nations or other tribal governments; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental or public interest factors addressed in a final environmental assessment or environmental impact statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

8. **SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to Roberta Morganstern San Francisco District, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, California 94103-1398 or electronically at Roberta.A.Morganstern@usace.army.mil; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the Regulatory Permit Manager. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All substantive comments will be forwarded to the applicant for resolution or rebuttal. Additional project information or details on any subsequent project modifications of a minor nature may be obtained from the applicant and/or agent, or by contacting the Regulatory Permit Manager by telephone or e-mail cited in the public notice letterhead. An electronic version of this public notice may be viewed under the *Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/Missions/Regulatory>.