



US Army Corps
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San Francisco District

SAN FRANCISCO DISTRICT

Regulatory Division
450 Golden Gate Ave., 4th Floor
San Francisco, CA 94102-3406

PUBLIC NOTICE

PROJECT: Vacation Beach Summer Crossing

PUBLIC NOTICE NUMBER: SPN-2002-273010N

PUBLIC NOTICE DATE: March 10, 2021

COMMENTS DUE DATE: April 10, 2021

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1. **INTRODUCTION:** Sonoma County Department of Transportation and Public Works (DTPW) (POC: Jackson Ford (707) 565-8356), 2300 County Center Drive; Suite B100, Santa Rosa, California has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to continue the installation and removal of a seasonal road crossing on the lower reach of the Russian River, via an extension of Vacation Beach Avenue at Vacation Beach, near the Town of Guerneville, in Sonoma County, California. The road crossing was previously authorized under Department of the Army Permit No. 273010N that expired on December 31, 2020. 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.*), and Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 *et seq.*).

2. PROPOSED PROJECT:

Project Site Location: The river crossing is located at the Vacation Beach section of the Russian River and extends Vacation Beach Avenue to connect Orchard Avenue and Highway 116, near the Town of Guerneville, in Sonoma County, California (Lat./Long.: 38. 483384, -123.00846).

Project Site Description: The proposed project site is located within the lower portion of the Russian River watershed near Guerneville and is confined in a narrow canyon/valley with limited floodplain area and steep forested hillsides. The lower reach of the Russian River is characterized by a series of low-gradient meander bends and the formation of point bars that tend to accumulate large volumes of sand and gravel originating from the upper watershed. Water flow exhibits extreme seasonal variation, from perennial to episodic in magnitude, even though the

daily flows are partially regulated by Coyote and Warm Springs Dams. The land use around the project site is primarily rural residential with some agriculture and upland areas are predominately forested. At the crossing location, the river channel is approximately 250 feet in width (top-of-bank to top-of-bank), mostly dry, with a low-flow channel approximately 80 feet in width, and several gravel bars cause seasonal variations in channel morphology. Four permanent concrete piers on steel pilings are installed within the low-flow channel. The quality of riparian habitat ranges from relatively intact to highly disturbed, with extensive areas essentially cleared for agricultural purposes and the adjacent banks armored with riprap. The exposed bars generally devoid of woody vegetation but are seasonally colonized by various herbaceous plant species.

Project Description: As shown in the attached drawings and photographs, the applicant proposes seasonal installation and removal of a bridge platforms and gravel roadbed that extends across the Russian River during summer months. At Vacation Beach Avenue, the crossing structure consists of three 20-foot-long removable steel deck panels and four permanent concrete abutments and piers on steel pilings that span the low-flow channel. A crane situated on the adjacent bank would install the deck panels on the abutments and piers. Utilizing bulldozers and other heavy construction equipment, a roadbed would be constructed across the remainder of the river channel to the bridge abutments. The constructed roadbeds are typically 14 to 16 feet in width with 2:1 side slopes and 3 to 10 feet in height above the water surface elevation. Gravel and other fill material discharged in river channel would be the minimum volume necessary to construct the roadbeds but may vary on a seasonal basis due to changes in river morphology caused by high-flow events. This project is completed in coordination with the Russian River Recreation and Parks District (RRRPD), whose summer

dam is located immediately upstream of the crossing. The RRRPD generally installs the dam before the summer crossing is constructed; however, if for any reason the dam cannot be installed before the summer crossing, k-rails or concrete blocks would be used to divert active flow away from the work area. To minimize turbidity impacts, the County of Sonoma would import clean river-run gravel to construct the base layer of the roadbed - where the roadbed extend across flowing water - this material would be placed a minimum of two feet above the water surface elevation. Additional stockpiled and/or imported gravel would be used to construct the remainder of each roadbed to the elevations of the bridge abutments and banks. In the late fall, the local gravels and imported compactable fill material would be skimmed and excavated from the roadbeds and stockpiled on adjacent County property outside of USACE jurisdiction. Imported, clean river-run gravel would be left in place to be displaced and distributed by subsequent high-flow events. The deck panels would be removed from the bridge piers and abutments and stored on-site above ordinary high water.

The road crossing would be installed no earlier than June 15 and removed no later than October 15 of each year; in the event the California Department of Forestry extends the fire season beyond October 15, the road crossing would remain installed or until river forecasts determine the river may rise to the point of roadway washout. During the summer months, the region experiences increased traffic from tourists and summer residents who utilize various recreational resources associated with the Russian River. The seasonal road crossings benefit the region's tourism and recreational economy by providing additional access to the river and reducing travel times and travel distances (from two to six miles) in lieu of alternative routes. Seasonal road crossings have been installed at these locations since the late 1800's.

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 access across the Lower Reach of the Russian River.

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 while allowing a reasonable range of alternatives to be analyzed. The

overall project purpose is to provide vehicular access across the Russian River for emergency services, local residents, recreational users, and tourists.

Project Impacts: Depending on the seasonal morphology of the exposed bar, the roadbed would temporarily displace 15 to 80 lineal feet of flowing water (0.02 to 0.13 acre) and require the discharge up to 1,960 cubic yards of fill material; of this volume, approximately 600 cubic yards of fill material would be discharged below the plane of ordinary high water, causing temporary disturbance to 0.28 acre of riverbed.

Proposed Mitigation: The following avoidance and minimization measures are proposed: (1) Confine the installation of the seasonal road crossing to the period of June 15 to October 15 to avoid the principal migratory period for salmonid fish species. (2) Use of clean, river-run imported gravel to construct the roadway base where the road comes into contact with flowing water. (3) Minimize work, operation of equipment, and discharges of dredged and fill material in flowing water. (4) Restore the affected bar to its pre-construction condition after the bridge deck panels have been removed. (5) Qualified biological monitors will be present during installation and removal (6) Turbidity sampling will be implemented and work will be stopped to allow the work area to "rest" if gravel entering the river causes a plume of turbidity above background levels. (7) Avoid and minimize the loss of riparian vegetation and prune where possible in lieu of cutting main stems. (8) Incorporate appropriate best management practices to further reduce turbidity and sedimentation. Due to the temporary nature of the impacts, no compensatory mitigation to offset permanent adverse effects would be required.

Project Alternatives: USACE has not endorsed the submitted alternatives analysis at this time. USACE will conduct an independent review of the project alternatives prior to reaching a final permit decision. Alternative 1 is no crossing construction (no action) and would increase response time from fire, police and ambulance service to the area and increase traffic on other year-round bridges. Alternative 2 is the project as described above – temporary bridge and gravel roadway. Alternative 3 is to install a longer temporary bridge which would require more permanent bridge piers to be installed, reduce the amount of temporary fill, increase risk of collecting flood debris and cost \$2 million. Alternative 4 is a permanent bridge

which would cost approximately \$10 million and take multiple years to plan, design and construct.

3. STATE AND LOCAL APPROVALS:

Water Quality Certification: State water quality certification or a waiver thereof 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.*). The applicant is hereby notified that, unless USACE is provided documentation indicating a complete application for water quality certification has been submitted to the RWQCB within 30 days of this Public Notice date, the District Engineer may consider the Department of the Army permit application to be withdrawn. No Department of the Army Permit will be issued until the applicant obtains the required certification or a waiver of certification. A waiver can be explicit, or it may be presumed if the RWQCB fails or refuses to act on a complete application for water quality certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

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, by the close of the comment period.

Coastal Zone Management: The project does not occur in the coastal zone, and a preliminary review by USACE indicates the project is not likely to affect coastal zone resources. This presumption of effect, however, remains subject to a final determination by the California Coastal Commission.

Coastal zone management issues should be directed to the District Supervisor, California Coastal Commission, North Central Coast District Office, 45 Fremont Street, Suite 2000, San Francisco, California 94105-4508 by the close of the comment period.

Other Local Approvals: The applicant has applied for the following additional governmental authorizations for the project: A General Lease Agreement to be issued by the California State Lands Commission and a Lake and

Streambed Alteration Agreement to be issued by the California Department of Fish and Wildlife.

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. § 1500-1508, and USACE regulations at 33 C.F.R. § 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 for this project, USACE has conducted a review of the California Natural Diversity Data Base, digital maps prepared by USFWS and NMFS depicting critical habitat, and other information provided by the applicant to determine the presence or absence of such species and critical habitat in the project area. Based on this review, USACE has made a preliminary determination that the following Federally-listed species and designated critical habitat are present at the project location or in its vicinity and may be affected by project implementation. The project reach of the Russian River

contains Federally-listed endangered Central California Coast coho salmon (*Oncorhynchus kisutch*), Central California Coast steelhead (*Oncorhynchus mykiss*), and California Coastal chinook salmon (*Oncorhynchus tshawytscha*). Critical habitat has been also designated for each species to include all estuarine and river reaches accessible to salmonids below longstanding, naturally impassable barriers. Designated critical habitat consists of the water, streambed, and adjacent riparian zone. The lower reach of the Russian River principally serves as a migratory corridor for adult and juvenile salmonids. Adult coho salmon generally enter the Russian River Basin and migrate upstream to spawn from late October to mid-February and die within two weeks after spawning. Yearling juvenile coho salmon tend to migrate downstream to the ocean from March to mid-June. Steelhead are capable of repeat spawning episodes. Adult steelhead enter the Russian River Basin from late fall through April and begin spawning in December. Juvenile steelhead will remain in fresh water from one to three years and tend to migrate downstream to the ocean during the spring and early summer months. Chinook salmon begin their upstream migration in the late fall, with the advent of heavy rains, and spawn shortly after returning to their natal streams; this migratory period may continue into March and generally peaks in December and January. Juvenile chinook salmon begin their downstream migration in late March or early April, without migration peaking in mid-May. No other federally-listed threatened or endangered species are known to occur within the immediate project area or in the project vicinity. The overall project could potentially induce temporary changes in channel morphology, promote the stranding of salmonids on the affected bars; result in direct mortality of salmonids during installation of the bridge crossings and netting or herding activities prior to installation; cause the loss of riparian vegetation; and generate turbidity and downstream sedimentation, the deposition of which would likely contribute to the degradation of spawning gravels. To address project related impacts to these species and designated critical habitat, USACE has initiated formal consultation with NMFS, pursuant to Section 7(a) of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

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*, or the *Pacific Coast Salmon FMP*. As the Federal lead agency for this project, USACE has conducted a review of digital maps prepared by NMFS depicting EFH to determine the presence or absence of EFH in the project area. 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. The Corps has determined that the project would have an adverse effect on EFH for species managed under the Pacific Groundfish Fishery Management Plan and Pacific Coast Salmon Fishery Management Plan. This determination is based on the effects from the temporary disturbance associated with the annual placement of fill in active channels and increased turbidity from construction activities. These effects may adversely affect and juvenile migration corridors, adult migration corridors and adult holding habitat at Vacation Beach. To address project related impacts to EFH, USACE has initiated consultation with NMFS, pursuant to Section 305(5)(b)(2) of the Act. 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 MPRSA 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 any required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by USACE indicates the project is not likely to 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. As the Federal lead agency for this undertaking, USACE has conducted a review of the latest published version of the *National Register of Historic Places*, survey information on file with various city and county municipalities, and other information provided by the applicant to determine the presence or absence of historic and archaeological resources within the permit area. Based on this review, USACE has made a *preliminary* determination that historic or archaeological resources are not likely to be present in the permit area and that the project either has no potential to cause effects to these resources or has no effect to these resources. 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. 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 impacts to the aquatic ecosystem while not causing other major adverse environmental consequences. The applicant has submitted an analysis of project alternatives which is being reviewed by USACE.

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 in the project.

8. SUBMITTING COMMENTS: During the specified comment period, interested parties may submit written comments to Jayme Ohlhaber, either electronically via email: jayme.a.ohlhaber@usace.army.mil, or by letter to, San Francisco District, Regulatory Division, 450 Golden Gate Avenue, 4th Floor, San Francisco, California 94102-

3404; 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: <https://www.spn.usace.army.mil/Missions/Regulatory>.