



US Army Corps
of Engineers®
San Francisco District

Regulatory Division, Eureka Field Office
601 Startare Drive, Box 14
Eureka, CA 95501

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

PROJECT: REDWOOD NATIONAL AND STATE PARK VISITOR CENTER AND RESTORATION PROJECT

PUBLIC NOTICE NUMBER: 2021-00063

PUBLIC NOTICE DATE: April 13, 2021

COMMENTS DUE DATE: May 13, 2021

PERMIT MANAGER: L. Kasey Sirkin

TELEPHONE: 707-443-0855

E-MAIL: l.k.sirkin@usace.army.mil

1. **INTRODUCTION:** Save the Redwoods League (POC: Jessica Carter), Applicant Address, through its agent, GHD Inc (POC: Misha Schwarz, 707-267-2259), 718 3rd Street, Eureka, CA 95501, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to construct a new visitor center for the Redwood National and State Park, establish a Yurok Demonstration Site, construct new recreational trails, and perform onsite stream and wetland restoration in Prairie, Skunk Cabbage, and Libby Creeks. 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: The Redwood National and State Park Visitor Center and Restoration Project (Project) is located approximately 1.25 miles northeast of the unincorporated community of Orick, in Humboldt County, California. The Project Area is primarily owned by Save the Redwoods League (League) and includes portions of assessor parcel numbers (APNs) 519-231-018, and 520-012-013. A small portion of the Project Area (approximately 2.5 acres or three percent) is owned by the National Park Service (NPS) and includes APNs 520-012-009 and 519-231-020. The center location is latitude 41.302047°N longitude -124.041885°W. The Project's disturbance extent is 87.8 (88) acres, and the parcels that comprise the Project total 101.5 acres.

Project Site Description: The Project Area includes the lower 4,275 feet (nearly one mile) of Prairie Creek, the former Orick Mill site (Mill Site), and various access

roads. The Project Area is bound to the west by Highway 101, to the north by the community of Berry Glen, to the east by Redwood National and State Parks (RNSP), and to the south by Bald Hills Road. Thousands of acres of RNSP-managed parkland lie immediately to the east of the Project Area.

The historic Mill Site is situated in the southeastern portion of the Project Area. The Mill was built upon compacted river run aggregate fill that was capped with asphalt. Mill facilities had concrete foundations and included some subsurface utility infrastructure. Currently, the river run subgrade, asphalt, concrete foundations and potential subsurface utilities remain. A seasonal drainage ditch known as the Southern Drainage Ditch exists east and south of the Mill Site.

The Project vicinity is characterized by redwood forest, small headwater creeks, large waterways, open meadows, and mountainous terrain located in the coastal fog belt of northern California. The Project is located adjacent to over 13,000 contiguous acres of forestland protected and managed by RNSP in a remote area of California. The Project is within the Redwood Creek watershed, of which Prairie Creek is considered the largest and most pristine tributary. Agriculture, specifically ranching and dairy operations, are prominent land uses within the Redwood Creek estuary, which are predominantly located approximately two miles downstream of the Project Area. Agricultural uses also occur immediately south of the Project Area and south of Redwood Creek.

Four creeks (Skunk Cabbage Creek, Libby Creek, Otter Creek, and an Unnamed Tributary) are present within the Project Area. Skunk Cabbage Creek is a tributary to Prairie Creek and drains into the Project Area from a northwest direction. Libby Creek (perennial),

Otter Creek (seasonal), and an Unnamed Tributary (seasonal) drain to an area of wetlands located in the eastern portion of the property known as the “easterly wetlands”. The headwaters to Libby Creek, Otter Creek and the Unnamed Tributary are in the forested area to the east, and each creek flows through culvert crossings beneath the Upper and Lower Roads before discharging into the wetlands east of Prairie Creek. These tributaries do not have defined channels within the wetland, and portions of the wetland area drain into a drainage ditch that flows to Prairie Creek and via subsurface flow (see Figure 2, Appendix B). Stands of invasive, non-native reed canary grass exist along the ditch. Habitat quality of the drainage ditch is considered marginal for wildlife. The easterly wetlands associated with the three tributaries grade into forested seeps in the northern half of the Project Site, adjacent to the Lower Road, below the base of the forested slopes. Libby Creek crosses the Upper Road approximately 900 ft north of the Mill Site. A small instream concrete impoundment exists within Libby Creek approximately 100 ft east of the Upper Road crossing. This structure is believed to have provided water to the Mill workers who were housed adjacent to Libby Creek, at the location proposed for the Yurok Demonstration Site. The Unnamed Tributary crosses the Upper Road approximately 600 ft north of Libby Creek, and Otter Creek crosses the Upper Road approximately 1,000 ft north of Libby Creek.

Project Description: As shown in the attached drawings, the applicant proposes to construct infrastructure, recreation enhancements, and habitat restoration elements to increase recreation and public educational opportunities, provide regional trail connections, restore hydrological connections and floodplain habitat, and improve habitat for native plants, fish and wildlife.

The Project will include construction of a new, world-class Visitor Center for RNSP and onsite interpretive elements. It also will include establishment of a Yurok Demonstration Site to conduct ceremonies and to use for other tribal community events and interpretive purposes. The Project will establish local trails, a new segment of the CCT. A Trails Hub may be built on the Visitor Center site as an interim solution until full funding can be realized. The Trails Hub would include visitor access, parking, interpretive elements, a trailhead and information on the regional trails. Any infrastructure would be fully integrated to the future Visitor Center footprint. Additionally, the Project will include onsite stream, floodplain and wetland restoration to enhance nearby Prairie, Skunk Cabbage, and Libby Creeks, which will

improve rearing habitat primarily for federally-listed salmonids, and other aquatic species. Culvert replacements are proposed along the Upper and Lower Roads, which will improve instream flow in onsite waterways such as Libby Creek, Otter Creek and the Unnamed Tributary, and flow input into the easterly wetlands. Low Impact Development (LID) retention basins are proposed near the Visitor Center which to manage stormwater within the Project Area.

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 enhance and restore instream habitat.

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 improve endangered salmonid habitat within Prairie Creek, enhance hydrologic function for Prairie, Libby and Otter Creeks and an unnamed tributary.

Project Impacts: Permanent impacts to jurisdictional areas include the placement of fill in approximately 0.662 acres of palustrine emergent wetlands, 0.009 acres of palustrine forested wetlands, 0.031 acres of palustrine scrub shrub wetlands, and 1.112 acres of Other Waters. Temporary impacts include the placement of fill in approximately 0.846 acres of palustrine emergent wetlands, 0.017 acres of palustrine forested wetlands, 0.110 acres of palustrine scrub shrub wetlands, 0.333 acres of palustrine emergent ditch, and 2.642 acres of Other Waters of the US.

Proposed Mitigation: Approximately 11.297 acres of wetlands will be created, and 4.848 acres of Other Waters will be created on site. The acreages include the creation of approximately 6.02 acres of palustrine emergent wetlands, 3.352 acres of palustrine forested wetlands, 1.592 acres of palustrine scrub shrub wetlands, and 0.333 acres of palustrine emergent ditch wetlands on site.

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.

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 has recently submitted an application to the California Regional Water Quality Control Board (RWQCB) to obtain water quality certification for the project. The applicant is hereby notified that unless USACE is provided documentation indicating a complete application for water quality certification has been submitted to 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 Manager, California Coastal Commission, North Coast District Office, 710 E Street, Suite 200, Eureka, California 95501, by the close of the comment period.

Other Local Approvals: The applicant will be applying for the following additional governmental authorizations for the project: Lake and Streambed Alteration Agreement, 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, and indirect 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 or 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. Three salmonids federally and/or state listed as threatened or endangered under the federal and state Endangered Species Act are known to be located in the project area: Chinook salmon California Coastal (CC) ESU (*Oncorhynchus tshawytscha*); Southern

Oregon/Northern California Coast (SONCC) Coho salmon ESU (*Oncorhynchus kisutch*), and Steelhead, Northern California (NC) ESU (*Oncorhynchus mykiss*).

Additionally, the following species and critical habitat that are listed by the US Fish and Wildlife Service have the potential to occur in the project area: Humboldt marten (*Martes caurina humboldtensis*); West Coast DPS of Fisher (*Pekania pennanti*); Marbled Murrelet (*Brachyramphus marmoratus*); Northern Spotted Owl (*Stix occidentalis caurina*) and proposed as experimental, the Pacific Northwest Population of the California Condor (*Gymnogyps californianus*).

To address project related impacts to these species and designated critical habitat, USACE will initiate formal consultation with USFWS and 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 National Marine Fisheries Service (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 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. To address project related impacts to EFH, USACE will initiate 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. To address project related impacts to historic or archaeological resources, USACE will initiate consultation with the State Historic Preservation Officer or the Tribal Historic Preservation Officer, pursuant to Section 106 of the Act. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project. 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 been informed to submit an analysis of project alternatives to be reviewed for compliance with the Guidelines.

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 L. Kasey Sirkin, San Francisco District, Regulatory Division, Eureka Field Office, 601 Startare Drive, Box 14, Eureka, California 95501; 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. 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>.