



US Army Corps
of Engineers®
San Francisco District

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

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

PROJECT: Russian River - River Road Bank Stabilization

PUBLIC NOTICE NUMBER: SPN-2019-00066
PUBLIC NOTICE DATE: August 15, 2024
COMMENTS DUE DATE: September 14, 2024

PERMIT MANAGER: Bryan Matsumoto

TELEPHONE: (415) 503-6786

E-MAIL: Bryan.T.Matsumoto@usace.army.mil

1. INTRODUCTION:

The Sonoma County Department of Public Infrastructure (POC: Yoash Tilles, Yoash.tilles@sonoma-county.org), 2300 County Center Drive, Suite B100, Santa Rosa, California 95403, through its agent, Sonoma County (POC: Rich Stabler, rich.stabler@sonoma-county.org), 2550 Ventura Avenue, Santa Rosa, California 95403, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army Permit to stabilize a section of bank along the Russian River at River Road, located in Geyserville, Sonoma 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: The closest address to the project is 21505 River Road in the Town of Geyserville, Sonoma County, California (Lat: 38.7210, Long: -122.9015). The project is approximately 1,000 feet northwest of the intersection of Fay Ranch Road and River Road, and near where River Road turns northward away from the Russian River.

Project Site Description: The Russian River, at the project location, has migrated eastward into an area that includes River Road, riparian forests, and agricultural land. The eastward migration of the Russian River over the last three decades, has been accelerated with dramatic shifts occurring during flood events beginning in 2005. Approximately 150 feet of bank retreat has occurred, and approximately 22 acres of riparian habitat has been lost since that time; much of the protective riparian forest at this location between the Russian River and the surrounding areas (including road infrastructure) has been eroded and washed away. Bank retreat has continued at an average rate of five to 20 feet per year depending on location. Currently, the bank slope is generally vertical along 800-feet with limited to no riparian habitat. Furthermore, a 2019 flood event washed out approximately 40 linear feet of bank and necessitated emergency rock slope protection to be placed along the eroded bank to protect River Road. Storms in early 2023 caused more bank retreat and erosion, and the river channel is currently undermining substrate supporting River Road and threatens adjacent private property, agricultural lands, and private residential and agricultural structures.

Project Description: As shown in the attached drawings, the applicant proposes to conduct bank

stabilization activities along approximately 1,700 linear feet of the Russian River. The proposed project would use bendway weirs to deflect and train impinging river flows away from the left (east) bank adjacent to River Road. During excavation work, the riverbank would be cleared and grubbed of surface and subsurface deleterious matter, including vegetation and previously placed riprap (emergency stabilization) materials. Riprap from the emergency stabilization repair would be salvaged and re-used for the bendway weir spine. The bank of the Russian River at the project site would be reconstructed to support riparian plantings, to reestablish lost riparian habitat, and to effectively transition the riparian areas between the river and the terrestrial bank. The biotechnical bank stabilization approach includes excavation of a keyway into competent soil at the bank toe; backfilling the keyway with large rock as well as the construction of a vegetated rock revetment in the lower to middle zone of the slope; and placement and compaction of engineered fill above and/or behind the rock revetment. Instream woody material would be integrated into the planting benches, and the reconstructed riverbank and slope would be replanted with native riparian trees and vegetation.

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 stabilize the bank 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 stabilize the bank of the Russian River to protect River Road, agricultural lands, private property, and privately owned structures adjacent to the bank of the Russian River at this location against further damage and/or loss due to continued riverbank migration, and to provide restoration of aquatic and riparian habitats that have been lost due to scour and lateral channel migration.

Project Impacts: The project would result in the discharge of approximately 19,000 cubic yards of fill material consisting of soil through importing and grading, rock riprap for weirs and bank stabilization, and instream woody material. There is also anticipated temporary fill associated with project area dewatering. While all fill impacts are considered permanent, the total area coverage of waters of the U.S. are anticipated to remain the same.

Proposed Mitigation: The project would implement avoidance and minimization measures that would include an in-water construction window of June 15 through October 15, standard construction best management practices, along with general and species specific construction conservation measures. Since the project would not result in a loss of area of waters of the U.S. and the project is anticipated to improve functions and services, no compensatory mitigation is anticipated to be required. proposed.

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 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 application 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: Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Certification that indicates the activity conforms with the state's coastal zone management program that indicates the activity conforms with the state's coastal zone management program. Generally, 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 is not likely to affect coastal zone resources. This presumption of effect, however, remains subject to a final determination by the San Francisco Bay Conservation and Development Commission.

Other Local Approvals: The applicant will be applying for the following additional governmental authorizations for the project: 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 suitable habitat for the Federally-listed threatened Central California Coast steelhead (*Oncorhynchus mykiss*), threatened California Coastal Chinook salmon (*Oncorhynchus tshawytscha*), and the proposed threatened Northwestern pond turtle (*Actinemys marmorata*). The project site also contains steelhead critical habitat. The project may impact the movement of all species during construction and also decrease water quality through release of sediment or chemicals from construction machinery. The adverse impacts are expected to be minor and temporary with anticipated increases in the quality of river habitat at the conclusion of the project. To address project related impacts to Federally-listed species and designated critical habitat, USACE will initiate formal consultation with NMFS, and conference

consultation with FWS, 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. Anticipated impacts to Pacific Coast Salmon FMP are likely to include temporary loss of habitat and water quality. 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. Â§ 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.

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 not 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 less environmentally damaging practicable alternative to the project that does not require the discharge of dredged or fill material into special aquatic sites. 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:

Bryan Matsumoto
San Francisco District, Regulatory Division
450 Golden Gate Avenue, 4th Floor
San Francisco, California 94102-3404
Bryan.T.Matsumoto@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: <https://www.spn.usace.army.mil/Missions/Regulatory>