



US Army Corps
of Engineers
Portland District

Public Notice

Proposal to Develop a Regional General Permit for Gravel Mining

For additional information contact:
Judy Linton, Policy Specialist
Portland District, Regulatory Branch
(503) 808-4382
judy.l.linton@usace.army.mil

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Corps of Engineers Action ID: NWP-2008-71

Interested parties are hereby notified that, in accordance with 33 CFR 325.3(b), the U.S. Army Corps of Engineers, Portland District (Corps) is initiating the development of a regional general permit (RGP) to authorize gravel mining activities within the Chetco River, Curry County, Oregon, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C.) and Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344).

The Corps is specifically requesting comments from interested parties to assist in defining the limitations that should programmatically be placed on gravel mining to minimize impacts to the aquatic environment and other public interest review factors listed in the Evaluation section of this notice.

BACKGROUND

On April 25, 2007, representatives from federal, state, and local regulatory and resource agencies and the gravel industry met to begin discussions regarding short-term and long-term issues related to gravel removal from the Chetco River. At that time, both the Corps and Oregon Department of State Lands (DSL) were evaluating permit applications requesting gravel removal from various locations in the Chetco River. The agency and industry representatives agreed to work collaboratively to pursue a regional/watershed approach to address gravel mining in the Chetco River. Work coming out of the Chetco River evaluation will be used as a template to evaluate other river systems in Oregon.

Short-term evaluation of the Chetco River focused on whether the system was aggrading, degrading, or in equilibrium for the purpose of determining if mining could occur during the 2007/08 work season. An analysis of existing information along with field investigations ultimately led to the conclusion that mining could be supported in the upper reaches of the Chetco system, but that mining within the estuary could not be supported without further evaluation. In August 2007, the Corps issued permits to Freeman Rock, Inc for gravel removal between miles 4.5 and 5.5, and to Tidewater Contractors for gravel removal at mile 10 of the Chetco River.

The longer-term study will investigate what level of mining can be supported in the Chetco River system without adversely impacting the aquatic environment. Potentially developing a watershed-specific RGP to establish parameters for gravel removal is also part of this long-term effort.

PURPOSE

The purpose of the RGP is to expedite the authorization of recurring activities that are similar in nature and have minor individual and cumulative adverse impact on the aquatic environment. Use of the RGP is intended to reduce the amount of paperwork and time required to authorize qualifying projects by making available for use an already issued Department of the Army general permit that includes a concluded Endangered Species Act and Essential Fish Habitat consultation, and will likely include a State water quality certification and coastal zone management consistency concurrence. Development of this RGP is also intended to align the federal Clean Water Act and Rivers and Harbors Act permitting requirements with those of the state of Oregon's Removal/Fill Law. The Corps and DSL will be working closely on the development of this RGP as DSL is considering the development of a comparable General Permit (GP). Both the Corps and DSL will be coordinating with other federal, state, and local agencies, as well as the gravel industry to determine the appropriate thresholds of the RGP. The Corps is soliciting comments to assist in defining these thresholds. This public notice serves as one of several opportunities for public input into the RGP development process.

PUBLIC INFORMATION MEETING

The Corps will be scheduling a public information meeting in March or April 2008 in or near Brookings, Oregon. State and federal agencies involved the development of this RGP will be invited to participate in this information meeting to answer any questions you may have regarding process, timelines or other issues related to gravel issues. Comments may be submitted at this information meeting in addition to this notice. Further details regarding the date, time, and location of the public meeting will be provided later.

WATER QUALITY CERTIFICATION

Water Quality Certification, under Section 401 of the Clean Water Act, will be required prior to issuing a RGP. The Corps is working closely with the Oregon Department of Environmental Quality in the development phases of this RGP. DEQ will provide public involvement opportunities during the process as per OAR 340-048-0027.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION

Concurrence from the Oregon Department of Land Conservation and Development (DLCD) that the activities to be authorized by this RGP, which may affect land or water uses in the Coastal Zone, will be in compliance with the State Coastal Zone Management Program, is required by Section 307(c) of the Coastal Zone Management Act of 1972, as amended by 16 USC 1456(c)(3). The Corps is working closely with DLCD in the development of this RGP.

ENDANGERED SPECIES

Preliminary determinations indicate that the proposed activity may affect listed salmon or designated critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated with the National Marine Fisheries Service. A permit for the proposed activity will not be issued until the consultation process is completed.

CULTURAL RESOURCES

Proposals for activities to be authorized by this RGP will be reviewed individually to determine whether those activities may be located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. If information is received from the SHPO, tribes or other interested parties which indicates that the site of the proposed action may affect human burials,

cultural resources or historic properties (as identified by the Federal historic preservation laws), the Corps will take actions needed to comply with Federal cultural resources and historic preservation laws and regulations.

EVALUATION

The ultimate decision whether to issue the RGP will be based on an evaluation of the probable impacts including cumulative impacts of the described activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the described activities must be balanced against their reasonably foreseeable detriments. All factors, which may be relevant to the described activities will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the activities proposed to be authorized by this RGP. Any comments received will be considered by the Corps of Engineers in its decision on this RGP. Comments received during the development of the RGP will be considered in the preparation of an Environmental Assessment pursuant to the National Environmental Policy Act. Comments will also be used to determine the need for a public hearing and to determine the overall public interest of the proposed activities.

The evaluation of the likely impact of the proposed RGP on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

COMMENTS

The Corps is requesting comments to assist in developing the RGP. Comments should reference the U.S. Army Corps of Engineers number NWP-2008-00071 and should reach this office no later than March 10, 2008 to become part of the record. Comments should be mailed to the following address:

U.S. Army Corps of Engineers, Portland District
ATTN: CENWP-OD-G (Judy Linton)
P.O. Box 2946
Portland, Oregon 97208-2946

Comments may also be sent by email to: judy.l.linton@usace.army.mil.

If you do not have any comments to make at this time, but would like to be put on a mailing list for future notices about this proposed RGP or issues related to gravel mining in the Chetco or other river systems, please send your contact information to the address above.