

July 14, 2006

**Public Notice for Water Quality Certification and/or
Waste Discharge Requirements (Dredge/Fill Projects)**

Van Duzen River Ranch - Streambank Protection Project
WDID No. 1B06078WNHU

Humboldt County

On May 24, 2006, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Jack and Mary Noble (applicant) requesting Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) to conduct streambank protection activities on the Van Duzen River near Hydesville, Humboldt County. The proposed project will cause disturbances to waters of the United States associated with the Van Duzen River in the Hydesville Hydrologic Subarea No. 111.21.

The proposed project is located on portions of the applicant's Van Duzen River Ranch property that straddles a three-mile stretch of the Van Duzen River from approximately one and one-half miles upstream to one and one-half miles downstream of the confluence of Yager Creek. The primary purpose of the proposed project is to stabilize areas of eroding streambank in order to avoid significant streambank failures and the loss of the applicant's productive agricultural land.

The applicant has been installing hard rock points along the banks of the Van Duzen River for several decades to deal with ongoing streambank erosion and the loss of productive ranch land adjacent to the river. The applicant was recently informed of the requirement to obtain Water Quality Certification prior to doing more streambank stabilization work. The applicant is proposing to maintain and rebuild some of the existing hard points that were installed over the past several years and to continue installing additional hard points along the riverbanks.

Based on the applicant's experience with erosion along the riverbanks and the response to previously installed erosion protection measures, the applicant installs a hard point every sixty-six feet along the sections of their riverbank property that are at the highest risk of failing during high flow events. Large rocks and clean concrete riprap are used to build the hard points. The size and shape of each hard point varies slightly due to variations in the bank height and changes in topography along the river. Hard points are typically installed by excavating a shallow toe trench at the base of the riverbank and backfilling the toe trench with large pieces of riprap as a foundation for the hard point. Additional riprap is then placed between the toe trench and the top of the riverbank. In general, the hard points are approximately 25 to 30 feet wide along the top of the bank and they gradually taper to an approximately 10-foot wide point as they project into the riverbed. Some settling of the riprap is typical after high flows inundate the hard points. As the hard points settle into the riverbed and bank they become more stable and additional riprap is added. When the hard points are inundated, the downstream side of the hard points typically experience lower flow velocities and become a location for settling of suspended substrate. Eventually the areas between the hard points build with sediment and willows and cottonwoods are planted to improve bank stability and the riparian corridor along the river.

The tops of the hard points are usually at the top of the bank and outside waters of the United States. However, the hard points typically extend below the line of ordinary high water and

those portions are within waters of the United States. Individual hard points are expected to permanently impact approximately 400 square feet of waters of the United States based on previously installed hard points. The applicant has requested authorization to install a minimum of thirty hard points with a maximum permanent impact to waters of the United States of 0.7 acre. The proposed hard point installation and maintenance activities are scheduled to begin no sooner than August 15th each year when flows in the river are low and to prevent direct impacts to salmonids. Compensatory mitigation is not required for this project. Noncompensatory mitigation measures for this project include future plantings of riparian vegetation and Best Management Practices for turbidity control. Heavy equipment will be operated from the top of the bank to avoid the flowing stream.

The applicant has applied for authorization to perform the project from the United States Army Corps of Engineer, pursuant to Clean Water Act, Section 404. The applicant has obtained a Lake or Streambed Alteration Agreement (#04-0047) from the California Department of Fish and Game (CDF&G). The CDF&G, as a responsible agency for CEQA, approved the project on May 13, 2004 and filed a Notice of Determination (NOD). The NOD states that a Supplemental Environmental Impact Report was prepared for the project.

Regional Water Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all written comments submitted during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact staff member Dean Prat at (707) 576-2801 within 21 days of the posting of this notice.