

May 18, 2007

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

Schneider Streambank Stabilization Project - South Fork Trinity River
WDID No. 1A02146WNTR

Trinity County

The North Coast Regional Water Quality Control Board (Regional Water Board) is proposing to extend the expiration date of a Federal Clean Water Act, section 401, Water Quality Certification issued to Eberhard Schneider (applicant and property owner) on October 27, 2004, for streambank stabilization activities adjacent to the Old Garrett Ranch on the South Fork Trinity River in Hyampom. Significant erosion along an approximately two-hundred and fifty linear foot section of the streambank has resulted in a loss of the applicant's property and has placed the applicant's homes and outbuildings at risk.

The Regional Water Board provided public notice of proposed streambank stabilization activities on October 5, 2004, pursuant to title 23, California Code of Regulations, section 3858. We did not receive any public comments on the proposed project. The Water Quality Certification expired on October 31, 2006, immediately after the applicant received the United States Army Corps of Engineers (Army Corps) October 27, 2006, authorization (Army Corps File No. 281082N), pursuant to the Clean Water Act, section 404, to implement the project under Nationwide Permit 13 for Bank Stabilization and Nationwide Permit 33 for Temporary Construction, Access and Dewatering. The Army Corps' authorization is valid until November 15, 2007. The Regional Water Board is proposing a one-year extension of the expiration date of the Water Quality Certification issued on October 27, 2004.

The streambank stabilization project will involve the use of native aggregate material and native vegetation plantings in lieu of armoring the bank with large rock riprap. Proposed activities include removal of approximately 1,400 cubic yards of aggregate material from approximately 2.5 acres of dry gravel bar areas on the applicant's property and placement of the excavated material along the base of the eroding streambank. Aggregate material will be excavated by rubber-tired loader tractor, loaded directly into a dump truck and deposited along the eroding bank. The gravel material will be graded to slope upwards toward the top of the bank. The objective of this approach is to protect the bank from further erosion during high flows and to improve conditions for native vegetation growth along the eroding streambank. Proposed activities also include placement of temporary culverts in the South Fork Trinity River to provide access to the gravel bar and stream bank. The project will cause disturbances to waters of the United States associated with the South Fork Trinity River in the Hyampom Hydrologic Subarea No. 106.22.

Compensatory mitigation is not required for this project. Noncompensatory mitigation measures include the use of Best Management Practices for sediment and turbidity control and heavy equipment operation near a waterway. The applicant has obtained a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game (DFG). DFG determined that this project will have no significant effect on the environment and is categorically exempt from California Environmental

Quality Act (CEQA) review (Class 4, Cal. Code Regs., tit. 14, § 15304) and filed a Notice of Exemption on July 18, 2003. Based on a review of the project information submitted to date, Regional Water Board staff have also determined that this project is categorically exempt from CEQA (Class 33, Cal Code Regs., tit. 14, § 15333 – Small Habitat Restoration).

Regional Water Board staff are proposing to regulate this project pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341) and the Porter-Cologne Water Quality Control Act. In addition, staff will consider all comments submitted in writing and received at this office by mail 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.