

August 27, 2009

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

Harry Harms – Gravel Extraction and Willow Planting for
Streambank Stabilization on Rowdy Creek
WDID 1A09087WNDN

Del Norte County

On July 20, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Harry Harms (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification for proposed gravel extraction and willow planting activities on Rowdy Creek in Smith River. The primary purpose of the proposed project is to reduce ongoing streambank erosion and additional loss of the Applicant's property. The proposed project is located upstream and adjacent to the bridge over Rowdy Creek on Fred Haight Drive. The Applicant owns property on both sides of the creek an immediately upstream of the bridge. The proposed project will cause disturbances to waters of the United States associated with Rowdy Creek in the Smith River Plain Hydrologic Subarea No. 103.11.

Over time, the stream channel along the Applicant's property has narrowed and deepened along the east streambank and the streambank has been eroding. In 2004, the Applicant installed seven rock weir structures outside the stream channel and approximately 10 to 15 feet away from the top of the east streambank. The weirs consist of rows of large rock buried approximately 20 feet below the top of the streambank. The purpose of the rock weirs was to eventually prevent streambank erosion and associated property loss if future erosion caused the weirs to become exposed along the streambank. Each of the rock weirs were capped with a large green rock on the end that is closest to the streambank for future identification. Willow cuttings were also planted in the excavations.

Since the weirs were installed in 2004, approximately 5 to 15 feet of the east streambank has eroded and the green rock at the end of the southernmost rock weir is now exposed in the streambank. The Applicant is concerned that the gravel bar on the west side of the creek will continue to expand eastward over time and the channel will continue to narrow and deepen, causing additional streambank erosion and property loss. Therefore, the Applicant is proposing to plant willows along the toe of the eroding streambank to provide additional bank stabilization, shade and riparian habitat. The Applicant is also proposing to increase the flow capacity through the project area by annually skimming up to 25 cubic yards of gravel off the top of the gravel bar located on the west side of the channel.

Proposed gravel extraction activities will be limited to the low-flow period between July 1 and October 15. Annual extraction activities will take approximately one day to complete. The gravel bar will be accessed using an existing access road. Up to 5,000 square feet of the gravel bar may be temporarily impacted by annual extraction activities. Equipment used for gravel extraction will consist of a scraper, backhoe, and dump truck. A post-hole digger will be used to bore holes along the toe of the east bank

for planting willows. Compensatory mitigation is not required for the proposed project. Noncompensatory mitigation includes the use of Best Management Practices for operation of heavy equipment in a stream channel. After extraction activities are complete, the extraction area will be graded to fill any depressions and drain freely back to the channel.

The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit, pursuant to Clean Water Act Section 404. The Applicant has also applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement. Regional Water Board staff have determined that this project is categorically exempt from CEQA review (class 33, section 15333 – small habitat restoration projects) and anticipate filing a Notice of Exemption for this project. The application for Water Quality Certification in the Regional Water Board's file contains additional details about the proposed project including maps and aerial photos. The application and Regional Water Board file are available for public review.

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 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.