

March 22, 2010

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

Bohan and Canelis
Lower Austin Creek Fishery Enhancement Project
WDID No. 1B02077WNSO
Sonoma County

On April 24, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Steven Canelis, on behalf of Bohan and Canelis Aggregates (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification (certification) for activities associated with gravel mining and fish habitat improvement on Austin Creek, Cazadero, CA, beginning at latitude 38.477912° N and longitude 123.050817° W, and ending at latitude 38.468204° N and longitude 123.048707° W. The proposed project will cause temporary and permanent impacts to approximately 10 acres, 4,000 linear feet, of waters of the State associated with Austin Creek in the Guerneville Hydrologic Sub Area No. 114.11, Russian River Hydrologic Unit No. 114.00.

Applicant proposes to continue to mine gravel from Austin Creek in two ongoing phases, that employ the same techniques as have been employed for the past 7 years, since 2003. These techniques differ from previous mining techniques employed before 2003, in that they are designed to remove gravel in a manner that improves fish habitat by creating areas for fish to shelter and developing a more complex stream environment. This project also includes maintenance and enhancement of pools, to provide better habitat for Steelhead Trout (*Oncorhynchus mykiss*), Coho Salmon (*Oncorhynchus kisutch*), and Chinook Salmon (*Oncorhynchus tshawytscha*). The first phase involves gravel skimming of four identified gravel bars and excavation of alcoves in the downstream end of the bar, located in a continuous reach from approximately 1,940 feet up gradient of the confluence of Austin Creek and the Russian River, to a point approximately 4,820 feet up gradient of the confluence. The second phase involves the maintenance or enhancement of seven in-stream pools, located within the reach of Austin Creek beginning just below the Highway 116 Bridge and extending up gradient to the upper extent of gravel bar skimming. Gravel extraction will be accomplished by surface skimming of four to six bars totaling 6.0 acres, and seven to ten pools totaling from between 2.0-3.0 acres (as described in National Marine Fisheries Biological Opinion, File 151422SWR03SR8613, dated June 11, 2003). The exact locations and depths of mining, which will be most beneficial to native salmonid species, will be determined by a qualified National Marine Fisheries biologist on site. The estimated maximum volume to be excavated on a yearly basis will be 25,000 cubic yards, however the exact volume will be based on replenishment rates and allowable extraction rates as outlined in the Sonoma County Aggregate Resources Management Plan and Environmental Impact Report (November 1994). It is anticipated that a maximum of 25,000 cubic yards will be removed each year during 2010 and 2011. The proposed certification will be issued for two years and will expire at the end of 2011.

No gravel skimming operations will take place in the wetted stream. Pool creation/enhancement may take place at or below water level. Buffer zones will

separate the operational areas from the low-water channel. Skimming will generally progress from south to north (downstream to upstream) and will not be conducted simultaneously at multiple sites. Two bridged stream crossings will be utilized, with a maximum of one temporary bridge in place at any time. No gravel will be extracted if there is insufficient replenishment above the baseline elevations that were established in 1995.

Compensatory mitigation is achieved through improvement of beneficial uses of Austin Creek. Beneficial uses and the methods used to achieve improvement, respectively, are:

- *Cold Freshwater Habitat* by creating and increasing depth of pools. Water temperature within the created/deepened pools has decreased due to entrance of cooler bar underflow into the deeper pools. Installation of log and boulder structures increases complexity and pool scour, and thus improves habitat.
- *Migration of Aquatic Organisms* has been improved by providing a low flow channel and deepened thalweg. Previously, migration and fish passage was hampered by lack of a well formed low flow channel.
- *Spawning* may have been improved by increase in fish passage.

Additional compensatory mitigation such as bank stabilization using bioengineering techniques and/or revegetation may be necessary if conditions develop from gravel skimming/mining activities that warrant this mitigation, or if deemed necessary by regulatory agencies.

Non-compensatory mitigation: Upon completion of the skimming activities, areas disturbed by the mining operations shall be graded to ensure that no pits or depressions are left where fish entrapment may occur. Gravel extraction will cease by October 31, or earlier if required by regulating agencies. Temporary crossings shall be constructed using temporary bridges with gravel approach ramps that use only clean gravel, which will reduce the potential of turbid discharges to the river. Equipment will not be operated in the flowing river except as may be necessary to construct stream crossings. Any equipment entering the active stream will be preceded by an individual on foot to displace fish and wildlife. Appropriate sediment control measures will be implemented to ensure that in stream turbidity levels do not exceed water quality standards contained in the Water Quality Control Plan for the North Coast Region. Riparian vegetation growing along the perimeter of or as dense stand on each bar or on the outer bank, will not be removed or otherwise disturbed. The landowner has developed, and agreed to a California Department of Fish and Game and National Marine Fisheries Service management plan for the project area. Cross section surveys of the channel will be completed and provided to all reviewing agencies by February 1st of the following year. In addition to conditions set forth by the Regional Water Board, additional conditions are imposed by the County of Sonoma, California Department of Fish and Game, U. S. Army Corps of Engineers, State Mining and Geology Board, National Marine Fisheries Service, and the recommendations made by the Scientific Review Committee.

Extensive annual monitoring is required including data gathering and reporting. The use permits issued by Sonoma County under the Aggregate Resource Management Plan requires standard and site specific monitoring, including site inspections, full channel cross sections, and annual aerial photographs. Other monitoring and reporting is also required by other involved resource agencies.

All extraction operations, extraction techniques, reclamation activities, monitoring, project impact minimization measures, revegetation activities and terms of conditions will be implemented as described in the National Marine Fisheries Service Biological Opinion, the final Regional Water Board Order, the California Department of Fish and Game Agreement, Sonoma County permit, and Scientific Review Committee recommendations.

Monitoring information received may necessitate modifying the conditions of the certification to provide an adaptive management approach. Conditions and requirements within the 401 Water Quality Certification may be changed/amended by the Regional Water Board within the time period that the 401 Water Quality Certification is issued. Changes may be initiated by factors such as: observations made by or reported to the Regional Water Board, or by recommendations made by the Scientific Review Committee, or other agencies. Such modifications will not require a new permit.

The applicant has applied for a California Department of Fish and Game 1600 Streambed Alteration Agreement, (Notification No. 1600-2004-0702-3).

The Applicant has an United States Army Corps of Engineers Individual Permit, (File No. 2001-263670N), issued on October 3, 2008.

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 Stephen Bargsten at (707) 576-2653 within 21 days of the posting of this notice.