

**ATTACHMENT D**  
**e-mail memoranda – Sonoma Co PRMD, Gualala River gravel mining 2006**

**SEPTEMBER 12, 2006**

----- Original Message -----

From: "Michael Sotak" <[MSOTAK@sonoma-county.org](mailto:MSOTAK@sonoma-county.org)>

To: "PETER BAYE" <[baye@earthlink.net](mailto:baye@earthlink.net)>; "David Schiltgen" <[DSCHILTG@sonoma-county.org](mailto:DSCHILTG@sonoma-county.org)>

Cc: <[bcox@dfg.ca.gov](mailto:bcox@dfg.ca.gov)>; "Paul Carroll" <[pvc Carroll@igc.org](mailto:pvc Carroll@igc.org)>; "Jim Jordan" <[jajordan@ix.netcom.com](mailto:jajordan@ix.netcom.com)>;

"John Holland" <[jholland@mcn.org](mailto:jholland@mcn.org)>; "Mike Lane" <[mlane@mcn.org](mailto:mlane@mcn.org)>; "Chris Poehlmann"

<[poehlman@mcn.org](mailto:poehlman@mcn.org)>; <[david.hines@noaa.gov](mailto:david.hines@noaa.gov)>; "Scott Briggs" <[SBRIGGS1@sonoma-county.org](mailto:SBRIGGS1@sonoma-county.org)>;

<[PKeiran@waterboards.ca.gov](mailto:PKeiran@waterboards.ca.gov)>

Sent: Tuesday, **September 12, 2006** 11:13 AM

Subject: Re: Status of compliance review, Gualala R. gravel mining

> Peter,

>

> I conducted a site investigation on Thursday, September 7,

> 2006 for a period of about 2 hours. The agencies were

> invited to attend the site visit or visit the site on their

> own. Due to conflicts, **none of the agencies were able to**

> **attend.**

>

> Attending the site visit were **Henry Alden, Bill Hay, Bill**

> **Bishop, Kathleen Morgan and myself.** We inspected the

> location of the water pump to view its placement within a

> metal container. Then we drove out the cleared haul road to

> the bar on the Wheatfield. The skimming area on the bar was

> clean and orderly, no equipment is stored on the bar.

> Equipment not in use, is parked on the turnouts above the

> ramp. No fueling is permitted within the bar skimming

> area.

>

> I viewed and took about 70 photographs of the **bar area,** the

> ramp, the **access roads,** at the bridge that is across the

> access road, **where trees are cut, and where the access road**

> **is at the edge of the Wheatfield.** I walked much of the

> roadway taking pictures at various locations.

>

> Based on my experience monitoring construction of linear

> pipelines for almost thirty years, I found the clearing work

> to have been professionally performed so that there is a

> clear safe route for trucks to haul gravel from the bar

> through to the processing plant. There is a **small berm on**

> **the river side of the roadway to prevent dirt or**

> **dust-control water from entering the creek.** These **small**

> **berms will be pulled back when work is complete and seeded**

> **with a sterile wheat or corn and with a native grass seed**

> **mix.**

>

> To enter the bar the bank cut was at a location that Mr.

> Hay and I discussed during a previous site visit. It

> resulted in **minimal removal of vegetation.** This entry

> location was selected because it was used previously, there

> was **minimal vegetation to be removed,** and there was a large

> log (large woody debris) embedded in the bank. Prior to  
> entering the bar with equipment, material was placed over  
> the large log to create the ramp. Ten to twelve feet of the  
> log is still visible. When the bank skimming is completed,  
> the material that was placed against the log will be removed  
> and the bank will be restored to near pre-entry condition.  
> The bank will be seeded as discussed above.  
>  
> Upon my return, I spoke with the agencies and sent them  
> copies of the pictures that were taken with an explanation.  
>  
>  
> Mike

## SEPTEMBER 11, 2006

>>>> "PETER BAYE" <[baye@earthlink.net](mailto:baye@earthlink.net)> 09/11/2006 1:29 PM  
>>>>

> To: Mike Sotak, Dave Schiltgen, Sonoma County PRMD  
> From: Peter Baye, Friends of the Gualala River  
> Subject: Status of interagency compliance review, riparian  
> floodplain road and "brush" clearing activities, Wheatfield  
> Fork above Valley Crossing.  
>  
> On behalf of Friends of the Gualala River, I would like to  
> request a brief update on the status of compliance review of  
> the riparian floodplain road and "brush" clearing activities  
> at the downstream end of the Wheatfield Fork, Gualala River.  
> I understand that deliberations among agencies may not be  
> subject to public review until final agency actions are  
> made, but I am specifically inquiring which agencies have  
> been contacted or visited the site, and whether they walked  
> the entire length of the riparian haul road and adjacent  
> river bed. Also, I am repeating my inquiry about the status  
> of the DFG stream alteration agreement (expired/active),  
> which is the responsibility of both the applicant and the  
> CEQA lead agency.  
>  
> Thank you for your responses. Peter Baye

## SEPTEMBER 1, 2006

----- Original Message -----

**From:** [PETER BAYE](#)  
**To:** [Michael Sotak](#) ; [David Schiltgen](#)  
**Cc:** [David Hope](#) ; [Chris Poehlmann](#) ; [John Holland](#) ; [Mike Lane](#) ; [Jim Jordan](#) ; [Alan Levine](#) ; [Paul Carroll](#) ; [Jane.M.Hicks@spd02.usace.army.mil](mailto:Jane.M.Hicks@spd02.usace.army.mil) ; [John Short NCRWQCB](#) ; [CWright-Shacklett@waterboards.ca.gov](#) ; [Stacy Martinelli](#) ; [wcox@dfg.ca.gov](mailto:wcox@dfg.ca.gov)  
**Sent:** Friday, [September 01, 2006](#) 9:27 AM  
**Subject:** REQUEST FOR COMPLIANCE INSPECTION: Gualala R. riparian floodplain road clearing for gravel mining

To: Mike Sotak, David Schiltgen, Sonoma County Permits and Resource Management Agency  
From: Peter Baye, Friends of the Gualala River

SUBJECT: REQUEST FOR COMPLIANCE INSPECTION - wetland, floodplain, class I stream impacts; RIPARIAN FLOODPLAIN FOREST IMPACTS from UNAUTHORIZED ROAD WIDENING, GRADING, SLOPE DEVEGETATION, SIDE-CAST SPOIL PLACEMENT, haul road to Bar 62, Gualala River Wheatfield Fork above Valley Crossing, Sonoma County (observed 8/30/06).

I observed the "brush clearing" and "road clearing" of the floodplain gravel/timber haul road you referred to in your August 8 memo on the current status of the "grace period" (post-permit expiration, CEQA-noncompliant) gravel mining at Bar 62, Gualala River Wheatfield Fork. The road work was in fact not road maintenance, and not comparable with the last episode of gravel mining at this location. The current year road work included major widening of the road and major vegetation clearing on slopes above and below the road.

The expansion of the road varied from widening of the pre-existing single truck lane to the edge of the bank, and also significant expansion of the road (up to two truck widths), with substantial areas of side-cast graded (winter flood deposited) sediments over intact adjacent riparian wetland vegetation. The "brush removal" included mature trees within the riparian forest corridor (including portions of redwood rings), exposure of bare sediment on steep slopes above isolated pools, exposure of substantial areas of disturbed, bare terrestrial soils on steep slopes over approximately 5 m above the floodplain road elevation.

There is no evidence of mere "maintenance" of the original size of pre-existing road through sensitive, mature riparian floodplain redwood forest, nor any best management practices to minimize impacts to riparian floodplain canopy, slope erosion potential, seep wetlands, floodplain wetlands, or pool sedimentation. Alder snags and live alders trees were broken and cut in the riparian zone for no apparent reason. The canopy has been significantly thinned from ground level (visible as large openings from the river bed) and in large gaps of the upper canopy.

The 2006 flood water surface elevations in relation to the grading are clearly evident from suspended water-born debris persisting in the alder riparian canopy, and from thick silt deposits (graded on the road, persisting in adjacent California blackberry and scouring-rush ground layer vegetation).

None of this misrepresented "clearing and brushing the road" work in the riparian floodplain was disclosed in any of your memos. All "incidental" riparian impacts of gravel mining operations would have to be disclosed, assessed, and subject to enforceable mitigation (including avoidance and minimization)

Given the explicit written public concern about environmental impacts and compliance for gravel mining, and my explicit concern for buffering riparian forest impacts (see memo below [July 6 & 7, 2006]), and your assurance that PRMD would be closely supervising the current year operations during the "grace period" of mining after permit expiration, I am deeply dismayed by these observations.

Because the "road clearing" involved placement of side-cast spoils within the floodplain below the debris-lines of winter floods, and because wetland vegetation is present in areas of road grading and side-cast spoils beyond the original design boundaries of the road, I request that PRMD promptly coordinate a multi-agency compliance inspection, with aim at corrective measures to stabilize slopes and prevent launching of loose sediment in isolated channel pools (where foothill yellow-legged frogs and fish are present) below side-cast spoils. I also recommend that you review with resource agencies appropriate mitigation for disturbance of riparian floodplain forest and reduction of mature riparian canopy cover (redwood and decadent alder).

I expect that PRMD will supervise actual gravel mining operation in the bed of the Gualala River more carefully than the needlessly destructive, unmitigated road clearing work in the adjacent riparian forest floodplain.

A hard copy version of this e-mail will follow. Please respond to me and all interested parties copied as soon as possible.

Peter Baye, Friends of the Gualala River.

## **AUGUST 8, 2006**

----- Original Message -----

From: "PETER BAYE" <[baye@earthlink.net](mailto:baye@earthlink.net)>

To: "Michael Sotak" <[MSOTAK@sonoma-county.org](mailto:MSOTAK@sonoma-county.org)>

Sent: Tuesday, August 08, 2006 10:50 PM

Subject: Re: 2006 Gualala gravel mining, Wheatfield Fork

> Mike, thanks for the update. Did you have a chance to get all resource  
> agencies (esp. NOAA fisheries biologist, CDFG fisheries biologist, RWQCB) to  
> look at this year's mining plans?

>

> I happened to stop by Valley Crossing today. The flagging below the bridge,  
> if I interpret correctly, indicates further skimming/lowering of the  
> degraded bar around the now-dewatered main south fork channel above the  
> Wheatfield confluence. The bar top here is only about 2 ft above the  
> groundwater/river water surface. How deep are you permitting them to skim?  
> Will pits be allowed that may cause heating of below-bed flow? (main stem  
> temperature today was a tepid 21 C). Will you be requiring pre-mining  
> elevation transects so the bar profile and sediment recharge can be  
> estimated next year? Again, the concern is that this bar is already  
> degrading and losing channel stability and channel definition. It seem  
> likely that natural sediment trapping/storage in the rapidly increasing  
> riparian vegetation upstream may be responsible for the reduced bar recharge  
> after mining episodes. I hope you are requiring the collection of  
> sufficient data so a qualified geomorphologist can interpret the cumulative  
> changes at mining sites.

>

> Will you be requiring that a gravel barrier be left along the outside bend  
> of the upstream Wheatfield fork, to prevent channel switching (conversion of  
> the mined chute to a main channel or a bifurcation of the main channel)?  
> This would be an appropriate site to consider for riparian revegetation  
> (mixed torrent sedge/willow stabilization planting in spring, linking with  
> adjacent channel-margin vegetation) as mitigation, to maintain integrity of  
> the channel alignment.

>

> Sorry to keep asking questions, but in the absence of a written plan, agency  
> comments to review, or environmental assessment/initial study, dialogue is  
> what's left.

> Peter Baye, Friends of the Gualala River

## **AUGUST 8, 2006**

> ----- Original Message -----

> From: "Michael Sotak" <[MSOTAK@sonoma-county.org](mailto:MSOTAK@sonoma-county.org)>

> To: "PETER BAYE" <[baye@earthlink.net](mailto:baye@earthlink.net)>

> Sent: Tuesday, August 08, 2006 4:50 PM  
> Subject: Re: 2006 Gualala gravel mining, Wheatfield Fork

>  
>  
>> Peter,

>>  
>> I spoke with Bill Hay today, and he plans to start clearing  
>> and brushing the road starting next Monday and Tuesday, and  
>> will move equipment in on Tuesday or Wednesday to start  
>> skimming the Wheatfield bar. It should take two to three  
>> weeks to perform the skimming. I continue to notify you of  
>> events during the mining season.

>>  
>> Thanks.  
>>  
>> Mike

## **JULY 13, 2006**

----- Original Message -----

From: "PETER BAYE" <[baye@earthlink.net](mailto:baye@earthlink.net)>  
To: "Michael Sotak" <[MSOTAK@sonoma-county.org](mailto:MSOTAK@sonoma-county.org)>  
Sent: Thursday, July 13, 2006 11:28 PM  
Subject: Re: gravel extraction plans, Gualala River

> Mike, could you tell me what the date of the 5-year maximum Streambed  
> Alteration Agreement (Fish and Game Code Section 1600) for Bedrock/Gualala  
> Aggregates was? I assume that the County was the lead CEQA agency for the  
> Agreement the last time. Is this correct?

>  
> Unfortunately, I was unavailable most of today. If you are in the office  
> Friday morning, please let me know so we can follow up briefly by phone or  
> e-mail on your field excursion ideas from Wednesday. Thanks. Peter Baye

## **JULY 11, 2006**

----- Original Message -----

From: "PETER BAYE" <[baye@earthlink.net](mailto:baye@earthlink.net)>  
To: "Michael Sotak" <[MSOTAK@sonoma-county.org](mailto:MSOTAK@sonoma-county.org)>  
Sent: Tuesday, July 11, 2006 11:12 AM  
Subject: Re: BULK gravel extraction map rec'd

> Thanks, Mike. Yes, Clure and Katz came to Gualala 2 years ago to promote the  
> Austin Creek model for the Gualala River, in a series of public  
> presentations hosted by the Gualala River Watershed Council, in which  
> GRI/Alden has a substantial role. Jeff Mount also gave a talk, and some  
> critical (not hostile) perspectives. I think adaptive management,  
> implemented properly and with ample scientific and public oversight, has  
> good potential, compared with alternative and conventional past approaches.  
> I think the Humboldt/North Coast regional permit (multi-agency, Corps lead)  
> also has much merit, and they share a great deal of underlying  
> administrative and geomorphic principles.

>  
> It is also evident that the lower Gualala River (both Wheatfield and South  
> Forks) is undergoing some rather remarkable spontaneous recovery in the last

> 3 years, making the NCWAP reports radically out of date. Single-thread  
 > channels, incised banks, rapid growth of riparian woodland and forest on  
 > banks and even mid-channel bars and point bars, moderate July channel/pool  
 > temperatures (20-21 C), significantly delayed or reduced macroalgae  
 > production, dramatic increases in YOY and 2nd yr steelhead, increase in pool  
 > complexity, trapping of gravels in high vegetated bars opposite incised and  
 > shaded channels, recruitment of tree-fall large woody debris, coarsening of  
 > channel bed and bar sediment....are all in widespread evidence. Some of the  
 > "excess sediment" impairment is apparently being mitigated by natural  
 > processes, and I just want to make sure that progressive gravel extraction  
 > methods take this into account, **and minimizes interference with natural  
 > recovery**. This requires attention to dynamic baseline trends, and I'm not  
 > sure that agencies are entirely up to date on current-year conditions on the  
 > Gualala; they may be more influenced by the 90's-2003 NCWAP accounts and  
 > data.  
 >  
 > Again, we acknowledge your diligence in making the best substantive  
 > equivalent for forfeited, legally required regulation of gravel mining. **FoGR  
 > remains, however, concerned that the accommodation for this year's  
 > unpermitted mining does not become a short-cut that circumvents subsequent  
 > attention to baseline, impacts, and mitigation**, in exchange for a  
 > programmatic adaptive management approach that merely assumes, by analogy  
 > with Austin Creek, environmental benefits of extraction techniques. I look  
 > forward to the surrogate public and agency review process. Peter Baye,  
 > FoGR.

**JULY 11, 2006**

> ----- Original Message -----  
 > From: "Michael Sotak" <[MSOTAK@sonoma-county.org](mailto:MSOTAK@sonoma-county.org)>  
 > To: "PETER BAYE" <[baye@earthlink.net](mailto:baye@earthlink.net)>  
 > Sent: Tuesday, **July 11, 2006** 10:14 AM  
 > Subject: Re: BULK gravel extraction map rec'd  
 >  
 >  
 >> Peter,  
 >>  
 >> We will be reviewing the areas to excavate gravel around  
 >> the bridge and will observe the steelhead. I will contact  
 >> Bill Cox upon my return so that he may also conduct  
 >> observations. Yes, we will be working closely with the  
 >> other resource agencies to ensure that whatever mining  
 >> program is developed is consistent with the agencies  
 >> approach. I suspect that we will ask the Board to consider  
 >> adopting Adaptive Management to the mining approach that  
 >> will be considered for approval.  
 >>  
 >> I worked with the agencies on the development and approval  
 >> of the Austin Creek mining and Adaptive Management Program  
 >> approval. Last week I spoke with Brian Clure of NOAA  
 >> Fisheries, and they are extremely pleased with what is  
 >> happening at Austin Creek. The Adaptive Management Program  
 >> allows the agencies to assist the applicant in refining the  
 >> mining approach on an annual basis to improve the success of  
 >> the program. It has become a unique situation where mining  
 >> and environmental enhancement are working together.

>>  
>> NOAA Fisheries, CDFG, Trout Unlimited and others will be  
>> working with the County to initiate an Adaptive Management  
>> Program that works equally as well in the Gualala River  
>> watershed.  
>>  
>> If you are driving past Austin Creek, you may wish to stop  
>> by both bridges to observe what is happening within the  
>> creek.  
>>  
>> Mike

----- Original Message -----

From: "PETER BAYE" <[baye@earthlink.net](mailto:baye@earthlink.net)>  
To: "Michael Sotak" <[MSOTAK@sonoma-county.org](mailto:MSOTAK@sonoma-county.org)>  
Sent: Tuesday, July 11, 2006 9:49 AM  
Subject: Re: BULK gravel extraction map rec'd

> Mike, if on your Wednesday visit you are also covering the terminal bar  
> around the bridge on the South Fork (also flagged w/ blue&pink tape), please  
> examine the steelhead number and size-classes in the channels between the  
> streamside willow clumps above the bridge. There are numerous second-year  
> steelhead (about 12, lengths in 15-20 cm range) as well as some young of  
> year (3-6 cm). In previous years, Valley Crossing channels and pools were  
> strongly dominated by California roach, with relatively few steelhead. This  
> is something that should be disclosed to NOAA fisheries, CDFG staff in  
> discussion of monitoring and (minimization, avoidance) mitigation for the  
> 2006 extraction. When do you anticipate active coordination with the  
> resource agencies for review of plans? - Peter Baye, FoGR  
>

## **JULY 10, 2006**

> ----- Original Message -----  
>  
> From: "Michael Sotak" <[MSOTAK@sonoma-county.org](mailto:MSOTAK@sonoma-county.org)>  
>  
> To: "PETER BAYE" <[baye@earthlink.net](mailto:baye@earthlink.net)>  
>  
> Sent: Monday, July 10, 2006 8:08 AM  
>  
> Subject: Re: BULK gravel extraction map rec'd  
>  
>> Peter,  
>>  
>> Thank you for your response. I will be onsite Wednesday  
>> and will have a better idea of a start date. Once I have a  
>> date, I will let you know.  
>>  
>> Mike

## **JULY 7, 2006**

>  
>>>> "PETER BAYE" <[baye@earthlink.net](mailto:baye@earthlink.net)> 07/07/2006 11:59 PM  
>>>>  
Mike, thanks for the graphic and information. It is indeed

clear to read: the haul road met the channel right at the position of the isolated pool in the photo, now aggraded. It does look like the head of the bar (which is now rather low, slight barrier to high flows) will be retained intact, as NOAA geomorphic guidance suggests. Yes, it would be advisable to adapt the boundaries and include some clear buffer areas for woody riparian vegetation along the mid-channel riparian levee (the strip of elevated willow-alder woodland along the low flow channel) and the north bank. The channel seems to be in transition to aggrading floodplain and backwater pool (riparian forest) in this reach. Mining necessarily sets the alder succession back, but at least it can leave the overall structure of the riparian levee and keep high energy flood flows confined as much as possible to the main channel, which continues to incise. A lot of recovery has occurred in this reach in the last 5 years.

Are you doing any wildlife surveys to inform buffer configurations? I recently detected a pair of red-breasted sapsuckers in the riparian alder forest just upstream (riparian woodland nesting species), and garter snakes are active in slow channel pools -- yellow legged frog tadpoles form prey base. Western pond turtles (adult, likely breeding) occur upstream of the site -- there are basking logs on banks of deep pools. Red-bellied newts are likely here, but probably all in channel pools now, out of harm's way. Bear tracks, fresh, were in moist gravel about a mile upstream last week. Surveys are standard for CEQA baseline/impact assessment, so I assume you'll be covering this.

When is mining expected to begin?

Thanks very much for the updates. Not quite the same as the mandatory CEQA process, public notice, but I appreciate your diligence and good faith effort. Peter Baye, FoGR

## **JULY 6, 2006**

>>

>>>>> "PETER BAYE" <[baye@earthlink.net](mailto:baye@earthlink.net)> 07/06/2006 10:14 PM

>>>>>

>> Mike, I saw the flagging for the gravel mining on the  
>> Gualala Wheatfield  
>> Fork upstream of Valley Crossing. It extends upstream of  
>> the previous  
>> episode of harvest limits, including the point bar across  
>> the summer  
>> low-flow channel. Does the flagging indicate that there  
>> will be a crossing  
>> and gravel extraction on both sides of the channel, both  
>> the main high flow  
>> bypass channel bar (aggrading area previously quarried) and  
>> the point bar  
>> upstream? This reach includes a cold tributary on the north  
>> side, covered in



>> willow, and a riffle area that supports mostly steelhead  
>> (both young of year  
>> and at least a few individuals circa 20 cm). I assume that  
>> if gravel  
>> extraction extends upstream this year, great care will be  
>> taken not to lower  
>> the threshold elevations at the head of the bar, so that  
>> the channel will  
>> not be encouraged to switch and occupy the mined area, and  
>> aggrade in the  
>> heavily shaded, incised southern side now occupied by the  
>> thalweg. If that  
>> happened, it would become a very warm, long solar reach.  
>>  
>> Now that the confluence of the South Fork and Wheatfield  
>> Fork has become a  
>> low, flat bar with the thalweg bisecting it, is it excluded  
>> from further  
>> gravel mining? Is there a threshold condition or criterion  
>> proposed for when  
>> it would be ripe for mining again?  
>>  
>> When will the extraction plan and mitigation measures for  
>> this year be  
>> available for review by resource agencies and the public,  
>> substantive  
>> equivalent of CEQA, as you suggested?  
>>  
>> Thanks for your assistance. FoGR is anticipating public and  
>> agency review of  
>> this year's gravel mining plan and enforceable mitigation  
>> measures from your  
>> agency and NOAA, RWQCB.  
>>  
>> - Peter Baye, Vice President, Friends of the Gualala  
>> River.  
>>

**JULY 6, 2006**

----- Original Message -----

From: "PETER BAYE" <[baye@earthlink.net](mailto:baye@earthlink.net)>

To: "Michael Sotak" <[MSOTAK@sonoma-county.org](mailto:MSOTAK@sonoma-county.org)>

Cc: "John Holland" <[jholland@mcn.org](mailto:jholland@mcn.org)>; "Chris Poehlmann" <[poehlman@mcn.org](mailto:poehlman@mcn.org)>; "Mike Lane" <[mlane@mcn.org](mailto:mlane@mcn.org)>; "David Schiltgen" <[DSCHILTG@sonoma-county.org](mailto:DSCHILTG@sonoma-county.org)>; "Jim Jordan" <[jajordan@ix.netcom.com](mailto:jajordan@ix.netcom.com)>

Sent: Thursday, July 06, 2006 10:14 PM

Subject: Re: 2006 Gualala gravel mining, Wheatfield Fork

> Mike, I saw the flagging for the gravel mining on the Gualala Wheatfield  
> Fork upstream of Valley Crossing. It extends upstream of the previous  
> episode of harvest limits, including the point bar across the summer  
> low-flow channel. Does the flagging indicate that there will be a crossing  
> and gravel extraction on both sides of the channel, both the main high flow  
> bypass channel bar (aggrading area previously quarried) and the point bar  
> upstream? This reach includes a cold tributary on the north side, covered in  
> willow, and a riffle area that supports mostly steelhead (both young of year

- > and at least a few individuals circa 20 cm). I assume that if gravel
- > extraction extends upstream this year, great care will be taken not to lower
- > the threshold elevations at the head of the bar, so that the channel will
- > not be encouraged to switch and occupy the mined area, and aggrade in the
- > heavily shaded, incised southern side now occupied by the thalweg. If that
- > happened, it would become a very warm, long solar reach.
- >
- > Now that the confluence of the South Fork and Wheatfield Fork has become a
- > low, flat bar with the thalweg bisecting it, is it excluded from further
- > gravel mining? Is there a threshold condition or criterion proposed for when
- > it would be ripe for mining again?
- >
- > When will the extraction plan and mitigation measures for this year be
- > available for review by resource agencies and the public, substantive
- > equivalent of CEQA, as you suggested?
- >
- > Thanks for your assistance. FoGR is anticipating public and agency review of
- > this year's gravel mining plan and enforceable mitigation measures from your
- > agency and NOAA, RWQCB.
- >
- > - Peter Baye, Vice President, Friends of the Gualala River.

## SEPTEMBER 9, 2005

COUNTY OF SONOMA PERMIT AND RESOURCE MANAGEMENT DEPARTMENT  
 2550 Ventura Avenue  
 Santa Rosa, CA 95403-2829

September 9, 2005

Peter R. Baye, Ph.D. – Friends of the Gualala River  
 Gualala Community Center  
 47950 Center Street  
 Gualala, CA 95445 *[incorrect address]*

>  
 Dear Mr. Baye:

Re: Instream mining activities conducted by Bedrock Inc on Gualala River

This letter responds to your September 7, 2005 e-mail inquiry regarding the status and requirements of instream mining operations and stream crossing on the Gualala River. Instream mining activities have been authorized to commence for the 2005 season. In general we are very pleased with the cooperation, compliance and conscientiousness of the owner, Gualala Redwoods and the operator, Bedrock Inc. The initial responses to your numbered inquiries are as follows.

**(1) Have water rights for these diversion s been granted by the Divisiion of Water Rights, State Water Resources Control Board, for the intake structures and truck tank filling: Is the County coordinating with the Division regarding intakes for water diversion at this location?**

The landowner has riparian rights for the diversion of water and must comply with the water removal conditions contained in their 1603 Lake and Streambed alteration Agreement (Notification Number: 1600-2003-0312-3) issued June 24, 2005. More specifically, "Special Condition No. 16 contains specific requirements for the diversion of water for dust control and operations of the gravel operation. A copy of this document must be in the possession of the contractor or operator at the site.

**(2) Has the County coordinated with National Oceanic and Atmospheric Administration (NOAA) Fisheries to ensure that authorization for potential take of steelhead has been obtained?**

The operator has filed an application to renew the County's Use permit. As Mr. Schiltgen discussed in his April 12, 2005 response to you, the County is processing this application, but will not complete its environmental review until we have an opportunity to review the findings of the Biological Opinion which is to be prepared by NOAA Fisheries pursuant to a Section 7 review of the US Army Corps of Engineers (Corps) 404 Permit application. The County has met onsite earlier in the year with several agencies including NOAA Fisheries for pre-consultation dialogue.

**(3) Is the earthen fill for the road crossing verified by the Corps of Engineers to be authorized by Nationwide Permit(s) or other permits, given the presence of steelhead in the channel near the points of water intake and partial impoundment? What is the status of the Corps permit application Mr. Schiltgen referred to?**

The County code and the County permit allow the placement of culverted river crossings. They must be a minimum of three feet in diameter and the bottom of the culverts must be placed at or below the stream channel grade. They must be taken out by October 31. The operators have obtained Board approval of 3836R permit authorizing the installation as well as a Streambed Alteration Agreement from the Department of Fish and Game (DFG). Condition 10 of the agreement contains specific requirements for the placement of temporary crossings across the flowing channel and mandates that only clean gravel which will cause little or no siltation will be used. The DFG permit also authorizes water diversions to occur.

Regarding the Corps application, the applicant has conducted additional pre-application consultations with NOAA Fisheries, the Corps of Engineers, and the Department of Fish and Game. Based on those consultations, it was determined that some revisions to the mining and reclamation plan would be needed to incorporate their concerns. In order to complete the revisions, the applicant's hydrologist advised that more accurate topographical survey information would be needed. It took more time than anticipated to finish the required survey, but it is now complete and the hydrologist and fisheries biologist are scheduled to conduct additional site visits in mid-September [2005] and then prepare a draft revised plan for resubmission to the County and for the Corps 404 application. At this time, an application to the Corps will be filed with the revised plan and information.

**(4) Has the county authorized the current gravel mining, and completed CEQA that covers the current activities, after the previous permit expired in May [2005]? What is the regulatory status of a "grace period"? Does "grace period" mean temporary, conditional discretionary non-compliance with County plans, policies, and regulations, or CEQA? If there are any conditions and reporting requirements for the current "grace period" of operation, are they coordinated with the resource agencies and enforced by the county?**

It is anticipated that the grace period will be for a one year duration and that the CEQA analysis and further approvals of the County must be in place for mining during the 2006 mining season.

**(5) We have been expecting some form of public notice and public environmental review of gravel mining for the Gualala River, comparable with the North Coast regional gravel mining permit (multiple state and federal agencies; Corps of Engineers and Humboldt County, lead agencies). We are also interested in reviewing monitoring plans and monitoring reports for gravel mining and water diversions on the Gualala River.**

CEQA requires that a public review period must be provided and public hearing held to consider the adequacy of the environmental review before a hearing body can take any final action of the mining permit and reclamation plan proposal. A CEQA document will be prepared and public notice will be published and posted that identifies the environmental review period. The environmental document will identify needed mitigation measures and recommend a mitigation monitoring program. Agencies, Interested parties, and members of the public will have an opportunity to review and comment upon the adequacy of

the environmental analysis and the recommended mitigation measures and monitoring program. The comment period for the environmental review will be posted along with the schedule for the public hearings. If more than one public hearing is scheduled, each hearing will be noticed. The Friends of the Gualala River are on our mailing list and your name will also be placed on that list to receive notices and copies of the CEQA document when it is ready.

As you know, the permit renewal request is being processed by Mike Sotak and any questions or comments regarding that can be directed to him at 565-7382. If you have further comments or questions, please do not hesitate to contact me at 565-7384.

Respectfully,

David R. Schiltgen  
Land Use Planner III

Cc Henry Alden –Gualala Redwoods  
Bill Hay – Bedrock Inc.  
Mike Sotak - PRMD