



Friends of the Gualala River

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October 26, 2006

SUBJECT: Request for compliance inspection, Gualala River Wheatfield Fork above Valley Crossing, Annapolis Road, Sonoma County; impacts of unauthorized fill, excavation, and vegetation removal from haul road expansion in forested riparian floodplain, including wetlands; August-October, 2006.

Friends of the Gualala River (FoGR) is requesting that you review the attached documentation regarding the impacts and expansion of a reconstructed haul road through a sensitive riparian forest, (including floodplain forest and forested wetlands), where unconsolidated fill and debris have been deposited up to and over the banks of the Wheatfield Fork of the Gualala River. We further request that you conduct an on-site compliance inspection in coordination with federal and state regulatory agencies with jurisdiction over some or all of the activities or official CEQA responsibilities. Essential background information, which we believe may be sufficient for you to determine that a compliance inspection is warranted, is provided below.

FoGR is a 501(c)(3) nonprofit organization dedicated to the protection and recovery of the Gualala River and its watershed). FoGR and other organizations have worked successfully in recent years to protect the Gualala River's riparian forests against impermissible impacts of timber harvest plans within the river's floodplain and riparian zones. We contacted Sonoma



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County Permits and Resource Management Agency on September 1, 2006 (cc to staff of your agency) with a request for a compliance inspection of the riparian road expansion and impacts. We believe their response (e-mail from Mike Sotak, PRMD, dated September 12; see Attachment D) of was woefully incomplete, cursory, biased, dismissive, and unacceptable. We therefore now directly request compliance inspection of the site by your agency.

The haul road expansion is located within forested floodplains along the north bank of the Wheatfield Fork, Gualala River, upstream of the Valley Crossing bridge on Annapolis Road (above the confluence of Wheatfield and South Forks), Sonoma County. The road expansion and associated grading and vegetation removal occurred in late August and September 2006, apparently without valid authorization from Sonoma County Permit and Resource Management Department, U.S. Army Corps of Engineers, Regional Water Quality Control Board, or NOAA Fisheries. As shown in Attachments A, B, and C, the road expansion consisted of grading, excavation, fill, hillslope devegetation and soil disturbance, and major vegetation removal far beyond the pre-existing footprint of the original haul road. Vegetation removal included felling of mature conifers, alders, and excavation/removal of streambank ground layer, shrub layer, and overstory canopy. Grading activities included both temporary and permanent stockpiling of graded sediment, construction of turn-outs and double-wide road sections, and discharge of unconsolidated sediment and debris over the river bank (see Attachments A, B, C).

The road expansion in August 2006 was performed in association with gravel mining activities on the Wheatfield Fork (Bar 62). Prior to implementation, the road expansion was casually represented by the Sonoma County Permit and Resource Agency (PRMD) as mere routine, maintenance consisting of “brushing and clearing the road” (e-mail from Mike Sotak, August 8, 2006; Attachment D). In the previous episode of gravel mining at the Wheatfield Fork site, the single haul road through riparian forest was used without expansion of the footprint or major vegetation removal or grading. FoGR was gravely disappointed that in 2006 the “brushing and clearing”, were exploited as an opportunity to conduct otherwise impermissible high-impact activities in sensitive forested floodplain and riparian habitat prior to permit applications and commencement of CEQA (and thus prior to determination of the CEQA baseline for impacts).

It had been FoGR’s understanding that the County Use permit for gravel mining on the Gualala River expired in May 2005, and a permit would be required for 2006 operations. This understanding was based on a written statement from PRMD that “*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*” (letter from David Schiltgen to Peter Baye, September 9, 2006; Attachment D). The PRMD letter also confirmed that no Corps permit or NOAA Section 7 consultation had been completed, and no dates for their issuance were forecast. We are certain that there has been no interagency CEQA or NEPA review, planning, or enforceable mitigation attached to the 2006 riparian road expansion or current year gravel mining. The occurrence of the floodplain forest road expansion and riparian habitat impacts during a *second* year of unauthorized, unregulated gravel mining is due to a lack of adequate environmental review and approval. This is unacceptable, and must be corrected.



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FoGR is submitting for your review labeled photographs of the immediate post-construction condition of the riparian road, and the post-mining condition of the road, in Attachments A, B and C. The dates of the haul road and bank photographs are August 31, 2006, and October 5, 2006. As shown, we are concerned that unmitigated, unregulated expansion of the original narrow haul road footprint has significantly encroached into riparian forest and caused significant (and avoidable) impacts to riparian habitats and potential significant impacts to adjacent channel pools. We believe these attachments provide sufficient preliminary evidence to justify a timely compliance inspection to determine if violations of applicable regulations exist, and whether corrective actions are needed.

The following is our preliminary assessment of the impacts of riparian road expansion, as shown in Attachments A-C:

- The road expansion grading removed mature alder and redwood canopy, creating large canopy gaps.
- Bank clearing described by PRMD as mere “brushing” in fact included fellings of redwoods, douglas fir, and mature alder within the riparian zone (many over a foot in diameter, and some up to the edge of the channel bank in some locations). Trees and shrubs were removed far beyond the road footprint required for truck passage.
- The nominal “brushing” also included bank clearing and destabilization (denuded vegetation and disturbed soils) of previously forested steep slopes with dense ground layer vegetation above the floodplain/terrace. These previously stable steep (>70%) slopes are now nearly bare and subject to rill, gully, and sheet erosion. Sparse grass seeding on these steep slopes is utterly futile, and may interfere with recovery of the native ground-stabilizing forest vegetation layer.
- Ranch and forest road treatments designed to drain upland hillslope roads were applied inappropriately to the floodplain and wetland haul road: new trenching was placed to drain the road within seasonally flooded wetland backwaters, some of which were fed by perennial seeps. This is reasonably likely to have the effect of draining seasonal wetlands within the riparian zone, which are important amphibian and reptile habitat.
- In addition, rocky fill was placed over seasonally submerged segments of the the silt/clay floodplain road. Fill was spread beyond the original road, expanding over intact riparian ground layer vegetation.
- Stockpiling of sidecast spoils and construction of turnouts (double road sections) beyond the original road edge has resulted in some permanent and some temporary removal of dense ground-layer and shrub layer vegetation in riparian woodland (California blackberry, horsetail, willow) and floodplain redwood forest beyond the footprint of the original single-track road.
- Side-cast spoils of graded road sediments (mostly silts) were discharged as unconsolidated slopes directly above perennial channel pools containing fish and amphibians. These loose fills are prone to erode or launch into pools during fall rains. See Attachments A, B.



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These road expansion and reconstruction activities *do not correspond with any reasonable interpretation of “maintenance” limited to routine, periodic upkeep of the original design or established condition of the road.* The extraordinary vegetation clearing (tree removal beyond the road) and construction of trenches, drains, turnouts, and raised solid roadbeds in some road segments is clearly expansion of a previously serviceable road. There was evidently no effort to minimize impacts to the riparian forest canopy or ground layer vegetation prior to the initiation of CEQA or permit review.

The apparent nominal “mitigations” for the impacts of road construction (Attachment C) were mostly superficial placement of straw over unconsolidated, unvegetated soils, often within the active floodplain. Straw mulch is a minor erosion treatment for upland road banks, and offers no stabilization or mitigation value for roads and banks within an active floodplain during high-energy flood flows. The road drainage “mitigations” (rocked drainage ditches, trenches) are themselves likely to have direct impacts to seasonally flooded riparian wetlands, which they now drain along with the road. The misapplication of these conventional *upland* rural road treatments indicates the egregiously low level of planning, supervision, and understanding of floodplain impacts and environments in the absence of regulation and environmental review.

We were aware that PRMD proposed to allow renewed gravel mining on the river after the expiration of the fundamental county authorizations and CEQA (Attachment D). In reliance on PRMD assurances that adequate, CEQA-equivalent supervision and mitigation would govern 2006 gravel mining (Attachment C), FoGR did not actively oppose another extension of the discretionary “grace period” by PRMD in summer 2006 to allow limited gravel mining. FoGR does not oppose, and has not opposed, gravel mining in itself – provided that it is conducted in an environmentally benign and well-regulated manner. We worked in good faith with Sonoma County PRMD to ensure that the substantive equivalent environmental protections of CEQA would govern this year’s gravel mining without the full permit and CEQA process (Attachment D). The excessive, unjustified, and unprecedented road reconstruction in the sensitive riparian floodplain forest was entirely unexpected and betrayed our trust in PRMD.

The failure of environmental regulation in the riparian zone has also renewed FoGR’s concerns about the (unauthorized) gravel mining on the Gualala River itself. We expected that diligent monitoring of ongoing gravel mining would inform the County’s CEQA process for gravel mining permits, but we now have reason to doubt that promise of substantial scientific data collection and public review (letter from D. Schiltgen, September 9, 2005; Attachment D) will be provided. FoGR observed this year that 2005 pit excavation of the degrading terminal bar at the mouth of the South Fork confluence with the Wheatfield Fork (Valley Crossing) appears to have resulted in a major shift of the thalweg/perennial low-flow channel configuration from shaded alder riparian forest (previously stable position) to the breached bar, where it is now fully exposed to sun and flows below bed in summer. Bar 62 and the mining site on the South Fork near Buckeye Creek appear to create a potential for channel capture and switching, or major potential entrapment areas for salmonids (steelhead). Please refer to Attachment E for preliminary evidence of these past and potential future events. We now believe the 2006 gravel mining itself may also warrant specific regulatory review and compliance inspection.



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The standard programmatic mitigation measures developed for the Corps Humboldt gravel mining Letter of Permission (LOP 2004-1) to address concerns raised by a draft jeopardy opinion (Section 7, Endangered Species Act) by NOAA Fisheries appear not to be applied to Gualala River gravel mining. Certainly the LOP mitigation condition # 6, "Vegetation and Wetlands" was grossly violated here. This provision requires that "all riparian woody vegetation and wetlands must be avoided to the maximum extent possible..." and if disturbed, "must be mitigated" consistent with "required mitigation" procedures. We believe that the same mitigation should apply to the Gualala River, based on the original (pre-2006) baseline conditions of the riparian zone.

We believe that the documented excessive and unjustified impacts to the riparian zone and floodplain forest would have been prevented by responsible planning (pre-construction baseline surveys of road condition and dimensions, and assessment/mapping of vegetation and habitat along the road alignment) and routine CEQA impact minimization and avoidance measures (mitigation) applicable to wetlands, riparian zones, and floodplains. These would have resulted from timely regulation of the Gualala gravel mining operations by all agencies with jurisdiction.

Some of the damage done without permits may be mitigated only by time and freedom from additional artificial impacts. But some impacts may be lessened by additional mitigation. We again ask you to rigorously review the documented and field evidence in a timely manner, and consider them also in relation to pending CEQA and proper regulation of gravel mining.

Thank you very much for your attention. Please contact me at baye@earthlink.net or (415) 310-5109 if you have any questions. Please also notify me of any final decisions or actions your agency takes concerning this matter.

Sincerely,

Peter R. Baye, Ph.D
Vice President, Friends of the Gualala River

Attachments (separate e-mail transmittal)

ATTACHMENT A – Riparian road reconstruction impacts: floodplain (August 30, 2006)

ATTACHMENT B – Riparian road reconstruction impacts: forested slope (August 30, 2006)

ATTACHMENT C – Post-mining road and riparian impacts (October 5, 2006)

ATTACHMENT D – FoGR-Sonoma Co PRMD correspondence, Gualala River, 2005-2006

ATTACHMENT E – 2005-2006 Gravel mining and impacts, Valley Crossing, South Fork, Wheatfield Fork Gualala River