



# Friends of the Gualala River

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August 1, 2008

Via e-mail

**SUBJECT: Public Notice 2004-28820N – Gualala River Gravel Mining, Sonoma County, California**

Dear Mr. Matsumoto:

Friends of the Gualala River submits the following comments on PN 2004-28820N, gravel mining by Bedrock Products, Inc. on lands of Gualala Redwoods Inc. in northwestern Sonoma County.

FoGR is a 501(c)(3) nonprofit organization dedicated to the protection and recovery of the Gualala River and its watershed. FoGR and allied organizations have worked successfully in recent years to protect the Gualala River against adverse impacts to streamflows, in-stream habitats, riparian forests, and its forested watershed. Our standing as long-term advocates for protection of the river through critical scientific, regulatory, and legal analysis is documented on our website, [www.gualalariver.org](http://www.gualalariver.org).

FoGR is not opposed to well-regulated gravel mining on the Gualala River if mining can be mitigated enough so that it does not cause adverse impacts to steelhead or impair the recovery of riparian habitats, fish and wildlife resources, streamflows, and water quality. The project as currently proposed in the Public Notice, however, does not appear to meet these criteria. The project should not be authorized in its current form. The Corps should modify and improve proposed monitoring, reporting, and mitigation to ensure that gravel mining does not cause bar or channel instability and degrade important habitat for federally listed steelhead.

The permit proposal should be improved by better mitigation and monitoring that informs regulatory agencies about how well mitigation is working, and the types and intensity of impacts of mining. The mitigation required by any Corps permit should be improved by including recommendations of qualified biologists and hydrologists, including staff recommendations of the California Department of Fish and Game, and the National Marine Fisheries Service (including the conservation recommendations of NMFS biological opinion).

FoGR members have observed the same mining methods proposed in the PN applied to the highly visible mined bar at Valley Crossing below Annapolis Road, and witnessed the worst case scenario of bar and channel instability following mining. The mined bar breached in 2006-7 of the bar during high flows, moving the main channel across the mining pit, forcing it to abandon its shaded, root-bound banks that

formerly provided important steelhead habitat. This is an unacceptable significant impact that could have, and should have, been avoided. We believe that the bar became out of balance with the sediment budget locally. There is a significant amount of year-to-year and local variability in gravel movement in the river. The proposed permit, however, uses “average” estimated long-term gravel supply to set limits to gravel extraction in any given year, regardless of the actual amount of gravel recharge in any one year at any particular bar. This sets up an unacceptably high risk of significant local imbalance of extraction rates and gravel recharge, and bar instability similar to what we witnessed after Valley Crossing mining in 2006.

A mitigation measure should be required by the Corps to ensure that the stability of bar and channel form is maintained throughout mining. Maintaining stability of the bar and channel form is a stated goal of proposed gravel mining methods, but this goal will not be met if gravel extraction exceeds resupply during high flows that flood the bar. Bar and channel integrity should be protected not just by the shape of the extraction pit, as proposed, but by setting specific extraction limits for each bar in any year, based on measurement of gravel recharge in that particular bar since the last mining cycle. This is common sense and sound hydrology: running up a sediment deficit at a gravel bar will put it at risk of downcutting, or head-cutting and breaching of the mining pit. Bar instability can ruin, and has ruined, valuable steelhead channel habitat quality in the Gualala River. We believe that is a significant adverse impact that needs to be mitigated.

The recovery of mature riparian vegetation in the river is stabilizing sediment as it should, and removing mobile gravel from the active channel. This is a good sign of river recovery: there is more stable, mature riparian woodland on river bars and floodplain in the Gualala River as a whole – except in mining sites – than even at the time before tractor logging removed the old-growth forests of the watershed. The long-term trend of recovery riparian vegetation is scientifically verified by the North Coast Watershed Assessment Program study, prepared by the California Environmental Protection Agency and Resources Agency.

The regeneration of stable and mature riparian woodland in the river bars is stabilizing and trapping sediment, removing it from the active channel. This is a beneficial process, and it must affect the supply of gravel to mined bars. The recent increase in riparian woodland spread and growth justifies a re-examination of gravel and sand transport rates in mined reaches. Using outdated “average” sediment transport rates could overestimate gravel recharge, and contribute to significant excess of mining. We believe that mining itself is maintaining more gravel mobility than would occur naturally. The Corps should require field studies that compare gravel transport rates below mined reaches of the river, and comparable reaches with intact and extensive mature riparian vegetation, to determine whether and how much gravel mining contributes to increased gravel mobility. The Corps should also address through mitigation the damage to riparian vegetation resulting from road clearing through the riparian zone below Bar 62 (Wheatfield Fork) during the unauthorized gravel mining in October 2006, which we reported to you.

The scope of the Public Notice (PN) and proposed permit is incomplete. Prior to the subject public notice, FoGR contacted the Corps SF Regulatory Branch about unauthorized gravel mining activities conducted by the current applicant, Bedrock Inc. within the geographic and activity scope of the current proposed permit. See attached FoGR letter to Peter Straub, Chief, Regulatory Branch (and other regulatory agencies), dated October 22, 2006. Please include this attached letter in the comment file for the subject PN. The unauthorized discharges and associated impacts of gravel mining in the Gualala River clearly fall within Corps jurisdiction, as indicated in the Public Notice. Therefore, the scope of the current PN and proposed permit must include previously unauthorized activities of which the Corps was aware. The

scope of permit conditions, impact analysis (including NEPA and 404(b)(1) impact assessments), and associated mitigation analysis must consider at least recent unauthorized past activities (after-the-fact authorization) about which the Corps was notified and well aware. Consideration of past unauthorized activities, we argue, is important to assessment of potentially significant long-term cumulative impacts.

FoGR also submits for inclusion in the permit record, and for full consideration by the Corps, a technical comment letter on Gualala River gravel mining (dated October 22, 2007) prepared by Dennis Jackson, a consulting hydrologist who was formerly the Mendocino County Water Agency's Hydrologist (1989-1994). We retained Mr. Jackson to prepare independent scientific critical analysis of the Bedrock gravel mining proposal that was submitted to the Sonoma County Permit and Resource Management Department (PRMD), dated February 22, 2007. This project is substantially identical (and well should be consistent with) to the permit application Bedrock submitted to the Corps, and Mr. Jackson's critique is equally applicable. Gualala Redwoods Inc, the interested project area landowner (and effectively the co-applicant or tacit lead applicant), retained several scientific consultants to rebut Mr. Jackson's detailed critique, in a letter submitted to the Sonoma PRMD (not attached).

We request that the Corps fully consider the Jackson critique, and if the applicant submits them, the GRI-retained rebuttal comments as well. These technical comments indicate the substantial complexity, scientific controversy inherent in gravel mining in the steelhead-bearing mined reaches of the Gualala River, and potential for significant unmitigated impacts unless rigorous review and analysis is applied by the Corps and cooperating regulatory agencies. We urge the Corps to conduct necessary rigorous review of the project design, impacts, mitigation, and monitoring (including adaptive management provided through Annual Extraction Plans [AEPs]).

In summary, FoGR's concerns about the proposed project include the following issues that we urge the Corps to resolve before authorizing renewed gravel mining:

1. Lack of assessment of recent mining operations in the establishment of a proper baseline of conditions for resumption of mining.
2. The proposal's reliance on outdated and generalized estimated rates of gravel and sand (bedload) transport in mined reaches of the river, and lack of consideration for establishment of historical and baseline site-specific, year-specific recharge rates.
3. Any Corps permit review process should assess current changes in bar dimensions and stability, and channel morphology, since data were last reliably collected for past (now lapsed) County permits circa 2003.
4. The lack of adequate assessment of past mining methods and possible other alternatives that would more effectively avoid significant impacts and allow enforcement and corrective actions.
5. Monitoring of baseline conditions and ecological impacts of mining has been inadequate, and monitoring has focused only on intermittent physical surveys. To date, no state or federal regulatory agencies have enforced adequate monitoring or other permit conditions for Gualala River gravel mining, and have passively allowed or facilitated unauthorized mining. Proper post permit monitoring with other participating agencies must be implemented.

6. The proposal contains insufficient and inappropriate mitigation measures with unclear relationship to gravel mining impacts have been proposed, and the Corps PN does not evaluate their effectiveness. Mitigation decisions are proposed to be deferred to the Gualala River Watershed Council, a stakeholder organization that lacks scientific credentials to judge mitigation, and includes active members who have vested interest in gravel mining. Mitigation should be improved by including measures that are clearly and closely related to the impacts of gravel mining, such as re-establishment of stabilizing and shading riparian vegetation, and permanent protection of established, mature riparian vegetation along channel banks.
7. Any Corps permit should include after-the-fact authorization of the applicant's gravel mining activities conducted in the absence of Corps permits dating back to at least 2006, when the Corps was notified of unauthorized gravel mining.

Respectfully submitted,

A handwritten signature in black ink that reads "Chris Poehlmann". The signature is written in a cursive style with a long horizontal line extending to the right.

Chris Poehlmann  
Vice President  
Friends of the Gualala River

Cc: Coast Action Group'  
Sierra Club, Redwood Chapter  
Stephan Volker