

July 19, 2011

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

Jenner Cattle Company - Gravel Extraction, Kidder Creek
WDID No. 1A11077WNSI

Siskiyou County

On May 16, 2011, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Doug Jenner, representing Jenner Cattle Company Incorporated (applicant) requesting Federal Clean Water Act, section 401, Water Quality Certification to continue annual gravel (aggregate) extraction operations on Kidder Creek near Greenview. The proposed activities will cause disturbances to waters of the United States associated with the Kidder Creek in the Scott Valley Hydrologic Subarea No. 105.42.

The applicant's proposed aggregate extraction operations (project) are located immediately downstream of the Highway 3 bridge over Kidder Creek. Aggregate extraction operations within this reach of the Kidder Creek have been ongoing since at least 1988. The area that is typically disturbed by annual aggregate extraction activities covers approximately 14.2 acres and 1,300 linear feet of the Kidder Creek stream channel. The applicant's proposed extraction activities involve annual extraction of up to 35,000 cubic yards of aggregate. The actual amount of aggregate extracted each year is based on an annual site-specific evaluation of the gravel bar conditions and seasonal aggregate replenishment. Proposed extraction activities involve skimming to remove gravel to an established baseline elevation. Proposed activities are intended to reduce streambank erosion and enhance fish passage through the aggraded stream reach. Aggregate removal activities are expected to continue annually following authorization by other local, state, and federal permits.

Aggregate is typically removed from the dry streambed using scrapers, dozers, excavators, backhoes, loaders, and dump trucks. Access to the extraction area will be along established access roads and aggregate will be stockpiled at an established onsite location. After the applicant has removed the aggregate to the approved extraction design lines and grades, the extraction area is graded as necessary to leave no depressions or berms that may potentially trap fish or cause impacts to surrounding habitats. All work in Kidder Creek is limited to between June 1 and September 15.

On July 29, 2009, the California Department of Fish and Game (DFG) approved the project and issued a Lake or Streambed Alteration Agreement (File No. R1-08-0161). The applicant has applied for authorization from the U.S. Army Corps of Engineers (ACOE) to perform the project pursuant to Clean Water Act, section 404 (File No. 2008-00194). On July 15, 1987, the County of Siskiyou, as the lead California Environmental Quality Act agency, approved a Negative Declaration (SCH No. 87052603) and Reclamation Plan for the applicant's aggregate extraction operations. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant

effects to the environment. The applicant is required to implement mitigation and impact avoidance measures during the aggregate extraction processes including; maintaining vertical and horizontal offset from the live channel to ensure low-flow channel confinement, maintaining sufficient water depth for fish, minimizing impacts to water quality, and limiting the number of haul roads providing access to the channel extraction areas.

The Scott River watershed has been listed as impaired for sediment (1992) and temperature (1998) in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the Scott River are exceeded due to excessive sediment and temperature. The *Action Plan for the Scott River Sediment and Temperature Total Maximum Daily Loads* includes sediment and temperature total maximum daily loads (TMDLs) and describes the implementation actions necessary to achieve the TMDLs and attain water quality standards in the Scott River watershed within 40 years of United States Environmental Protection Agency approval (Sept. 8, 2006) of the Scott River TMDL Action Plan. Roads and bank erosion are identified as sources contributing to the sediment impairment. In addition, activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures. The primary adverse impacts associated with excessive temperature and sediment in the Scott River watershed pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Activities authorized by this certification will require implementation of Best Management Practices and impact avoidance measures as described above. Accordingly, the proposed project is consistent with, and implements portions of the Scott River TMDL.

The information contained in this public notice is only a summary of the applicant's proposed activities. The application for Water Quality Certification in the Regional Water Board's file contains additional details about the proposed project. 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.