

January 18,2006

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

**Mercer-Fraser Company
Gravel Mining Operations at Sandy Prairie/ Canevari Bars
WDID No. 1B02100WNHU**

Humboldt County

On July 11,2005, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the Mercer-Fraser Company requesting Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for gravel mining operations at Sandy Prairie/ Canevari Bars located on the Eel River near Fortuna, Humboldt County. The proposed projects will cause disturbances to waters of the United States associated with the Eel River in the Lower Eel River Hydrologic Area No. 111.10.

The proposed project is located near Fortuna, California on the Main Stem Eel River, River Miles 10-12, at Sandy Prairie (APNs 200-341-02, 04, 05; 200-351-02) and at Canevari bar (APNs 200-352-03; 200-353-02, 11). The Sandy Prairie and Canevari sites have an annual extraction of 270,000 cubic yards. The United States Army Corps of Engineers' (USACOE) October 12, 2005 Letter of Modification authorizes Mercer Fraser to extract 125,827 cubic yards of aggregate from 31.3 acres of the Sandy Prairie and Canevari gravel bars on the Eel River. The actual volume removed and the specific area of extraction within each gravel bar varies from year-to-year.

Gravel extraction activities consist of bar skimming and trenching by using a front-end loader or scraper. Dump trucks will remove gravel from the extraction site. Temporary bridge crossings will also be constructed at Sandy Prairie Bar, Canevari Bar, and Christian Bar for access to extraction sites. Until October 1, up to 200 cubic yards of extracted material may be temporarily stored on the gravel bars prior to loading. Stockpiled gravel on the bars will be removed on a daily basis after October 1 and gravel bars will be graded at the end of each day of operation activity. Approximately 0-110 acres of the site at Canevari will be temporarily impacted. Approximately 0-150 acres of the site at Sandy Prairie will be temporarily impacted. Potential impacts from gravel extraction activities include loss of channel stability; changes in deposition patterns, changes in width-to-depth ratio, and loss of scour potential, causing pool filling.

Aggregate extraction operations on these gravel bars have been regulated by the U.S. Army Corps of Engineers (ACOE) Letter of Permission (LOP) procedure pursuant to Clean Water Act Section 404. Extraction activities at the Sandy Prairie and Canevari Bars are authorized by LOP2004-1 through the 2008 extraction season. Aggregate is removed from dry gravel bars with scrapers, dozers, excavators, loaders, and dump trucks. The extraction season is typically from June 1 to October 31. Avoidance measures for the Western Snowy Plover currently prevent extraction until after 22 July. Prior to operations, each gravel bar shall be thoroughly searched for nesting, foraging,

and resting Snowy Plovers by a surveyor approved United States Fish and Wildlife Service.

Temporary bridge crossings will be constructed at Sandy Prairie, Canevari, and Christian bars for access to the extraction sites. Summer crossing installation and use at the extraction sites is allowed as early as June 15. Summer crossings must be removed by October 15 unless an extension is granted. Temporary summer crossings consist of railroad flatcars on concrete block and clean gravel fill abutments. Summer crossings are located to avoid potential fish spawning, holding and rearing habit.

Temporary stockpiling of excavated material within the limits of the extraction area is allowed through October 1. The applicant will stockpile all wetted excavated material away from the low flow channel and will drain the material prior to transport across the channel. After the applicant has removed the aggregate to the approved extraction design lines and grades, the extraction area is regraded as necessary to leave no depressions or berms that may potentially trap fish or cause impacts to surrounding habitats. The applicant's consultant will inspect the site at the conclusion of the extraction operation and provide any additional recommendations reflecting seasonal extraction plan and reclamation plan conformity. When the final surfaces of the site are graded for seasonal reclamation, the operator may remove the summer crossings and leave the bankfull channel area to the natural reclamation process, which occurs during the high flow events of the following winter. The applicant will implement mitigation and impact avoidance measures during the aggregate extraction processes including; maintenance and inspection of equipment, maintaining vertical and horizontal offsets from the live channel to ensure low flow channel confinement, maintaining sufficient water depth for fish, minimizing impacts to water quality, limiting the number of wet crossings, limiting the amount of haul roads providing access to the channel extraction areas, and use of clean washed gravel and concrete blocks for construction of temporary crossings.

The Mercer-Fraser Company will implement Best Management Practices (BMPs) to minimize direct impacts to the channel. The BMPs include the use of existing roads and processing sites. All excavation machinery will be kept out of the low-flow and/or wetted channel at all times. When extraction sites are designated near an active channel, a one-foot minimum vertical offset from the surveyed low-flow channel water surface or a minimum horizontal offset must be incorporated, depending on site-specific locations. The offsets maintain the integrity of the channel and prevent extraction materials from entering the main or secondary channels.

The applicant conducts operations under a supplemental Environmental Impact Report (EIR) for aggregate extraction activities on the Eel River that was certified by the County of Humboldt on September 10, 1992 (SCH 92013033). The County of Humboldt, as the lead California Environmental Quality Act (CEQA) agency, adopted a Programmatic Environmental Impact Report (PEIR) on August 7, 2001 for gravel extraction activities on the Eel River, pursuant to the California Environmental Quality Act (CEQA). In addition to conditions set forth by the Regional Water Board, the project is subject to regulatory review and project approval by the California Department of Fish and Game,

Army Corps of Engineers, and NOAA Fisheries. These agencies and the County of Humboldt Extraction Review Team require extensive monitoring, data gathering, reporting, site inspections, channel cross section surveys, and aerial photo 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. This project may be eligible for coverage by the proposed *General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region* (General WDRs). The Regional Water Board adopted the General WDRs in a June 21, 2005 public hearing. In addition, staff will consider all comments received during a 21-day comment period that begins on the first date of issuance of this letter. If you have any questions or comments, please contact Regional Water Board staff Dean Prat by phone at (707) 576-2801, or email dprat@waterboards.ca.gov within 21 days of the posting of this notice.

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