

July 13, 2005

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

Pacific Lumber Company – Eel River Gravel Extraction Operations
WDID No. 1B02104WNHU

Humboldt County

On February 3, 2005, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the Pacific Lumber Company requesting Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Eel River gravel extraction operations between Scotia and McCann, Humboldt County. The Regional Water Board staff deemed the application complete on June 9, 2005. The proposed project will cause disturbances to waters of the United States associated with Eel River in the Lower Eel River Hydrologic Area No. 111.10.

Pacific Lumber Company (PALCO) conducts its Eel River gravel extraction operations on ten separate gravel bars that cover a total of approximately 401 acres. All ten bars are located on the Eel River, between the communities of Scotia and McCann. Historically, river-run gravel has been extracted from these ten sites along the Eel River since the early 1900's. Four bars are located near Scotia (Scotia Bar, Truck Shop Bar, Dinner Creek Bar, and Three Mile Bar). Elinor Bar and Larabee (Holmes) Bar are located between Scotia and the South Fork of the Eel River. The remaining four bars lie between the South Fork Eel and McCann (South Fork Bar, Bowl by Bar, Vroman Bar, and Maynard Bar). Extraction involves the removal of up to 30,000 cubic yards of river-run gravel from each of the ten bars, not to exceed a total of 150,000 cubic yards per year. Actual volume of gravel removed and the specific area of extraction vary each year. Since 1996 PALCO's Eel River operations have been regulated by the U. S. Army Corps of Engineers (ACOE) Letter of Permission procedure pursuant to Clean Water Act Section 404. In addition to the Section 404 permit, California Department of Fish and Game (CDFG), County of Humboldt Extraction Review Team (CHERT) and NOAA Fisheries review the gravel extraction operations annually. CHERT provides site-specific recommendations for extraction quantities, impact minimization, and extraction site mitigation measures. Gravel from the Eel River bars will be used for road construction, storage areas for logs, railroad beds, and local engineering projects.

Gravel bar substrate extraction from the ten river bars may involve skimming, wet or dry trenching, wetland pits, horseshoe and/or alcove extraction methods. PALCO will only conduct wet trenching if NOAA Fisheries determines that salmon habitat improvement is required. Aggregate excavation from the dry gravel bars is conducted with scrapers, bulldozers, excavators and front-end-loaders. Aggregate material excavated from below the water table is temporarily stockpiled away from the wet channel to prevent runoff from entering the river. After the material is dry, it is transported to designated stockpile areas on or above the 100-year flood plain. Temporary stockpiles of excavated material must be removed by the end of each workday and permanently removed by October 15. Existing haul roads are used to access gravel bars. The applicant may construct temporary channel crossings. Temporary channel crossings will be constructed with either a flatcar or a bridge

span with log and native gravel abutments. Only Dinner Creek Bar requires a temporary crossing at this time. Temporary crossings cannot be placed until June 30 and must be removed by October 15. Crossings are located so as to avoid potential fish spawning, holding and rearing habitat. Location, construction and removal of temporary channel crossings will be reviewed by CHERT. Gravel extraction setbacks are a minimum of 500 feet from any structure in the river. The extraction season is typically from June 1 to October 15.

In compliance with the CHERT design features, the extraction areas must be regraded on completion of the aggregate extraction, and prior to October 15. Regrading fills in depressions and removes any temporary fills, returning the area to a free-draining configuration. The applicant must submit pre-extraction and post-extraction reports, which include aerial photos done to CHERT specifications. As soon as possible after cessation of activities, the applicant must conduct post-project site inspections. The extraction season ends on October 15, unless ACOE submits a request to NOAA Fisheries to grant an extension to 1 November. Mitigation and impact avoidance measures include restricting heavy equipment and trucks to haul roads, exclusion of all machinery from the low flow channel, maintenance of vertical and horizontal offsets from the live channel, regular maintenance and inspection of equipment to prevent vehicle leaks into receiving waters, limiting temporary channel crossings, use of log, concrete blocks and other suitable materials for abutments of temporary crossings and maintaining sufficient water depth for fish. All unavoidable impacts must have a mitigation plan and shall be submitted with applications for all projects that will adversely affect wetlands and riparian vegetation. All vegetative mitigation must be planted between November 1 and February 28 of the year following excavation and must have an approved survival rate of three growing seasons.

The applicant conducts aggregate extraction operations under conditions of the Program Environmental Impact Report (EIR) for aggregate removal from the Eel River. The Humboldt County Planning Commission, as lead California Environmental Quality Act agency, adopted a Negative Declaration on May 23, 1996. The applicant applies for a Lake or Streambed Alteration Agreement (1600 Agreement) annually after receiving approval for its annual extraction plans from CHERT, CDF&G, ACOE, and NOAA Fisheries.

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 *General Waste Discharge Requirements and Water Quality Certification for Dischargers 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 WDR's) that were adopted on June 21, 2005. 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 staff member Dean Prat at (707) 576-2801, or at dprat@waterboards.ca.gov within 21 days of the posting of this notice.