

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

Thomas R. Bess Asphalt Sand and Gravel – Gravel Extraction Operations
WDID No. 1B02124WNHU

Humboldt County

On June 6, 2005, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Thomas Bess Gravel Extraction Operation requesting Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Van Duzen River gravel extraction operations at Bess Bar, located near Carlotta, Humboldt County. The Regional Water Board staff deemed the application complete on July 7, 2005. The proposed project will cause disturbances to waters of the United States associated with the Van Duzen River in the Hydesville Hydrologic Subarea No. 111.21.

The Tom Bess Gravel extraction operations are conducted at Bess Bar, located at the mouth of the Van Duzen River, river mile 6, in Section 27, Township 2 North, Range 1 East, HB &M. The proposed project involves extraction of up to 20,000 cubic yards per year of gravel and fines from the Van Duzen River. This will result in the temporary disturbance of up to 20 acres each year; the five year quantified annual average is 13.8 acres. Historically, extraction of river-run gravel has occurred on the Van Duzen River since the 1940's. Since 1996, Tom Bess Gravel Extraction 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, and impact minimization and mitigation measures.

Gravel bar substrate extraction from the Bess Bar may involve skimming, dry trenching, wetland pits, and alcove extraction methods. The applicant will conduct aggregate excavation from the dry gravel bar with bulldozers, excavators, and front-end-loaders. The proposed project will limit skim widths to no wider than half the unvegetated bar width; channel braiding and lateral instability are not expected.

All wet aggregate material must be temporarily stockpiled away from the wet channel, in order to prevent runoff from entering the river. After the material is dry, it is transported across temporary channel crossings. The Wild and Scenic Rivers Act requires removal of all temporary stockpiles of excavated material by Saturday of each week. All stockpiles are to be 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. Temporary crossings cannot be placed until June 30 and must be removed by October 15. Crossings are located 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. Avoidance measures for the Western Snowy Plover currently prevent extraction until after July 22 and after three consecutive days of surveys to determine the absence of the species within the extraction area.

In compliance with the CHERT design features, the extraction areas must be regraded on completion of the aggregate extraction 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-and post-extraction reports, which include aerial photos meeting certain specifications. The applicant must conduct post-extraction site inspections as soon as possible after cessation of activities. 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. The application package for any project, which will adversely affect wetlands or riparian vegetation, must include a mitigation plan for all unavoidable impacts. Under the guidance of NOAA Fisheries, Reasonable and Prudent Measures are to be implemented to minimize impact of incidental take of listed salmonids. The measures require monitoring and reporting of changes to habitat quality and quantity. In addition, the applicant must correctly implement a vertical offset of the skim floor in order to maintain sufficient low flow channel confinement. 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, which was adopted in 1992. The Lower Eel River PEIR covers gravel extraction activities on the lower Van Duzen River. The applicant applies for a Lake or Streambed Alteration Agreements (1600 Agreement) annually after receiving approval of its annual extraction plans from CHERT, CDF&G, ACOE, and NOAA Fisheries.

Regional Water Board staff propose 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 under 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.