

March 21, 2006

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

**Mercer-Fraser Company, Cooks Valley Gravel
WDID No. 1B02099WNHU**

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 Cooks Valley Bar located on the South Fork of the Eel River near Garberville, Humboldt County. The proposed projects will cause disturbances to waters of the United States associated with the South Fork of the Eel River in the Eel River Hydrologic Area No. 111.00.

On January 20, 2006 we posted a public notice regarding the project. During the public comment period, we were informed that the public notice did not include information regarding temporary crossings to be used for this proposed project. In light of this new information, we are hereby posting this updated public notice. The proposed project is located approximately nine miles south of Garberville, California, on the South Fork of the Eel River, River Mile 49 at Cooks Valley. The proposed project is located in both Humboldt (APN 033-271-07) and Mendocino (APN 053-020-11) counties. 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. The proposed project involves the annual extraction of up to 40,000 cubic yards of aggregate from up to 15 acres along the South Fork Eel River. The actual volume removed and the specific area of extraction within each gravel bar varies from year-to-year. Until October 1, up to 200 cubic yards of extracted material may be temporarily stored on the gravel bars prior to loading. After October 1, any gravel stockpiled on river bars will be removed on a daily basis and gravel bars will be graded at the end of each workday. The extraction season is typically from June 1 to October 31. Extensions to the October 15 end of season date may be granted depending on the water flow-monitoring plan recommended by National Marine Fisheries Service (NMFS).

The applicant proposes to install up to two temporary crossings after June 30. CHERT reviews the locations, construction, and removal of the crossings. Crossings are designed and installed to minimize turbidity and effects on salmonid habitat. Crossings will consist of two railroad flatcars placed on abutments with a minimum clearance of 3 feet above the primary channel. Abutments for each of the crossings will be formed from approximately 200 cubic yards of native gravel per abutment. Heavy equipment may cross the bridges twice at construction and twice at removal. The types of abutments to be used are recommended by CHERT and NMFS, and are intended to provide maximum protection of the channel. All temporary crossings will be removed no later than October 15.

Wetlands and/or riparian habitats are not permanently impacted by gravel extraction activities, because of annual replenishment by high winter flows. The temporary impacts involve up to 15 acres at the Cooks Valley Bar. 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.

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. General guidelines for minimizing the impacts of the project are included in a Letter of Permission (LOP 2004-1 File # 284270N) issued by the U.S. Army Corps of Engineers.

The applicant conducts operations under a Programmatic Environmental Impact Report (PEIR) for aggregate extraction activities on the Eel River that was adopted by the California Department of Fish and Game (CDFG), as lead California Environmental Quality Act (CEQA) agency, in 1992 (SCH #92013033). In addition to conditions set forth by the Regional Water Board, the project is also 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.