

March 21, 2006

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

**Willow Creek/McKnight Gravel Extraction Operations
WDID No. 1B02102WNHU**

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 Willow Creek and McKnight Bars located on the Trinity River near the community of Willow Creek in Humboldt County. The proposed project will cause disturbances to waters of the United States associated with the Trinity River in the Trinity River Hydrologic Unit No.106.00.

On February 8, 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 near Willow Creek, California on the Main Stem Trinity River, River Miles 24-25 at Willow Creek Bar (APNs 522-491-04, 04, 07-10,12,13) and at McKnight Bar at River Mile 29.5 (APN 524-052-04). The Willow Creek and McKnight Bars have a combined limit for annual extraction of up to 50,000 cubic yards according to the Letter of Permission (LOP-2004-1 File # 284270N) from the United States Army Corps of Engineers (USACOE). The USACOE's October 19, 2005 Letter of Modification authorizes Mercer Fraser to extract 9,850 cubic yards of aggregate from the McKnight Bar on the Trinity River. A September 27, 2005 Letter of Modification from the USACOE allows Mercer-Fraser to extract up to 38,690 cubic yards of gravel from the Willow Creek Bar. 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 with a front-end loader or scraper. Dump trucks will remove gravel from the extraction site. 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 daily after October 1, and gravel bars will be graded at the end of each day of operation activity. Approximately 15 acres at the Willow Creek Bar and up to 3 acres of the McKnight Bar 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, resulting in pool filling.

Aggregate extraction operations on these gravel bars have been regulated by the U.S. Army Corps of Engineers' (USACOE) Letter of Permission (LOP) procedure pursuant to

Clean Water Act Section 404. Extraction activities at the Willow Creek and McKnight 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 County of Humboldt Extraction Review Team (CHERT) conditions stipulate that the upstream and downstream ends of extraction skims be feathered into the bar surface, and that extraction efforts should begin at the downstream end of the site and work upstream. The minimum skim floor elevation must be a minimum of two feet above the adjacent summer low-flow water surface elevation. The extraction season is typically from June 1 to October 15. 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 proposed temporary crossings will be installed 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 6 feet above the primary channel. The minimum setback is the length of the bridge, or 500 feet, whichever is greater. 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. Abutments may consist of brow logs, concrete blocks, concrete K-rails, native gravel or washed rock, or other methods that will provide a high level of protection from turbidity impacts. All temporary crossings will be removed no later than October 15.

Temporary stockpiling of excavated material within the limits of the extraction area is allowed through October 1. The applicant will stockpile all wet 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 will be regraded as necessary to leave no depressions or berms that may potentially trap fish or cause impacts to surrounding habitat. The applicant's consultant will inspect the site at the conclusion of the extraction operation and will provide any additional recommendations to ensure conformity with the seasonal extraction plan and reclamation plan. The applicant will implement various mitigation and impact avoidance measures during the aggregate extraction processes, including maintaining and inspecting 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 and limiting the number of wet 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 aggregate is extracted 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 County of Humboldt, as the lead California Environmental Quality Act (CEQA) agency, adopted a Negative Declaration (SCH# 92063089) for gravel extraction activities on the Trinity 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.