

June 2, 2010

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

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

Humboldt County

On April 7, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Thomas Bess (applicant) requesting Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) to continue annual gravel (river-run aggregate) removal activities on the Lower Van Duzen River. The proposed project will cause disturbances to waters of the United States associated with the Lower Van Duzen River in the Hydesville Hydrologic Subarea No. 111.21.

The applicant's gravel extraction operations are located in the lower Van Duzen River, approximately six to seven miles upstream from the confluence with the Eel River. Gravel mining activities have been conducted within this reach of the Van Duzen River since the 1940s. Approximately 8 acres is disturbed annually. The applicant's gravel removal permits allow for annual extraction of up to 20,000 cubic yards of material. The actual volume of material removed and the specific area of extraction varies from year-to-year. Gravel removal activities are expected to continue annually following authorization by other local, state, and federal permits.

The applicant's aggregate extraction operations have been regulated by the U.S. Army Corps of Engineers (ACOE) Letter of Permission (LOP) Procedure pursuant to Clean Water Act, Section 404. Under LOP 2009, each gravel operator complies with standardized procedures and receives a site-specific LOP. A Modification to the site-specific LOP is provided in subsequent years. River-run aggregate may be removed using a variety of extraction methods which may include skimming, trenching, alcoves, horseshoe pits, narrow skims, and excavation of wetland pits on terraces above the ordinary high water using scrapers, dozers, excavators, loaders, and dump trucks. After the applicant has removed the material to the approved extraction design lines and grades, the extraction area is graded as necessary to leave no depressions or berms that may potentially trap fish or cause impacts to surrounding habitats. The applicant's 2009 LOP authorized removal of approximately 16,300 cubic yards from a trench approximately 564 feet long, 65 feet wide, and 14 feet deep.

Existing haul roads will be used to access gravel bars and any new roads will follow the shortest possible route. No mature riparian vegetation will be disturbed and no new haul roads will be cut through mature riparian habitat. The applicant may construct temporary channel crossings using a flatcar bridge with brow log, concrete block, or K-rail abutments, and native gravel approaches. Temporary crossings are located to avoid potential fish spawning, holding, and rearing habitat. Heavy equipment passes through the wetted channel are typically limited to two passes per bridge installation and two passes per removal. When the final surfaces of the site are graded for seasonal

reclamation, the operator may remove the temporary 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: 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 when appropriate, regular maintenance and inspection of equipment to prevent vehicle leaks into receiving waters, limiting temporary channel crossings, and maintaining sufficient water depth for fish.

In addition to conditions set forth by the Regional Water Board, the California Department of Fish and Game (CDF&G), ACOE, and National Marine Fisheries Service (NMFS) conduct additional regulatory review and project approval. These agencies and the County of Humboldt Extraction Review Team (CHERT) require extensive monitoring, data gathering, reporting, site inspections, channel cross section surveys, and aerial photo review. The applicant applies for a Lake or Streambed Alteration Agreement annually after receiving approval of its annual extraction plans from CHERT, CDF&G, ACOE, and NMFS. The applicant conducts aggregate extraction operations under conditions of the Program Environmental Impact Report (PEIR) 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.

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. In addition, staff will consider all comments submitted in writing and received at this office by mail during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact staff member Dean Prat at (707) 576-2801 within 21 days of the posting of this notice.