

June 2, 2010

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

Mad River Sand and Gravel Company – Mad River Aggregate Extraction
Guynup Bars
WDID 1B02118WNHU

Humboldt County

On April 23, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mad River Sand and Gravel (applicant) requesting Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for gravel (river-run aggregate) extraction operations on the Mad River off Hatchery Road near the City of Blue Lake in Humboldt County. The proposed projects will cause disturbances to waters of the United States associated with the Mad River in the Mad River Hydrologic Unit No. 109.00.

Aggregate extraction operations have occurred along this reach of the Mad River, approximately ten miles upstream from the Pacific Ocean, since 1964. The area used for the applicant's mining operations is a 120 acre portion of three parcels that total 160 acres. Approximately 67 acres of the 120 acre project area are located where aggregate mining activities may occur. Approximately 36 of those acres currently have the potential to be used for mining; however, annual mining activities will typically affect less than 21 acres of the 67 acre project area. The volume of aggregate authorized for annual extraction is up to 42,000 cubic yards. The actual volume removed and the specific area of extraction varies from year-to-year. The average volume of aggregate extracted annually from the project area is 33,600 cubic yards.

Aggregate extraction activities are conducted with scrapers, dozers, excavators, loaders, and dump trucks. The permitted extraction season is typically from June 1 to October 31. Summer crossing installation and use is allowed between June 31 and September 15. Summer crossings consist of railroad flatcars on concrete block and clean gravel-fill abutments. Summer crossings are located to avoid potential fish spawning, holding and rearing habitat. Appropriate crossing locations are typically shallow low-velocity waters located away from riffle crests and pools. Temporary stockpiling of excavated material within the limits of the extraction area is allowed through October 15 when stockpiles must be removed above Ordinary High Water. The applicant hauls the excavated materials to an aggregate processing facility on upland property adjacent to the gravel that also has an asphalt plant.

After the applicant has removed the aggregate to the approved extraction design lines and grades, the extraction area is regraded as necessary to leave no depressions or berms that may potentially trap fish or cause impacts to surrounding habitats. The applicant's consultant will conduct a site visit at the conclusion of extraction operations and provide any additional recommendations reflecting seasonal extraction plan and reclamation plan conformity. When the final surfaces of the site are graded for seasonal reclamation, the operator may remove the summer crossings and leave the bankfull

channel area to the natural reclamation process, which occurs during the high-flow events of the following winter. The extraction season typically ends on October 15, unless agencies agree to grant an extension of the season. The applicant will implement mitigation and impact avoidance measures during the aggregate extraction processes including; maintenance and inspection of 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, limiting the number wet crossings, limiting the amount of haul roads providing access to the channel extraction areas, and use of clean washed gravel and concrete blocks for construction of temporary crossings.

Previous aggregate extraction operations on the applicant's project area were regulated by the U.S. Army Corps of Engineers (ACOE) Letter of Permission (LOP) procedure (LOP 2004-1) pursuant to Clean Water Act, section 404. The applicant's section 404 permit coverage expired following the 2008 extraction season. There was no authorized gravel extraction from the Mad River in 2009. In February 2009, the ACOE issued a public notice describing the proposal to modify LOP 2004-1. Under a new LOP 2009, as well as the expired LOP 2004-1, each gravel operator is required to comply with standardized procedures and receive an operator specific LOP. A Letter of Modification to the LOP is required for each subsequent year's extraction activities. The applicant has applied (File Nos. 27724N and 2007-00565) for authorization from the USACOE to perform the proposed future activities. The USACOE may regulate the proposed activities under a new LOP 2009 or under individual section 404 permit. The applicant applies to California Department of Fish and Game (CDF&G) for Lake or Streambed Alteration Agreements (1600 Agreement) on an annual basis after receiving approval of their annual extraction plans by the County of Humboldt Extraction Review Team, CDF&G, ACOE, and NOAA Fisheries.

The applicant conducts aggregate extraction operations under conditions of the Program Environmental Impact Report (PEIR) for Gravel Removal from the Lower Mad River. On April 2, 2009, Humboldt County Department of Community Development Services, as lead agency for CEQA, completed a Final Supplemental to the PEIR (SCH# 1990283049) and filed a Notice of Completion with the State Clearinghouse on April 7, 2009. The Regional Water Board has considered the environmental document.

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 (hard copy) and received at this office by mail or by direct delivery 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.