

May 5, 2010

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

Eureka Sand and Gravel Company – Lower Eel River Aggregate Extraction
Hauck Bar & Singley Bar
WDID No. 1B05045WNHU

Humboldt County

On March 8, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Eureka Ready Mix Concrete Company, Inc. (applicant) requesting Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) to continue their annual gravel removal activities on the Lower Eel River at the Hauck Bar near Alton and the Singley Bar near Fernbridge. The proposed projects will cause disturbances to waters of the United States associated with the Eel River in the Lower Eel River Hydrologic Area No. 111.10.

The Hauck Bar is located immediately downstream of the mouth of the Van Duzen River. The total area of Hauck Bar that is subject to potential gravel removal activities covers approximately 180 acres. The applicant's gravel removal permits allow annual extraction of up to 150,000 cubic yards of material from the Hauck Bar and gravel removal is expected to continue annually following authorization by other local, state, and federal permits. Since 1993, the average volume of aggregate extracted annually from the Hauck Bar is approximately 47,000 cubic yards. Since 2002, the primary extraction area has been a salmonid migration channel within the Van Duzen River Delta. This salmonid migration enhancement project has been a cooperative effort of California Department of Fish and Game (DFG), National Marine Fisheries Service (NMFS), and the applicant's and Leland Rock's gravel extraction operations.

The Singley Bar is located about one-half mile downstream of Fernbridge. The Singley Bar includes an area know as the Silva Estates Bar. The total area of Singley Bar that is subject to potential gravel removal activities covers approximately 285 acres. The applicant's gravel removal permits allow for annual extraction of up to 150,000 cubic yards of material from the Singley Bar. Gravel extraction has not occurred on the Singley Bar since 1996 and future extraction activities are not expected to occur annually. The actual volume of material removed and the specific area of extraction within each of the applicant's gravel bar areas varies from year-to-year.

River-run aggregate is removed using scrapers, dozers, excavators, loaders, and dump trucks. After the applicant has removed the aggregate 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. 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 applicant will implement mitigation and impact avoidance measures during the aggregate extraction processes, including: maintenance and inspection of

equipment, 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 using clean washed gravel and concrete blocks for construction of temporary crossings.

The aggregate extraction season is typically from June 1 to October 31. Temporary channel crossing installation and use at the Hauck Bar is allowed as early as June 15. Access to the Singley Bar does not require installation of a temporary crossing. Temporary crossings typically consist of a railroad flatcar on concrete block and clean gravel-fill abutments. Summer crossings are located to avoid potential fish spawning, holding, and rearing habit. All temporary crossings must be removed by October 15 unless an approved river flow monitoring plan is enacted and a time extension is granted by the California Department of Fish and Game (DFG), and Army Corps of Engineers (ACOE).

Temporary stockpiling of excavated material within the limits of the extraction area is allowed through October 1. After October 1, materials stockpiled on the river bars must be removed on a daily basis and extraction areas must be groomed and graded to drain freely at the end of each work day. The applicant hauls the excavated materials to their Mad River (Christie Bar) aggregate processing facility in Arcata and their aggregate processing facility near the Hauck Bar at Alton. The applicant's consultant will conduct a site visit at the conclusion of the extraction operation and provide any additional recommendations reflecting seasonal extraction plan and reclamation plan conformity.

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. In addition to conditions set forth by the Regional Water Board, the DFG, ACOE, and NMFS conduct additional regulatory review and project approval. 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.

On January 15, 1992, the County of Humboldt (County) made a determination of vested right for the annual extraction of up to 10,000 cubic yards of river run material from the Silva Estates Bar portion of the Singley Bar. On June 8, 1992, the County, as the lead California Environmental Quality Act agency, certified a Negative Declaration for Silva Estates Bar and on August 5, 2009, the County certified an Addendum to the Negative Declaration (SCH No. 1992013033).

On July 28, 1992, the County certified a Supplemental Environmental Impact Report to the Draft Program Environmental Impact Report on Gravel Removal from the Lower Eel River for the Singley Bar (SEIR) specifically. On August 4, 1992, the County certified the Final Program Environmental Impact Report (PEIR) on Gravel Removal from the Lower Eel River. The County certified an Addendum to the Singley Bar SEIR on August 5, 2009. On July 24, 1997, the County of Humboldt certified a SEIR (SCH No. 1996013024) for gravel removal from the Hauck Bar specifically. The State

Clearinghouse Number for both the Singley Bar SEIR and the PEIR is 1992013033. State Clearinghouse Number 1992013033 has been assigned to many different CEQA documents that have been prepared by the County since 1992 for the various gravel projects on the Lower Eel and Lower Van Duzen Rivers. The Regional Water Board has considered these environmental documents and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.

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.