

May 19, 2010

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

Leland Rock - Sand and Gravel Extraction Operations
WDID No. 1B02126WNHU

Humboldt County

On April 6, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Leland Rock (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 Eel River Hydrologic Unit No. 111.00.

The applicant's gravel extraction operations are located along the lower reaches of the Van Duzen River, from the confluence with the Eel River to approximately two miles upstream. The applicant has been mining gravel in this area since the 1960s. The total area that is subject to potential gravel removal activities covers approximately 160 acres. Approximately 34 acres of this total area is disturbed annually. The applicant's gravel removal permits allow for annual extraction of up to 100,000 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.

River-run aggregate is 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. A primary extraction area and method at this site has been a constructed salmonid migration channel within the Van Duzen River delta. This fish migration enhancement project has been a cooperative effort of California Department of Fish and Game (DFG), National Marine Fisheries Service (NMFS), and Eureka Sand and Gravel's gravel extraction operations at Hauck Bar. 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.

Existing haul roads will be used to access gravel bars and any new roads will follow the shortest possible route. No riparian vegetation will be disturbed and no new haul roads will be cut through the 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.

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. The applicant applies for a Lake or Streambed Alteration Agreement (1600 Agreement) annually after receiving approval of its annual extraction plans from CHERT, CDF&G, ACOE, and NOAA Fisheries.

The applicant conducts aggregate extraction operations under conditions of the Program Environmental Impact Report (EIR) for aggregate removal from the Eel River, adopted in 1992. The County of Humboldt, as lead California Environmental Quality Act agency, adopted a Supplemental EIR (State Clearinghouse No. 1996052013) for the Leland Rock Aggregate Extraction Project in 1996. 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 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.