

January 5, 2011

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

Humboldt County Department of Public Works - Lower Eel River Gravel Extraction
WDID 1B02129WNHU

Humboldt County

On September 3, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Humboldt County Department of Public Works (applicant) requesting Federal Clean Water Act, section 401, Water Quality Certification (Dredge/Fill Projects) to continue gravel (aggregate) removal activities on the Lower Eel River at the Worswick Bar near Fernbridge. The proposed project will cause disturbances to waters of the United States associated with the Lower Eel River in the Ferndale Hydrologic Subarea No. 111.11.

The Worswick Bar is located directly upstream of the Highway 211 (Main Street) bridge over the Lower Eel River at Fernbridge. The applicant's proposed extraction activities involve annual extraction of up to 25,000 cubic yards of aggregate material from the Worswick Bar. The total area of the Worswick Bar that is subject to potential gravel removal and associated activities covers approximately 230 acres. Approximately 10 acres are typically disturbed by annual aggregate extraction activities. The actual volume of aggregate material removed and the specific area of extraction within the Worswick Bar varies from year-to-year based on seasonal replenishment. Gravel removal is expected to continue as often as annually following authorization by other local, state, and federal permits.

River-run aggregate is typically 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 any temporary 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: maintaining and inspecting 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 crossing installation and use at the Worswick Bar is allowed as early as June 15. Temporary crossings typically consist of a railroad flatcar on concrete block and clean gravel-fill abutments. Temporary 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 U.S. 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 aggregate processing and stockpile area located adjacent to the Worswick Bar at 1300 Fernbridge Drive. The applicant or their 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 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 National Marine Fisheries Service 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 August 4, 1992, the County of Humboldt certified a Final Program Environmental Impact Report (PEIR) for gravel removal from the Lower Eel River in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The applicant has obtained a Lake or Streambed Alteration Agreement (R1-05-0034) from the DFG. The Lake or Streambed Alteration Agreement requires, among other things, that all work be conducted as specified in the applicant's notification, pre-extraction plan (approved by CHERT and DFG), and all other supporting documents including the PEIR.

The Lower Eel River Total Maximum Daily Loads (TMDL) for temperature and sediment was established in 2007 by the United States Environmental Protection Agency in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the Lower Eel River are exceeded due to excessive temperature and sediment. Roads and bank erosion are identified as sources contributing to the sediment impairment. In addition, activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures. The primary adverse impacts associated with excessive temperature and sediment in the Lower Eel River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Actions authorized by LOP 2009 require implementation of Best Management Practices (BMPs) for sediment control at temporary stream crossings, and activities intended to enhance habitat for salmonids (LOP 2009 – Appendix A) and other aquatic species such as alcove/wetland extractions designed to sequester silt and harbor willows. LOP 2009 requires all riparian woody vegetation and wetlands to be avoided to the extent possible and any disturbed woody

riparian vegetation at least 2-inches diameter must be mitigated. Accordingly, this Order is consistent with, and implements portions of the Lower Eel River TMDL.

The Eel River from the confluence with Outlet Creek to the mouth at the Pacific Ocean is designated as a recreational reach under both federal and California Wild and Scenic Rivers Acts. These acts require preservation of the rivers free-flowing condition; anadromous and resident fisheries; and outstanding geologic, wildlife, flora and fauna, historic and cultural, visual, recreational, and water quality values. Recreational segments are generally developed, with parallel roads, bridges, and structures. All activities normally associated with public lands are permitted subject to the protection of free flowing conditions and outstanding values. Implementation of the proposed project would not affect the free-flowing condition of the Eel River and would not affect the extraordinary values for which the segment was listed.

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.