

January 7, 2010

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

Wallan and Johnson - Gravel Extraction, South Fork Eel River
WDID No. 1B02121WNHU

Humboldt County

On May 17, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Jim and Anita Johnson (collectively applicant) requesting Federal Clean Water Act, section 401, Water Quality Certification to continue annual gravel (aggregate) extraction operations on the South Fork Eel River near Garberville. The proposed activities will cause disturbances to waters of the United States associated with the South Fork Eel River in the Benbow Hydrologic Subarea No. 111.32.

The applicant's aggregate extraction operations (project) are located on the South Fork Eel River approximately one-half mile north of Garberville. Commercial aggregate extraction operations within this reach of the South Fork Eel River have been ongoing since at least 1947. The total area that is available for aggregate extraction covers approximately 9 acres and approximately 0 to 5 acres are typically disturbed by annual aggregate extraction activities. The applicant's proposed extraction activities involve annual extraction of up to 10,000 cubic yards of aggregate. The actual amount of aggregate extracted each year is based on an annual site-specific evaluation of the gravel bar conditions and seasonal aggregate replenishment. Aggregate 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 (File No. 29128N). 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 California Department of Fish and Game (DFG), ACOE, and National Marine Fisheries Service (NOAA Fisheries) 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 (1600 Agreement) annually after receiving approval of its annual extraction plans from CHERT, DFG, ACOE, and NOAA Fisheries.

The applicant typically uses front-end loaders and dump trucks to remove the aggregate material from gravel bars and to transport the material to offsite stockpile areas. After the applicant has removed the aggregate to the approved extraction design lines and grades, the applicant is required to re-grade the extraction area as necessary to leave no depressions or berms that may potentially trap fish or cause impacts to surrounding

habitats. The applicant or their 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 applicant may remove any summer crossings and leave the bank-full channel area to the natural reclamation process, which occurs during the high flow events of the following winter. The aggregate extraction season typically ends on October 15 unless regulatory agencies agree to extend the extraction season.

On June 8, 1992, the County of Humboldt, as the lead California Environmental Quality Act agency, certified a Mitigated Negative Declaration for the applicant's aggregate extraction operations. 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 is required to implement mitigation and impact avoidance measures during the aggregate extraction processes including; maintaining vertical and horizontal offset from the live channel to ensure low-flow channel confinement, maintaining sufficient water depth for fish, minimizing impacts to water quality, limiting the number of haul roads providing access to the channel extraction areas, and minimizing the need for temporary stream crossings when practicable.

The South Fork Eel River Total Maximum Daily Loads (TMDL) for sediment and temperature were established in 1999 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 South Fork Eel River are exceeded due to excessive sediment and temperature. 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 South Fork 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, the proposed project is consistent with, and implements portions of the Lower Eel River TMDL.

The South Fork Eel River from the middle of Section 29, T23N, R16W (approximately one-half mile upstream of the Rattlesnake Creek confluence) to the confluence with the Eel River is designated as a recreational reach under both federal and California Wild and Scenic Rivers Acts. These acts require preservation of the river's 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 applicant's proposed aggregate extraction operations would not affect the free-flowing condition of the South Fork Eel River and would not affect the extraordinary values for which the segment was listed.

The information contained in this public notice is only a summary of the applicant's proposed activities. The application for Water Quality Certification in the Regional Water Board's file contains additional details about the proposed project. The application and Regional Water Board file are available for public review.

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.