

July 7, 2011

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

Humboldt Redwood Company - Eel River Gravel Extraction
WDID 1B11079WNHU

Humboldt County

On May 23, 2011, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Humboldt Redwood Company (HRC/applicant) requesting Federal Clean Water Act, section 401, Water Quality Certification (Dredge/Fill Projects) to continue gravel (aggregate) extraction activities on the Eel River between Scotia and McCann (project). The proposed project will cause disturbances to waters of the United States associated with the Eel River in the Lower Eel River Hydrologic Area No. 111.10 and Middle Main Hydrologic Area No. 111.40.

HRC (formerly PALCO) conducts Eel River aggregate extraction operations on ten separate gravel bars that cover a total of approximately 400 acres. All ten bars are located between the communities of Scotia and McCann. Aggregate has been extracted from these ten sites along the Eel River since the early 1900's. The Scotia Dam Bar, Truck Shop Bar (Upper and Lower), Dinner Creek Bar, and Three-Mile Bar are located between river mile 22 and 25 near the town of Scotia. The Elinor Bar and Larabee Bar are located between Scotia and the South Fork Eel River at river mile 27.5 and 36 respectively. The South Fork Bar, Bowlby Bar, Vroman Bar, and Maynard Bar are located between the South Fork Eel River and McCann at river mile 41, 42, 44, and 45 respectively.

Proposed gravel extraction activities involve annual removal of up to 30,000 cubic yards of aggregate from each of the ten bars. The actual volume of aggregate removed from each bar and the specific area of extraction will vary each year. The actual volume removed shall not exceed 15,000 cubic yards per bar per year averaged over a period of ten years. In addition, the actual volume shall not exceed a total volume of 150,000 cubic yards per year from all bars. Aggregate will be used for rock and base for restoration projects, haul roads, log landings, log storage areas, and railroad beds throughout their sizable timber land holdings. Aggregate is also used for municipal engineering projects for the town of Scotia and throughout the mill complexes.

Since 1996, aggregate extraction from these Eel River gravel bars has been regulated by the U. S. Army Corps of Engineers (ACOE) Letter of Permission (LOP) procedure pursuant to Clean Water Act Section 404. In addition to the Section 404 permit, the California Department of Fish and Game (DFG), County of Humboldt Extraction Review Team (CHERT) and NOAA Fisheries review the gravel extraction operations annually. CHERT provides site-specific recommendations for extraction quantities, impact minimization, and extraction site mitigation measures.

The proposed aggregate extraction operations are regulated by LOP Procedure 2009. Under LOP Procedure 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 CHERT require extensive monitoring, data gathering, reporting, site inspections, channel cross section surveys, and aerial photo review. 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 with log or concrete block abutments for construction of temporary crossings.

The aggregate extraction season is typically from June 1 to October 31. Temporary crossing installation and use is allowed as early as June 15. 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.

On May 23, 1996, the County of Humboldt approved a Reclamation Plan and Mitigated Negative Declaration for the project 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 (R1-07-0299) 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.

The Lower Eel River and Middle Main Eel River Total Maximum Daily Loads (TMDL) for temperature and sediment were established 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 and Middle Main 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 and Middle Main 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 and Middle Main Eel River TMDLs.

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.

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 documents and details about the proposed activities. 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.