

July 15, 2011

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

Jack Noble – Van Duzen River Gravel Extraction Operations  
WDID No. 1B05114WNHU

Humboldt County

On May 2, 2011, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Jack Noble (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 between Hydesville and Carlotta. The proposed project will cause disturbances to waters of the United States associated with the Van Duzen River in the Hydesville Hydrologic Subarea No. 111.21.

The applicant's gravel extraction operations are located from approximately one and one-half miles upstream to one and one-half miles downstream of the confluence of Yager Creek and the Van Duzen River in Sections 27, 28, 29, and 30, Township 2 North, Range 1 East, HB&M. Extraction of river-run gravel has occurred along the Van Duzen River since at least the 1940's. The proposed project involves extraction of up to 100,000 cubic yards per year of river-run gravel from several gravel bars along the Van Duzen River. The proposed activities will result in the temporary disturbance of up to approximately 100 acres each year. 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.

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. River-run aggregate may be 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. 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. The proposed project does not involve excavation in the wetted portion of the channel.

Existing haul roads will be used to access gravel bars. No mature riparian vegetation will be disturbed and no new haul roads will be cut through mature 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. 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.

In addition to conditions set forth by the Regional Water Board, the California Department of Fish and Game (CDF&G), ACOE, and National Marine Fisheries Service 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. On September 10, 1992, Humboldt County certified a Program Environmental Impact Report (PEIR) for gravel removal from the Lower Eel River (SCH #1992013033). The Lower Eel River PEIR also covers some gravel extraction sites on the lower Van Duzen River. The PEIR “describes and analyzes the potential environmental effects resulting from 13 gravel removal operations located close to one another in the Lower Eel River watershed,” including gravel mining on the property owned by the applicant (Site 10), and “provides an overview of the cumulative effects of removal of gravel from the bed of the Eel River near Fortuna, California.” Subsequently, the County Planning Commission certified a Supplemental EIR (SEIR) assessing the environmental impacts of the Applicant’s gravel mining activities on the Van Duzen River, including the potential for streambank erosion. The County filed a Notice of Determination with the County Recorder’s office on June 4, 1998; the NOD does not specify the date upon which the Planning Commission certified the SEIR. However, a subsequent NOD filed by the County on September 14, 2000, for a proposed expansion of the project indicates that the County certified the SEIR on October 28, 1997. The SEIR also identifies hard points as a mitigation measure for streambank erosion, and finds that hard-rock non-alluvial channel boundaries “control erosion at critical sites,” and have been “especially effective in creating and protecting riparian habitat and in improving aquatic habitat.” The Regional Water Board considered the environmental documents and determined that the PEIR and SEIR are adequate CEQA compliance for this project.

The Van Duzen River Total Maximum Daily Load (TMDL) for sediment was 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 Van Duzen River are exceeded due to excessive sediment. Roads and bank erosion are identified as sources contributing to the sediment impairment. The primary adverse impacts associated with excessive sediment in the Van Duzen 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. Accordingly, this Order is consistent with, and implements portions of the Van Duzen River TMDL.

The Van Duzen River from the powerline crossing above Little Larabee Creek 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 condition and outstanding values. Implementation of the proposed project would not affect the free-flowing condition of the Van Duzen 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 activities including maps, aerial photos, and regulatory agency documents. 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.