

January 23, 2012

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

GLJ Construction - Mad River Aggregate Extraction, Blue Lake Bar
WDID No. 1B11102WNHU

Humboldt County

Gravel (river-run aggregate) extraction operations at the Blue Lake Bar on the Mad River have been conducted in recent years by Granite Construction Company (Granite). Granite filed an application requesting Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) on August 13, 2010, for Mad River aggregate extraction activities on the Emmerson Bar, Johnson Bar, and Blue Lake Bar near the City of Blue Lake. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on September 3, 2010. The Regional Water Board did not receive any public comments and certification was issued to Granite on September 29, 2010.

By letter dated April 25, 2011, Granite notified the Regional Water Board that the Blue Lake Bar was sold by Granite to Mr. Gary Johnston. On January 9, 2012, the Regional Water Board received an application from Mr. Gary Johnston (applicant) requesting Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) to continue aggregate extraction activities at the Blue Lake Bar. Proposed aggregate extraction activities will cause disturbances to waters of the United States associated with the Mad River in the Mad River Hydrologic Unit No. 109.00.

The Blue Lake Bar covers approximately 120 acres and is located downstream of the Hatchery Road Bridge in Blue Lake. Annual aggregate extraction operations at the Blue Lake Bar will typically disturb up to 9 acres. The maximum volume of aggregate authorized for extraction from the Blue Lake Bar is up to 30,000 cubic yards annually. The actual volume removed from the bar and the specific area of extraction varies from year-to-year.

Aggregate is excavated from the dry gravel bar surfaces with scrapers, dozers, excavators, loaders, and dump trucks. The permitted aggregate extraction season is typically from June 1 to October 31. Summer crossing installation and use is allowed between June 31 and September 15. Summer crossings consist of railroad flatcars on concrete block and clean gravel-fill abutments. Summer crossings are located to avoid potential fish spawning, holding, and rearing habitat. Appropriate crossing locations are typically shallow low-velocity waters located away from riffle crests and pools. Temporary stockpiling of excavated material within the limits of the extraction area is allowed through October 15 when stockpiles must be removed above Ordinary High Water.

After the applicant has removed the aggregate to the approved extraction design lines and grades, the extraction area is regraded as necessary to leave no depressions or

berms that may potentially trap fish or cause impacts to surrounding habitats. The applicant's 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 operator may remove the 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 extraction season typically ends on October 15, unless agencies agree to grant an extension of the season. The applicant will implement mitigation and impact avoidance measures during the aggregate extraction processes including; maintenance and inspection of equipment, maintaining vertical and horizontal offsets from the live channel to ensure low-flow channel confinement, 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 use of clean washed gravel and concrete blocks for construction of temporary crossings.

Previous aggregate extraction operations on the Mad River gravel bars were regulated by the U.S. Army Corps of Engineers (ACOE) Letter of Permission (LOP) procedure (LOP 2004-1) pursuant to Clean Water Act, section 404. LOP 2004-1 expired in 2004 and the ACOE issued a five-year individual section 404 permit (Permit No. 27426N) consistent with LOP 2004-1 that authorized Granite to annually extract up to 52,850 cubic yards of aggregate from the Blue Lake Bar, Leta Johnson Bar, and Emmerson Bar and to construct summer low-flow channel crossings as needed. Granite's individual section 404 permit expired following the 2008 extraction season and there was no authorized gravel extraction from the Mad River in 2009.

In February 2009 the ACOE issued a public notice describing their proposal to modify LOP 2004-1. Under a new LOP 2009, as well as the expired LOP 2004-1, each gravel operator is required to comply with standardized procedures and receive an operator specific LOP. A Letter of Modification to the LOP is required for each subsequent year's extraction activities. Granite received authorization (Permit No. 2009-00016N) from the ACOE to perform aggregate extraction activities on several bars including the Blue Lake Bar. On August 18, 2011, the ACOE issued a Letter of Modification of permit No. 2009-00016N addressing Granite's transfer of ownership of the Blue Lake Bar.

The USACOE may regulate the applicant's proposed Blue Lake aggregate extraction activities under a new LOP, individual section 404 permit, or Letter of Modification. The applicant applies to California Department of Fish and Game (CDF&G) for Lake or Streambed Alteration Agreements (1600 Agreement) on an annual basis after receiving approval of their annual extraction plans by the County of Humboldt Extraction Review Team, CDF&G, ACOE, and NOAA Fisheries.

Aggregate extraction operations on the Mad River are conducted under conditions of the Program Environmental Impact Report (PEIR) for Gravel Removal from the Lower Mad River. The CDF&G, as a responsible California Environmental Quality Act agency, filed a Notice of Determination for a Supplemental PEIR for the Blue Lake Bar on July 11, 2006. On April 2, 2009, Humboldt County Department of Community Development Services, as lead agency for CEQA, completed a Final Supplemental to the PEIR

(SCH# 1992083049) and filed a Notice of Completion with the State Clearinghouse on April 7, 2009.

The Mad River Total Maximum Daily Load (TMDL) for sediment and turbidity 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 Mad River are exceeded due to excessive sediment and turbidity. Roads and bank erosion are identified as sources contributing to the sediment impairment. The primary adverse impacts associated with excessive sediment and turbidity in the Mad River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Actions authorized by this Order require implementation of Best Management Practices (BMPs) for sediment control at temporary stream crossings, and activities intended to enhance habitat for salmonids 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 Mad River TMDL.

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 (hard copy) and received at this office by mail or by direct delivery 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.