

August 21, 2012

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

Mercer-Fraser Company – Cooks Valley Gravel Extraction, South Fork Eel River
WDID No. 1B02099WNHU

Humboldt and Mendocino Counties

On July 18, 2012, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mercer-Fraser Company (applicant) requesting Federal Clean Water Act, section 401, Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) to continue annual gravel (river-run aggregate) removal activities on the South Fork Eel River at Cooks Valley which is located at the Humboldt County and Mendocino County border near Piercy. 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.

Proposed Cooks Valley gravel extraction activities are located near River Mile 49, in both Humboldt (APN 033-271-07) and Mendocino (APN 053-020-11) counties, approximately nine miles south of Garberville. Aggregate extraction and processing operations at the Cooks Valley Bars have been ongoing since at least 1969. Annual aggregate extraction operations at the Cooks Valley Bars typically disturb up to 16 acres. The maximum volume of aggregate authorized for annual extraction from the Cooks Valley Bars is 40,000 cubic yards (20,000 cu. yd. max. per county). The actual volume removed and the specific area of extraction within each gravel bar varies from year-to-year. Gravel removal activities are expected to continue as often as annually following authorization by other local, state, and federal permits.

River-run aggregate is removed using scrapers, dozers, excavators, loaders, and dump trucks. The permitted aggregate extraction season is typically from June 1 to October 15 or until river conditions indicate all gravel operations shall cease prior to imminent inundation of the gravel bar, whichever comes first. Gravel bar reclamation and post-extraction activities must be completed by October 15 unless agencies agree to grant an extension of the extraction season.

Temporary summer crossing installation and use is allowed between June 30 and October 15. Temporary crossings are located to avoid potential fish spawning, holding and rearing habitat. Crossings are typically located at shallow low-velocity areas away from riffle crests and pools. Crossings will typically consist of two railroad flatcars placed on abutments. Abutments may consist of brow logs, concrete blocks, concrete K-rails, native gravel or washed rock, or other methods that provide a high level of protection from turbidity impacts. All temporary crossings must be removed no later than October 15.

Temporary stockpiling of excavated material within the limits of the extraction area is allowed through October 1. Stockpiles must be removed above Ordinary High Water on a daily basis after October 1. The applicant hauls aggregate materials to a processing

facility located adjacent to the gravel bars where the materials are crushed, screened, and/or washed for sale and use in asphalt and concrete products.

After the applicant has removed the aggregate to the approved extraction design lines and grades, the extraction area is re-graded 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 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 of wet crossings, and limiting the amount of haul roads providing access to the extraction areas.

Aggregate extraction operations at the Cooks Valley Bars are regulated under the U.S. Army Corps of Engineers (USACE) Letter of Permission (LOP) procedure for gravel extraction in Humboldt County pursuant to Clean Water Act, section 404. A Letter of Permission (File No. 2007-00649) authorizing aggregate extraction operations at these gravel bars under LOP 2009-1 was issued by USACE in October 2009. The USACE may regulate the applicant's aggregate extraction activities under LOP 2009-1, a new LOP procedure, an individual section 404 permit, or by Letter of Modification. The applicant has obtained a Lake or Streambed Alteration Agreement (Notification No. 1600-2004-0189-R1) from the California Department of Fish and Game (CDFG). 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 facility is subject to regulatory oversight and CEQA review by both Humboldt and Mendocino Counties. On November 3, 1988, the Humboldt County Planning Commission filed a Notice of Determination indicating that it had approved this project, that the project would not have a significant effect on the environment, and that a Negative Declaration was prepared pursuant to the provisions of CEQA. On August 15, 2002, Mendocino County Planning and Building Services Department filed a Notice of Determination for this project, indicating that the project would not have a significant effect on the environment and that a Negative Declaration was prepared pursuant to the provisions of CEQA. On October 29, 2007, the Humboldt County Community Development Services filed another Notice of Determination indicating that it had approved this project, that the project would not have a significant effect on the environment, and that a Negative Declaration was prepared pursuant to the provisions of CEQA. Regional Water Board permitting associated with this project will be conditioned, in part, upon compliance with the conditions of approval and/or mitigation measures specified by Mendocino and Humboldt Counties in their respective, above-referenced CEQA documents. In addition to conditions set forth by the Regional Water Board, the project is subject to regulatory review and project approval by the CHERT, CDFG, USACE, and NOAA Fisheries.

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. Proposed activities and actions authorized by LOP 2009-1 require implementation of Best Management Practices (BMPs) for sediment control at temporary stream crossings, and activities intended to enhance habitat for salmonids (LOP 2009-1 – Appendix A) and other aquatic species such as alcove/wetland extractions designed to sequester silt and harbor willows. LOP 2009-1 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 activities are consistent with, and implement portions of the South Fork Eel River TMDL.

The South Fork Eel River from the middle of Section 29, T23N, R16W (approximately one-half mile upstream of 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 proposed activities 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 activities including site maps and cross-sections. 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 (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.