

August 21, 2012

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

Mercer-Fraser Company – Essex Gravel Extraction, Mad River
WDID No. 1B02101WNHU

Humboldt County

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 at the Essex Gravel Bar on the lower Mad River near Arcata. The proposed 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 Essex Gravel Bar (APN 504-161-10) is located near River Miles 8.4-8.8 and covers approximately eight acres along the south side of Highway 299 near the Glendale Drive off ramp. Annual aggregate extraction operations at the Essex Bar typically disturb up to 3.5 acres. The maximum volume of aggregate authorized for annual extraction from the Essex Bar is 40,000 cubic yards. Recent federal permit conditions have limited the maximum annual extraction volume to 5,000 cubic yards. The actual volume removed and the specific area of extraction 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. Agencies may agree to grant an extension of the extraction season. Temporary crossing installation and use is typically allowed between June 30 and October 15. Temporary 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 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 and disturbed gravel bar areas must be graded at the end of each day. The applicant hauls aggregate materials to processing facility on Glendale Drive 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 plans 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 wet crossings, and limiting the amount of haul roads providing access to the extraction areas.

The applicant has obtained authorization from the U.S. Army Corps of Engineers (USACE) to perform the proposed project activities under Individual Permit (Permit No. 2009-00027) pursuant to Clean Water Act, section 404. The USACE may regulate the applicant's future aggregate extraction activities under Individual Permit, LOP 2009-1, a new LOP procedure, or by Letter of Modification. The applicant has obtained a Lake or Streambed Alteration Agreement (Notification No. 1600-2004-0233-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.

On May 31, 1994, the Humboldt County Board of Supervisors certified a Program Environmental Impact Report (PEIR) for gravel removal from the Lower Mad River (SCH #1992083049); that document evaluates the cumulative impacts of gravel extraction and of channel degradation, "whatever the cause, on the natural resources, public utilities, and structures" in and along the Lower Mad River. That document considers gravel extraction activities at ten specific sites along the Lower Mad River, including Mercer Fraser's Essex bar operations. On April 2, 2009, Humboldt County Department of Community Development Services, as lead agency for CEQA, completed a Final Supplemental to the PEIR (SCH# 1990283049) and filed a Notice of Completion with the State Clearinghouse on April 7, 2009. Regional Water Board permitting associated with this project will be conditioned, in part, upon compliance with the mitigation measures specified by the County in the environmental documents. In addition to conditions set forth by the Regional Water Board, the project is also subject to regulatory review and project approval by the County of Humboldt, CHERT, CDFG, USACE, and NOAA Fisheries.

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, the proposed activities are consistent with, and implement portions of the Mad River TMDL.

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.

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